FLORIDA

JOURNAL

OF THE

SENATE

VOLUME I

ORGANIZATION
SESSION
November 19, 1996

REGULAR SESSION
March 4
through
May 2, 1997

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Journal

of the

S E N A T E

State of Florida

VOLUME I

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Journal

of the

S E N A T E

State of Florida

ORGANIZATION SESSION

November 19, 1996

At an Organization Session of the Florida Legislature convened under the Constitution of the State, as revised in 1968 and subsequently amended.

MEMBERS OF THE SENATE

(23 Republicans, 17 Democrats)

ORGANIZATION SESSION
November 19, 1996

District 1: W. D. Childers (R), Pensacola**
Holmes, Washington and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 2: Betty S. Holzendorf (D), Jacksonville*
Parts of Alachua, Clay, Duval, Putnam and St. Johns

District 3: Pat Thomas (D), Quincy**
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 4: Charles Williams (D), Tallahassee*
Baker, Dixie, Gilchrist, Hamilton, Lafayette, Nassau, Taylor and parts of Alachua, Bradford, Citrus, Columbia, Jefferson, Leon, Levy, Madison, Marion, Suwannee and Union

District 5: George Grier Kirkpatrick, Jr. (D), Gainesville**
Parts of Alachua, Bradford, Clay, Columbia, Levy, Marion, Putnam, Suwannee and Union

District 6: Jim Horne (R), Orange Park*
Parts of Clay, Duval and St. Johns

District 7: Charles W. (Charlie) Clary III (R), Destin**
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 8: William G. (Bill) Bankhead (R), Ponte Vedra Beach*
Flagler and parts of Duval, Marion, St. Johns and Volusia

District 9: Toni Jennings (R), Orlando**
Parts of Orange and Seminole

District 10: Ginny Brown-Waite (R), Spring Hill*
Hernando and parts of Pasco, Polk and Sumter

District 11: Anna P. Cowin (R), Leesburg**
Lake and parts of Citrus, Marion, Seminole and Sumter

District 12: John Ostalkiewicz (R), Windermere*
Parts of Orange, Osceola, Seminole and Volusia

District 13: John A. Grant, Jr. (R), Tampa**
Parts of Hillsborough and Pasco

District 14: John H. (Buddy) Dyer, Jr. (D), Orlando*
Parts of Orange and Seminole

District 15: Patsy Ann Kurth (D), Malabar**
Parts of Brevard, Indian River and St. Lucie

District 16: Locke Burt (R), Ormond Beach*
Part of Volusia

District 17: Rick Dantzler (D), Winter Haven**
Parts of Highlands, Okeechobee and Polk

District 18: Charles H. (Charlie) Bronson, Jr. (R), Satellite Beach*
Parts of Brevard and Osceola

District 19: Jack Latvala (R), Palm Harbor**
Parts of Pasco and Pinellas

District 20: Charlie Crist (R), St. Petersburg*
Parts of Hillsborough and Pinellas

District 21: James T. (Jim) Hargrett, Jr. (D), Tampa**
Parts of Hillsborough, Manatee and Pinellas

District 22: Donald C. (Don) Sullivan, M.D. (R), Seminole*
Part of Pinellas

District 23: Tom Lee (R), Brandon**
Parts of Hillsborough and Polk

District 24: Katherine Harris (R), Sarasota*
Parts of Charlotte, Lee and Sarasota

District 25: Fred R. Dudley (R), Bonita Springs**
Parts of Collier and Lee

District 26: John M. McKay (R), Bradenton*
DeSoto, Hardee and parts of Highlands, Manatee and Sarasota

District 27: William G. (Doc) Myers, M.D. (R), Hobe Sound**
Parts of Indian River, Martin, Palm Beach and St. Lucie

District 28: Ron Klein (D), Boca Raton***
Parts of Broward and Palm Beach

District 29: Kenneth C. (Ken) Jenne II (D), Ft. Lauderdale**
Hendry and parts of Broward, Collier and Palm Beach

District 30: Matthew J. Meadows (D), Lauderhill*
Parts of Broward and Palm Beach

District 31: James A. (Jim) Scott (R), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 32: Howard C. Forman (D), Pembroke Pines*
Parts of Broward and Dade

District 33: Walter G. (Skip) Campbell, Jr. (D), Ft. Lauderdale**
Part of Broward

District 34: Alberto (Al) Gutman (R), Miami*
Part of Dade

District 35: Tom Rossin (D), West Palm Beach**
Glades and parts of Charlotte, Lee, Martin, Okeechobee and Palm Beach

District 36: William H. (Bill) Turner (D), Miami*
Part of Dade

District 37: Mario Diaz-Balart (R), Miami**
Part of Dade

District 38: Ronald A. Silver (D), North Miami Beach*
Part of Dade

District 39: Roberto Casas (R), Hialeah**
Part of Dade

District 40: Daryl L. Jones (D), Miami*
Monroe and part of Dade

* Holdovers
** Elected General Election November 5, 1996, for a four-year term
*** Elected General Election November 5, 1996, for a two-year term expiring November 1998

OFFICERS OF THE SENATE

Toni Jennings, *President*
Roberto Casas, *President Pro Tempore*
Locke Burt, *Majority (Republican) Leader*
Kenneth C. Jenne II, *Minority (Democratic) Leader*

Non-member Officers

Faye W. Blanton, *Secretary*
Wayne Todd, *Sergeant at Arms*

MEMBERS AND OFFICERS OF THE SENATE

1996-1998

President

Toni Jennings (R)
Orlando
District 9

President Pro Tempore

Roberto Casas (R)
Hialeah
District 39

Majority (Republican) Leader

Locke Burt (R)
Ormond Beach
District 16

Minority (Democratic) Leader

Kenneth C. Jenne II (D)
Ft. Lauderdale
District 29

William G. Bankhead (R)
Ponte Vedra Beach
District 8

Charles H. Bronson, Jr. (R)
Satellite Beach
District 18

Ginny Brown-Waite (R)
Spring Hill
District 10

Walter G. Campbell, Jr. (D)
Ft. Lauderdale
District 33

W. D. Childers (R)
Pensacola
District 1

Charles W. Clary III (R)
Destin
District 7

Anna P. Cowin (R)
Leesburg
District 11

Charlie Crist (R)
St. Petersburg
District 20

Rick Dantzler (D)
Winter Haven
District 17

Mario Diaz-Balart (R)
Miami
District 37

Fred R. Dudley (R)
Bonita Springs
District 25

John H. Dyer, Jr. (D)
Orlando
District 14

Howard C. Forman (D)
Pembroke Pines
District 32

John A. Grant, Jr. (R)
Tampa
District 13

Alberto Gutman (R)
Miami
District 34

James T. Hargrett, Jr. (D)
Tampa
District 21

Katherine Harris (R)
Sarasota
District 24

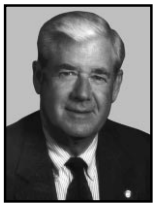
Betty S. Holzendorf (D)
Jacksonville
District 2

Jim Horne (R)
Orange Park
District 6

Daryl L. Jones (D)
Miami
District 40

MEMBERS AND OFFICERS OF THE SENATE

1996-1998



George Grier Kirkpatrick, Jr.
(D)
Gainesville
District 5

Ron Klein (D)
Boca Raton
District 28

Patsy Ann Kurth (D)
Malabar
District 15

Jack Latvala (R)
Palm Harbor
District 19

Tom Lee (R)
Brandon
District 23

John M. McKay (R)
Bradenton
District 26

Matthew J. Meadows (D)
Lauderhill
District 30

William G. Myers, M.D. (R)
Hobe Sound
District 27

John Ostalkiewicz (R)
Windermere
District 12

Tom Rossin (D)
West Palm Beach
District 35

James A. Scott (R)
Ft. Lauderdale
District 31

Ronald A. Silver (D)
North Miami Beach
District 38

Donald C. Sullivan, M.D. (R)
Seminole
District 22

Pat Thomas (D)
Quincy
District 3

William H. Turner (D)
Miami
District 36

Charles Williams (D)
Tallahassee
District 4

Non-Member Officers

Faye W. Blanton
Secretary

Wayne W. Todd, Jr.
Sergeant at Arms

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Faye W. Blanton, *Secretary*

Journal of the Senate

ORGANIZATION SESSION **Tuesday, November 19, 1996**

Journal of the Senate for the Fifteenth Organization Session of the Legislature of Florida to be convened under the Florida Constitution, as revised in 1968, and subsequently amended, begun and held at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the Nineteenth day of November, A.D., 1996, being the day fixed by the Constitution for the purpose of organization.

CALL TO ORDER

The Senate was called to order by President James A. Scott at 10:00 a.m.

DEVOTIONAL

The following devotional was offered by Carolyn Fennell, Director of Community Relations for the Greater Orlando Aviation Authority.

To everything there is a season and a time to every purpose.

Heavenly Father, we thank you for this season of Thanksgiving, joyous celebration, reflection, and focus. Today, we particularly give thanks for the presence of this distinguished elected body and its President.

By their presence they have been charged as gatekeepers of this government, this democracy, this state existing by and for the people; a people who depend on the courage, strength and wisdom of those elected to maintain what is still a government model for the rest of the world.

Help us to remember that while each person represents a particular and separate constituency, it requires the strength of the body to bring about change. We ask for your divine guidance as we forge a new future for the next millennium, for it will be one not built with just bridges, roads, airports or infrastructure, but a future built with the understanding that:

It is time:

To put aside the potential poison of partisan politics for the spirit of seeking bipartisan consensus and compromise.

It is time:

To work towards the removal of the *isms* and the malignancy of meanspiritedness that divides, for the passing of meaningful measures that bring peace in our neighborhoods and unify a state that will continue to be known for its spirit of joy and well-being.

It is time:

To cautiously avoid reforms or quick fixes that provide prisons in lieu of prevention, training, education and mentoring . . . . and with pragmatism, provide the environment for economic growth and parity.

Help us to appreciate that there will never be another time like this, a time when, as we stand on the brink and the dawn of a new century, we depend on each individual of this august body to know that our children equal our destiny, our seniors our legacy.

So we seek your guidance in the decisions that will be made by these stewards of our state. May they be mindful of the responsibility of maintaining the treasure and abundance of both natural and manmade attractions that bring millions of visitors to our state for the economic well-being of many.

As gatekeepers, there's an awesome responsibility in this time of transition. We ask for your guidance so that these specially chosen will have the courage to help lay a foundation for a global community that replaces violence with values and ingrained apathy with inclusive involvement. Michael Harrington, in *The Other America*, wrote: "One cannot raise the bottom of a society without benefiting everyone above."

Finally, we are reminded that life is lived in seasons. My winter of despair can be another's autumn of harvest and abundance. One's spring of hope and opportunity can be another's summer of peace and jubilation. We all have our seasons.

We particularly ask for your blessings for this dynamic leader, President Jennings, who knows her place: As a builder of infrastructure she shows her purpose as she begins to build a coalition of men and women. We ask for your continued blessings, that following this special time of recognition and service, each member will seek the strength, comfort and peace that comes with serving *todas las personas*, all of the people, of the great State of Florida. It is their season; it is her time; this is our Thanksgiving! Amen.

PLEDGE

Senator Dyer led the Senate in the pledge of allegiance to the flag of the United States of America.

CERTIFICATE RECEIVED

The Acting Secretary announced that The Honorable Sandra B. Mortham, Secretary of State, had certified to the election of 21 Senators as follows:

STATE OF FLORIDA
OFFICE OF SECRETARY OF STATE

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Members of the State Senate were elected at the General Election held on the Fifth day of November, A.D., 1996, as shown by the election returns on file in this office:

SENATE DISTRICT NUMBER

1	W. D. Childers, Pensacola
3	Pat Thomas, Quincy
5	George Kirkpatrick, Gainesville
7	Charlie Clary, Destin
9	Toni Jennings, Orlando
11	Anna Cowin, Leesburg
13	John Grant, Tampa
15	Patsy Ann Kurth, Malabar
17	Rick Dantzler, Winter Haven
19	Jack Latvala, Palm Harbor
21	James T. (Jim) Hargrett, Jr., Tampa
23	Tom Lee, Brandon
25	Fred R. Dudley, Bonita Springs
27	William G. (Doc) Myers, Hobe Sound

28 Ron Klein, Boca Raton
29 Ken Jenne, Fort Lauderdale
31 Jim Scott, Fort Lauderdale
33 Walter (Skip) Campbell, Fort Lauderdale
35 Tom Rossin, West Palm Beach
37 Mario Diaz-Balart, Miami
39 Roberto Casas, Hialeah

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 13th day of November, A.D., 1996.

Sandra B. Mortham
SECRETARY OF STATE

The oath of office was administered by The Honorable Charles T. Wells, Justice, Florida Supreme Court, to the recently elected Senators.

The roll of the Senate, as then constituted by the 21 newly elected members and 19 holdover members was called by the Acting Secretary in alphabetical order and the following members of the Senate were recorded present:

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

A quorum present—39

Excused: Senator Turner

INTRODUCTION OF FORMER PRESIDENTS

The President announced that in addition to former Senate Presidents W. D. Childers and Pat Thomas, who still serve in the Senate, the Senate was honored by the presence of former Presidents Ander Crenshaw; Bob Crawford, Commissioner of Agriculture; John Vogt and Dempsey Barron who was accompanied by his wife, Terri Jo.

INTRODUCTION OF SPECIAL GUESTS

The President introduced his wife, Janice Scott; former Senators Malcolm Beard who was accompanied by his wife, Mary Ellen; Bill Gorman who was accompanied by his wife, Toddy; Rich Crotty; Tom Slade, Chairman of the Republican Party of Florida; Van Poole; Tim Deratany; Ken Plante; Clark Maxwell, Jr. and Bill Grant. Former Representatives Marilyn Evans-Jones and Tom Drage were also introduced.

ORGANIZATION

The Senate proceeded to the organization of the Body.

NOMINATIONS FOR PRESIDENT

The President announced that nominations would now be received for President of the Senate, under Article III, Section 2 of the Constitution, for a term of two years.

The President recognized Senator Sullivan who placed in nomination the name of Senator Jennings of the 9th Senatorial District.

Senator Sullivan: Today I have the honor of nominating Senator Antoinette Jennings for election as President of the Florida Senate.

Senator Toni Jennings. Toni with an "I". Will she "tone up" the Senate? Will a committee chairmanship become known as a "Toni Award"? Will she "tone down" Senator Childers' sports coats?

It was twenty years ago that Senator Jennings was elected to the Florida Legislature. At that time she was the youngest person elected to the House of Representatives. I looked in the Clerk's Manual. I have done the math and I reckon that she was 9 years old at the time, and in two years she will have been 7 years old.

In the final confusion of the 1993 Session, a doctor-turned-legislator needed advice and a friend I could trust. I turned to Senator Jennings for help. In spite of being very busy she always had the time to counsel me. She patiently and firmly helped me find my way through the fog of the last few days. A kindness I have never forgotten.

I turned to Senator Jennings because I perceived her to be very competent. She taught me a great deal about the Senate in that first session. Her patience and wisdom taught me much more about the type of Senator I wanted to become. That tale tells much of the character of Senator Jennings—patience, firmness and the wisdom to direct the efforts of the willing.

There is no need to dwell on the details of her history in the Senate—first woman in the history of the Senate to serve as Rules chairperson, first woman elected Republican Leader, committee chairperson, Appropriations, commissions, councils—she has done it all with the judgement and moderation that we expect of a thoughtful and reasonable person, a person who seeks answers rather than follows a doctrine.

She has competently managed the most difficult assignments. When President Crenshaw needed a person to handle the Workers' Compensation reform, he turned to Senator Jennings. When President Scott needed someone to direct a potentially contentious reform of welfare, Senator Jennings was the person he chose. She skillfully brought all of the parties to agreement. In recognition of all of her accomplishments, she was rewarded by being unanimously selected as Republican Senate President-Designate.

At a time when education is one of the main concerns of the people of Florida, and a subject in which you Senators have distinguished yourselves, it is fitting that a person trained as a teacher would be chosen by the Senate to provide us our sense of purpose, priority, and direction.

In 1874, the House was controlled by the Democrats and the Senate was evenly divided between the parties. This situation continued until 1875 when a Republican Senator, Elisha Johnson, was murdered in the streets of Lake City, providing a Democratic majority in the Senate. A procedure that I am happy to say was not used to break the 20-20 tie in 1992.

Some have predicted that Florida will resort to the kind of bare-knuckles politics seen in Washington in 1994, with gridlock developing between the Republican legislature and our Democratic Governor. I believe that it is a time when both parties can represent their constituencies, and Senator Jennings can take advantage of the opportunity to build a consensus and move the State of Florida forward. Toni is a consensus builder who "can cross party lines to get things done".

The agenda of the Senate for the last four years, so well begun, must be continued and much remains to be done. The people look for reasoned and responsible agenda which will make Florida the best it can be. The Governor looks for reassurance that he has allies who place good government above partisan politics. Those in the minority look for reassurance that ideas, not politics, are what we seek. The agenda and the legislative initiatives of the House remain to be demonstrated and at least for now, the Senate must assume leadership of the legislature.

Senator Jennings is the right person to assume the leadership of the legislature. By her actions, not her words, Senator Jennings has shown the ability to establish the morale, integrity and sense of purpose necessary for the next two years. Governor, with Toni Jennings as President, your last two years will not be the useless years you fear. I predict they may be our most productive years.

I nominate our best as President of the Senate, the best liked and the most respected Senator. Who better can harness the spirit of the Senate? She has the quality of stewardship; a manner that encourages confidence, trust and loyalty. She has the credentials to demand of us high standards of performance and to reject the efforts of the uncommitted.

By accepting this nomination, make no mistake, you ask for a taskmaster to organize us to be the best Senate that we can be. We can expect that she will demand more from us than from the less dedicated. We ask to be challenged for the good of the State of Florida, and you must pledge to her your efforts and your ideas, not for personal gain, but because you recognize that she is the person best suited to lead us.

We who have given up so much of our careers and who have sacrificed time with our families to serve in the legislature will settle for nothing less than the best that we can do for the State of Florida. Toni Jennings is the person who will energize the Florida Senate to work for the excellence that we expect.

There is one last story that I must tell. When she was first elected, Speaker Tucker was asking the freshmen representatives what they preferred to be called. He asked the very young Representative Jennings what she preferred to be called. She said, "I prefer to be called beautiful."

Mr. President, Senators, I place in nomination for the office of President of the Senate, the person I believe will make the Florida Senate the best it can be, the Beautiful Senator Toni Jennings.

The President recognized Senator Brown-Waite who seconded the nomination of Senator Jennings.

Senator Brown-Waite: Mr. President, I wish to second the nomination of Toni Jennings as our Senate President. Senator Jennings has over 20 years of experience in both the House and the Senate. That would give her an extra Q.B.E. after her name. That's "qualified by experience".

Toni's original career path was in the field of education and teaching. From there she deviated a little bit and got into politics and also into the family business.

Toni's classroom training has come in very handy. I often hear her say, when male legislators are getting a little raucous in their discussions, "Boys, boys, stop fighting." I guess that is the teacher in Toni coming out.

Her business and construction experience was also very, very helpful when she was involved in the the workers' compensation problem that we had in the State of Florida. She came up with a compromise solution because she is able to work with people of both parties.

When Senator Scott asked her to chair the Committee on Welfare Reform, she thought she would need to don some of the construction equipment and gear and certainly a hard hat to ward off some of the critics. Only Toni Jennings could accomplish in Florida the end of welfare as we know it, or as we knew it. Some say that because of the bipartisan effort that she put forth and the accomplishments that we made, that actually Washington was shamed into following our lead, thanks to Toni Jennings.

I am proud to see a Republican woman nominated as Senate President. All Floridians should be very, very proud to have a Senate President who is as competent and compassionate and as tough on issues as Toni is. As tough on issues as she is, they will always know that they have a very genteel lady at the helm.

There is a Chinese proverb that says, "To lead the people, walk behind them." Toni Jennings has been a very modest leader behind many of us and a very efficient leader who is behind much of the progressive legislation in Florida. Many of the colleagues here today know that leadership and know the helpfulness that Toni has always exhibited.

At various times in our tenure, Toni has been behind each one of us and she helped each one of us to excel. Like the teacher she was, she taught us to be better legislators.

I am confident historians will give Toni Jennings an A+ on her term as our next Senate President.

The President recognized Senator Burt who further seconded the nomination of Senator Jennings.

Senator Burt: Mr. President, Senators, and special guests. It is with a great deal of pride that I rise today to second the nomination of my friend, Senator Toni Jennings, for President of the Florida Senate.

As I look out over the Senate floor today I can see how diverse our great state really is. We come from different backgrounds; we have different religions, genders, colors and political philosophies. Yet we share at least two things. As members of the Florida Senate we share this time and place and we also share the responsibility of working together to make Florida a better place to live and to raise a family.

We will face many challenges in the next two years; but our first task, the job we must do today is to pick a leader. This task is not quite as dramatic or suspenseful today as in years past and it's certainly not as interesting for our friends in the press gallery as the election for Speaker of the House which is occurring across the hall. However, what we are doing today is very important and it will, I assure you, directly affect our lives and the lives of all Floridians.

Because picking a leader is so important, I wanted to share with you and with all Floridians some of the reasons why I believe that Toni Jennings will be a great leader of the Florida Senate.

In 1972, James MacGregor Burns wrote a Pulitzer prize winning book on leadership. At the beginning of that book he noted:

> "One of the most universal cravings of our time is a hunger for compelling and creative leadership. Many of us spent our early years in the eras of the titans—Freud and Einstein, Shaw and Stravinsky, Mao and Gandhi, Churchill and Roosevelt, Stalin, Hitler and Mussolini. Most of these colossi died in the middle years of this century; some lingered on, while a few others—de Gaulle, Nehru, perhaps Kennedy and King—joined the pantheon of leadership. These giants strode across our cultural and intellectual and political horizons. We—followers everywhere—loved or loathed them. We marched for them and fought against them. We died for them and we killed some of them. We could not ignore them."

He then went on to note that "Leadership is one of the most observed and least understood phenomena on earth." He spent the next 500 pages of his book trying to offer general observations about leadership over time in a variety of cultures.

I don't have the time, and I'm sure that you don't have the inclination to hear all of his conclusions, but as you vote today I thought I would share with you some of the qualities that scholars have thought were important to great leaders.

First, leaders must have a sense of vision. They need the ability to define and communicate a goal which their followers can share. Second, leaders must have a core set of values or beliefs which guide their actions. Third, leaders must be trusted by the public, by the press and by their colleagues. Fourth, leaders must be listeners and be empathetic. A good leader must have the strength and determination to get the job done.

I have seen Toni at work in the Senate for six years. During that time she chaired the Select Committees on Workers' Compensation and Welfare Reform. During her service as chairman of those two committees I believe she exhibited those qualities which scholars have said are present in good leaders: she was a good listener and a master builder of consensus in spite of the fact that workers' compensation reform and welfare reform were technically complex subjects where there was not, at the beginning, any real consensus of what should be done.

During Toni's service as chair of these two committees she showed that she had the strength and determination to complete the big jobs. Toni clearly articulated the values of hard work, self reliance and limited government that she so strongly believes in.

Toni demonstrated that she and a group of Senators with divergent views on complicated subjects could develop a shared vision of the future. Finally, Toni demonstrated, and has always demonstrated throughout her legislative career, that she is someone who could be trusted. If she gives you her word, you can count on it.

I support Toni for President of the Senate because I want to see these leadership qualities at work on a larger stage.

We know what the people of Florida want. They want neighborhoods that are free of crime, they want good schools for their children, they

want good paying jobs, and they want a government that spends their limited resources wisely. Our challenge as members of the Senate is to make real, substantive and permanent change in the conditions of people's lives.

I believe that Senator Toni Jennings is the best person to lead us in meeting that challenge. That's why I'm pleased and honored to second her nomination this morning and urge you to support her election as the next President of the Florida Senate.

The President recognized Senator Diaz-Balart who further seconded the nomination of Senator Jennings.

Senator Diaz-Balart: Thank you, Mr. President. As I was listening to my colleagues speak about Toni Jennings, I remembered that since I have been in the Senate, after every session, no matter who was presiding, no matter what the issues were, we have always recognized Senator Toni Jennings for her hard work, for her dedication, for her openness and for her sincerity.

Why is that? Why is it that regardless of what the circumstances are, we must always recognize Toni Jennings? It is very simple, Mr. President and Senators, Toni Jennings has always been a woman of purpose. She has always been a woman, as we've heard here today, who knows how to get the job done. There is no job that is too difficult for Toni Jennings.

As Senator Sullivan was reminding us, when Senator Crenshaw had a crisis on his hands with Workers' Compensation, who did he turn to? He turned to Toni Jennings. It is also true, when Senator Scott had to deal with an issue we had all been hearing about for years and years, Welfare Reform, an issue we all thought was unsolvable, he turned to Senator Jennings. Senator Jennings, as always, with humility, with a smile, got the job done. She is a woman with a purpose.

As chairman of the Committee on Rules and Calendar, she always had a smile for her colleagues, but as Ronald Reagan once said, "Don't confuse kindness with weakness." We all learn very quickly that the great idea you are so excited about, the one you can't go home without, you go to see Toni Jennings and she will sit down with you and she will listen and she will reason with you and ultimately, if it's not a good idea, she will smile and tell you to think about it and say, " I don't think it's the right thing to do."

Once you're back in your office, you will be glad she told you no. She has the ability to make you grateful when she tells you no.

She always knows where we are going and where we must be. She has always been fair. She shows humility, kindness and strength.

I often ask myself, how is it possible one person can do so much for so many people, for all the people she represents in her district, in the State of Florida, and what she does for this Senate. It reminded me of something Winston Churchill was once asked, "Why is it that the ship meets the waves when the waves are so many and the ship is just one?" He answered, "Because the ship has a purpose."

Toni Jennings is a woman with a purpose. She has a purpose to serve the people she represents, she has always had the purpose to serve this body, she has had the purpose to do what is right for the people of the State of Florida, and she now is ready to lead this ship.

Fellow members, it is truly an honor to second the nomination of Toni Jennings to be the President of the Florida Senate.

On motion by Senator Diaz-Balart, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Toni Jennings".

The vote was:

Yeas—38

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

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Holzendorf that a committee be appointed to escort Senator Jennings to the bar of the Senate and to the rostrum, President Scott appointed Senators McKay, Bronson, Gutman, Ostalkiewicz and Thomas. Senator Jennings was escorted to the bar of the Senate where the oath of office was administered to her by The Honorable Charles T. Wells, Justice, Florida Supreme Court, and then to the rostrum where she was received by the President and seated.

President Scott presented the gavel to President Jennings.

PRESIDENT JENNINGS PRESIDING

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would now be received for President Pro Tempore for a term of two years, and recognized Senator Childers who placed in nomination the name of Senator Casas of the 39th Senatorial District.

Senator Childers: Madam President, it is indeed a pleasure for me, and on behalf of the Senate, to nominate a Senator who has proven to be fair, honest, hard-working, patient, believable, and one who keeps his commitments. He helps every Senator and every person in the State of Florida who is in need. He jealously guards his district—probably more than anyone else I know—and you, Madam President, had expressed a desire to have a strong right hand helping you, as President Scott had with Senator Beard. There's no person in this body more qualified, more able to serve, more willing to stay late, more willing to lend you assistance when you need it, and to support you than the person that I am going to nominate. That person is our dear friend, Roberto Casas.

The President recognized Senator Kirkpatrick who seconded the nomination of Senator Casas.

Senator Kirkpatrick: Senators, this really is a true honor for me to have an opportunity to second the nomination of one of the most respected men in this entire body. We've had a lot of show horses and a lot of work horses. Senator Casas is without question one of the strongest work horses I have ever met in my life. To allow us to have the privilege of voting for him as the first Cuban-American Senate President Pro Tempore is one of those things that will never happen again to anybody else.

It is highly appropriate that Senator Casas be elected to serve as the first Cuban-American President Pro Tempore of the Florida Senate. He was also the first Cuban-American elected to the Florida House of Representatives during modern times. Senator Casas was elected to the Florida Legislature in 1981. He was sworn in on January 28, 1982, the birthday of a very famous Cuban patriot, Jose Marti.

This is such a great honor for me because Roberto Casas is my friend. He is one of those people that, as long as I have been associated with him, I have felt a warm and true friendship. When I shake his hand and he looks me in the eye and says, "George, I'm with you," he is with me. You never have to wonder if he is going to change his mind. Roberto has been with me on a couple of tough votes. I'm sure he wished he could have changed his mind on a few of those. He stuck by me and he stuck by every member of the Florida Senate when he said, "I'm with you and I'll help you."

Some of you might think of Senator Casas as a quiet man—I like to think that he only chooses to speak when it improves the silence. Roberto is beloved by the people of Dade County and is greatly respected by everyone who has had the privilege of serving with him.

I personally consider Roberto a very special friend.

Those who work with him know a handshake from Senator Casas is his word and you can rely on that.

They say, "Next to every good man is a good woman," and next to Roberto for many years has been Violetta. She is a woman of strength and quiet dignity and I'm sure Roberto wishes she could be here today.

As all of you who were here last year know, and those who are new to the Senate will learn, Senator Casas and his staff keep the Senate hopping during session with the best Cuban coffee north of Hialeah. He has also been gracious enough to bring me guava pastries all the way from Dade County on many Mondays during the session, though don't expect me to start sharing them.

Most of all, Senator Casas, in seconding this nomination, I think the members of this body recognize you as one of our true leaders, as one of our true friends and we would all like to say, "We love you, amigo".

The President recognized Senator Horne who further seconded the nomination of Senator Casas.

Senator Horne: Madam President, distinguished guests, and fellow Senators, it is indeed a pleasure and a privilege to second the nomination of my friend and colleague from the 39th District, Senator Roberto Casas, to serve as President Pro Tempore of the Florida Senate.

I have only known Senator Casas for two very short years, but it does not take very long to truly appreciate Senator Casas, the man—the gentleness of his spirit, the calmness of his demeanor, the steely tenacity of his determination, and the persuasiveness of his speech—even though we don't always understand his speech. His character and reputation are above reproach. He possesses all of the qualities that we admire in our leaders.

There is something that sets Senator Casas apart from all of the rest. Something intangible. Something unique and extraordinary. My father once told me that wisdom comes from the way we handle adversity. Senator Casas has grown strong in the face of life's greatest challenges. Senator Casas had always dreamed of being involved in politics. He truly has a public servant's heart.

But in his dream he was going to be elected to the Cuban legislature in his homeland where he was born and educated. But he was forced to flee Cuba in 1959 in the face of Fidel Castro's oppressive revolution.

He came to America with the true grit of determination to start life all over again and succeed. Senator Casas worked hard to create a new life in South Florida. There was never any thought of drowning his troubles; he took them out and gave them swimming lessons. He stood tall in his community becoming a very successful businessman and legislator, the first Cuban born American elected to the Florida Legislature.

He has served our state and the Florida Legislature for 14 years with distinction, a sense of duty and a commitment to the ideals of our Constitution. The people here today look to him for guidance, for direction and for strength.

In a day where there are many politicians but few statesmen, Senator Casas stands out as a true statesman. He has risen to the top. Winston Churchill once said, "You make a living by what you get but you make a life by what you give." Senator Casas is always ready to serve our state and our country. Each day he creates another page in history. He is a stabilizing force that reminds us all of the true meaning of dedication to the cause of freedom. I am proud to count him as a friend.

Madam President and fellow Senators, it is an honor to second the nomination of Senator Roberto Casas to serve as President Pro Tempore of the Florida Senate.

On motion by Senator Horne, nominations for President Pro Tempore were closed.

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Roberto Casas".

The vote was:

Yeas—38

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

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Kurth that a committee be appointed to escort Senator Casas to the bar of the Senate and to the rostrum, the President appointed Senators Bankhead, Harris, Forman and Meadows. Senator Casas was escorted to the bar of the Senate where the oath of office was administered to him by The Honorable Charles T. Wells, Justice, Florida Supreme Court, and then to the rostrum where he was received by the President and seated.

REMARKS BY THE PRESIDENT PRO TEMPORE

The President presented the President Pro Tempore to the Senate who addressed the Senate as follows:

Senator Casas: Thank you very much, Madam President. Thank you to all the members. Thank you to Senator Childers, Senator Horne and Senator Kirkpatrick for those kind words.

When I stand before you here today and I look back, I have to say "Only in America can this happen." When I heard Senator Horne speaking about my dreams, my dreams in Cuba, a country that has been oppressed for many years—37 years now—I have my ties, my family, my friends. 1959, January 1st, the dream went down the drain and I fled to this country looking for a place where I can have my freedom again, where I can work and be productive, and make sure that if ever—and I will say that it's been 37 years I have waited for that—that country will be free again, I want to be part of the reconstruction of that country. But I have to thank this country for opening its doors, not only to me, but to thousands and millions of people who fled from their country because of the communism regime, because of the president, and because there is no freedom. In this country we enjoy freedom, liberty, and we have to appreciate what we have. This is the only nation in the world that when you look back—and I have traveled many, many countries—and I say "Nothing like America. Nothing like my country, the one that I live in now."

So, thank you very much again. I accept the nomination for President Pro Tempore. It's a great honor for me and I thank President Toni Jennings for selecting me as her right hand in this process for two years. I think we have a challenge with the people of the state and I know that President Toni Jennings will accomplish what many people of this state want to accomplish in the near future. She is a leader. She is a person that we can trust. She is a person that when I met her the first time, I said, "She's beautiful. She is smart." Through all the years, that was right. She is beautiful, she is smart, she is fair. I am sure that she will carry this state to be the best state in the nation.

So, thank you very much and let's work hand to hand and accomplish what the people of the State of Florida want: better education; make sure that the criminals are not running the streets; clean environment.

We have to attract new industry to this state. I'm sure, with your help, and the help of all Floridians, we will accomplish what we want.

Thank you very much and it is a great honor, again, for me.

COMMITTEES APPOINTED

On motion by Senator Dantzler that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Klein, Hargrett, Meadows, Crist, Williams, and Grant. The committee was excused.

On motion by Senator Silver that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Myers, Lee, Cowin, Campbell, and Latvala. The committee was excused.

COMMITTEE RECEIVED

The House of Representatives notified the Senate that it was convened for the purpose of organization.

COMMITTEES DISCHARGED

The Committee appointed to notify the House of Representatives returned to the chamber and reported to the President that its duty had been performed. The President thanked the committee for its service and the committee was discharged.

The Committee appointed to notify the Governor returned to the chamber and reported to the President that its duty had been performed. The President thanked the committee for its service and the committee was discharged.

INTRODUCTION OF PRESIDENT'S FAMILY AND GUESTS

The President introduced her family: Margaret Jennings, her mother; Jeff and Allyson Jennings, brother and sister-in-law; John and Martha Jennings, brother and sister-in-law; and Martha's parents Mary and Al Caruso.

THE PRESIDENT'S ADDRESS

Friends, family, fellow Senators, our work begins today. The elections are over and the people have spoken. It should be noted that each one of us in this body, no matter which party, who asked the electorate to send us back, was returned to lead our state into the 21st Century. And along the way, we have five new energetic faces to help us.

Many of you know I have been a member of this legislative body for many years. I have come to know it well. It is my goal to blend the best of our Senate tradition with innovation and forward-thinking. In preparation for the role I would play as President, I did a little traveling this fall, holding brown bag lunches around our state and talking with community leaders about their concerns.

I think it is crucial for me, for all of us, to hear from the people out there who have little or no contact with those of us who come to Tallahassee to try to resolve their problems. I will keep doing this for the next two years, and I will ask each of you to come along with me. The age-old way of doing things is no longer adequate for a dynamic Florida. As Lincoln said "... we must rise to the occasion. We must think anew and act anew."

The reforms we can make represent a historical OPPORTUNITY. They also represent a tremendous CHALLENGE and they demand RESPONSIBILITY. The opportunity is there for us to work together to build a consensus here in the Senate, with the House and with our Governor, to continue the work we have begun on the issues of education, criminal justice, welfare reform and, could anyone forget, workers' compensation.

We have made tremendous strides in these areas. Florida has experienced the largest drop in crime in over a decade. Last year alone, violent crime fell 6.4 percent. Our welfare reform bill has become the blueprint for the nation. But the challenges still are many.

Education is now, and will remain, one of the top issues of concern in the minds of most Floridians. Seventy-seven percent of our 4th graders read below grade level. Sixty-two percent of our high school graduates require remediation. Nearly 78,000 students failed a grade last year, costing Florida taxpayers 366 million dollars. We must be able to identify competent teachers and then reward them so they stay in the classroom. Families want the right to choose a school in their neighborhood where children can be with their friends, participate in school activities, and not have to get up at 5:00 a.m. to catch a school bus.

And, more than anything else, mothers and fathers want to know their children are safe when going to school and not worry about the increasing prevalence of knives, guns, and drugs. We've tackled some of these problems, but we need to do more to bring about solutions.

We have said, "What good is an education without a job?" This year, our focus must turn to our state's economic well being. From Key West to Pensacola and from large cities, such as Miami, Orlando, Tampa and Palm Beach to all the smaller, rural communities in between, a major priority will be to stimulate the private sector to create more jobs. And we will revamp government services at all levels to see what jobs can be moved to the private sector. This is of critical importance to our general economy and all of our citizens.

But it goes further than that. Last session we said welfare recipients would get a job and go to work. In the words of Franklin Delano Roosevelt, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little." It is imperative to make those jobs available.

What does it take? It takes Florida businesses having enough confidence to expand. It takes a climate of stability where those looking to relocate in Florida are confident the rules won't change. Year after year we discuss economic incentives. Such incentives are often necessary to help attract new business activity, strengthen the tax base and increase revenue. And year after year we are told by revenue estimators that they cost money. Well, sure they do, but they generate money as well and no one has ever been able to tell us how much.

We have recently secured a dynamic modeling computer program used in other states, which may help us quantify the positive effect of incentives. A few years ago the high cost of workers' compensation insurance was suffocating Florida employers and discouraging companies from locating a business in our state. Working together we found a solution and the market has stabilized and rates have gone down. Now it seems an insurance crisis of a different nature may be looming.

Several months ago, the Florida Chamber commissioned the Mason-Dixon organization to seek out 500 key businesses in the state to determine their plans and ideas for expansion, relocation, and development. The bottom line was that businesses are not as happy with our state's economic climate as they were a year ago. We know too well the problems we are experiencing in the residential property and casualty market, but while we weren't looking, it appears commercial property and casualty and liability insurances have become critical concerns.

Our challenges will continue to grow as the Federal government continues to push down responsibilities to the states. Remember our old term "Devolution"? Well, the devil is back and we will have to deal with it.

Medicaid takes up 20 percent of our budget and it must be reformed. Even if Washington does not block grant it all to the states, our part of the deal is filled with fraud. Precious service and delivery dollars are lining the pockets of unscrupulous providers. It not only must stop, it will stop.

Senators, we have been given the opportunity. We know the challenges. The responsibility we have is to be able to justify our actions to the people who sent us here. They demand accountability—accountability in the legislative process.

AND THEY SHALL HAVE IT!

Accountability for the Florida Senate will mean ending the age-old practice of pushing everything back to the end of the session and finish-

ing with such a late night rush that confusion reigns. Even though in the last two years the Senate has passed much of its important legislation before the last week, there is always room for improvement. Old habits are hard to break, but I'm committed to breaking this one. If I can, you can too.

For too long locomotives have carried the load. Legislative trains will be a relic of the past. Expedience has replaced deliberation and special interests have greased the tracks. Well, the train stops here.

Accountability for the Florida Senate means we will not work in the dark. Our state has long been recognized for doing business in the open. Our sunshine laws and open records legislation mean the people have access to the people's business. But some of our old habits hinder that process and we are going to break them starting today.

First, we will use the Rules we have to hold over bills that are amended on the floor for at least a day so everyone has a chance to know the effect of the changes. Second, we will eliminate late night sessions. In a few minutes we will adopt our Rules. They hold only one significant change and that is to prohibit the Senate from being in session after 9:00 p.m.

We will shorten the deadline for filing bills to eliminate that week of overflow from everyone who could not get their bill filed in the House. The automation of the Senate Chamber will, by necessity, require more notice for Special Order and as a result, require amendments to go through Bill Drafting for coding. I will ask the Rules Committee, as their first order of business, to meet and propose changes to the way we handle legislation with special emphasis on the setting of priorities to improve the flow of bills during the last week of session.

What we decide, we will decide together since each of us must live with it. We will cogitate, disseminate, articulate, and deliberate. Then, and only then, will we vote on a measure. And on the last day of the session, you can go ahead and make, and keep, your dinner reservations because we will be done by dinner time and if we are not, we will come back for another day in the sunshine. The people who sent us here will no longer be questioning what we did or did not do at 3:00 a.m. in the morning.

Because of our tight budgets of the last few years, all of us have been getting used to the idea of doing more with less. Well, we may be doing less but what we do we will do better. Our big challenge is to keep improving. In two successive elections the voters have sent a crystal clear message, "Spend our money wisely because you are getting no more." What we do will be done better, faster and cheaper.

Our goal should be to produce more quality legislation. We will streamline the process of lawmaking in such a way as to: first, identify the key issues; second, set priorities and schedules for bringing those issues to the floor; and, third, eliminate that which will bog us down, that which will have little impact on the state's needs and resolution of its problems. Let us not forget the old adage, "If you fail to prepare, prepare to fail."

This means, simply, that we must have fewer bills introduced. I know this may be difficult for some of you. We have within our midst many bill-filing junkies, but I am asking you to just say "no." Before you agree to sponsor legislation ask yourself "Will this bill help all of our citizens or just a few?"

Each year when we gather in Tallahassee to begin a new session, we jump immediately into the details and mechanics of the process. We have forgotten to look at the big picture. For this reason, before committees are assigned the Senate will have a retreat to discuss the role of government and set our priorities. We may only be retreating to the 22nd floor, but this may help us have a more global perspective before we get down to specifics. Not everyone can be a chairman, but everyone's point of view is valuable and will be heard. So for a few days in December the Senate will be working as a Committee of the Whole, so to speak, to rediscover and renew our commitment to good government and quality legislation.

John Calhoun said it well when he declared: "The very essence of a free government consists of considering our offices as public trusts, bestowed for the good of the country and not for the benefit of an individual or a party." Well, my party is Republican but inclusiveness is my style. I can find neither "R" nor "D" in the word TEAM. And that is what we will be, a forty-member team working for Florida.

I thank each of you for the honor of your support. Roberto, "gracias" for agreeing to assist me as my Pro Tempore. A special thank you to Don, Ginny, Locke, and Mario for those very generous words. Senators, before you leave your families again, for what we know becomes many trips to Tallahassee, thank them for the sacrifices they make so you can do the people's business. And before we leave here, let's thank the unsung heroes of this process, the people whose names never get on a bumper sticker or in the brochures, but without whom this process would never work, our staff and the professional staff of the Florida Senate. Now Senators, let's get to work. The people's business is waiting.

DESIGNATION OF SECRETARY

The President recognized Senator Dudley.

Senator Dudley: Madam President, my fellow Senators. It's with a deep personal pride and honor that I move the designation of Faye Blanton as Secretary of the Florida Senate.

Faye has been an employee of this body for 26 years. I think longer than our colleague W.D. Childers has been here. She joined the Secretary's staff in 1972 and she has served as our Assistant Secretary since 1984, and actually has been serving as our Acting Secretary. I stopped by to visit her last week. I had a few questions about making some further modifications in the form of the Journal, and I noted that she was still in her old office just inside the front door. When I asked her why she had not moved into the big office she said she was waiting until today, to hear from you before she made that move.

As you know, she's responsible for publishing all of our official documents and all procedural actions of the Senate in the Senate Journal. Her involvement in the design and development of numerous innovative computer programs has dramatically improved the effectiveness of this process. How many of you can remember picking up a Journal the next morning to see if an amendment had been accurately adopted and reported and looking at every single page to try to find the bill number? That's changed now, with an index in the back that gives you reference to those page numbers. It's marvelous. I know because I had suggested that several years ago. I read well, but not fast.

In her role as Assistant Secretary, Faye has worked with numerous organizations who have visited the State Capitol and have, in fact, used our Chamber and been coached through the legislative process. Faye has conducted a number of those mock legislative sessions. She frequently speaks to our visitors about the legislative process.

What many of you may not know is that this job of being Secretary is a very, very professional job. In addition to her work with us, Faye has been an active member of the American Society of Legislative Clerks and Secretaries. She was elected Staff Vice President by her peers from other states and she has served as chairman and vice chairman of numerous committees, including the Program Development Committee which sets the agenda for the annual professional development seminar.

With your vote today, Faye will become only the seventh Secretary of this Senate since 1929, and I know that predates W.D.'s service here, and I think significant for a day, the 19th of November in the 151st year of the Statehood of Florida, with your help, would become the first female to fill this office.

Members of Faye's family are seated in the East Gallery and I'd like to ask each of them to rise as I call your name. Her husband, Ed Blanton; her children, Wade and Laurel McDaniel, Doug McDaniel and his fiance Julie Gillis, Garrett and Travis Blanton; her brother and sister-in-law Gerald and Sharon Wester; and friends Jimmy and Kay Judkins, and Wanda Pelham.

Madam President, it is my honor to move that the Senate designate Faye Blanton as the Secretary of this Senate. I urge my colleagues to join with me in making yet another first in our state's proud history. Thank you.

President Jennings: Thank you. The motion by Senator Dudley to designate Faye Blanton as the Secretary of the Florida Senate is adopted without objection.

MOTION

On motion by Senator Rossin, the remarks offered during the Organization Session were ordered published in the Journal.

ADOPTION OF RULES

On motion by Senator Jenne, the following Rules as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the daily order of business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may clear the area.

1.4—The President's *authority and* signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. *The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.*

1.5—Appointment of committees

The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(a) The President may name any Senator to perform the duties of the chair.

(b) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(c) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(d) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—*Designation* ~~Election~~ of the Secretary of the Senate

The Senate shall designate a Secretary to serve at its pleasure. ~~A Secretary of the Senate shall be elected for a period of two (2) years pursuant to the provisions of section 11.15, Florida Statutes.~~ A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk. ~~The Secretary shall generally supervise all matters pertaining to Senate business.~~

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute; (3) the status of each bill, i.e., whether on second or third reading; (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. The Secretary shall distribute the daily calendar for the information of the legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, subpoenas, and authorizations for payment issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay; and each shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two days for research and summary. Special notice of the summaries shall be given to each Senator.

The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

~~**1.19—Sergeant at Arms; election and duties**~~

~~A Sergeant at Arms of the Senate shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes. The Sergeant at Arms shall be under the supervision of the President. The Sergeant at Arms shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.~~

~~The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the President or other presiding officer; the Sergeant shall execute the commands of the President of the Senate and of the Senate, and all processes issued by authority thereof. The Sergeant shall have charge of all property of the Senate and will disburse the expendable materials to Senators for their official use. The Sergeant shall have general charge of the gallery of the Senate and shall maintain order therein and shall police the Chamber and committee rooms of the Senate and shall be responsible therefor.~~

PART TWO—SENATORS

1.20—Attendance and voting

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the legislature ~~because of failure to be reelected at the polls~~ shall be entitled to *an* ~~a two-week~~ amicable transition period *not to exceed one month* in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator.

~~The Secretary of the Senate shall provide~~ *A* ~~a~~ former Senator *shall* ~~with necessary forms with which to~~ apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. Upon proper application by the legislative assistant of a deceased Senator, a *one-month* ~~two-week~~ transitional period with pro rata salary for the staff may be approved by the President to close out the deceased's Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, ~~except those officers elected by the Senate,~~ and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the same hours of employment as regular Capitol employees. Part-time employees and Senator's personal aides shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, Florida Statutes.

1.33—Secretary; supervision of employees

All secretaries, stenographers, typists, verifiers, and other clerical assistants not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

~~**1.34—Sergeant at Arms; supervision of employees**~~

~~The doorkeepers, janitors, pages, and messengers, except where otherwise specifically provided in these Rules or by order of the President, shall be under the supervision of the Sergeant at Arms.~~

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.351—Food and Beverage Prohibited

(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist.

(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:

(1) from a relative as defined in Joint Rule 1.4 (2);
(2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law;
(3) in connection with his or her outside business or employment activities, as exempted by s. 112.312(12)(b)1., F.S.;
(4) consumed incidental to a reception or gathering of constituents, not to exceed a value of $25.00;
(5) consumed at a special event; or
(6) consumed at an honorarium event.

(c) As used in this rule the term:
(1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d).
(2) "food or beverage" has the meaning ascribed in Joint Rule 1.4(3)(c).
(3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(i).
(4) "honorarium" has the meaning ascribed in s. 112.3149(1)(a), F.S.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation of Campaign Contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of

the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

(b) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(c) For purposes of this rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee.

1.44—Notice required for certain meetings

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

1. meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

2. meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;

3. steering meetings of the chairman of the Committee on Ways and Means with the chairmen of the standing subcommittees of the Committee on Ways and Means; and

4. meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(b) Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

All legislative committee and subcommittee meetings and joint conference committee meetings, shall be open and noticed to the public.

All prearranged gatherings, between more than two members of the legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

~~**1.442—Legislative records (Repealed by 1.444 May 27, 1993)**~~

1.443—Reapportionment Information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated or maintained by the former Committee on Reapportionment.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

The following standing committee, standing subcommittee and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via the Legislative Library Division of the Joint Legislative Management Committee: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, *or* Secretary of the

Senate ~~or Sergeant at Arms~~ shall be retained by that officer as specifically required by law or Senate rule until transferred to the Division of Library and Information Services of the Department of State via the Legislative Library Division of the Joint Legislative Management Committee. Records not transferred may be otherwise disposed of or destroyed.

The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such a special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate rule to be created.

Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

For the purpose of this rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

The following public records are exempt from inspection and copying:

Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, Florida Statutes, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), Florida Statutes, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

Records prepared for or used in executive sessions of the Senate until 10 years after the date on which the executive session was held.

Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committee's records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

Any *Senate* record created prior to July 1, 1993, which was *so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.* ~~not available to the public from the house, commission, committee, or office of the legislative branch that created the record, is exempt from inspection and copying until July 1, 1993. Prior to July 1, 1993, the presiding officer of each house shall determine which records held by that house should remain exempt from inspection and copying. The presiding officers of both houses shall jointly determine which records held by joint committees should remain exempt from inspection and copying. No later than July 1, 1993, the presiding officers shall publish a list of records that remain exempt from inspection and copying.~~

For purposes of this section, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated, by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

Agriculture
Banking and Insurance
Children, Families and Seniors
Commerce and Economic Opportunities
Community Affairs
Criminal Justice
Education
Executive Business, Ethics and Elections
Governmental Reform and Oversight
~~Health and Rehabilitative Services~~
Health Care

~~Higher Education~~
Judiciary
Natural Resources
Regulated Industries
Rules and Calendar
Transportation
Ways and Means
  Subcommittee A (General Government)
  Subcommittee B (Education)
  Subcommittee C (Human Services)
  Subcommittee D (Criminal Justice)
  Subcommittee E (Finance and Tax)

Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules of Procedure regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those present.

2.2—Powers and responsibilities of committees

Permanent standing committees and standing subcommittees are authorized: (a) to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area; (b) to invite public officials, employees and private individuals to appear before the committees or subcommittees to submit information; ~~and~~ (c) to request reports from departments performing functions reasonably related to the committees' jurisdictions*; and (d) to complete the interim projects assigned by the President*.

In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

In order to carry out the committee's duties, the chairman of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chairman. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

Before a regular session of the legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation, and file same with the President of the Senate and the Secretary of the Senate.

Before a regular session of the legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation, and submit same to the chairman of the standing committee for consideration by such committee.

Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for two (2) hours in advance of the meeting. The chairman of a committee or subcommittee or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of hearing; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Hearing notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after 50th day

Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, *no committee shall meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m. This* ~~this~~ scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar and the Sergeant at Arms for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

2.12—Order of business

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

A bill shall be considered out of its order on the committee calendar on unanimous consent of those present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Time for consideration of bills

A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those present. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Ways and Means during the first thirty (30) days of a regular session.

Except by unanimous consent of those present, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one Senate committee.

2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee secretary no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee secretary, and made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee secretary on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

It shall be the duty of standing subcommittees to report all measures referred to them directly to the parent standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either (a) favorably, (b) favorably with committee amendments, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the subcommittee on the motion to report each bill or resolution.

In reporting a bill to the parent standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the parent standing committee with the recommendation that the substitute be considered in lieu of the original

measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the parent standing committee in the same manner as a favorable report.

All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of the committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except on vote of two-thirds (2/3) of the standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Ways and Means for inclusion in the general appropriations bill.

2.17—Quorum of committee

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Prefiled bills

On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Ways and Means shall not be required to file such report of a prefiled bill defined in these Rules.

A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the legislature shall be reported unfavorably without notice or hearing.

2.19—Conference committee in deliberation

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);

2. meetings between a majority of the members of the conference committee or any subcommittee of the conference committee;

3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Ways and Means.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chairman and Vice-Chairman

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the Presi-

dent. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chairman or vice-chairman may require participants in the disturbance to clear the room.

2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chairman, Vice-Chairman; vote

The chairman and vice-chairman shall vote on all matters before such committee. The name of the chairman shall be called last.

2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

2.26—Vice-Chairman's duties

On the death, incapacitation, or resignation of the chairman, the vice-chairman shall perform the duties of the office until the President shall appoint a successor. In the absence of the chairman, the vice-chairman shall act as chairman.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chairman of the committee, shall constitute automatic withdrawal from the committee.

No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by three (3) members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

A Senator may request to (a) change his or her vote or (b) vote before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

When a question is under debate, the chairman shall receive no motion except:

1. To rise
2. To take a recess
3. To reconsider
4. To limit debate
5. To temporarily pass
6. To postpone to a day certain
7. To commit to a select subcommittee
8. To amend

which shall have precedence in the descending order given.

The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments; form, notice, manner of consideration

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee secretary at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—*Deleting everything* ~~Striking all~~ after enacting clause

A proposal to *delete everything* ~~strike out all~~ after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chairman's power to recognize

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by rising to a question of privilege, a point of order requiring an immediate ruling, an appeal from the decision of the chairman concerning a point of order (if the appeal is made immediately following the decision), a parliamentary inquiry requiring an immediate reply, or to question the existence of a quorum. The chairman shall strictly enforce this Rule.

2.48—Speaking rights

When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate.

The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chairman. This second decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chairman on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

All bills shall contain a proper title, as defined in Article III, Section 6 of the Constitution, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:". The title of each bill shall be prefaced by the words, "A bill to be entitled An act". Standard rules of capitalization shall apply.

The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, Florida Statutes) or the Laws of Florida shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended.

In general bills and joint resolutions that propose to *create or* amend existing provisions of the Florida Statutes, *Chapter Laws of Florida,* or of the Florida Constitution, new words shall be inserted ~~in the text~~ underlined, and words to be deleted shall be lined through with hyphens, *except that the text of the General Appropriations Act shall not be underlined*.

When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See Section ..., F.S., for present text." When such notation is used*, the notation as well as the substantially reworded text* ~~it~~ shall be underlined.

The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

Section catchlines of existing text shall not be typed with underlining. ~~No portion of a bill shall be typed with underlining, except as provided by this Rule.~~

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the Constitution, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill ~~as the first or front page thereof,~~ and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:". Each joint resolution shall be prefaced by the words: "A Joint Resolution . . . . ".

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:".

3.6—Form of resolutions; Senate and concurrent

All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be *filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first day of the regular session*. ~~delivered to the Secretary of the Senate no later than 12:00 noon of the fourth day (excluding Saturday and Sunday) preceding the day of introduction. This Rule may be waived only on unanimous consent of those present, but the motion shall not be entertained until the movant notifies the Senate orally, not less than thirty (30) minutes preceding the motion, of his or her intention to move for the waiver of this Rule so as to have introduced a specific bill or bills sponsored by that Senator. The adoption of such motion shall be construed as reverting the Senate to the Order of Introduction and Reference of Bills solely for receiving said bill or bills for formal introduction and reference.~~

Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

3.8—Prefiled bills

A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first day of the succeeding regular session.

The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the chairman of the first or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to

each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the Constitution, Laws of Florida, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and less than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those present.

3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Ways and Means shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Ways and Means meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by machines as used in banks for validating or cancelling checks or other documents, or made by any other device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second or third reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the rules by two-thirds (2/3) vote of those present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Ways and Means.

3.13—Fiscal notes

Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. *The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered.*~~, the present and future fiscal implications of the bill or joint resolution and shall also embrace the requirements of sections 11.075 and 11.076, Florida Statutes, relating to economic impact.~~ The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. *The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.*

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. Special Order as determined by the Committee on Rules and Calendar
9. Consideration of bills on third reading
10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business;

and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

First reading of bills shall be accomplished by publication of the title thereof in the journal pursuant to Article III, Section 7 of the Florida Constitution as amended.

4.4—Committee of the whole

By a majority vote of those present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only on two-thirds (2/3) vote of those present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the Constitution, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally; final days for introduction of bills and resolutions

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

All Senate bills filed for introduction after *12:00 noon on the first day* ~~5:00 p.m. of the fourth day~~ of the regular session (except for the general appropriations bill, local bills, and joint resolutions) and resolutions filed after the thirtieth day shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (2/3) vote of those present. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement or county or municipal spending

All bills authorizing or substantially affecting appropriations and all bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Ways and Means. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Governmental Reform and Oversight. All bills which are affected by the provisions of Article VII, Section 18, Florida Constitution shall be referred to the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program or expenditures or revenues as set forth in Article VII, Section 18, Florida Constitution shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Ways and Means, or the Committee on Governmental Reform and Oversight, or the Committee on Community Affairs, as appropriate for review and recommendation to the Senate

which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions and veto messages

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference. All veto messages shall be referred to the Committee on Rules and Calendar.

4.10—Reference to different committee or removal

When the President has referred a bill, a Senator may, no later than under the Order of Business of "Motions Relating to Committee Reference" on the following legislative day on which the Senate meets, move for reference to a different committee or for removal from any committee after filing a card with the *Rules Chairman* ~~Secretary~~ signed by the chairman of the affected committee and the chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise as provided in the Constitution under Article III, Section 7.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless two-thirds (2/3) of those present decide otherwise. If the reading on the second day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote.

4.15—Referral or postponement on third reading

On the third reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Ways and Means) or amended (except a corrective or title amendment) without consent of two-thirds (2/3) of those present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

4.17—Special order calendar; consent calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by the membership of the legislature as permitted under the Constitution, the Chairman of the Committee on Rules and Calendar or the Chairman's designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's designee, the Minority Leader or the Minority Leader's designee, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. During the first fifty (50) days of a regular session, except for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of those present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily passed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All consent calendar bills must have appeared on the printed Senate calendar.

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Committee on Rules and Calendar or its designees and approved by the President.

4.19—Order after second reading

The order of disposition of a bill that has been read the second time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary, and the fact of such signing shall be noted in the Journal.

4.81—Claim bills

a. Claim bills are of two types: excess judgment claims filed pursuant to section 768.28(5), Florida Statutes, and equitable claims filed without an underlying excess judgment.

b. All claim bills shall be first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages. Dis-

covery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

c. On receipt of the Special Master's report and recommendations, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

d. On receipt of the Special Master's report and recommendations concerning an equitable claim that is unsupported by an excess judgment, the committee chairman shall refer the claim bill and Special Master's report to a standing subcommittee or select subcommittee, as appropriate, to consider and make a recommendation to the committee thereon. A select subcommittee shall consist of not less than three members of the Senate representing geographic areas outside that from which the claim bill arises and shall notice, hear and report each claim bill and Special Master's report referred to it in the same manner as any other bill.

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?". And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

After the result of the vote has been announced by the President, a Senator with unanimous consent of those present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

Pairing shall be permitted only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

When a question is under debate, the President shall receive no motion except:

1. To adjourn
   (a) Instanter
   (b) At a time certain
2. Questions of privilege
3. To take a recess
4. To proceed to the consideration of executive business
5. To reconsider
6. To limit debate
7. To temporarily pass
8. To postpone to a day certain
9. To commit to the Committee of the Whole
10. To commit to a standing committee
11. To commit to a select committee
12. To amend
13. To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible;

a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those present. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of those present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those present is necessary for adoption or passage, any Senator may move for reconsideration.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the Constitution for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

No amendment prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate at least two (2) hours before the time that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, *have been withdrawn from further consideration by the sponsor,* and bills the substance of which have not been reported favorably by *all* ~~a committee or~~ committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

Amendments may be adopted on second reading by a majority vote of those present and on third reading by a two-thirds (2/3) vote of those present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those present on third reading.

7.3—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. Only one amendment to the amendment is in order. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—*Deleting everything* ~~Striking all~~ after enacting clause

A proposal to *delete everything* ~~strike out all~~ after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

After the reading of a House amendment to a Senate bill, the Senate may: (1) amend the House amendment, (2) concur in the House amendment, (3) refuse to concur in the House amendment and ask the House to recede, or (4) request a conference committee. The adoption of all the foregoing motions shall be by majority vote of those present.

7.9—House refusal to concur in Senate amendment

If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede, (2) that the Senate insist and ask for a conference committee, or (3) that the Senate insist. The adoption of any of the foregoing motions shall be by majority vote of those present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President", and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except:

1. by rising to a question of privilege;
2. by rising to a point of order requiring an immediate ruling;
3. by appeal from the decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
4. a parliamentary inquiry requiring an immediate reply; or
5. a question of no quorum.

The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by two-thirds (2/3) vote of those present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

Questions of privilege shall be: first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Senators individually, in their representative capacity only. These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a

particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules and the laws of Florida, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule 9.

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All male persons on the main floor of the Senate and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of all Senators present. The motion, when made, shall be decided without debate. A motion to waive a rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those present.

11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of the members present.

11.4—Majority action

Unless otherwise indicated by these Rules or the Constitution of Florida, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to “two-thirds (2/3) of those present”, “two-thirds (2/3) vote”, “two-thirds (2/3) of the Senate”, “two-thirds (2/3) of those voting”, etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the Constitution.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word “bill” or “measure” means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the Constitution of Florida.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the Constitution of Florida, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except information on which the bans of secrecy were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(a) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Executive Business, Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business, Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(d) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(e) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(f) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(g) Subject to the limitations of Rule 12.7(b) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(b), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature.

(h) For the purposes of Article IV, Section 7(b) of the Constitution of Florida, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(i) If the Governor files an amended suspension order, the attention of the Senate, the committee or the Special Master shall be directed at the amended suspension order.

(j) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule 12 and Part V of chapter 112, Florida Statutes, the Rule, derived from Article III, Section 4(a) of the Constitution of Florida, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the

chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority vote of those present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special order calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and Insignia

There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal". At the bottom shall be the date: "1838". The perimeter of the seal shall contain the words: "Senate" and the "State of Florida".

There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate".

JOINT RULES

JOINT RULE ONE

LOBBYIST REGISTRATION AND REPORTING

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Joint Legislative Management Committee. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means a lobbyist who is appointed by the principal to file the Consolidated Expenditure Report.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is

subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which that person must state, under oath, that person's name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Joint Legislative Management Committee in writing within 15 days.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the Joint Legislative Management Committee as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4) Each person who registers must submit quarterly to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures as required in Joint Senate and House Rule 1.4. Reporting statements shall be filed on April 15, July 15, October 15, and January 15 of each year and shall include the expenditures for the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reporting statement filed on January 15 shall also include cumulative totals for the previous calendar year. A reporting statement shall be considered timely filed if it is postmarked by the specified date. A request for an extension of time may be filed with the Joint Legislative Management Committee, on forms provided by the committee. The request for an extension must be signed and indicate that expenditures were incurred for the reporting period. An extension of 75 days shall be automatically granted as long as an extension request is filed by the date the reporting statement is due. To obtain an extension for a Consolidated Expenditure Report, the designated lobbyist must request the extension, and the extension shall cover all reports necessary to prepare the Consolidated Expenditure Report. A statement need not be filed for a reporting period if no expenditures have been made during that reporting period. However, the registrant shall certify in the report due January 15 that there were no expenditures during any reporting period for which a report was not filed. Reporting statements, when feasible, may be filed by electronic means.

(5) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Joint Legislative Management Committee. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Game and Fresh Water Fish Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the Joint Legislative Management Committee. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Joint Legislative Management Committee. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) MANNER OF REPORTING.—All lobbying expenditures shall be reported on an Individual Lobbyist's Expenditure Report or a Consolidated Expenditure Report. An "expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. Expenditures shall be accounted for and reported on either a cash or accrual accounting basis. The basis selected shall be designated in the space provided on the applicable expenditure report and shall be the basis consistently used, during the entire calendar year, for reporting quarterly and annual expenditures.

(2) GOODWILL EXPENDITURES.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member

or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(3) EXPENDITURE CATEGORIES.—The categories of expenditures used in this rule are as follows:

(a)1. "Communications" means dissemination of information, including, but not limited to, by means of the following:

a. Audio-visual materials; and

b. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

2. This category does not include media advertising, publications, or research.

(b) "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

(c) "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

(d) "Lodging" means sleeping or living accommodations for an individual for one or more nights.

(e) "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

(f) "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

(g) "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

(h) "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

(i) "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

(j) "Travel" means transporting an individual from one place to another, regardless of the means used.

(4) ITEMS THAT ARE NOT EXPENDITURES.—The term "expenditure" does not include:

(a) Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

(b) A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

(c) If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(5) VALUATION OF EXPENDITURES.—

(a) In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest $5. A record is not required to be maintained for any amount that rounds to zero.

(b) The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

(c) When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

(d) When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

(e) The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

(f) A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 20 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

(g) A person providing lodging in a private residence shall be considered to be making an expenditure of $29 per night.

(h) Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(6) INDIVIDUAL LOBBYIST'S EXPENDITURE REPORT.—

(a) When a principal has only one lobbyist, the lobbyist shall file quarterly, as provided in Joint Senate and House Rule 1.2, an Individual Lobbyist's Expenditure Report on forms provided by the Joint Legislative Management Committee. The report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the quarter shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications;

Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The report filed on January 15 shall contain cumulative totals for the calendar year.

(b) A lobbyist shall file an Individual Lobbyist's Expenditure Report for each principal represented, unless a Consolidated Expenditure Report is required to be filed for that principal.

(7) CONSOLIDATED EXPENDITURE REPORT.—

(a) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing the Consolidated Expenditure Report. Every lobbyist so designated shall file quarterly, as provided in Joint Senate and House Rule 1.2, a Consolidated Expenditure Report on forms provided by the Joint Legislative Management Committee. The Consolidated Expenditure Report shall include the name of the principal and the names of all of the lobbyists for that principal. A cumulative total by the expenditure categories of Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other shall be provided for all lobbyists on the report. The Consolidated Expenditure Report filed on January 15 shall contain cumulative totals for the calendar year.

(b) Each lobbyist identified on the Consolidated Expenditure Report must provide an Individual Lobbyist's Expenditure Report to the designated lobbyist, who shall attach all the Individual Lobbyist's Expenditure Reports for that principal, including the Individual Lobbyist's Expenditure Report of the designated lobbyist, to the Consolidated Expenditure Report. The designated lobbyist is responsible for attaching each Individual Lobbyist's Expenditure Report to the Consolidated Expenditure Report and completing the Consolidated Expenditure Report. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal; however, the principal is responsible for the accuracy of the figures submitted to the designated lobbyist by the principal. The designated lobbyist is not responsible for the failure of another lobbyist to provide the Individual Lobbyist's Expenditure Report to the designated lobbyist and is not responsible for the contents of any Individual Lobbyist's Expenditure Report submitted by another lobbyist.

(c) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal on the Consolidated Expenditure Report. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

1.5—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Joint Legislative Management Committee as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of the respective house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.6—Open Records

All of the lobbyist registration and expenditure reports received by the Joint Legislative Management Committee shall be available for public inspection and for duplication at reasonable cost.

1.7—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(1) For the period from July 1, 1993, to September 30, 1993, the statement of expenditures required by section 11.045, Florida Statutes (1991), shall be filed no later than January 15, 1994. For the period from October 1, 1993, to December 31, 1993, the applicable lobbyist report shall be filed as provided in Joint Senate and House Rule 1.4; however, cumulative totals are not required for calendar year 1993.

(2) Until January 1, 1995, the annual fee is $50 per each house of the Legislature for a person to register to represent a principal and an additional $10 per house for each additional principal that the person registers to represent.

(3) For persons who have paid the registration fee for the period July 1, 1992, to June 30, 1994, the registration is valid through June 30, 1994, and those persons may renew their registration for calendar year 1994 at a rate of one-half the rate specified in subsection (2). Those renewal registrations expire on December 31, 1994.

(4) All persons who were required to register under Joint Senate and House Rule One as it existed on October 1, 1993, and who registered between that date and the date of adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, but who, under the revisions to Joint Senate and House Rule One by this concurrent resolution are no longer required to register, may, within 14 days after adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, withdraw from registration and receive a refund of all fees paid.

(5) All persons who were not required to register under Joint Senate and House Rule One as it existed on October 1, 1993, but who are required to register under the revisions to Joint Senate and House Rule One by this concurrent resolution, are given until January 1, 1994, to comply with the registration requirements of this rule.

JOINT RULE TWO

GENERAL APPROPRIATIONS BILL

2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage in the house in which the bill originates.

(2) A review period is not required prior to a vote being taken on final passage of the same bill in the nonoriginating house, provided the bill is not amended. If a bill is amended, the amendment being a bill previously furnished pursuant to this rule, another review period is not required. If, however, the amendment was not previously furnished pursuant to this rule, another 72-hour public review period shall be provided before a vote is taken on final passage.

(3) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by

the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(4) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(5) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(6) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House or the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

JOINT RULE THREE

JOINT LEGISLATIVE MANAGEMENT COMMITTEE

3.1—Administration and Rulemaking

(1) The Joint Legislative Management Committee shall meet at times and places necessary to perform the functions assigned to it.

(2) The joint committee shall adopt rules and policies for its own organization and operation and for the organization and operation of its divisions as is deemed advisable to carry out the functions of the joint committee. It shall have general administrative responsibility for the operation of such divisions.

(3) Action by a majority vote of the membership of the joint committee shall control and be conclusive on any matter considered by the joint committee.

3.2—Executive Director

(1) The joint committee shall appoint its executive director by majority vote.

(2) The executive director shall coordinate the activities of all of the divisions of the joint committee and shall have authority to hire and remove personnel of the joint committee and its divisions.

3.3—Responsibilities

The joint committee shall be responsible for the following:

(1) Maintaining a library adequate for the needs of the Legislature.

(2) Maintaining a permanent and continuous statutory revision plan as provided in ss. 11.242-11.246, Florida Statutes, including periodic publication of the Florida Statutes.

(3) Maintaining a bill status system, supplying such information relating to all prefiled bills and all bills introduced during legislative sessions as the joint committee may deem necessary.

(4) Coordinating all matters relative to legislative printing and carrying out all duties assigned to the joint committee by chapter 283, Florida Statutes, and as otherwise assigned to it.

(5) Developing and administering policies for distributing free or reduced-cost copies of the Florida Statutes to the state's law schools and to other officers and institutions of state and local government based on specific need and circumstances.

(6) Adopting, with the approval of the President of the Senate and the Speaker of the House of Representatives, and administering a uniform personnel, job classification, and pay plan for all legislative employees, and maintaining salary information that provides a basis for reviewing whether the legislative pay plan is competitive.

(7) Preparing all payrolls for the Legislature, including the certification of vouchers and transmission of same to the Comptroller, and maintaining the required and necessary payroll records.

(8) Developing and administering uniform policies relating to the purchase or acquisition of all supplies, capital outlay items, and other commodities required for the proper functioning of the Legislature.

(9) Developing and administering uniform policies relating to keeping an inventory record of capital outlay items owned and purchased by the Legislature.

(10) Issuing and approving all purchase orders under the authority of the joint committee.

(11) Ascertaining that proper authorization has been obtained, and preparing and certifying all vouchers for expense and capital outlay expenditures. Expenditures chargeable to the Senate shall be approved by the President or the President's duly authorized agent; expenditures chargeable to the House of Representatives shall be approved by the Speaker or the Speaker's duly authorized agent; expenditures chargeable to the joint committee and other units of the Legislature shall be approved by the joint committee or its duly authorized agent.

(12) Maintaining records and preparing reports of disbursements from the legislative appropriation by offices, divisions, or departments, including standing committees, or other categories as needed, indicating a breakdown as to type of disbursements.

(13) Preparing suggested budgets in conformity with s. 216.023, Florida Statutes, for all expenditures of each house, the joint committee, and other units of the Legislature and submitting same to the respective presiding officers for their final approval before transmission to the Executive Office of the Governor.

(14) Contracting with a certified public accountant licensed under the Public Accountancy Law of this state for an annual audit of the financial records and reports of the Legislature and delivering such audit to the President of the Senate, the Speaker of the House of Representatives, and the members of the joint committee.

(15) Entering into such other contracts as it shall deem necessary in the performance of its functions.

(16) Publishing a handbook of all policies affecting the administration of the joint committee and its divisions and the joint administration of the Legislature.

(17) Carrying on such other functions as are determined by the joint committee, with the consent of the presiding officers of both houses of the Legislature, to be joint functions.

JOINT RULE FOUR

JOINT LEGISLATIVE AUDITING COMMITTEE

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the Joint Legislative Management Committee, for planning purposes only, an estimate of the financial

needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(6) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

(7) Upon completion of the initial program evaluation and justification review of each state agency listed in s. 216.0172, Florida Statutes, the Office of Program Policy Analysis and Government Accountability shall conduct such reviews only at the direction of the Legislative Auditing Committee.

4.2—Annual audit of financial records

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed under chapter 473, Florida Statutes, for an annual audit of the financial records of the Legislative Auditing Committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(2) Copies of the audit shall be delivered to the President of the Senate, the Speaker of the House of Representatives, the Auditor General or the director of the Office of Program Policy Analysis and Government Accountability, as appropriate, and the members of the Legislative Auditing Committee.

JOINT RULE FIVE

AUDITOR GENERAL

5.1—Rulemaking authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits which he or she is authorized to perform.

5.2—Budget and accounting

(1) The Auditor General shall prepare and submit annually to the Joint Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses, except expenses of members of the Legislative Auditing Committee, before the same shall be paid.

5.3—Audit report distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, may be directly interested in the audit or who may have some duty to perform in connection therewith.

JOINT RULE SIX

OFFICE OF PROGRAM POLICY
ANALYSIS AND GOVERNMENT ACCOUNTABILITY

6.1—Responsibilities of the director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director, with the consent of the Legislative Auditing Committee, may enter into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(3) The director shall prepare and submit annually to the Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request shall become the operating budget of the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) Within the limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

JOINT RULE SEVEN

CONTINUING EXISTENCE OF JOINT RULES

7.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

ADJOURNMENT

On motion by Senator Jones, the Senate in Organization Session adjourned sine die at 12:25 p.m.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 32, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Organization Session, convened at 10:00 a.m. on the 19th day of November, 1996, and adjourned at 12:25 p.m. on the 19th day of November, 1996.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
November 19, 1996

JOURNAL OF THE SENATE

ORGANIZATION SESSION 1996

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Journal

of the

S E N A T E

State of Florida

TWENTY-NINTH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 4 THROUGH MAY 2, 1997

MEMBERS OF THE SENATE

(23 Republicans, 17 Democrats)

REGULAR SESSION, 1997

District 1: W. D. Childers (R), Pensacola**
Holmes, Washington and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 2: Betty S. Holzendorf (D), Jacksonville*
Parts of Alachua, Clay, Duval, Putnam and St. Johns

District 3: Pat Thomas (D), Quincy**
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 4: Charles Williams (D), Tallahassee*
Baker, Dixie, Gilchrist, Hamilton, Lafayette, Nassau, Taylor and parts of Alachua, Bradford, Citrus, Columbia, Jefferson, Leon, Levy, Madison, Marion, Suwannee and Union

District 5: George Grier Kirkpatrick, Jr. (D), Gainesville**
Parts of Alachua, Bradford, Clay, Columbia, Levy, Marion, Putnam, Suwannee and Union

District 6: Jim Horne (R), Orange Park*
Parts of Clay, Duval and St. Johns

District 7: Charles W. (Charlie) Clary III (R), Destin**
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 8: William G. (Bill) Bankhead (R), Ponte Vedra Beach*
Flagler and parts of Duval, Marion, St. Johns and Volusia

District 9: Toni Jennings (R), Orlando**
Parts of Orange and Seminole

District 10: Ginny Brown-Waite (R), Spring Hill*
Hernando and parts of Pasco, Polk and Sumter

District 11: Anna P. Cowin (R), Leesburg**
Lake and parts of Citrus, Marion, Seminole and Sumter

District 12: John Ostalkiewicz (R), Windermere*
Parts of Orange, Osceola, Seminole and Volusia

District 13: John A. Grant, Jr. (R), Tampa**
Parts of Hillsborough and Pasco

District 14: John H. (Buddy) Dyer, Jr. (D), Orlando*
Parts of Orange and Seminole

District 15: Patsy Ann Kurth (D), Malabar**
Parts of Brevard, Indian River and St. Lucie

District 16: Locke Burt (R), Ormond Beach*
Part of Volusia

District 17: Rick Dantzler (D), Winter Haven**
Parts of Highlands, Okeechobee and Polk

District 18: Charles H. (Charlie) Bronson, Jr. (R), Satellite Beach*
Parts of Brevard and Osceola

District 19: Jack Latvala (R), Palm Harbor**
Parts of Pasco and Pinellas

District 20: Charlie Crist (R), St. Petersburg*
Parts of Hillsborough and Pinellas

District 21: James T. (Jim) Hargrett, Jr. (D), Tampa**
Parts of Hillsborough, Manatee and Pinellas

District 22: Donald C. (Don) Sullivan, M.D. (R), Seminole*
Part of Pinellas

District 23: Tom Lee (R), Brandon**
Parts of Hillsborough and Polk

District 24: Katherine Harris (R), Sarasota*
Parts of Charlotte, Lee and Sarasota

District 25: Fred R. Dudley (R), Bonita Springs**
Parts of Collier and Lee

District 26: John M. McKay (R), Bradenton*
DeSoto, Hardee and parts of Highlands, Manatee and Sarasota

District 27: William G. (Doc) Myers, M.D. (R), Hobe Sound**
Parts of Indian River, Martin, Palm Beach and St. Lucie

District 28: Ron Klein (D), Boca Raton***
Parts of Broward and Palm Beach

District 29: Kenneth C. (Ken) Jenne II (D), Ft. Lauderdale**
Hendry and parts of Broward, Collier and Palm Beach

District 30: Matthew J. Meadows (D), Lauderhill*
Parts of Broward and Palm Beach

District 31: James A. (Jim) Scott (R), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 32: Howard C. Forman (D), Pembroke Pines*
Parts of Broward and Dade

District 33: Walter G. (Skip) Campbell, Jr. (D), Ft. Lauderdale**
Part of Broward

District 34: Alberto (Al) Gutman (R), Miami*
Part of Dade

District 35: Tom Rossin (D), West Palm Beach**
Glades and parts of Charlotte, Lee, Martin, Okeechobee and Palm Beach

District 36: William H. (Bill) Turner (D), Miami*
Part of Dade

District 37: Mario Diaz-Balart (R), Miami**
Part of Dade

District 38: Ronald A. Silver (D), North Miami Beach*
Part of Dade

District 39: Roberto Casas (R), Hialeah**
Part of Dade

District 40: Daryl L. Jones (D), Miami*
Monroe and part of Dade

* Holdovers
** Elected General Election November 5, 1996, for a four-year term
*** Elected General Election November 5, 1996, for a two-year term expiring November 1998

OFFICERS OF THE SENATE

Toni Jennings, *President*
Roberto Casas, *President Pro Tempore*
Locke Burt, *Majority (Republican) Leader*
Kenneth C. "Ken" Jenne II, *Minority (Democratic) Leader*

Non-Member Officers

Faye W. Blanton, *Secretary*
Wayne W. Todd, Jr., *Sergeant at Arms*

Journal of the Senate

Number 1—Regular Session **Tuesday, March 4, 1997**

Beginning the Twenty-Ninth Regular Session of the Legislature of Florida convened under the Florida Constitution as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the 4th of March, A.D., 1997, being the day fixed by the Constitution of the State of Florida for convening the Legislature.

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CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Dr. William R. Bright, President, Campus Crusade for Christ, Orlando:

Our Holy Father, creator and Lord of the universe, we bow in reverence before you. We humbly acknowledge you, the God to whom our founding Fathers dedicated this great nation.

You honored the faith and dedication of these men of integrity and America became the most God-blessed nation in history. In your holy word, the Bible, you warned that if we turned away from worshiping you, the true God, that you would withdraw your blessings from us. In this very generation, we as a nation, have officially turned our backs on you. Now, we are experiencing the tragedy of reaping what we have sown.

You commanded us to "do unto others what we would have others do unto us"—to love you, our neighbors, even our enemies. We have ignored your word. You commanded us not to kill, yet we have murdered almost 40 million unborn babies. We are reaping a nation with an epidemic of drug addiction, an epidemic of alcoholism, an epidemic of crime, abortions, divorce, incurable diseases, racism—the list is endless.

You are our only hope. There is no one else to whom we can turn—yet, you have chosen to do your work through men and women—through leaders whom you have raised up to rule over us. To this end, Holy Father, I pray for each member of this august body of the Senate that they will be endowed with special wisdom, love and grace to help bring this great nation back into your loving embrace. That we may truly repent of our evil deeds and experience once again the blessing of heaven.

Thank you for this great country where we still enjoy the freedom to seek after you in different ways through various religions. I come to you, Father, and offer this prayer in the name that is more dear to me than my own life—your only Son, my Lord, Jesus Christ. Amen.

PLEDGE

Senate Pages, Joseph Brian Page of Keystone Heights and Carma Williams of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL GUESTS

The President introduced the following guests: Chief Justice Gerald Kogan, Justice Ben Overton, Justice Leander Shaw, Justice Stephen Grimes, Justice Major Harding, Justice Charles Wells and Justice Harry Anstead; Secretary of State, Sandra Mortham; Attorney General, Bob Butterworth; Comptroller, Bob Milligan; Commissioner of Agriculture, Bob Crawford; Commissioner of Education, Frank Brogan; former Senators, Congresswoman Carrie Meek and Malcolm Beard; and former Secretary of State, George Firestone.

The President recognized the following former Senate Presidents: Mallory Horne, 1972-74; Phil Lewis, 1978-80, and his wife, Maryellen; John Vogt, 1986-88, and his wife, Toni.

THE PRESIDENT'S ADDRESS

We are meeting at a time of relative prosperity. So, today, I ask you to plan for more than just 60 days of salvaging the status quo. Today, we must get a running start on the 21st Century.

With our perfect climate and robust economy, Florida should be the envy of other states. Florida should be one of the best places in the country not just to retire, but to start a business or raise a child.

We cannot guarantee everyone success. That era of big-brother government is over. It doesn't work. But in this chamber, in this year, we can talk about creating an environment for success—within our public schools, within our business community and within government itself.

So today, on this day of beginnings, I want to talk about an ending—a goal for the last day of this session. We must ask: What should Florida's citizens remember about this Legislature?

They should remember we were deliberative, that we thought about what we were doing—really thought about it—and that we finished the final day's work in time for families from Pensacola to Miami to talk about it over dinner that same night.

They should remember that we gave public schools every advantage private schools enjoy, that we decided to reward our best teachers and shed our worst, that we raised the standards of our high school graduates, that we began encouraging our college-bound students with more demanding diploma requirements, and that we worked to insure every youngster reads and computes at grade level before they are promoted.

They should remember that we eased the administrative burdens on school districts, that we encouraged parents to become more involved in their children's education, and that we began an effort to prevent overcrowding problems from standing in the way of first-rate schools or smaller class sizes.

They should remember we worked to insure this better-trained workforce had jobs—high-skill, high-wage jobs; jobs in rural areas; and jobs in inner-cities. Not government "make-work" jobs, but real ones—the kind they produce in the private sector.

They should remember we made government a little smarter, and a lot more worthy of their trust.

These are no small goals. Traveling through the state over the past several months, I have seen some inspiring examples of goal-setting—in business and in our public schools.

Yes, that's right: in the public schools.

For while we often talk about falling short statewide in education, what we too rarely mention are the public schools that should inspire us all—places like Azalea Elementary School in St. Petersburg, where teachers, administrators and even students set their own ambitious goals for learning.

Or Matthew Gilbert Middle School in Jacksonville, a target of Mayor John Delaney's "intensive care neighborhood" program that teaches students not just to be good employees, but good employers as well.

Or Orange Center Elementary School in Orlando, where principal Roy Brooks raised expectations for Orlando's inner-city students and teachers. The result: a 33% increase in reading scores and 144% jump in math scores.

We can even look at nearby Kate Sullivan Elementary right here in Tallahassee, where teachers agreed to hire an aide who would go out into the community to knock on the doors of uninvolved parents so they could become active in their child's education.

Brenda Clark, the principal at Azalea Elementary in St. Petersburg, has a lesson we all should learn about setting goals. In rethinking their school's agenda, teachers, parents and administrators at Azalea came up with this. That big arrow is where the school wants to head in five years. All those little arrows? That's what the Legislature does too often. Brenda Clark calls them RAIs—Random Acts of Improvement—lots of new programs, not much progress.

Now imagine a better approach. Here's what we need to be thinking about: AAIs—Aligned Acts of Improvement. When we think about education, everything we do must be aligned with a single goal: making our students more competitive in the workplace and in the world.

We do not have a public school system to guarantee people jobs. We do not have a public school system as a place to park our children while we do other things. We do not have a public school system to dump money into constructing hurricane shelters.

We have a public school system for teaching and learning. Let that be the measure of everything we do in education.

And let me say this about the overcrowding problem and the suggestion for expanding the gross receipts tax by an average of $24 a year. I—like so many other Floridians—am more than willing to spend another $24 a year on school construction if that extra revenue is needed to assure our students learn. But I am not willing to spend $24 or $5 or even another nickel simply to throw money at a problem where no one is held accountable.

This is the first day of session, not the last. And our public school challenge is about learning, not money or taxes. We will prepare a budget this session, and we will give education a top priority. Let's not rule out anything, but let's work first to live within our means.

We must remember what we talked about in December, when we all gathered—Democrats and Republicans—to establish our guiding principles and common goals. We talked about being a board of directors, one that would regain the trust of our stockholders, the taxpayers. This government must act smart. We must move deliberately. And we must accomplish our priorities in an orderly manner.

That applies to every priority this year.

After scoring a great victory last year with a welfare overhaul that will break generations of dependency and poverty, we are facing a daunting challenge: More than 100,000 new workers will now be joining the workforce over the next several years because of our success. The numbers are even more startling in places such as Hamilton and Hendry counties, where unemployment exceeds the state average and where more than 7% of each county's population now collects welfare.

We cannot meet that demand by creating 100,000 government jobs. The real answer lies, at least in part, with economic development. We will launch a program dubbed J.O.B.S.—Job Opportunities and Business Stimulus. This is a two-year project—one that involves creating a consensus and building on some good foundations, such as our public-private partnership for economic development, Enterprise Florida.

Over dinner on that last day of session, a family in Florida should be able to talk about our progress with the J.O.B.S. Program as well—from our micro-lending program aimed at small entrepreneurs to our brownfield initiative to make vacant inner-city lots more enticing to business. Everything we do should focus on creating an environment for employment growth in the private sector.

Thomas Jefferson said: "Laws are made for men of ordinary understanding, and should therefore be construed by the ordinary rules of common sense." Smart government is common sense. Focusing on job creation as more than 100,000 welfare recipients hit the workforce is common sense. Looking at our entire public school system—not just the buildings or the funding structure—is common sense.

When that family gathers at the dinner table after we have adjourned this session, they will measure our accomplishments—and our mistakes—using that same common sense. Let's not disappoint them.

On this day in March 172 years ago, Tallahassee was chosen as the new capital of Florida, the seat of a government for a state that would eventually see great growth. We have seen many great changes, and now we're on the brink of a new century.

Some of us in this chamber have been here long enough to have been part of historic sessions. Think about what we remember from those sessions. Every time the theme is the same: The Legislature focused on a priority and it acted with courage.

We must begin this session imagining just such an ending—one where our public schools, our business image and the reputation of government itself turns an important corner. And we will do it together, Democrats and Republicans, rural and urban, liberal and conservative.

Our Senate team is going to make a difference.

COMMITTEES APPOINTED

On motion by Senator Meadows that a committee be appointed to notify the House of Representatives that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Gutman, Dudley, Holzendorf, Grant, Jones and Silver. The committee was excused.

On motion by Senator McKay that a committee be appointed to notify the Governor that the Senate was convened and ready to proceed to the

business of the session, the President appointed Senators Jenne, Burt, Dyer, Casas, Dantzler and Brown-Waite. The committee was excused.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Bradley, Carlton, Barreiro, Tobin, Thrasher, Turnbull and Bronson was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-Org. and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Thrasher and Crady—

HCR 1-Org.—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

—was read the first time in full. On motion by Senator Sullivan, by two-thirds vote **HCR 1-Org.** was read the second time by title, unanimously adopted and certified to the House.

BENEDICTION

The following benediction was offered by the Rabbi Merle E. Singer, Temple Beth El, Boca Raton:

A benediction is the prayer that becomes the doorway we walk through, as you our Senators prepare to secure a future that will become the legacy by which we will be remembered.

There is a beautiful saying that comes to us from the heritage of my people: "There is only one thing that is whole in the entire world, and that is a broken heart." Reflect for a moment: here is a world that has not yet been redeemed, a world in which there is tragedy at the root of things. How can a moral and sensitive person walk about with a heart that is not broken or deeply touched by suffering? The broken-hearted...paradoxically and profoundly...are the whole-hearted.

It is said that as a society we are judged by how we take care of those least able to take care of themselves. May we, the citizens, and you, our elected leaders, work together to bridge the gap between our state's wealth and the health, education and security of our children. Let the pain stop and the healing begin. Let our legacy be found in what we do in growing a crop of healthy, safe and education-ready children who will bear good fruit for both the economic security and the public safety of this great state of ours.

Today is a day of celebration, tomorrow and throughout this legislative session begins the work by which the value of this celebration will be determined. How our own and other people's hungers and needs will be dealt with...this is how we shall be judged. And so I close with these words from Elie Wiesel: "The opposite of love is not hate; it is indifference...The opposite of faith is not heresy; it is indifference...The opposite of life is not death; it is indifference."

May you by word and deed bring healing and hope to those who look to you, and thereby leave a legacy whereby this State of ours will be a better place for your having been our leaders.

And so we pray: May God bless you and keep you. May the presence of God be near to you and gracious to you. May the presence of God be lifted to you and grant to you a sensitivity to the hungers and needs of this world, with a heart that is whole. Amen.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 4** was withdrawn from the Committee on Ways and Means and referred to the Committees on Transportation; and Ways and Means; **CS for SB 384** was withdrawn from the Committee on Ways and Means and referred to the Committees on Governmental Reform and Oversight; and Ways and Means; **SB 526** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Regulated Industries; and Ways and Means; **SB 564** was withdrawn from the Committee on Governmental Reform and Oversight and referred to the Committee on Natural Resources; and **SB 830** was withdrawn from the Committees on Commerce and Economic Opportunities; and Community Affairs; and referred to the Committees on Regulated Industries and Community Affairs.

On motion by Senator Burt, by two-thirds vote **SB 18**, **SB 30**, **SB 32**, **SB 80**, **SB 84**, **SB 86**, **SB 88**, **SB 90** and **SB 108** were withdrawn from the committees of reference and further consideration.

On motion by Senator McKay, by two-thirds vote **SB 194** was withdrawn from the committees of reference and further consideration.

On motion by Senator Rossin, by two-thirds vote **SCR 34** was withdrawn from further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 352** was withdrawn from the committees of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 706** was withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committees on Commerce and Economic Opportunities; Executive Business, Ethics and Elections; and Children, Families and Seniors were granted permission to meet this day from 3:30 p.m. until 5:00 p.m.

MOTION

Senator Bankhead moved that following the joint session, the Senate stand in recess until 2:00 p.m. The motion was adopted.

JOINT SESSION

Pursuant to **HCR 1-Org.**, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where they were received in due form. The joint session was called to order by The Honorable Daniel Webster, Speaker of the House of Representatives.

The Lieutenant Governor, members of the Cabinet and justices of the Supreme Court were received and seated.

The Speaker invited Senator Jennings, President of the Senate, and Senator Casas, President Pro Tempore of the Senate, to the rostrum and requested the President to preside over the joint session.

THE PRESIDENT PRESIDING

The President declared a quorum of the joint session present.

Dr. William R. Bright, Campus Crusade for Christ, Orlando, delivered the prayer.

The President led the pledge of allegiance to the flag of the United States of America.

On motion by Representative Sindler that a committee be appointed to notify the Governor that the joint session was assembled to receive his

message, the President appointed Senators Cowin, Clary, Lee, Klein and Campbell; and on behalf of the Speaker, appointed Representatives Jones, Sanderson, Rodriguez-Chomat, Wasserman Schultz, Lawson, Harrington and Boyd. The committee withdrew from the chamber.

The committee appointed to wait upon the Governor subsequently returned to the chamber escorting His Excellency, The Honorable Lawton Chiles, Governor, who was escorted to the rostrum.

SPECIAL GUESTS

The President recognized the following guests: Rhea Chiles, wife of the Governor; Rhea Chiles MacKinnon, daughter of Governor and Mrs. Chiles; Brynne MacKinnon, granddaughter of Governor and Mrs. Chiles.

The President presented the Governor to the joint assembly.

THE GOVERNOR'S ADDRESS

President Jennings, Speaker Webster, members of the Supreme Court, my friend and partner, Lt. Governor Buddy MacKay, members of the Cabinet, members of the Senate and the House of Representatives, my fellow Floridians:

We're blessed to be Floridians and live in this time of great opportunity for our state.

We have much to be proud of this morning: Our crime rate is down for four years in a row; our welfare reforms are taking root—23,000 families have left the welfare rolls since last July; and job creation and personal incomes are up.

Yes, the State of our State is strong, but there is more work for us to do.

This Session is a historic one. For the first time, both the House and Senate are in the control of the Republicans.

I'd like to remind my Republican friends that, to truly lead, you're going to need the help and experience of your Democratic colleagues, and let's remember, a Democrat still sits in the Governor's chair.

Our government power may be divided—but our work doesn't have to be divisive. More than ever, we need each other. Our people expect us to work together.

I believe we've already proven that we can. Together we've worked to reform workers' compensation, end welfare, strengthen our economy and promote jobs.

We've taken major steps to hold criminals responsible and make them serve time for their crimes—and we've created a new juvenile justice department.

We did these reforms not as Democrats and Republicans—we did them as Floridians.

During this session let's continue this good bipartisan work. Let's work to promote safe neighborhoods, safeguard our environment, and protect our elders.

Let's make this the year we begin to restore the people's trust by passing meaningful election reform.

I want to discuss all these issues with you but not today.

Today, I want to speak with you about a journey I've been on. It started in the Florida House, where I served for eight years, and then four years in the Florida Senate.

I took a walk that led me to the U.S. Senate for 18 years. For the past six years I've been proud to serve as your Governor.

I thought I was pretty darn good. I had a lot of answers and proposed a lot of solutions. I knew how to play the game.

Now, 36 years later, I find I didn't even know where first base was. First base is our children. The answer to our most pressing problems begins with the child.

Every one in this chamber, together with all our business leaders, knows that if we want Florida to be a great state... if we want to maintain a high standard of living... if we want to preserve our wonderful quality of life... we must have high-skilled, high-paying jobs.

We also know for Florida to get there, we must greatly improve our education product, but in this quest for improving education, where do we start?

Many would say first grade or kindergarten. Some would say pre-kindergarten.

I submit to you the evidence is now overwhelming. Education must start at gestation.

BRAIN RESEARCH

We've known intuitively that children who are loved and nurtured get along better and are smarter; but now, with a revolution in brain research, we can observe the day-to-day growth of the brain.

We're learning about the tremendous explosion in brain development that occurs from ages 0 to 3. The facts are very compelling. While a child is growing in its mother's womb, its brain adds 250,000 neurons per minute. At birth, a baby's brain contains 100 billion neurons—about the same number of nerve cells as there are stars in the Milky Way. From birth to age 1, the number of brain connections mushrooms from about 50-trillion to 1,000-trillion.

This vast number of connections helps ensure the child can adapt to any environment. The connections that aren't stimulated through voices, sight, touch and other nurturing will eventually die off.

The more words a child hears by the age of two, the larger that child's vocabulary will be.

A three-year-old exposed to music every day has a head start in developing problem solving skills that later become complex math and engineering skills. This phenomenal growth continues through age 3. These connections are the critical foundation for a child's future learning.

By age 10, the majority of the brain's building process has taken place. Once this window of opportunity closes, you have to play catch up, and the cost of that is very high.

These discoveries should inspire us to change the way we develop public policy—from child care, education and welfare reform through criminal justice.

This morning, the United Way of Florida and I had a packet of information on this revolutionary research delivered to your offices. Read this information. You will find that it's not just the scientists, it's not just the children's advocates, and it's not just Lawton Chiles.

I'm including the report of the Committee of Economic Development, a group of America's top CEOs. The top business leaders of this country are beginning to understand how this research can impact their bottom lines.

This is not social "do goodism". This is bottom line common sense. This brain research can help us get way ahead of our greatest problems.

As Florida's leaders, you owe it to yourselves and to your constituents to learn as much as you can about this research because the implications are so dramatic.

Science is lighting a new path that shows how nurturing our children can begin to change the destructive cycle so many of our people are on. Let's follow that path.

PROMOTING FAMILIES

A child is the most wonderful gift in the world. We know successful children start with good parents. Parenting can be a very tough job, and parents need all the help they can get.

For today's parents, Grandma is a thousand miles away and the neighbors are at work. The support system that we grew up with is not there.

Government doesn't raise children—parents do. The state has a role, but the state can't be a parent.

The state CAN invest in community-driven programs to help.

If we want kids to be ready to achieve when they start school, then we must ensure all kids are loved and nurtured before they turn five whether they stay at home or are in child care. We can do this by promoting quality child care, fully funding prekindergarten and supporting parents in their role as a child's first teacher. There are some wonderful models working in our state where communities have partnered with the private sector and are doing great things for our kids.

Let's work to replicate them and challenge our business community to play an even greater role and support parents in raising healthy children. We need more good ideas from the private sector like Take Stock in Children. More businesses need to follow the lead of firms like Honeywell and Barnett Banks who have made a commitment to support their workforce with parent education and child care assistance.

QUALITY CHILD CARE

Babies who aren't nurtured, stimulated and loved, develop brains 20 to 30 percent smaller than normal. On the other hand, studies show you can raise a child's IQ 20 points by exposing them to an enriching environment. Just think of the implications this has for our welfare reform effort.

We know adequate child care is critical to making welfare reform work. That's why I'm asking to use WAGES savings to provide child care for those transitioning off welfare. Yet, if we are going to require a mother transitioning off welfare to put her three-month-old in child care, we have to ensure that setting is a good place for that child to be. It can't be CUSTODIAL day care; it must be QUALITY child care.

While we promote child care for WAGES participants, we also must help workers on the welfare margins.

We shouldn't punish people who stay off welfare by working hard and struggling to make ends meet. We know that, for these families, affordable quality child care is an oxymoron. Quality child care is expensive. For an office assistant earning minimum wage, with two children, child care can eat up most of that working mom's paycheck. If we want to make work pay, let's fund our subsidized child care waiting list. That's the best way to keep people off welfare.

TEEN PARENTS

As a country and as a state, we are deeply divided on the question of abortion... whether it should be permitted at all... and if so, when it should be allowed and under what circumstances. We do not have to be divided on the issue of teen pregnancy. One third of teen pregnancies end in abortion.

We know children born to teens are more likely to live in poverty, to be raised by a single parent and are more likely to become teen parents themselves. The federal government is challenging the states to reduce teen pregnancy without increasing abortion. They're offering the carrot of $20 million to the first five states who make the greatest progress. Work with me to develop a strategy to accomplish this goal. This is the kind of challenge that both Democrats and Republicans ought to be able to take up.

PROMOTING ADOPTION

We've also worked hard to promote adoption in Florida. I'm proud that we've found homes for nearly 1,600 kids last year. That's an 80 percent jump over 1990.

We established an Internet home page and it's been a very popular site. Since July, we've had 12,000 hits on our web site. I'm pleased to tell you that we're about to have our first adoption off of the home page.

Angelo and Marion Figueroa, of Fort White, were interested in adoption and found a four-year-old child named Nate on our home page. It was love at first sight. Nate has been placed with the Figueroas since January and the adoption should soon be finalized. We need to help more people like Angelo and Marion Figueroa adopt Florida children.

Let's fund the adoption subsidy that helps families provide a loving home for a child who has been abused, neglected or abandoned.

PREVENTING CHILD ABUSE

Science is finding that violent experiences in early childhood can lead to brain dysfunction. That's why we must ensure our children grow up in nurturing homes free from violence and abuse. There is a cycle of abuse that grips too many families—with the abused becoming the abuser. We must end that cycle.

Often, where there is domestic violence, there is child abuse. Even when domestic violence is only witnessed by a child, that is child abuse just the same.

Thank you for helping place Florida in the forefront of preventing family violence. Our good work has led to a higher awareness of domestic and sexual violence, and it's helping to prevent child abuse; however, last year, 91 Florida children died from child abuse.

The facts on these cases are heart-wrenching, but their stories are real—and they're repeated time and time again.

Bradley McGee, Lucas Ciambrone and more recently Kendia Lockhart with each of these high profile cases, we ask, "Why? How could this happen?"

The names change, the answers stay the same.

We must strengthen the corps of people working in our communities to keep our children safe and sound.

I recently had the opportunity to shadow a few of our child protective services workers for part of their day. It was an eye-opening experience.

I encourage you to take some time and go out with these workers. See where they have to go and what they are dealing with. You'll find that they are not the Gestapo. They're closer to guardian angels. Go see for yourself. They are overworked and don't get the support they need.

We need to invest in these workers and pass a training and pay plan that rewards competency. This will help us retain the best workers in this most critical job and help them make the smart decisions we demand they make.

STRENGTHENING EDUCATION

Education is the primary children's issue that we'll address during this session. We all have our individual lists of what SHOULD be done to improve our schools. Perhaps we could focus on a short list of what MUST be done.

I think we would all agree that we must increase school standards, reduce crowded schools and make schools a safe place for our kids.

PROMOTING HIGHER STANDARDS

We need to start by challenging every parent to have their children reading by the end of the first grade. We can help by providing one-on-one instruction for first graders who need help learning to read. Let's do this. We can't afford to leave any child behind.

We've all seen the studies that show only 54 percent of students have the math, reading and writing skills to succeed in college. We know that, more than ever, students need higher skills to succeed in the workplace. That means we must expect more of them throughout their school days.

How long will we pay $57 million per year to remediate students at the community college level who don't have adequate reading, writing and math skills? How long will we pay $126 million for drop out prevention programs?

Florida is ahead of the nation on setting standards. Our efforts in math are already receiving national attention. We can do better.

Kids ought to be able to read, write and do math at their grade level. Those who don't should receive the help they need.

Our children ought to have critical thinking skills, and ought to be able to apply that knowledge in their studies—and in their lives.

And every high school graduate in Florida should know and understand basic Algebra.

If you send me a clean bill to raise school standards, I will sign it. Let's make that the first piece of business this session.

ENDING SCHOOL OVERCROWDING

Last year, after I returned from the National Education Summit, I asked Lt. Governor MacKay and Dr. Jack Critchfield, CEO of Florida Progress Corporation to lead a Governor's Commission on Education.

This two-year citizen's panel is made up of some of the state's top leaders. Its first recommendation is that we take immediate action to end overcrowding in our schools.

You'll recall, this isn't the first time Florida's faced an overcrowding problem. Less than four years ago, we faced an overcrowding problem in our prisons. The need was so urgent that I called you back in a special session to address it.

We made room for CRIMINALS in our PRISONS. Now, I challenge you to make room for CHILDREN in our SCHOOLS.

I understand the concerns that many of you have when you say waste helped put our schools in this hole, but I don't think our schools wasted $3 billion.

We must take action. Standing room only classrooms are a roadblock to our children's education.

Let's adopt the Education Commission's recommendation. Let's EXPAND the gross receipts tax as a tool to SHRINK class sizes in our state. Let this be the session where the districts get every tool they need to end school overcrowding.

PROMOTING SAFE SCHOOLS

Our schools also must be "safe zones" for our children to learn. Recently, I attended a town meeting on school safety in West Palm Beach.

At that meeting, I heard from the mother of Johnpierre Kamel. Her 14-year-old son was shot to death recently during a school yard argument over a watch. She gave moving testimony on why we must stop the violence.

I was impressed that this mother, who just lost her son, spoke with love and not vengeance in her heart.

Whether it's fists or firearms, this tragedy illustrates why we must expand our safe schools program. We must provide a secure place for teachers to teach and children to learn.

OPENING THE DOOR TO HIGHER EDUCATION

Higher standards, smaller classrooms and safe schools are the basics when it comes to helping our kids learn. Our economy demands that we also must provide a quality higher education for our children.

I trust we will move forward and increase college tuition. This will continue our goal to create a world-class university system.

Last year, the Legislature took a great step to restore the Lottery's promise. I want to thank you for creating the Lottery Scholarship program, but there was a slight oversight. There were no dollars provided for the program. I've taken care of that in my budget. I know you will, too.

With the higher college tuition though, we must ensure we don't price out our neediest students.

It's important to reward educational achievement, but we need to look at all our financial assistance programs—including the lottery scholarship—to provide more for needy students.

FIGHTING TOBACCO

As we are talking about how to promote our children's education, we must ensure that they learn about being healthy.

Every year, 40,000 of our Florida kids start smoking. That's the equivalent of three classrooms full of kids that start smoking every day. One-third of those children will die from a smoking-related injury. Why is this happening?

"Tobacco is a 'highly... effective and cheap drug' and cigarettes are a 'drug' administration system." That's not me talking. That's a quote from a memo written by a researcher for British American Tobacco Industries, the parent company of Brown & Williamson Tobacco Corporation.

That, and a number of other "secret" documents are coming to light from our lawsuit and others around the nation. They're showing that the tobacco cartel has known for a very long time how addictive its products are.

Last year, tobacco became the leading cause of death in our state—killing more Floridians than murders, car crashes, suicides, AIDS and fires combined.

Cigarettes have served as a gateway to illicit drugs for too many of our children. A study of Florida teens who smoke or use other tobacco products show they are:

- three times more likely to drink alcohol
- six times more likely to use marijuana
- eight times more likely to use cocaine.

We know there are ways to protect our kids from tobacco. California has shown the way by implementing a comprehensive tobacco education program. That program has helped decrease smoking in the state by 40 percent.

I've proposed a 10-cent hike in the cigarette tax to help educate our kids about tobacco. If we could decrease smoking in this state by 40 percent, we would realize tremendous savings. Please join me in protecting our kids from tobacco.

MAKING INVESTMENT ON THE FRONT END

Can we afford to experiment with these front-end investments? Our experience demonstrates that these front-end investments save dollars.

Six years ago we made a commitment to prenatal care and established Healthy Start.

We've brought infant mortality down by 23 percent to well below the national average. We've saved at least 1,500 lives because of our investment in prenatal care.

More than that—we have thousands of kids born healthy at full-term. The savings from this are great.

I had the pleasure of being escorted to the chamber this morning by some of the children whose futures are brighter because of our smart investment that we started five years ago. We need to expand this ground breaking effort to help even more of our children.

Since 1990, through community partnerships with Kiwanis of Florida, Healthy Start and the Department of Health, we've increased immunization levels among two-year-olds by 21 percent. Now, more than 80 percent of our two-year olds are immunized.

For every dollar we spend to immunize our child from measles, mumps and rubella we save more than $14 in health care costs. More than that, we don't have to worry about a massive outbreak of these preventable childhood diseases anymore.

To improve education, we also must ensure our kids are healthy when they get to school. We know a sick child can't learn. That's why I'm asking you to help us expand the Healthy Kids program.

We've reduced emergency room visits by up to 70 percent in Healthy Kids counties. School attendance and grades are up among children participating in the program. We currently serve nearly 30,000 children in 16 counties. Let's boost the program and triple the number of kids in the program and expand it to 12 more counties this year.

Does your county have a Healthy Kids program? If it doesn't, maybe this is the session you need to ask, "Why Not?"

We've seen our front-end programs that bear tremendous fruit. It's the back end programs that are gnawing away at our budget year after year.

Over the past six years, funding for prisons has grown by two-thirds and juvenile justice funding has jumped by half. We've taken the necessary steps to keep criminals locked up for at least 85 percent of their sentences. There are no waiting lists for admission to our prison system.

We do have a waiting list for prekindergarten—and there are 13,000 children on it.

We do have a waiting list for women who need Healthy Start—there are 30,000 mothers on it.

We do have a waiting list for child care so parents can go to work—there are more than 30,000 children on it.

When you look at the budget, you see we've got it backwards. For every dollar Florida spends on prevention services for kids, we spend $2.50 directly on prisons, juvenile justice and other back end items.

It's not an either or. We can't stop the back end programs. They deal with the results of our neglect, but do we want to do something that will reduce the percentage of our budget that goes to these programs?

Let's take a hard look at the way we develop our budget. Let's ensure our kids have a seat at the table when conference committee time comes around.

I know many of you sincerely believe that we can't afford to pay for these things, but none of us said we can't afford to make felons serve longer sentences.

We don't say we can't afford to build the level 8 and 10 beds to take dangerous juveniles off the street.

We had to do that. I submit we can't afford not to fund these front-end programs for our kids. It's pay now or pay more later, and we are paying more later. Too much more.

STATE OF THE STATE: STATE OF OUR CHILDREN

As Governor, it is my privilege to be able to address the Legislature each year and discuss the state's most important issues. Although this is called the "State of the State", I think the real question is: What is the state of our children?

Today the answer is poor, but the answer for the future lies in the action you take during this session.

Five hundred kids are born in Florida every day. Thirty thousand will be born during this Legislative Session.

How they fare will answer the questions of whether we will have that higher-skilled, higher-paid workforce or a mediocre state rife with problems and unhappy people.

My journey has made a big circle. It has brought me back to the beginning. All my years, all my gray hair, all my failures and successes tell me children is where it's at.

My message is simple: To be a successful state, we must nurture successful children and that begins at gestation.

Today, the game begins.

Let's not forget first base.

DISSOLUTION OF JOINT SESSION

Following the Governor's address, the committee previously appointed escorted the Governor from the rostrum and from the House chamber, followed by the Lieutenant Governor, members of the Cabinet and justices of the Supreme Court.

On motion by Senator Bankhead, the joint session was dissolved at 12:21 p.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

AFTERNOON SESSION

The Senate was called to order by the President at 2:06 p.m. A quorum present—39:

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

REPORTS OF COMMITTEES

The Honorable Toni Jennings *February 18, 1997*
President

Dear President Jennings:

The Committee on Rules and Calendar respectfully recommends a revision to the following Senate Rules:

2.6 and 2.19—increasing meeting notices from two to four hours for certain committee and conference meetings

4.3—reversing the daily order of business regarding Bills on Third Reading and Special Order Calendar

4.6, 4.9 and 4.14—allowing for introduction, reading and adoption of some resolutions

4.17—requiring the special order calendar to be set two days in advance of consideration

4.81—relating to the claim bill process

7.1—requiring that floor amendments be filed by 5:00 p.m. of the day before consideration; and technical/typographical changes to the following Senate Rules:

1.351; 1.361
2.10; 2.15; 2.39
3.1; 3.10
4.20

These changes are attached hereto and by reference made a part of this report.

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

2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for *at least four (4)* ~~two (2)~~ hours in advance of the meeting. The chairman of a committee or subcommittee or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.19—Conference committee in deliberation

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. *Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least four (4) hours in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.*

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);

2. meetings between a majority of the members of ~~the conference committee or~~ any subcommittee of the conference committee;

3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Ways and Means.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. *Consideration of bills on third reading*

9. ~~8.~~ Special Order as determined by the Committee on Rules and Calendar

~~9. Consideration of bills on third reading~~

10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

First reading of bills shall be accomplished by publication of the title thereof in the journal pursuant to Article III, Section 7 of the Florida Constitution as amended.

4.6—Reference generally; final days for introduction of bills and resolutions

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county.

When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

All Senate bills filed for introduction after 12:00 noon on the first day of the regular session (except for the general appropriations bill, local bills, and joint resolutions) ~~and resolutions filed after the thirtieth day~~ shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.9—Reference of resolutions and veto messages

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, *except that resolutions of condolence or commemoration may be shown as introduced, read and adopted by publication in full in the Journal.* All veto messages shall be referred to the Committee on Rules and Calendar.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, *except that resolutions of condolence or commemoration may be shown as introduced, read and adopted by publication in full in the Journal.*

4.17—Special order calendar; consent calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by the membership of the legislature as permitted under the Constitution, the Chairman of the Committee on Rules and Calendar or the Chairman's designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's designee, the Minority Leader or the Minority Leader's designee, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. ~~During the first fifty (50) days of a regular session, except~~ *Except* for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of those present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily passed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All consent calendar bills must have appeared on the printed Senate calendar.

4.81—Claim bills

a. Claim bills are of two types: excess judgment claims filed pursuant to section 768.28(5), Florida Statutes, and equitable claims filed without an underlying excess judgment.

b. All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by at least two-thirds (2/3) vote of those present.

c.~~b.~~ All claim bills shall be *referred by the President to one or more committee(s) for review.* ~~first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages.~~ *If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice.* Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations *no later than December 1.* The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

d.~~c.~~ On receipt of the Special Master's report and recommendations, *if any,* the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

~~d. On receipt of the Special Master's report and recommendations concerning an equitable claim that is unsupported by an excess judgment, the committee chairman shall refer the claim bill and Special Master's report to a standing subcommittee or select subcommittee, as appropriate, to consider and make a recommendation to the committee thereon. A select subcommittee shall consist of not less than three members of the Senate representing geographic areas outside that from which the claim bill arises and shall notice, hear and report each claim bill and Special Master's report referred to it in the same manner as any other bill.~~

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

7.1—General form; notice; manner of consideration

No amendment *to a bill on the Special Order Calendar* prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate *no later than 5:00 p.m. the day prior to the day* ~~at least two (2) hours before the time~~ that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the

Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, have been withdrawn from further consideration by the sponsor, and bills the substance of which have not been reported favorably by all committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

1.351—Food and b~~B~~everage p~~P~~rohibited

(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist.

(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:

(1) from a relative as defined in Joint Rule 1.4 (2);
(2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law;
(3) in connection with his or her outside business or employment activities, as exempted by *section* ~~s.~~ 112.312(12)(b)1., *Florida Statutes* ~~F.S.~~;
(4) consumed incidental to a reception or gathering of constituents, not to exceed a value of $25.00;
(5) consumed at a special event; or
(6) consumed at an honorarium event.

(c) As used in this rule the term:

(1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d).
(2) "food or beverage" has the meaning ascribed in Joint Rule 1.4(3)(c).
(3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(i).
(4) "honorarium" has the meaning ascribed in *section* ~~s.~~ 112.3149(1)(a), *Florida Statutes* ~~F.S~~.

1.361—Solicitation of c~~C~~ampaign c~~C~~ontributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar ~~and the Sergeant at Arms~~ for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee *administrative assistant* ~~secretary~~ no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee *administrative assistant* ~~secretary~~, and made reasonably available by the committee *administrative assistant* ~~secretary~~ before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee *administrative assistant* ~~secretary~~ on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.39—Amendments; form, notice, manner of consideration

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee *administrative assistant* ~~secretary~~ at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee *administrative assistant* ~~secretary~~ before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the commit-

tee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

3.1—Form of bills

All bills shall contain a proper title, as defined in Article III, Section 6 of the Constitution, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:". The title of each bill shall be prefaced by the words, "A bill to be entitled An act". Standard rules of capitalization shall apply.

The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, Florida Statutes) or the Laws of Florida shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended.

In general bills and joint resolutions that propose to create or amend existing provisions of the Florida Statutes, Chapter Laws of Florida, or of the Florida Constitution, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See *s. [number]* ~~Section ...~~, F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

Section catchlines of existing text shall not be typed with underlining.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by machines as used in banks for validating or *canceling* ~~cancelling~~ checks or other documents, or made by any other device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary *and the enrolling report shall be published*~~, and the fact of such signing shall be noted~~ in the Journal.

MOTION

On motion by Senator Bankhead, the report of the Committee on Rules and Calendar was adopted. The vote was:

Yeas—39

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

Nays—None

The Honorable Toni Jennings *February 18, 1997*
President

Dear President Jennings:

The Committee on Rules and Calendar, in addition to its report on revisions to the Senate rules, recommends that you consider the following changes to Senate policy:

1. New business should not be considered during the last day of regular session.
2. Rule 4.19 should not be routinely waived and a bill should be read for its second and third time on different days.
3. Amendments prepared on the floor should be entered into the chamber automation system prior to being taken up for debate and vote.
4. The current policy on germanity should be printed in the back of the rule book for reference.

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

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the daily order of business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may clear the area.

1.4—The President's authority and signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment or other papers shall issue without the signature of the President. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the legislature. The President of the Senate and the Chairman of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a Member of the Senate (whether in the legal capacity of Senator or taxpayer), a former Member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(a) The President may name any Senator to perform the duties of the chair.

(b) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(c) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(d) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Designation of the Secretary of the Senate

The Senate shall designate a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute; (3) the status of each bill, i.e., whether on second or third reading; (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. The Secretary shall distribute the daily calendar for the information of the legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, subpoenas, and authorizations for payment issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay; and each shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the Senate Legal Research and Drafting Services where they may be held a maximum of two days for research and summary. Special notice of the summaries shall be given to each Senator.

The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and

further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the legislature shall be entitled to an amicable transition period not to exceed one month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. Upon proper application by the legislative assistant of a deceased Senator, a one-month transitional period with pro rata salary for the staff may be approved by the President to close out the deceased's Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the same hours of employment as regular Capitol employees. Part-time employees and Senator's personal aides shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, Florida Statutes.

1.33—Secretary; supervision of employees

All secretaries, stenographers, typists, verifiers, and other clerical assistants not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.351—Food and beverage prohibited

(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist.

(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:

(1) from a relative as defined in Joint Rule 1.4 (2);
(2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law;
(3) in connection with his or her outside business or employment activities, as exempted by section 112.312(12)(b)1., Florida Statutes;
(4) consumed incidental to a reception or gathering of constituents, not to exceed a value of $25.00;
(5) consumed at a special event; or
(6) consumed at an honorarium event.

(c) As used in this rule the term:

(1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d).
(2) "food or beverage" has the meaning ascribed in Joint Rule 1.4(3)(c).
(3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(i).
(4) "honorarium" has the meaning ascribed in section 112.3149(1)(a), Florida Statutes.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation of campaign contributions

A Senator shall neither solicit nor accept any campaign contribution during the sixty-day regular legislative session on the Senator's own behalf or on behalf of a political party or on behalf of a candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

(b) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(c) For purposes of this rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee.

1.44—Notice required for certain meetings

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

1. meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

2. meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;

3. steering meetings of the chairman of the Committee on Ways and Means with the chairmen of the standing subcommittees of the Committee on Ways and Means; and

4. meetings called by the President or the President's designee, of a majority of the chairmen of the Senate's standing committees.

(b) Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

All legislative committee and subcommittee meetings and joint conference committee meetings, shall be open and noticed to the public.

All prearranged gatherings, between more than two members of the legislature, or between the Governor, the President of the Senate, or the

Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

In cases of conflict between this rule and any other rule of the Senate the rule providing greater notice or public access shall prevail.

1.443—Reapportionment Information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated or maintained by the former Committee on Reapportionment.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

The following standing committee, standing subcommittee and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via the Legislative Library Division of the Joint Legislative Management Committee: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate rule until transferred to the Division of Library and Information Services of the Department of State via the Legislative Library Division of the Joint Legislative Management Committee. Records not transferred may be otherwise disposed of or destroyed.

The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such a special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate rule to be created.

Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

For the purpose of this rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

The following public records are exempt from inspection and copying:

Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, Florida Statutes, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), Florida Statutes, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

Records prepared for or used in executive sessions of the Senate until 10 years after the date on which the executive session was held.

Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committee's records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

For purposes of this section, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated, by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

Agriculture
Banking and Insurance
Children, Families and Seniors
Commerce and Economic Opportunities
Community Affairs
Criminal Justice
Education
Executive Business, Ethics and Elections
Governmental Reform and Oversight
Health Care
Judiciary
Natural Resources
Regulated Industries
Rules and Calendar
Transportation
Ways and Means
- Subcommittee A (General Government)
- Subcommittee B (Education)
- Subcommittee C (Human Services)
- Subcommittee D (Criminal Justice)
- Subcommittee E (Finance and Tax)

Each standing committee or the chairman thereof may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate shall be promptly notified of the appointment of select subcommittees, their assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules of Procedure regulating standing subcommittees, except that select subcommittees shall exist only for the time necessary to complete their assignments and report to their standing committees, and not to exceed thirty (30) days. The advisory reports by select subcommittees whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those present.

2.2—Powers and responsibilities of committees

Permanent standing committees and standing subcommittees are authorized: (a) to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area; (b) to invite public officials, employees and private individuals to appear before the committees or subcommittees to submit information; (c) to request reports from departments performing functions reasonably related to the committees' jurisdictions; and (d) to complete the interim projects assigned by the President.

In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

In order to carry out the committee's duties, the chairman of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chairman. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

Before a regular session of the legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation, and file same with the President of the Senate and the Secretary of the Senate.

Before a regular session of the legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation, and submit same to the chairman of the standing committee for consideration by such committee.

Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his or her absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting. The chairman of a committee or subcommittee or in his or her absence, the vice-chairman, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

At least seven (7) days prior to the meeting of a standing committee or standing subcommittee, while the legislature is not in session, a notice of the meeting, stating the number of each bill to be considered, date, time, and place, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of hearing; publication

For publication in the daily calendar, notice of standing committee or standing subcommittee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Hearing notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after 50th day

Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

The Committee on Rules and Calendar or the Special Order Calendar designees provided for in Rule 4.17 shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m. This scheduling shall not limit the powers of the chairman of a standing committee or subcommittee as provided in these Rules.

Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar for evening or other special meetings. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant or committee staff member, or any other representative having written permission to speak for the bill. Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.

2.12—Order of business

Bills shall be considered in the order appearing in the notice required by these Rules, except that the chairman may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

A bill shall be considered out of its order on the committee calendar on unanimous consent of those present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Time for consideration of bills

A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those present. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Ways and Means during the first thirty (30) days of a regular session.

Except by unanimous consent of those present, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one Senate committee.

2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment(s), (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably. The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of those present in session.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed with the committee administrative assistant no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee administrative assistant, and made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

All standing committee reports shall be signed by the chairman or, in his or her absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

It shall be the duty of standing subcommittees to report all measures referred to them directly to the parent standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either (a) favorably, (b) favorably with committee amendments, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the subcommittee on the motion to report each bill or resolution.

In reporting a bill to the parent standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the parent standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the parent standing committee in the same manner as a favorable report.

All standing subcommittee reports shall be signed by the chairman or, in the chairman's absence, the vice-chairman and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of the committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except on vote of two-thirds (2/3) of the standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Ways and Means for inclusion in the general appropriations bill.

2.17—Quorum of committee

A committee or standing subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Prefiled bills

On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chairman of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chairman shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chairman of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.

Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Ways and Means shall not be required to file such report of a prefiled bill defined in these Rules.

A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the legislature shall be reported unfavorably without notice or hearing.

2.19—Conference committee in deliberation

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least four (4) hours in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the Committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);

2. meetings between a majority of the members of any subcommittee of the conference committee;

3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Ways and Means.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chairman and Vice-Chairman

A chairman and a vice-chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chairman for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chairman, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chairman or, in the chairman's absence, the vice-chairman, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chairman or vice-chairman may require participants in the disturbance to clear the room.

2.23—Chairman's authority; appeals

The chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chairman shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chairman to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chairman may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chairman, Vice-Chairman; vote

The chairman and vice-chairman shall vote on all matters before such committee. The name of the chairman shall be called last.

2.25—Temporary alternate to Chairman

The chairman may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chairman's absence and/or omission to make such appointment, the vice-chairman shall act during his or her absence.

2.26—Vice-Chairman's duties

On the death, incapacitation, or resignation of the chairman, the vice-chairman shall perform the duties of the office until the President shall appoint a successor. In the absence of the chairman, the vice-chairman shall act as chairman.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

The chairman may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chairman of the committee, shall constitute automatic withdrawal from the committee.

No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

The chairman shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by three (3) members the chairman shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

A Senator may request to (a) change his or her vote or (b) vote before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chairman shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chairman. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chairman, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chairman, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

When a question is under debate, the chairman shall receive no motion except:

1. To rise
2. To take a recess
3. To reconsider
4. To limit debate
5. To temporarily pass
6. To postpone to a day certain

7. To commit to a select subcommittee
8. To amend

which shall have precedence in the descending order given.

The chairman shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments; form, notice, manner of consideration

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee administrative assistant at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chairman, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chairman" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chairman's power to recognize

When two (2) or more Senators speak at once, the chairman shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by rising to a question of privilege, a point of order requiring an immediate ruling, an appeal from the decision of the chairman concerning a point of order (if the appeal is made immediately following the decision), a parliamentary inquiry requiring an immediate reply, or to question the existence of a quorum. The chairman shall strictly enforce this Rule.

2.48—Speaking rights

When a member is speaking and another member interrupts to request recognition, the chairman may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chairman.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chairman is by appeal. An appeal from a decision of the chairman must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chairman. This second decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chairman on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

All bills shall contain a proper title, as defined in Article III, Section 6 of the Constitution, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:". The title of each bill shall be prefaced by the words, "A bill to be entitled An act". Standard rules of capitalization shall apply.

The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chairman, enough of the title for identification.

Bills that propose to amend existing provisions of the Florida Statutes (as described in section 11.242, Florida Statutes) or the Laws of Florida shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended.

In general bills and joint resolutions that propose to create or amend existing provisions of the Florida Statutes, Chapter Laws of Florida, or of the Florida Constitution, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the Constitution, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:". Each joint resolution shall be prefaced by the words: "A Joint Resolution . . . . ".

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:".

3.6—Form of resolutions; Senate and concurrent

All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the Constitution. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:". Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:".

Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Introduction during session

To facilitate processing and committee referencing, all bills shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first day of the regular session.

Between regular sessions of the Legislature, bills may be prefiled by delivery to the Secretary of the Senate.

3.8—Prefiled bills

A prefiled bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first day of the succeeding regular session.

The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the chairman of the first or only committee of reference. A copy of each prefiled bill shall be provided each Senator. The Secretary shall mail regularly to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to

the Constitution, Laws of Florida, and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

If a committee fails to deliver its report of a prefiled bill prior to seven (7) days next preceding the convening of a regular session or, if a prefiled bill has received a reference to more than one (1) committee and less than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been prefiled.

Notwithstanding these Rules, a Senator may, during the day of introduction of prefiled bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those present.

3.9—Printed copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be printed by the Secretary for the information of the Senate and the public. The absence of a printed copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Ways and Means shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Ways and Means meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by machines as used in banks for validating or canceling checks or other documents, or made by any other device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second or third reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the rules by two-thirds (2/3) vote of those present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Ways and Means.

3.13—Fiscal notes

Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 9:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. Consideration of bills on third reading
9. Special Order as determined by the Committee on Rules and Calendar
10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

First reading of bills shall be accomplished by publication of the title thereof in the journal pursuant to Article III, Section 7 of the Florida Constitution as amended.

4.4—Committee of the whole

By a majority vote of those present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only on two-thirds (2/3) vote of those present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the Constitution, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally; final days for introduction of bills and resolutions

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar, through staff analysis, has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills. When the Committee on Rules and Calendar, through staff analysis, determines a bill is not local in nature, a report stating the reasons therefor shall be furnished to the President of the Senate who shall refer such bill to an appropriate standing committee for hearing. Such determination and report shall be made within fifteen (15) legislative days from date of reference.

All Senate bills filed for introduction after 12:00 noon on the first day of the regular session (except for the general appropriations bill, local bills, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except on two-thirds (2/3) vote of those present. If a committee reports a committee substitute favorably, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement or county or municipal spending

All bills authorizing or substantially affecting appropriations and all bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Ways and Means. All bills substantially affecting a state-funded or state-administered retirement system shall be referred to the Committee on Governmental Reform and Oversight. All bills which are affected by the provisions of Article VII, Section 18, Florida Constitution shall be referred to the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program or expenditures or revenues as set forth in Article VII, Section 18, Florida Constitution shall, before being placed before the Senate for final passage, be referred along with all amendments to the Committee on Ways and Means, or the Committee on Governmental Reform and Oversight, or the Committee on Community Affairs, as appropriate for review and recommendation to the Senate which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions and veto messages

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration may be shown as introduced, read and adopted by publication in full in the Journal. All veto messages shall be referred to the Committee on Rules and Calendar.

4.10—Reference to different committee or removal

When the President has referred a bill, a Senator may, no later than under the Order of Business of "Motions Relating to Committee Reference" on the following legislative day on which the Senate meets, move for reference to a different committee or for removal from any committee

after filing a card with the Rules Chairman signed by the chairman of the affected committee and the chairman of the Committee on Rules and Calendar. This motion may be adopted by a two-thirds (2/3) vote of those present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless two-thirds (2/3) of those present decide otherwise as provided in the Constitution under Article III, Section 7.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless two-thirds (2/3) of those present decide otherwise. If the reading on the second day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration may be shown as introduced, read and adopted by publication in full in the Journal.

4.15—Referral or postponement on third reading

On the third reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Ways and Means) or amended (except a corrective or title amendment) without consent of two-thirds (2/3) of those present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those present shall be given or refused without further debate.

4.17—Special order calendar; consent calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by the membership of the legislature as permitted under the Constitution, the Chairman of the Committee on Rules and Calendar or the Chairman's designee, the Vice-Chairman of the Committee on Rules and Calendar or the Vice-Chairman's designee, the Minority Leader or the Minority Leader's designee, and two (2) other members of the committee designated by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first day, each Special Order Calendar shall be for the second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of those present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily passed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his or her committee. All consent calendar bills must have appeared on the printed Senate calendar.

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Committee on Rules and Calendar or its designees and approved by the President.

4.19—Order after second reading

The order of disposition of a bill that has been read the second time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.81—Claim bills

a. Claim bills are of two types: excess judgment claims filed pursuant to section 768.28(5), Florida Statutes, and equitable claims filed without an underlying excess judgment.

b. All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by at least two-thirds (2/3) vote of those present.

c. All claim bills shall be referred by the President to one or more committee(s) for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The

Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations no later than December 1. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

d. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?". And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

After the result of the vote has been announced by the President, a Senator with unanimous consent of those present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote wrongfully in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

Pairing shall be permitted only on the absence of a Senator excused from attendance and shall specifically state, in writing, the bill or bills to which the pair applies.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

When a question is under debate, the President shall receive no motion except:

1. To adjourn
   (a) Instanter
   (b) At a time certain
2. Questions of privilege
3. To take a recess
4. To proceed to the consideration of executive business
5. To reconsider
6. To limit debate
7. To temporarily pass
8. To postpone to a day certain
9. To commit to the Committee of the Whole
10. To commit to a standing committee
11. To commit to a select committee
12. To amend
13. To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets. If the question has been decided by voice vote, any Senator may so move. Such motion may be made pending a motion to adjourn or if it is time to adjourn. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in

order except on unanimous consent of those present. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of those present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those present is necessary for adoption or passage, any Senator may move for reconsideration.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the Constitution for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the Constitution for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

No amendment to a bill on the Special Order Calendar prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in the chairman's absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, have been withdrawn from further consideration by the sponsor, and bills the substance of which have not been reported favorably by all committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

Amendments may be adopted on second reading by a majority vote of those present and on third reading by a two-thirds (2/3) vote of those present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those present on third reading.

7.3—Sequence of amendments to amendments

An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted on before the substitute is taken up. Only one amendment to the amendment is in order. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

After the reading of a House amendment to a Senate bill, the Senate may: (1) amend the House amendment, (2) concur in the House amendment, (3) refuse to concur in the House amendment and ask the House to recede, or (4) request a conference committee. The adoption of all the foregoing motions shall be by majority vote of those present.

7.9—House refusal to concur in Senate amendment

If the House shall refuse to concur in a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede, (2) that the Senate insist and ask for a conference committee, or (3) that the Senate insist. The adoption of any of the foregoing motions shall be by majority vote of those present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President", and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

No Senator shall be interrupted by another without the consent of the Senator who has the floor, except:

1. by rising to a question of privilege;
2. by rising to a point of order requiring an immediate ruling;
3. by appeal from the decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
4. a parliamentary inquiry requiring an immediate reply; or
5. a question of no quorum.

The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by two-thirds (2/3) vote of those present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

Questions of privilege shall be: first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of Senators individually, in their representative capacity only. These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying

the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules and the laws of Florida, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

None of the persons entitled to admission shall be admitted if registered pursuant to Rule 9.

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All male persons on the main floor of the Senate and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats and ties at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of all Senators present. The motion, when made, shall be decided without debate. A motion to waive a rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those present.

11.3—Changes in Rules

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of the members present.

11.4—Majority action

Unless otherwise indicated by these Rules or the Constitution of Florida, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to "two-thirds (2/3) of those present", "two-thirds (2/3) vote", "two-thirds (2/3) of the Senate", "two-thirds (2/3) of those voting", etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the Constitution.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word "bill" or "measure" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the Constitution of Florida.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the Constitution of Florida, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except information on which the bans of secrecy were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(a) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Executive Business, Ethics and Elections, other appropriate committee or to a Special Master

appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business, Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(d) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(e) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(f) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(g) Subject to the limitations of Rule 12.7(b) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(b), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature.

(h) For the purposes of Article IV, Section 7(b) of the Constitution of Florida, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(i) If the Governor files an amended suspension order, the attention of the Senate, the committee or the Special Master shall be directed at the amended suspension order.

(j) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule 12 and Part V of chapter 112, Florida Statutes, the Rule, derived from Article III, Section 4(a) of the Constitution of Florida, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third calendar day from the day of reference (the day of reference not being counted as the first day) unless otherwise ordered by the Senate by majority vote of those present. Any bill on

which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chairman of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once.

The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special order calendar

The Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal". At the bottom shall be the date: "1838". The perimeter of the seal shall contain the words: "Senate" and the "State of Florida".

There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate".

REPORTS OF COMMITTEES, continued

The Committee on Health Care recommends the following pass: SB 358

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends the following pass: SB 236

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 118 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 52

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 132 with 1 amendment

The Committee on Transportation recommends the following pass: SB 374, SB 396 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 28

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

The Committee on Regulated Industries recommends the following pass: SB 68 with 1 amendment, SB 82 with 2 amendments

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

The Committee on Children, Families and Seniors recommends the following pass: SB 372 with 2 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 208

The Committee on Community Affairs recommends the following pass: SB 14 with 1 amendment, SB 62 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 268

The Committee on Health Care recommends the following pass: SB 244 with 2 amendments

The Committee on Natural Resources recommends the following pass: SB 4 with 3 amendments

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

The Committee on Criminal Justice recommends the following pass: SB 42 with 1 amendment, SB 122 with 1 amendment, SB 156, SB 258 with 2 amendments, SB 316 with 1 amendment

The Committee on Education recommends the following pass: SB 342

The Committee on Health Care recommends the following pass: SB 144

The Committee on Judiciary recommends the following pass: CS for SB 104

The Committee on Rules and Calendar recommends the following pass: SB 416, SB 418, SB 420, SB 422, SB 424, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SCR 454

The Committee on Transportation recommends the following pass: SB 98

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

The Committee on Natural Resources recommends the following not pass: SB 48

The bill was laid on the table.

The Committee on Regulated Industries recommends a committee substitute for the following: Senate Bills 404 and 414

The bills with committee substitute attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 300

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 138

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 248

The Committee on Community Affairs recommends a committee substitute for the following: SB 104

The Committee on Transportation recommends a committee substitute for the following: SB 106

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

The Committee on Agriculture recommends a committee substitute for the following: SB 186

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 288

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 384

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 188

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 284, SB 286

The Committee on Judiciary recommends a committee substitute for the following: SB 82

The Committee on Natural Resources recommends committee substitutes for the following: SB 26, SB 266

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

The Committee on Education recommends committee substitutes for the following: SB 340, SB 458, SB 460, SB 462

The Committee on Judiciary recommends a committee substitute for the following: SB 8

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Health Care recommends that the Senate confirm the appointment made by the Governor of Dr. James Thomas Howell, as **Secretary of the Department of Health**, to serve at the pleasure of the Governor.

[The appointment contained in the foregoing report was referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Meadows and Casas—

SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

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

By Senator Meadows—

SB 4—A bill to be entitled An act relating to motor vehicles; defining the term “alternative fuel”; providing for an alternative-fuel-use permit and alternative-fuel decal to be issued by the Department of Revenue for a fee; providing for tax and fee exemptions; authorizing noneconomic incentives for alternative-fuel vehicles; providing an effective date.

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

By Senator Bronson—

SB 6—A bill to be entitled An act relating to handgun purchases; amending s. 790.0655, F.S.; revising the provision of law relating to the 3-day waiting period for the purchase of a handgun to exempt purchases by certain law enforcement officers, correctional officers, or correctional probation officers; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Meadows—

SB 8—A bill to be entitled An act relating to settlement of claims by or on behalf of a minor; amending s. 744.387, F.S.; increasing the amount of a net settlement to a minor ward that will require a legal guardianship; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Burt—

SB 10—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state correctional facility from possessing or using tobacco products; permitting certain inmates to possess or use tobacco products; prohibiting visitors from possessing tobacco products while in a state correctional facility; requiring the superintendent of each correctional facility to designate an outdoor smoking area within the facility for use by employees; providing a limitation on areas that may be designated as smoking areas; providing penalties; permitting the department to develop and implement an employee wellness program; providing an effective date.

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

By Senator Burt—

SB 12—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; clarifying the benefit payment and calculation procedure under the system; providing for dual calculation of benefits with respect to members of the Elected State and County Officers' Class who initially become members of that class on or after a specific date; providing for matters relative thereto; providing an effective date.

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

By Senator Meadows—

SB 14—A bill to be entitled An act relating to ad valorem taxes; amending s. 196.081, F.S.; providing an exemption from taxation for the homestead of the surviving spouse of a veteran who was killed while on active duty; providing an effective date.

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

By Senator Meadows—

SB 16—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "normal retirement date" to provide for retirement after 25 years of service at age 55 for certain members; repealing s. 121.052(8), F.S., relating to the normal retirement date for elected officers, which provisions are clarified and reenacted elsewhere in the act; increasing contribution rates to fund the provisions of the act; providing a declaration of important state interest; providing an effective date.

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

By Senator Burt—

SB 18—A bill to be entitled An act relating to the Violent Crime Emergency Account; amending ss. 943.031, 943.042, F.S.; changing terminology to conform to the renaming of the Violent Crime Investigative Emergency Account as the Violent Crime Emergency Account by ch. 94-215, Laws of Florida; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Brown-Waite—

SB 20—A bill to be entitled An act relating to financial responsibility for medical expenses of certain prisoners; amending s. 901.35, F.S.; prescribing the sources from which reimbursement must be sought for medical care provided to a person who is ill or injured during or at the time of the person's arrest; providing an effective date.

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

By Senator Bronson—

SB 22—A bill to be entitled An act relating to liens; creating s. 713.656, F.S.; providing for liens for bulk feed; providing definitions; providing for a lien for distributors registered under s. 580.041, F.S., of the Florida Commercial Feed Law who furnish bulk feed for the unpaid portion of such bulk feed; providing an exception; requiring feeders to obtain a "feed bond" of not less than $25,000; providing a presumption; providing for the term of the lien; providing for perfection of the lien; providing for notice; requiring the clerk of the circuit court to file a claim of lien and charge a fee therefor; providing for a termination statement upon the satisfaction of the lien; providing an effective date.

—was referred to the Committees on Agriculture and Judiciary.

By Senator Burt—

SJR 24—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

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

By Senator Bronson—

SB 26—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing that certain environmental permits are not required for maintenance dredging of portions of natural waterbodies within approved rights-of-way or drainage easements; providing an effective date.

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

By Senator Meadows—

SB 28—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.732, F.S.; including motor vehicles used as public school transportation in the definition of "motor vehicle" for insurance purposes; amending s. 627.733, F.S.; providing an exemption from a requirement to maintain certain financial security; providing an effective date.

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

By Senator Burt—

SB 30—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; authorizing the court to sentence a defendant to a specified term of incarceration if the defendant is convicted of a felony committed on or after a certain date, the defendant has previously been convicted of a felony, and the sentence recommended under the sentencing guidelines is not a state prison sanction; providing that a determination of guilt is a conviction for purposes of imposing such sentence, regardless of whether adjudication is withheld; providing that the sentence may not be appealed except upon grounds of illegality; providing an effective date.

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

By Senator Burt—

SB 32—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; providing an effective date.

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

SCR 34 was withdrawn prior to introduction.

By Senator Williams—

SB 36—A bill to be entitled An act relating to secondhand dealers; amending s. 538.06, F.S.; providing limitations on vehicle title loan transactions; creating s. 538.065, F.S.; providing for the licensure of dealers making title loan transactions; providing fees; providing for regulation by the Department of Banking and Finance; providing guidelines for the operation of title loan businesses; providing grounds for discipline of licensees; providing penalties; prohibiting certain acts; creating s. 538.067, F.S.; providing for the examination of certain records; providing examination fees; creating s. 538.069, F.S.; providing immunity; providing for the issuance of subpoenas; providing powers and duties of the Department of Banking and Finance; providing for the adoption of rules; amending s. 538.09, F.S.; exempting certain secondhand dealers from registering with the Department of Revenue; providing an effective date.

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

By Senator Meadows—

SB 38—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; providing an effective date.

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

By Senators Brown-Waite, Dudley and Grant—

SB 40—A bill to be entitled An act relating to wrongful death; repealing s. 768.21(8), F.S., which prohibits the recovery of damages for wrongful death by specified persons; providing an effective date.

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

By Senator Williams—

SB 42—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Scott and Williams—

SB 44—A bill to be entitled An act relating to diesel fuels; providing that certain sales and uses of dyed diesel fuels are lawful; amending s. 212.0501, F.S.; providing that certain sales of diesel fuel are subject to the sales tax under ch. 212, F.S.; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Rossin—

SB 46—A bill to be entitled An act relating to the rights of accused persons; creating the Speedy Trial Reform Act of 1996; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; providing for determining the period that constitutes a speedy trial; amending s. 39.048, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

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

By Senator Meadows—

SB 48—A bill to be entitled An act relating to motor vehicles; directing the Department of Highway Safety and Motor Vehicles to establish two alternative-fuel-vehicle pilot projects; imposing a fee on the registration of motor vehicles; creating a trust fund; directing the legal entities for the Florida Gold Coast Clean Cities Coalition and the Florida Suncoast Clean Cities Coalition to perform certain duties relating to the pilot projects; providing for the use of trust fund moneys; authorizing a future fee increase; providing an effective date and termination date.

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

By Senator Meadows—

SB 50—A bill to be entitled An act relating to state procurement of contractual services; amending s. 287.057, F.S.; exempting the purchase of certain services for delinquency prevention and delinquency diversion programs from certain competitive sealed bid requirements; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Rossin—

SB 52—A bill to be entitled An act relating to asbestos removal programs; amending s. 376.60, F.S.; providing for the Department of Environmental Protection to reimburse local governments that have been approved to conduct asbestos removal programs under certain circumstances; removing fees for inspection of residential dwellings; exempting specified persons from the fees; prohibiting local governments from charging certain fees while being reimbursed by the department; providing an appropriation; providing an effective date.

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

By Senator Meadows—

SB 54—A bill to be entitled An act relating to municipal elections; amending s. 100.3605, F.S.; prohibiting a member of the governing body

of a municipality who is found guilty of a felony with adjudication of guilt withheld from qualifying for election to the governing body of any municipality; providing an effective date.

—was referred to the Committees on Community Affairs; and Executive Business, Ethics and Elections.

By Senator Jenne—

SB 56—A bill to be entitled An act relating to illegal aliens; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must certify that he does not, and will not, employ illegal aliens, as defined; providing an effective date.

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

By Senator Kirkpatrick—

SB 58—A bill to be entitled An act relating to leadership funds; amending s. 106.295, F.S.; providing additional restrictions on leadership funds; providing an effective date.

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

By Senator Horne—

SB 60—A bill to be entitled An act relating to sentencing; amending s. 775.084, F.S.; revising criteria for classifying and sentencing a habitual felony offender, a habitual violent felony offender, and a violent career criminal; providing an effective date.

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

By Senator Horne—

SB 62—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an effective date.

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

By Senator Bronson—

SB 64—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may impose an additional tax by ordinance; providing for tax revenue use; providing for severability; providing an effective date.

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

By Senator Kurth—

SB 66—A bill to be entitled An act relating to education; amending s. 229.602, F.S., relating to private sector and education partnerships; revising provisions relating to teacher/quest partnership projects; amending s. 240.4082, F.S.; revising requirements of teacher/quest scholarship projects; providing an effective date.

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

By Senators Kurth and Bronson—

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

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

By Senator Jenne—

SB 70—A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S.; clarifying legislative intent as to certain amendments enacted by ch. 94-251, Laws of Florida; providing definitions; providing for judicial review of certain fees; recognizing remedial intent of ch. 94-251, Laws of Florida; providing an effective date.

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

By Senator Jenne—

SB 72—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

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

By Senator Kirkpatrick—

SB 74—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 237.34, F.S.; providing restrictions on the allocation of funds appropriated for advanced placement instruction; providing an effective date.

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

By Senator Kirkpatrick—

SB 76—A bill to be entitled An act relating to the Postsecondary Education Planning Commission; amending s. 240.145, F.S.; authorizing the commission to suspend or dismiss its executive director and to fix compensation and job classifications for commission personnel; providing an effective date.

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

By Senator Kirkpatrick—

SB 78—A bill to be entitled An act relating to State University System student fees; amending s. 240.235, F.S.; authorizing a university resource fee, providing conditions for the expenditure of fee revenues; providing a procedure for increases; providing an effective date.

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

By Senator Burt—

SB 80—A bill to be entitled An act relating to sentencing; amending s. 921.0016, F.S.; providing that substance abuse or addiction, including

intoxication, shall not be the basis for mitigating a recommended guidelines sentence; providing an effective date.

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

By Senators Dudley, Childers, Grant, Myers, Kirkpatrick, Dantzler, Rossin, Brown-Waite, Thomas, Dyer, Williams, Latvala, Meadows, Clary, Lee, Silver, Forman, Bronson, Horne, Harris, Casas, Kurth, Campbell, Crist and Sullivan—

SB 82—A bill to be entitled An act relating to real estate transactions; amending s. 475.01, F.S.; defining the terms "customer," "first contact," and "principal"; redefining the term "transaction broker"; deleting the definition of the terms "buyer," "disclosed dual agent," and "seller"; amending s. 475.25, F.S.; modifying grounds for the imposition of discipline by the Florida Real Estate Commission; conforming a statutory cross-reference; creating ss. 475.270, 475.272, 475.274, 475.276, 475.278, 475.280, F.S.; establishing the "Brokerage Relationship Disclosure Act"; providing for notice of nonrepresentation; providing for disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; authorizing rulemaking by the Florida Real Estate Commission; amending s. 475.015, F.S.; adding disclosure documents to items to be retained as brokerage business records; amending s. 468.383, F.S.; conforming a statutory cross-reference; providing an effective date.

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

By Senator Burt—

SB 84—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

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

By Senator Burt—

SB 86—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

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

By Senator Burt—

SB 88—A bill to be entitled An act relating to evidence in a criminal proceeding; creating s. 90.4051, F.S.; prohibiting consideration of evidence of a defendant's voluntary intoxication to determine the existence of a mental state that is an element of a crime; providing an effective date.

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

By Senator Burt—

SB 90—A bill to be entitled An act relating to theft; amending s. 812.015, F.S.; providing definitions; providing that failure to return rental property within a specified period after termination of the rental agreement or failure to pay certain amounts due to the merchant constitutes the offense of rental theft; authorizing a law enforcement officer, merchant, employee, or farmer to take a person into custody upon probable cause that the person has committed rental theft; providing that a merchant, employee, or farmer who takes a person into custody upon such probable cause is not liable for false arrest or false imprisonment; authorizing a law enforcement officer to arrest a person upon probable cause that the person has committed rental theft; providing that, while committing or after committing rental theft, it is a first-degree misdemeanor to resist efforts by a law enforcement officer, merchant, employee, or farmer to recover the property; providing an effective date.

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

By Senators Sullivan, Myers, Jenne, Rossin, Brown-Waite, Grant, Bronson, Horne, Dudley, Lee, Burt, Klein, Forman, Dyer, Latvala, Harris, Diaz-Balart, Campbell, Gutman, Ostalkiewicz, Kirkpatrick, Meadows and Cowin—

SB 92—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding flunitrazepam, gamma-hydroxybutyrate, alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2, 5-dimethoxyphenethylamine, and methcathinone to the list of Schedule I controlled substances; adding fenfluramine to Schedule IV; eliminating flunitrazepam from the list of Schedule IV controlled substances; amending s. 893.13, F.S.; eliminating language with respect to penalties for the use of flunitrazepam; revising language with respect to combinations of certain controlled substances; amending s. 893.135, F.S.; providing penalties for trafficking in flunitrazepam; amending s. 921.0012, F.S.; conforming the sentencing guidelines to the act; providing an effective date.

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

By Senator Bronson—

SB 94—A bill to be entitled An act relating to operating motor vehicles; amending s. 316.1932, F.S.; providing that a person who operates a motor vehicle thereby gives consent to submit to a field sobriety test at the request of a law enforcement officer; providing that preliminary breath or saliva testing devices may be used in determining probable cause of arrest; providing that results from such test are inadmissible in certain proceedings; providing that a preliminary breath or saliva test does not satisfy the requirements of s. 316.1932(1), F.S.; providing an effective date.

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

By Senator Bronson—

SB 96—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing certain law enforcement officers to maintain certification and receive training and education from any program approved by the Criminal Justice Standards and Training Commission; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Williams—

SB 98—A bill to be entitled An act relating to outdoor advertising; amending s. 479.16, F.S.; allowing certain unpermitted signs in rural areas; prohibiting the implementation of this provision in certain circumstances; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Forman—

SB 100—A bill to be entitled An act relating to nursing home administration; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Forman—

SB 102—A bill to be entitled An act relating to homeowners' associations; amending s. 617.305, F.S.; authorizing associations to levy fines for certain continuing violations; limiting the amount of such fines; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senators Dyer and Forman—

SB 104—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings do not apply to meetings of committees or similar bodies; amending s. 617.305, F.S.; deleting the limit on fines that an association may impose on members, tenants, guests, or invitees; deleting the prohibition against an association suspending the voting rights of a member; amending s. 617.306, F.S.; providing that members may vote for directors of the association by absentee ballot but not by proxy; providing an effective date.

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

By Senator Bronson—

SB 106—A bill to be entitled An act relating to the suspension of driver's licenses and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Burt—

SB 108—A bill to be entitled An act relating to evidence in criminal proceedings; creating s. 90.1041, F.S.; prescribing the standard to be used by a court to determine whether a motion for a new trial based on a claim of newly discovered evidence should be granted; providing that a claim for any other relief or remedy based on such claim be treated as a motion for a new trial and providing that such claim is subject to the same standard; amending s. 90.104, F.S., relating to rulings on evidence, to conform; providing an effective date.

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

By Senator Rossin—

SJR 110—A joint resolution proposing amendments to Section 8 of Article II, Section 15 of Article III, and Section 4 of Article VI of the State Constitution relating to legislative campaign contributions, terms, and term limitations.

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

By Senators Kirkpatrick, Diaz-Balart, Casas, Sullivan, Silver, Horne, Williams, Dudley, Burt, Jones, Meadows, Latvala and McKay—

SB 112—A bill to be entitled An act relating to education; creating the Grant Program for Economically Disadvantaged Students; providing eligibility requirements; providing a time limitation for grant renewals; requiring transfer of funds by a date certain; requiring an annual report; providing for deposit of appropriations in the State Student Assistance Trust Fund; authorizing certain funds as sources for use by the program for certain purposes; amending s. 232.2465, F.S.; changing eligibility dates; authorizing the State Board of Education to specify the score required for a student to earn a Florida Academic Scholars' Certificate; amending s. 239.217, F.S.; providing requirements for qualification for the Florida gold seal vocational endorsement; changing an eligibility date; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.115, F.S.; authorizing national accreditation as a criterion for public technical centers to participate in the common course numbering system; amending s. 240.40, F.S.; reducing the portion of allocated funds that may remain in a trust fund at the end of a fiscal year; amending s. 240.4021, F.S.; deleting an obsolete date; correcting obsolete terminology; establishing a time limit; amending s. 240.404, F.S.; deleting a requirement for participation in a testing program; requiring achievement of certain academic requirements as a condition for receiving state student financial aid; deleting a requirement; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.412, F.S.; deleting a CLAST requirement; amending s. 240.424, F.S.; requiring the Department of Education to develop an integrated student financial aid database; requiring a progress report; amending s. 240.437, F.S.; authorizing the Department of Education to use the Student Loan Guaranty Reserve Trust Fund for planning and developing student financial aid; deleting a CLAST requirement; amending s. 240.606, F.S.; deleting a requirement that a certain portion of funds for the Florida Work Experience Program be used for contracts with public schools; repealing s. 240.4045, F.S., which requires male applicants and recipients of financial aid services to comply with Selective Service System registration requirements; repealing s. 240.4093, F.S., which created the Vocational Student Assistance Grant Fund; providing effective dates.

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

By Senator Williams—

SB 114—A bill to be entitled An act relating to postconviction proceedings; amending s. 27.51, F.S.; revising duties of the public defender with respect to collateral relief and executive clemency; repealing ss. 27.7001, 27.701, 27.702, 27.703, 27.704, 27.705, 27.706, 27.707, 27.708, F.S.; abolishing the office of the capital collateral representative; amending ss. 43.16, 112.0455, 121.055, 216.011, 790.25, F.S., relating, respectively, to the Justice Administrative Commission, the Drug-Free Workplace Act, the Florida Retirement System, definitions relating to fiscal affairs of the state, and possession and use of firearms, in order to delete references to the capital collateral representative; providing an effective date.

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

By Senator Kirkpatrick—

SB 116—A bill to be entitled An act relating to expenses incurred by persons during their apprehension; amending s. 901.35, F.S.; prescribing the financial responsibility for medical and other specified expenses of a person who becomes ill, wounded, or injured during apprehension for violation of a state law or county or municipal ordinance; providing that responsibility for such expenses exists until treatment is completed; prescribing guidelines for payment of such costs from the county or municipal general fund; providing for assignment of benefits to a health care provider; prescribing responsibilities of the arresting or apprehending law enforcement agency and guidelines relating to provision of security to an arrested or apprehended person transported to a licensed health care facility and to facility patients and employees; providing an effective date.

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

By Senator Crist—

SB 118—A bill to be entitled An act relating to admissions to sporting events; amending s. 212.04, F.S.; exempting from taxation admissions to certain collegiate tournament games and baseball all-star games; providing an effective date.

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

By Senator Crist—

SB 120—A bill to be entitled An act relating to elections; amending s. 106.143, F.S.; providing conditions for political advertisements; providing additional requirements for specified political advertisements; providing a penalty; creating s. 106.1431, F.S.; requiring specific disclosures during telephone calls made in relation to a candidate, ballot proposal, or political organization; providing conditions for telephone solicitations; providing a penalty; creating s. 106.1432, F.S.; requiring the appointment of a registered agent for a person providing political campaign services or products before that person conducts business; requiring the filing of such appointment with the Division of Elections of the Department of State; providing a penalty; creating s. 106.1433, F.S.; requiring disclosure of messages accessible by computer or other medium; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Crist—

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Kurth—

SB 124—A bill to be entitled An act relating to sex offenders; amending s. 948.03, F.S.; requiring that, as a condition of probation or community control, an offender convicted of certain sexual offenses be prohibited from living within a specified distance from the residence of a child under 16 years of age; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Kurth and Myers—

SB 126—A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

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

By Senator Kirkpatrick—

SB 128—A bill to be entitled An act relating to education; requiring the Department of Children and Family Services and the Department of Education to develop minimum performance standards for all early education and care programs that serve children from birth through 5 years of age; requiring those departments to submit a joint report to the Legislature by October 1, 1997, presenting the performance standards and recommending funding procedures; providing an effective date.

—was referred to the Committees on Education; and Children, Families and Seniors.

By Senator Kirkpatrick—

SB 130—A bill to be entitled An act relating to traffic infractions; amending s. 318.121, F.S., relating to preemption of additional fees, fines, surcharges, and costs for traffic infractions; providing an exception from preemption with respect to such additional fees, fines, surcharges, and costs authorized under provisions of a general or special law or municipal or county ordinance which establish or fund a regional criminal justice assessment center or other local criminal justice access and assessment center; providing an effective date.

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

By Senator Crist—

SB 132—A bill to be entitled An act relating to political campaigns; prohibiting the use of state-owned aircraft by public officers for campaign purposes; providing a penalty; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Criminal Justice.

By Senators Horne, Myers, Diaz-Balart, Campbell, Klein, Clary, Ostalkiewicz, Bronson, Harris, Dudley, Holzendorf, Kurth, Casas, Childers, Williams, Meadows, Hargrett, Burt, Gutman, Kirkpatrick and Sullivan—

SB 134—A bill to be entitled An act relating to ad valorem tax administration; amending s. 194.171, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an assessment or a denial of an exemption or classified status; defining the taxpayer's burden of proof; providing an effective date.

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

By Senator Crist—

SB 136—A bill to be entitled An act relating to prisoners; amending s. 946.002, F.S.; requiring prisoners in the state correctional system to perform a specified amount of work; providing legislative intent; authorizing the Department of Corrections to adopt rules to implement the prisoner work requirement in accordance with specified guidelines; excluding certain education and job training from the prisoner work requirement; providing for in-house farming programs at correctional facilities; providing that certain moneys otherwise expended on prisoners'

food or on compensation for prisoners' work shall be used to offset costs of implementing the prisoner work requirement or correctional facility operation; providing that workers' compensation otherwise due or payable to a prisoner shall be used for restitution, child support, alimony, and correctional facility operation or placed for disposition purposes in the Crimes Compensation Trust Fund; providing an effective date.

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

By Senator Forman—

SB 138—A bill to be entitled An act relating to genetic testing for insurance purposes; amending s. 627.401, F.S.; providing applicability of provisions regulating insurance contracts to s. 627.4301, F.S.; creating s. 627.4301, F.S.; prohibiting insurers from requiring or using certain information derived from genetic testing of insureds or insurance applicants; requiring insurers that obtain such information to maintain its confidentiality; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.4285, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for informed consent; providing for confidentiality of records; providing civil and criminal penalties; providing an effective date.

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

By Senator Crist—

SB 140—A bill to be entitled An act relating to marine net fishing; defining the term "net" for purposes of the constitutional limit on marine net fishing; providing for the Marine Fisheries Commission to adopt rules relating to nets used in such fishing; providing guidelines for the interpretation of the constitutional ban on nets; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senators Crist and Campbell—

SB 142—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

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

By Senator Myers—

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

—was referred to the Committee on Health Care.

By Senator Williams—

SJR 146—A joint resolution proposing amendments to sections 3, 4, and 5 of Art. V of the State Constitution, relating to the judiciary.

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

By Senators Rossin and Campbell—

SB 148—A bill to be entitled An act relating to domestic violence; creating s. 784.09, F.S.; reclassifying the offense of battery as a third-degree felony if such offense constitutes an act of domestic violence and is committed in the presence of a minor under a specified age; providing applicability; amending s. 741.29, F.S.; prescribing standards for arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; amending s. 943.171, F.S.; requiring certain training for law enforcement officers; providing an effective date.

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

By Senator Holzendorf—

SB 150—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; providing an effective date.

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

By Senators Holzendorf, Meadows, Forman, Jenne and Kirkpatrick—

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

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

By Senator Clary—

SB 154—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

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

By Senator Gutman—

SB 156—A bill to be entitled An act relating to the Violent Crime Emergency Account; amending ss. 943.031, 943.042, F.S.; changing terminology to conform to the renaming of the Violent Crime Investigative Emergency Account as the Violent Crime Emergency Account by ch. 94-215, Laws of Florida; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Gutman, Diaz-Balart and Casas—

SB 158—A bill to be entitled An act relating to welfare reform; prohibiting certain discrimination in the provision of Medicaid and other public assistance; providing for certain assistance to legal residents of the United States; providing conditions; providing an effective date.

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

By Senators Scott, Dudley and Jenne—

SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; authorizing the chairman of the commission to incur expenses, expend funds, and employ personnel; directing agencies to assist the commission; providing an appropriation; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Klein—

SB 162—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of the real property comprising a child care facility; providing penalties; amending s. 921.0012, F.S.; providing for classification of such offenses within the offense severity ranking chart; providing an effective date.

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

By Senator Gutman—

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

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

By Senator Gutman—

SB 166—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

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

By Senator Gutman—

SB 168—A bill to be entitled An act relating to evidence in a criminal proceeding; creating s. 90.4051, F.S.; prohibiting consideration of evidence of a defendant's voluntary intoxication to determine the existence of a mental state that is an element of a crime; providing an effective date.

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

By Senator Gutman—

SB 170—A bill to be entitled An act relating to theft; amending s. 812.015, F.S.; providing definitions; providing that failure to return rental property within a specified period after termination of the rental agreement or failure to pay certain amounts due to the merchant constitutes the offense of rental theft; authorizing a law enforcement officer, merchant, employee, or farmer to take a person into custody upon probable cause that the person has committed rental theft; providing that a merchant, employee, or farmer who takes a person into custody upon such probable cause is not liable for false arrest or false imprisonment; authorizing a law enforcement officer to arrest a person upon probable cause that the person has committed rental theft; providing that, while committing or after committing rental theft, it is a first-degree misdemeanor to resist efforts by a law enforcement officer, merchant, employee, or farmer to recover the property; providing an effective date.

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

By Senators Brown-Waite, Cowin and Dyer—

SB 172—A bill to be entitled An act relating to juries; amending s. 40.24, F.S., relating to compensation for juror service; authorizing donation of juror compensation to a program specified by a certified guardian ad litem program or to a domestic violence shelter; providing duties of the clerk of court and guidelines with respect to receipt or expenditures of such donated moneys; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Rossin—

SB 174—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Rossin—

SB 176—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing for the coordination of specified victim and witness special protection services for victims and witnesses at risk of harm by virtue of cooperation in cases involving serious felonies; providing for certification by the state attorney or statewide prosecutor; authorizing relocation of the victims or witnesses, with assistance from the Department of Law Enforcement; creating s. 914.26, F.S.; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council and providing membership and duties; providing for per diem and travel expenses of members; providing for reimbursements by the committee for protection or relocation services; providing an appropriation; providing an effective date.

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

By Senator Latvala—

SB 178—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing school personnel duties; amending s. 232.2462, F.S.; providing for conversion of college credit hours to high school credit according to certain requirements; providing an effective date.

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

By Senator Gutman—

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

—was referred to the Committee on Regulated Industries.

By Senator Gutman—

SB 182—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; providing an effective date.

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

By Senators Crist and Diaz-Balart—

SJR 184—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

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

By the Committee on Agriculture—

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

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

By Senators McKay and Williams—

SB 188—A bill to be entitled An act relating to unemployment compensation; providing for temporary amendments to the contribution rates for specified employers; amending s. 443.111, F.S.; prescribing the maximum allowable weekly benefit amount; amending s. 443.131, F.S.; providing an exemption for family businesses; providing an effective date.

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

By Senator McKay—

SB 190—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; providing that counties and municipalities may impose additional penalties by ordinance on the owner of a place declared to be a public nuisance; providing an effective date.

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

By Senator McKay—

SJR 192—A joint resolution proposing an amendment to Section 3 of Article III of the State Constitution, relating to the Legislature, to limit the subjects that may be considered at certain sessions of the Legislature.

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

By Senator McKay—

SB 194—A bill to be entitled An act relating to education; creating the "Parental Choice in Education Act"; providing purpose and definitions; providing duties of the Department of Education and district school boards; providing for the admission to participating schools of children with educational certificates; requiring agreements between participating schools and district school boards; providing standards and requirements for participating schools; restricting regulation of private schools; providing for the value of certificates and their redemption; providing eligibility for low-income students; providing for Choice Information Centers; providing for personal education accounts; authorizing establishment of Public Schools of Excellence; authorizing transportation service; providing an effective date.

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

By Senator Crist—

SJR 196—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to require voter approval of new or increased taxes or deletion of existing exemptions from taxes except in described circumstances.

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

By Senators Diaz-Balart, Crist, Silver and Gutman—

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

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

By Senator Campbell—

SB 200—A bill to be entitled An act relating to condominiums; amending s. 718.116, F.S.; providing that a certain amount of condominium association liens shall have limited priority over other mortgages; providing an effective date.

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

By Senator Bankhead—

SB 202—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; clarifying circumstances in which a child in need of services may be considered an abandoned child; amending s. 39.442, F.S.; authorizing the court to commit a child in need of services to the Department of Children and Family Services for placement in foster care or in a temporary shelter; authorizing the court to commit a child in need of services to the Department of Juvenile Justice if the parent refuses to care for the child; providing that such commitment does not abrogate the parent's legal responsibility for the child; specifying the maximum term of commitment; specifying circumstances in which the child must be treated as a dependent child; revising provisions to recognize the creation of the Department of Children and Family Services by the Legislature; amending s. 39.446, F.S., relating to the examination and treatment of a child and the examination of a parent who requests custody of a child; conforming a cross-reference to changes made by the act; providing an effective date.

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

By Senators Cowin and Burt—

SB 204—A bill to be entitled An act relating to sentencing; amending s. 921.0016, F.S.; providing that substance abuse or addiction, including intoxication, shall not be the basis for mitigating a recommended guidelines sentence; providing an effective date.

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

By Senator McKay—

SB 206—A bill to be entitled An act relating to environmental control; repealing s. 403.708(10)(b), F.S., which prohibits the distribution or sale of certain polystyrene foam or plastic-coated paper products; providing an effective date.

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

By Senators Crist and Lee—

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

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

By Senator Crist—

SB 210—A bill to be entitled An act relating to public notices; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

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

By Senator Williams—

SJR 212—A joint resolution proposing an amendment to section 4, Article X of the State Constitution, relating to homestead exemptions.

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

By Senators Latvala, Williams, Dyer, Bronson and Campbell—

SB 214—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; prohibiting a local government from owning a telecommunications company or providing telecommunications services except through a business corporation subject to all applicable taxes and fees; providing an effective date.

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

By Senator Campbell—

SB 216—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.2105, F.S.; providing for the award of attorney's fees and costs to a prevailing plaintiff; amending s. 501.211, F.S.; providing for recovery of damages in individual actions; providing an effective date.

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

By Senators Dyer, Forman, Casas, Dudley, Meadows and Childers—

SB 218—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; changing the normal retirement date for a member of the special risk class; amending s. 121.091, F.S.; changing the disability retirement benefit for a member of the special risk class; providing an effective date.

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

By Senator Kirkpatrick—

SB 220—A bill to be entitled An act relating to information management; providing for public information and specialized information services; creating the Florida Information Council in the Department of Management Services and providing its powers and duties; providing for the deposit of revenues from the sale of specialized information services and the funding of expanded public access to information and electronic records; providing an effective date.

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

By Senator Williams—

SB 222—A bill to be entitled An act relating to regulation of trade and commerce; repealing s. 559.04, F.S., relating to requirements of trading stamp companies prior to distribution of trading stamps; repealing s.

559.05, F.S., relating to required notice of intention to suspend or cease redemption of trading stamps; providing an effective date.

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

By Senator Crist—

SB 224—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 226—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 228—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.207, F.S.; requiring an orientation program for members of the Board of Regents; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 240.295, F.S., relating to fixed capital outlay projects; providing for dormitories; deleting Board of Regents' rulemaking power; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending ss. 282.308, 282.312, F.S.; providing Board of Regents' duties relating to resource management; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

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

By Senator Brown-Waite—

SB 230—A bill to be entitled An act relating to state uniform traffic control; amending ss. 316.075 and 316.192, F.S.; revising language with respect to traffic control signal devices; providing that reckless driving shall include violations for running a red light; providing an effective date.

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

By Senator Gutman—

SB 232—A bill to be entitled An act relating to SAR dogs; amending s. 843.19, F.S.; defining the term "SAR dog"; prohibiting the injuring or killing of an SAR dog under specified circumstances; providing penalties; providing an effective date.

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

By Senator Gutman—

SB 234—A bill to be entitled An act relating to tax on sales, use, and other transactions; creating s. 212.0607, F.S.; imposing a surcharge on the sale of certain cruise ship admissions or tickets; providing rates of the surcharge; providing exemptions; providing that the proceeds shall be deposited in the Ecosystem Management and Restoration Trust Fund and used exclusively to implement a statewide beach management plan; providing for administration, collection, and enforcement; providing for rules; providing an effective date.

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

By Senator Horne—

SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.202, F.S.; expanding into two additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing an effective date.

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

By Senator Brown-Waite—

SB 238—A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the term "capital expenditure" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a hospice; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; eliminating

the expedited review of research projects, education and training programs, donations, acquisition of land for health care facilities or health care provider offices, termination of health care services, and contracts for shared services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; eliminating the exemption from review granted for certain facilities not directly used for health care services; exempting from review the termination of a health care service and certain expenditures for outpatient services; amending s. 408.037, F.S.; requiring that an applicant for a certificate of need comply with certain requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising requirements for an applicant with respect to letters of intent and administrative hearings; requiring a prehearing order; providing requirements for evidence presented at a final hearing; authorizing the hearing officer to impose certain sanctions; amending ss. 408.040, 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross-references to changes made by the act; amending s. 408.043, F.S.; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending ss. 400.602, 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; providing an effective date.

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

By Senators Forman and Meadows—

SB 240—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing a statement of public necessity; providing an effective date.

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

By Senators Clary, Horne, Burt, Latvala, Jenne, Grant, Cowin, McKay, Diaz-Balart and Bankhead—

SB 242—A bill to be entitled An act relating to hurricane preparedness; amending s. 215.555, F.S.; providing for the use of investment income from the Florida Hurricane Catastrophe Fund by school boards in certain counties to construct and retrofit hurricane shelters; providing a limitation; providing guidelines for construction; providing an effective date.

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

By Senators Myers, Childers, Casas, Brown-Waite and Bankhead—

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

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

By Senator Turner—

SB 246—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to advise by letter the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is contiguous to a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

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

By Senator Burt—

SB 248—A bill to be entitled An act relating to the termination of parental rights; amending s. 39.464, F.S.; specifying additional circumstances under which the Department of Children and Family Services, the guardian ad litem, a child-placing agency, or certain other persons may petition the court for termination of parental rights; providing an effective date.

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

By Senators Kurth and Bronson—

SB 250—A bill to be entitled An act relating to Challenger license plates; amending s. 320.08085, F.S.; providing for the distribution of funds to the Astronauts Memorial Foundation, Inc., and the Technological Research and Development Authority; providing for the use of funds; imposing additional fees on certain purchases of license plates; providing an effective date.

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

By Senator Bronson—

SB 252—A bill to be entitled An act relating to battery; creating s. 784.041, F.S.; defining the offense of felony battery, and providing penalties therefor; amending s. 921.0012, F.S., relating to sentencing guidelines offense levels; providing for classification of felony battery offenses in the level 6 category of the offense severity ranking chart; providing an effective date.

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

By Senator Scott—

SB 254—A bill to be entitled An act relating to performance-based budgeting; amending s. 216.0172, F.S.; providing that the schedule for state agencies to institute performance-based budgets may be amended by the annual implementing bill; conforming or repealing obsolete terminology; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senators Forman and Grant—

SB 256—A bill to be entitled An act relating to legislative employees; amending s. 121.055, F.S.; authorizing the President of the Senate and the Speaker of the House of Representatives to designate additional employees of their respective house who may be required to participate in the Senior Management Service Class of the Florida Retirement System; providing an effective date.

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

By Senator Crist—

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole

interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Crist—

SB 260—A bill to be entitled An act relating to misdemeanor offenses; requiring that the court impose an enhanced sentence if an offender who has been found guilty of committing six or more second-degree misdemeanors within a specified period commits an additional second-degree misdemeanor; providing an effective date.

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

By Senator Dantzler—

SB 262—A bill to be entitled An act relating to aquatic plants; amending s. 206.606, F.S.; transferring funds from the Gas Tax Collection Trust Fund for the purpose of aquatic plant management and control on certain public lands and waters; providing an effective date.

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

By Senator Latvala—

SB 264—A bill to be entitled An act relating to secondhand dealers; amending ss. 516.02, 538.03, 538.15, F.S.; removing the authority of secondhand dealers to engage in title loan transactions; repealing s. 538.06(5), F.S., relating to title loan transactions by secondhand dealers; repealing s. 538.16, F.S., relating to the disposal of property by secondhand dealers; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Latvala—

SB 266—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.36, F.S., which provides for assessment of lands; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

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

By Senator Burt—

SB 268—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; clarifying the liability of sureties; amending ss. 48.021, 98.015, eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0003, 266.0013, 266.0023, 266.0033, 266.0043, 266.0053, 266.0063, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation boards; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic

Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19 or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

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

By Senator Gutman—

SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to personnel of such laboratories; amending ss. 483.101, 483.106, F.S.; deleting a requirement that application for a clinical laboratory license or certificate of exemption be made under oath; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

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

By Senators Grant, Williams, Bronson, Dudley, Horne, Casas, Ostalkiewicz, Bankhead, Burt, Sullivan, Holzendorf, Myers, Brown-Waite, Cowin, Clary, Crist, Kirkpatrick, Childers, Latvala, Lee and Diaz-Balart—

SB 272—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in other jurisdictions are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senators Grant, Campbell, Forman, Latvala and Dantzler—

SB 274—A bill to be entitled An act relating to health insurance; providing a short title; providing application; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; providing definitions; providing an appropriation; providing a description of state interest; providing an effective date.

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

By Senator Latvala—

SB 276—A bill to be entitled An act relating to insurance; providing for offset of dividends or premium refunds in calculating the annual assessment for the Special Disability Trust Fund and expenses of administration; providing an effective date.

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

By Senators Burt, Rossin and Gutman—

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

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

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

By Senator Burt—

SB 280—A bill to be entitled An act relating to insurance; amending s. 624.4071, F.S.; authorizing an exemption from regular assessments by the Residential Property and Casualty Joint Underwriting Association or the Florida Windstorm Underwriting Association for the special purpose homeowner insurance company; authorizing the use of the Residential Property and Casualty Joint Underwriting Association's forms and rate manuals by the special purpose homeowner insurance company without approval by the Department of Insurance; prescribing the rate for each risk; authorizing the exchange of a certificate of authority to operate as a special purpose homeowner insurance company for a certificate of authority to operate as an insurer; providing an effective date.

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

By Senator Forman—

SB 282—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; making certain types of animal exhibitions a crime; providing an effective date.

—was referred to the Committee on Agriculture.

By Senators Thomas, Childers, Brown-Waite and Williams—

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

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

By Senators Thomas, Childers, Forman and Williams—

SB 286—A bill to be entitled An act relating to state group insurance; amending s. 110.123, F.S.; providing a definition; creating the Division of State Group Insurance in the Department of Management Services; requiring the department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; authorizing the division to adopt rules; providing an effective date.

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

By Senator Bronson—

SB 288—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; redefining the term "funds transmitter"; amending s. 560.111, F.S.; providing that violations of certain statutes of other jurisdictions by money transmitters and money-transmitter-affiliated parties are unlawful in this state; providing penalties; amending s. 560.114, F.S.; prescribing additional grounds for disciplinary action against persons registered as money transmitters; amending s. 560.118, F.S.; revising standards for examinations and audits of money transmitters and authorized vendors; amending s. 560.128, F.S.; authorizing the Department of Banking and Finance to require money transmitters to display their registration; amending s. 560.205, F.S.; requiring additional information from applicants for registration; providing an effective date.

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

By Senators Scott, Crist, Jenne and Dudley—

SB 290—A bill to be entitled An act relating to the Constitution Revision Commission; providing duties of lobbyists before the commission with respect to registration and reporting; providing duties of the Commission on Ethics; providing definitions; providing penalties; providing an expiration date and an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Klein—

SB 292—A bill to be entitled An act relating to artificial reefs; amending s. 370.25, F.S.; providing requirements with respect to the artificial reef program within the Department of Environmental Protection; directing the department to establish criteria for determining eligibility of nonprofit organizations to apply for and receive available reef development funds; establishing an office to act as a coordinating authority for artificial reef construction; directing the department to develop a plan; providing that certain acts are unlawful; providing penalties; providing for disposal of certain materials; providing that certain persons are deemed responsible for violations; providing for administrative fines; providing an effective date.

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

By Senator Klein—

SJR 294—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

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

By Senator Klein—

SB 296—A bill to be entitled An act relating to the inhumane treatment of exotic mammals; prohibiting the killing or wounding, or allowing the killing or wounding, of an exotic mammal that is tied, staked out, or otherwise enclosed within a specified area for the purpose of gain, amusement, or sport; prohibiting the sale or purchase of an exotic mammal used in violation of the act; specifying certain actions that do not constitute a violation of the act; providing penalties; providing for recovery of costs incurred in investigating and prosecuting a violation of the act; providing an effective date.

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

By Senator Harris—

SJR 298—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

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

By Senator Harris—

SB 300—A bill to be entitled An act relating to the Comptroller; amending s. 17.16, F.S.; revising the seal of the Comptroller; amending s. 17.20, F.S.; authorizing the deduction of certain fees and expenses from property that has not been claimed and is reportable to the department; amending s. 17.325, F.S.; revising language with respect to governmental efficiency hotlines; revising requirements with respect to "Get Lean" telephone calls; providing for certain confidentiality; amending s. 687.143, F.S.; requiring the Department of Banking and Finance to deposit certain fines in the Department of Banking and Finance Administrative Trust Fund; amending s. 939.01, F.S.; providing for certain investigative costs to be entered in a judgment; providing an effective date.

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

By Senator Harris—

SB 302—A bill to be entitled An act relating to injunctions and restraining orders for domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 741.30, F.S.; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; providing an effective date.

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

By Senator Sullivan—

SB 304—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness, to disclose specified information, or to produce certain objects, writings, or recordings; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing for severability; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Sullivan, Klein, Grant, Harris, Bronson, Dyer, Forman, Childers, Clary and Myers—

SB 306—A bill to be entitled An act relating to clean indoor air; amending s. 386.202, F.S.; providing legislative intent that the "Florida Clean Indoor Air Act" is a uniform statewide minimum code; repealing s. 386.209, F.S., which provides that the regulation of smoking is preempted to the state; providing an effective date.

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

By Senator Gutman—

SB 308—A bill to be entitled An act relating to the interception of wire, oral, or electronic communications; amending s. 934.02, F.S.; revising definitions; eliminating certain exceptions provided for the radio portion of a cordless telephone communication; providing that information used for the electronic storage and transfer of funds is not included within the meaning of the term "electronic communication"; amending s. 934.03, F.S.; providing that it is a third-degree felony to obstruct a criminal investigation by disclosing information obtained through the interception of a wire, oral, or electronic communication; revising the penalties imposed for intercepting certain private communications and cordless telephone communications; amending s. 934.07, F.S.; authorizing the interception of wire, oral, or electronic communications that involve certain felony offenses; amending s. 934.09, F.S.; authorizing the court to issue an order to enforce the requirements of the federal Communications Assistance for Law Enforcement Act; authorizing a specially designated investigative or law enforcement officer to intercept a wire, oral, or electronic communication under specified emergency circumstances; requiring that the officer obtain a court order for the interception within a specified period; providing conditions under which the interception must be terminated; amending s. 934.10, F.S.; providing an additional circumstance that constitutes a defense to a civil or criminal action arising out of the interception of a wire, oral, or electronic communication; creating s. 934.11, F.S.; authorizing a court to direct compliance with the federal Communications Assistance for Law Enforcement Act; providing for civil penalties for noncompliance; amending s. 934.23, F.S.; specifying information that must be disclosed by a provider of electronic communication service or remote computing service pursuant to a subpoena; revising conditions under which the court may issue such a subpoena; providing requirements with respect to the preservation of records and other evidence in the possession of a provider; amending s. 934.27, F.S.; providing an additional circumstance that constitutes a defense to a civil or criminal action arising out of the interception of a wire, oral, or electronic communication; amending s. 934.31, F.S.; providing requirements for the authorized use of a pen register; amending s. 934.34, F.S.; providing requirements for the provider of electronic communication service in the installation and use of a pen register or a trap and trace device; authorizing the court to order compliance with the federal Communications Assistance for Law Enforcement Act; creating s. 934.35, F.S.; authorizing a specially designated investigative or law enforcement officer to order the installation and use of a pen register or a trap and trace device under certain specified emergency circumstances; requiring that the officer obtain a court order for the installation and use within a specified period; providing conditions under which the use must be terminated; providing for the compensation of a person who furnishes facilities or technical assistance; providing an effective date.

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

By Senator Gutman—

SB 310—A bill to be entitled An act relating to abuse, neglect, or exploitation of an elderly person or disabled adult; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; providing an effective date.

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

By Senator Gutman—

SB 312—A bill to be entitled An act relating to the human immunodeficiency virus; amending s. 796.08, F.S.; specifying the elements of the offense of offering to commit prostitution when infected with the human immunodeficiency virus; providing a penalty; providing an effective date.

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

By Senator Gutman—

SB 314—A bill to be entitled An act relating to evidence in criminal proceedings; creating s. 924.067, F.S.; prescribing the standard to be used by a court to determine whether a motion for a new trial based on a claim of newly discovered evidence should be granted; providing that a claim for any other relief or remedy based on such claim be treated as a motion for a new trial and providing that such claim is subject to the same standard; providing an effective date.

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

By Senators Gutman and Dudley—

SB 316—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.18, F.S.; authorizing accused persons to be witnesses in their own behalf; providing for the examination of such persons in the same manner as other witnesses; providing limitations; providing responsibility of prosecuting attorneys; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Forman—

SB 318—A bill to be entitled An act relating to standards for teachers; providing an appropriation to pay for the participation of public-school teachers in this state in the certification procedure conducted by the National Board for Professional Teaching Standards; providing qualifications for participation; requiring the State Board of Education to allow NBPTS-certified teachers to be certified in this state without meeting additional requirements; requiring school districts that apply for funding to provide staff development activities; providing an effective date.

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

By Senator Turner—

SB 320—A bill to be entitled An act relating to persons with disabilities; creating ss. 410.701, 410.702, 410.703, 410.704, 410.705, 410.706, F.S.; establishing the home and community-based personal care services for persons with disabilities program in the Department of Children and Family Services; directing the Agency for Health Care Administration to request a waiver of Medicaid regulations; providing conditions for implementation; providing a repeal date; requiring reports; amending s. 400.0065, F.S.; directing the State Long-Term Care Ombudsman to promote the home and community-based personal care services for persons with disabilities program among disabled adults who would otherwise require nursing home care; providing an effective date.

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

By Senator Campbell—

SB 322—A bill to be entitled An act relating to education funding; amending s. 24.121, F.S.; stating legislative intent with respect to the use of lottery moneys from the Educational Enhancement Trust Fund; providing an effective date.

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

By Senator Jenne—

SB 324—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.202, F.S.; increasing the amount of the exemption for property of widows, widowers, blind persons, and disabled persons; amending s. 196.031, F.S.; decreasing the amount of an increased homestead exemption allowed to disabled persons qualified for the exemption under s. 196.202; providing an effective date.

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

By Senators Bankhead, Horne and Holzendorf—

SB 326—A bill to be entitled An act relating to building designations; designating a building on the campus of the University of North Florida as the "J. Brooks Brown Hall"; providing an effective date.

—was referred to the Committee on Education.

By Senator Kirkpatrick—

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

—was referred to the Committee on Criminal Justice.

By Senator Crist—

SB 330—A bill to be entitled An act relating to confirmation of executive appointments; amending s. 114.05, F.S.; prohibiting executive appointees under certain circumstances from assuming office prior to confirmation by the Senate; providing an effective date.

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

By Senator Rossin—

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

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

By Senator Casas—

SB 334—A bill to be entitled An act relating to tobacco products; creating s. 210.155, F.S.; defining the term "primary source of supply"; requiring registration as a primary source of supply; prohibiting distributing agents and wholesale dealers from delivering, or accepting delivery of, cigarettes other than directly from a primary source of supply; amending s. 210.15, F.S.; providing an additional requirement for issuance of a permit for a distributing agent or wholesale dealer; amending s. 210.151, F.S., relating to temporary initial cigarette and other tobacco products permits, to conform; revising provisions relating to the period of validity of such permits; amending s. 210.16, F.S.; providing for revocation and suspension of registration of a primary source of supply; providing for renewal of registration subsequent to revocation; providing for civil penalties in lieu of revocation or suspension; providing an effective date.

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

By Senator Casas—

SB 336—A bill to be entitled An act relating to alcoholic beverages; repealing ss. 561.501, 561.121(4), F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises; amending s. 561.025, F.S.; conforming to the act; providing an effective date.

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

By Senator Kurth—

SB 338—A bill to be entitled An act relating to Indian River County; amending chapter 79-480, Laws of Florida; providing for certain restrictions on the harvesting of shellfish; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Grant, Dudley, Diaz-Balart, Horne, McKay, Sullivan, Cowin, Lee, Clary and Kirkpatrick—

SB 340—A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts after a date certain; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; providing that this act supersedes local laws; providing an effective date.

—was referred to the Committee on Education.

By Senators Harris, Cowin, Clary, Diaz-Balart, Dudley, Lee, Grant, Latvala, Horne, Dyer, Meadows, Kirkpatrick, Holzendorf, Jenne and McKay—

SB 342—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was referred to the Committee on Education.

By Senator Campbell—

SB 344—A bill to be entitled An act relating to regulation of firearms; amending s. 790.33, F.S., relating to state preemption of the field of regulation of firearms and ammunition; providing that certain ordinances, resolutions, rules, or regulations of local government are not precluded with respect to possession of weapons or firearms of public employees or possession of weapons or firearms on public property controlled by local government, under specified circumstances; providing an exception for certain street, road, or highway rights-of-way; providing an effective date.

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

By Senator Bronson—

SB 346—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun," "chemical weapon," or "device"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices, may be carried openly or concealed for lawful self-defense, without violating specified prohibitions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices may be carried openly for lawful self-defense, without violating specified prohibitions; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using a chemical weapon or device or stun gun or nonlethal electric weapon or device against a law enforcement officer engaged in the performance of duty, and providing penalties therefor; providing an effective date.

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

By Senator Sullivan—

SB 348—A bill to be entitled An act relating to health care service programs; amending s. 641.315, F.S.; providing additional criteria for certain provider contracts; amending s. 641.3903, F.S.; prohibiting health maintenance organizations from taking certain retaliatory action against providers of health care services; providing an effective date.

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

By Senators Sullivan, Forman, Kurth, Latvala, Gutman and Diaz-Balart—

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

—was referred to the Committee on Banking and Insurance.

By Senator Sullivan—

SB 352—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S.; authorizing medical examiners to obtain records necessary for their investigations of deaths; amending s. 406.12, F.S.; specifying certain medical information or other records pertinent to death investigations that must be reported to the medical examiner; providing that documents or records made confidential by statute do not lose such status upon receipt by the medical examiner; providing immunity from civil liability for persons who provide such information to the medical examiner; providing an effective date.

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

By Senator Hargrett—

SB 354—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Brown-Waite—

SB 356—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; providing an effective date.

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

By Senator Brown-Waite—

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

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

By Senators Brown-Waite and Latvala—

SB 360—A bill to be entitled An act relating to the Coastal Zone Protection Act of 1985; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Brown-Waite—

SB 362—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; revising requirements for the review panel that hears grievances filed by providers and subscribers under the program; providing additional conditions under which the review panel may not review a grievance; requiring that a provider or subscriber complete the formal grievance procedure of the accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan, or exclusive provider organization before filing a grievance with the review panel; providing for certain exceptions; specifying timeframes for review by the panel; providing for an expedited review of certain grievances; providing for the recommendation of the review panel to be adopted by the Agency for Health Care Administration or the Department of Insurance; providing conditions under which the agency or the department may reject a recommendation of the review panel; providing for a final order of the agency or the department to be appealed; providing an effective date.

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

By Senator Brown-Waite—

SB 364—A bill to be entitled An act relating to the confidentiality of information obtained by the Agency for Health Care Administration and the Department of Insurance; amending s. 408.7056, F.S.; exempting from the public records law information that identifies a subscriber, or the spouse, relative, or guardian of a subscriber, who has filed a grievance under the Statewide Provider and Subscriber Assistance Program; providing for future legislative repeal and review; exempting from the public meetings law a meeting, or portion of a meeting, of the review panel at which matters of a sensitive or personal nature are reviewed with respect to a subscriber or a provider who has filed a grievance under the program; providing for future legislative repeal and review; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Rossin—

SB 366—A bill to be entitled An act relating to education funding; amending s. 24.121, F.S.; revising provisions relating to apportionment and expenditure of funds in the Educational Enhancement Trust Fund; amending ss. 229.592 and 230.23, F.S.; correcting cross references; amending s. 240.4024, F.S., relating to the Florida Postsecondary Tuition Program; expanding eligible institutions; providing for initial awards; providing an effective date.

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

By Senator Ostalkiewicz—

SB 368—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain radio stations and other organizations that conduct religious activities; providing an effective date.

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

By Senator Ostalkiewicz—

SB 370—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for educational activities of a school; providing an effective date.

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

By Senator Ostalkiewicz—

SB 372—A bill to be entitled An act relating to child abuse or neglect; directing the Joint Legislative Management Committee to conduct a study of cases involving referral of parents or other family members to mental health services or parenting classes; requiring a report; directing the Department of Children and Family Services to provide access to certain records; providing an appropriation; providing an effective date.

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

By Senator Ostalkiewicz—

SB 374—A bill to be entitled An act relating to driver's licenses; amending s. 322.32, F.S.; prohibiting the display or possession of fictitious or fraudulently altered driver's licenses; providing for the seizure of such licenses by law enforcement officers; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the seizure of such licenses; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; requiring the surrender of driver's licenses to law enforcement officers in certain situations; providing penalties; creating s. 322.325, F.S.; prohibiting the display or possession of canceled, suspended, or revoked driver's licenses; providing for the surrender of such licenses to law enforcement officers; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; prohibiting the seizure of vehicles for certain offenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; requiring the issuance of a reference guide; providing penalties for habitual offenders; prohibiting the seizure of vehicles for certain offenses; providing for the seizure of certain licenses; providing penalties for the refusal to surrender such licenses; providing an effective date.

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

By Senators Ostalkiewicz, Bronson, Williams, Harris, Clary, Jenne, Lee, Thomas and Cowin—

SB 376—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment over a specified period and exempting such equipment beginning July 1, 2000; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; providing an effective date.

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

By Senator Brown-Waite—

SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of other municipalities; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator McKay—

SB 380—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4011, F.S.; providing for admissibility of a defendant's confession or admission when the defendant is charged with a crime against a child under s. 794.011, F.S., relating to sexual battery, s. 794.05, F.S., relating to carnal intercourse with an unmarried person under 18 years of age, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child, s. 826.04, F.S., relating to incest, s. 827.03, F.S., relating to aggravated child abuse, s. 827.04, F.S., relating to child abuse, s. 827.071, F.S., relating to sexual performance by a child, or any other crime involving sexual abuse against a child, or with an attempt, solicitation, or conspiracy to commit any of these crimes, under specified circumstances; providing for a court hearing on whether the confession or admission is trustworthy; specifying burden of proof; providing for admissibility of hearsay at such hearing; requiring specific findings of fact; providing an effective date.

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

By Senator McKay—

SB 382—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing an effective date.

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

By the Committee on Children, Families and Seniors—

SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to reports due to the Legislature; revising requirements for the department in procuring contracts for client services; requiring that the department procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; requiring that certain provisions be included in each contract entered into by the department in excess of a certain amount; requiring that the department develop, and incorporate into the department's Employee Disciplinary Handbook, standards of conduct and a range of disciplinary sanctions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to reduce pay disparity among certain staff members; requiring the department to evaluate certain districts that have centralized contracting functions; providing an effective date.

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

By Senator Ostalkiewicz—

SB 386—A bill to be entitled An act relating to education; amending ss. 232.246 and 232.2465, F.S.; revising high school graduation require-

ments to include study of the Constitution of the United States; providing an effective date.

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

By Senator Sullivan—

SB 388—A bill to be entitled An act relating to funding for the rehabilitation of persons with brain or spinal cord injuries; amending s. 316.193, F.S.; assessing an additional fine for driving under the influence, to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; amending s. 327.35, F.S.; assessing an additional fine for boating while under the influence, to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; providing an effective date.

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

By Senators Kurth, Brown-Waite and Latvala—

SB 390—A bill to be entitled An act relating to residential insurance; amending s. 627.4025, F.S.; including insurance policies for cooperative unit owners and cooperative associations within certain residential insurance coverage provisions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Grant—

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

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

By Senators Grant and Horne—

SB 394—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver's license records, to conform; providing a finding of public necessity; providing an effective date.

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

By Senator Burt—

SB 396—A bill to be entitled An act relating to driver's licenses and identification cards; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

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

By the Committee on Education—

SB 398—A bill to be entitled An act relating to the Florida Prepaid Tuition Scholarship Program; reviving and readopting s. 240.552, F.S., which establishes the program; providing an effective date.

—was referred to the Committee on Education.

By Senators Brown-Waite, Grant and Forman—

SB 400—A bill to be entitled An act relating to campaign financing; amending s. 106.07, F.S.; revising reporting requirements applicable to candidates for other than statewide office who qualify with the Department of State; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Dudley—

SB 402—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing use of tax revenues to acquire property for beach parking or beach access and to construct or improve existing beach parking facilities or beach access areas; authorizing issuance of bonds; providing an effective date.

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

By Senator Dudley—

SB 404—A bill to be entitled An act relating to electronic communication services; amending ss. 203.012, 212.05, F.S.; specifying that telecommunication service does not include the services of providing access to the Internet and electronic mail; providing legislative intent; reenacting s. 166.231(10), F.S., relating to municipal public service taxes, s. 203.62, F.S., relating to the applicability of statutes relating to gross receipts taxes, s. 337.401(4), F.S., relating to use of right-of-way by regulated utilities, s. 212.12(11), F.S., relating to dealer's credit for collecting tax, to incorporate the amendments to s. 203.012(5)(c), F.S., and s. 212.05(1)(e), F.S., in references thereto; providing an effective date.

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

By Senator Dudley—

SB 406—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.0605, F.S.; providing a fee for a saltwater fishing license for fishing from any pier attached to the land at the discretion of the owner, operator, or custodian of the pier; providing an effective date.

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

By Senator Holzendorf—

SB 408—A bill to be entitled An act relating to employment equity in postsecondary education; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

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

By Senator Scott—

SB 410—A bill to be entitled An act relating to the management and regulation of financial institutions; amending s. 655.005, F.S.; adding savings banks to the offices and relocation procedures; defining "strong, well-managed state bank or trust company"; amending s. 658.295, F.S.; deleting notice requirements; amending s. 658.2953, F.S.; deleting notice and filing fee requirements; amending s. 658.73, F.S.; revising some filing fees and authorizing refunds; amending s. 663.06, F.S.; establishing an indefinite license period for international banks; amending s. 663.12, F.S.; providing for annual operating fees and semiannual assessments; creating ss. 667.001, 667.002, 667.003, 667.004, 667.005, 667.006, 667.007, 667.008, 667.009, 667.010, 667.011, 667.012, 667.013, F.S.; establishing the "Florida Savings Bank Act"; defining terms; providing for the applicability of specific statutory law; providing Department of Banking and Finance regulatory requirements for the establishment, reorganization, consolidation, merger, conversion, operation, acquisition, control, loan standards, and loan expenses of savings banks; authorizing the department to take action against certain foreign savings banks; providing an effective date.

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

By Senator Latvala—

SB 412—A bill to be entitled An act relating to marine fisheries; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; providing for the admissibility of Marine Fisheries Commission rules into evidence; amending s. 370.025, F.S.; deleting a requirement that Marine Fisheries Commission rules be approved by the Board of Trustees; permitting the adoption of conservation and management measures when available information is incomplete or inconclusive; amending s. 370.026, F.S.; placing the Marine Fisheries Commission within the Department of Environmental Protection; amending s. 370.027, F.S.; deleting a limitation on the power of the Marine Fisheries Commission to regulate fishing gear; providing procedures for filing rules with the Department of State; conforming provisions; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.092, F.S.; deleting provisions relating to the carriage of proscribed nets across Florida waters, major violations, and fines and penalties; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of any net not approved by the Marine Fisheries Commission; defining the terms "net" or "netting" and "miles"; providing for forfeiture of nets illegally used; amending s. 370.14, F.S.; deleting a requirement that a marine patrol officer be present at the weighing of crawfish during the closed season; amending s. 370.142, F.S.; providing additional penalties for violation of crawfish laws; amending s. 370.15, F.S.; revising shrimp trawling regulations; amending s. 370.25, F.S.; providing the department with discretionary rulemaking authority relating to grant programs for construction of artificial fishing reefs; prescribing unlawful activities; providing criminal, civil, and administrative penalties; providing for revocation of licenses and permits of violators; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; providing an effective date.

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

By Senators Scott, Crist, Gutman, Lee, Childers, Jenne, Holzendorf, Meadows, Casas, Brown-Waite, Harris, Klein and Ostalkiewicz—

SB 414—A bill to be entitled An act relating to taxation of telecommunications services; prohibiting any tax pursuant to ch. 166, ch. 203, or ch. 212, F.S., on specified services; providing an effective date.

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

By Senator Bankhead—

SB 416—A bill to be entitled An act relating to the Florida Statutes; amending ss. 607.10025(4), 616.21(2)(a), 617.1507(2), 617.1533(1)(a), 617.1604(3), 627.092, 627.311(4)(b), 627.429(4)(a), (g), (5)(d), 627.659(8), 631.965, 636.053(2), 697.07(5), 721.301(1)(c), 721.55(8)(a), 721.553(4), 744.639, 790.08(1), 914.17(2)(c), 945.04(4), (5), and 945.35(3), (5), Florida Statutes, and ss. 641.22(6)(c), 626.9911(4), 626.9916(7)(d), 627.3511(5)(c), 627.481(1), 627.701(5)(d), 627.7013(2)(b), 627.7014(2)(a), 648.44(9)(a), 648.45(3)(e), 717.124(3), 718.112(2)(k), 766.105(3)(b), 768.28(19), 796.08(1)(b), 944.801(3)(c), 946.509(2), and 951.27(1), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 418—A bill to be entitled An act relating to the Florida Statutes; repealing ss. 159.811(2), 206.065, 206.425, 206.426, 212.60, 212.61, 212.62, 212.6201, 212.635, 212.637, 212.64, 212.65, 212.655, 212.66, 212.67, 232.165, 258.024, 366.84, 403.709(3)(f), 409.7015, 461.006(1)(d), 468.385(9)-(13), 468.387(2), (3), 468.389(2)(d), 491.0055, 617.0122(24), 617.01225, 627.837, 768.73(2)-(7), 790.06(13)(b), 946.40(5), and 946.508, Florida Statutes, and ss. 212.05(1)(g), 216.292(11), 255.25(4)(c), 259.032(11)(d)2., 288.1065, 373.59(15), 403.7197, 550.01215(9)(b),

627.351(5)(a)1.d.(II), 790.065(1)(b)2., 950.002(10), (11), and 958.04(4), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 1997 only through a reviser's bill duly enacted by the Legislature.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 420—A bill to be entitled An act relating to the Florida Statutes; amending ss. 11.39(2)(c), 13.01(2), 25.388(1)(a), 27.38(3), 27.60(3), 39.4105, 39.455(1), (2), 83.51(2)(b), 112.153, 125.485, 154.304(4), 205.033(5), 206.60(1)(a), 216.0152(1), 216.023(7)(b), 231.614(2)(a), 235.15(1), and 235.199(1)(c), (d), (f), (2), Florida Statutes, and ss. 14.2015(2)(k), 14.22(5)(a), 20.255(4), 39.058(4)(e), 39.0582(4)(e), 61.13(6), 112.181(1)(a), (2)(a), 159.8081(1), and 216.0445(2), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 422—A bill to be entitled An act relating to the Florida Statutes; amending ss. 17.03(2), 17.08, 39.402(6), 39.41(2)(a), 48.27(2), 61.13016(1)(c), 175.091(1)(b), 233.0664, 240.2995(4), 250.34(2), 253.787(4)(a), 320.0807(1), 322.264(1)(d), (f), 337.409, 364.509(3)(f), (k), 370.0805(1)(a), 375.314(3), 400.407(3)(b), 402.37(1), and 402.61(6)(g), Florida Statutes, and ss. 11.45(3)(a), 30.49(11), 39.01(59)(c), 39.0361(4)(a), 70.51(2)(e), (3), (15)(a), 112.181(1)(d), (2), (3), (5), 193.625(2), 212.05(1)(j), 218.503(3), 231.261(4), 250.482(2), 250.5204(2), 250.5205(3), 282.404(4), 320.771(1)(b), (4), 322.18(8)(c), 322.245(2), 322.2615(10), 322.2616(1)(b), (2)(b), (8)(b), (14), (15), (16), 327.25(6), 327.30(4), 327.54(4), 337.14(7), 370.0605(7)(b), 370.153(3)(f), 373.4211(10), 374.986(1), 376.306(1)(f), 377.075(4)(a), and 394.4598(1), (3), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volumes 1 and 2 of the Florida Statutes without substantive changes in legal effect.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 424—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1997 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1997 shall be effective immediately upon publication; providing that general laws enacted during the 1995 regular legislative session and prior thereto and not included in the Florida Statutes 1997 are repealed; providing that general laws enacted during the 1996 regular session and the 1997 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 426—A bill to be entitled An act relating to the Florida Statutes; amending s. 44.102, Florida Statutes (1996 Supplement), and repealing s. 838.15, Florida Statutes, and ss. 39.061, 626.988, and 794.03, Florida Statutes (1996 Supplement), to conform to judicial decisions holding said provisions or parts thereof unconstitutional or preempted.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 428—A bill to be entitled An act relating to the Florida Statutes; repealing ss. 106.32, 232.246(6)(c), 253.7821(2), 322.292(5), 344.29, 372.025(2)(b), 373.1965, 374.9785, 381.81, 403.08735(2), 403.7061(5), 407.61, 411.222(3)(b), 440.151(1)(e), 626.8414(2), 627.311(4)(p), 636.005(4), 636.013, 636.014, 679.111, 721.301(2), 760.85(5), and 796.02, Florida Statutes, and ss. 61.181(2)(b)3. and 741.31(6), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions that have become obsolete, have had their effect, have served their purpose, or have become impliedly repealed or superseded.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 430—A bill to be entitled An act relating to the Florida Statutes; amending ss. 403.088(1), 403.7186(3), 403.7238(1)(b), 408.0455(2), 409.212(3)(a), 411.221(5), 411.222(1), (2), (4)(c), 413.033(3)(d), (4)(d), 415.102(4), (23), 415.1034(1)(a), 415.1051(3)(b), 415.1055(1)(f), (2)(c), 415.50171(2)(c), 440.106(2), 443.175(2), 446.011(2), 446.041(8), 446.052(2), (3), 446.25(2), 482.2267(1)(b), (7), 483.308(2), 489.521(7)(b), 499.028(2), 501.203(3)(c), 513.065(4), 518.11(1)(c), 550.054(1), 550.105(9), 550.1815(1)(b), 550.235(1), 550.2614(3), (4), 559.809(12), 559.916(1), 561.42(7), 570.07(16)(i), 570.15(1)(b), Florida Statutes, and ss. 403.7895(5)(d), 403.9328(5), 403.9615(4), 408.061(4)(a), 409.25645, 409.906, 409.912(16), 414.027(1), 414.028, 414.065(1)(f), 414.105, 414.36(3), 414.37, 458.3145(3), 489.131(11), 489.555(4), 497.129(5), 597.004(3)(a), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 432—A bill to be entitled An act relating to the Florida Statutes; amending ss. 125.0108(2)(a), 212.0506(3), (4), (9), (10), 212.0596(1), (2), (3), (4), 212.0598(1), (3), (5), 212.06(1)(a), (b), (2)(k), (l), (5)(a), (11)(a), (c), 212.0601(2), 212.0606(1), (3), 212.07(9), 212.095(1), (2)(a), (b), (d), (3)(c), (10), 212.14(7)(a), 212.15(2), 403.718(1), 403.7185(1), and 681.117(2), Florida Statutes, and ss. 125.0104(3)(m), (10), 163.3184(11)(a), 212.02(2), (14)(a), (c), 212.0305(3)(c), (l), (5), 212.04(1)(c), 212.05(1)(e), (j), (k), (l), (4), 212.0515(4)(a), (b), (5)(c), (7), 212.054(2)(a), 212.08, 212.084(6)(a), 212.11(1)(a), (4), 212.12(1)(c), (3), (5)(b), (6)(b), 212.18(3), (5), 212.20(1), (6), 213.053(1), (7)(m), 288.1045(2)(f), (3)(b), (c), (d), 288.106(3)(c), (4)(a), 288.1162(4)(e), 288.1168(2)(e), 376.75(9)(a), and 538.11, Florida Statutes (1996 Supplement), pursuant to the directive of the Legislature in s. 30, ch. 96-323, Laws of Florida, to conform the Florida Statutes to the repeal of part II of chapter 212, Florida Statutes, by chapter 95-417, Laws of Florida.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 434—A bill to be entitled An act relating to the Florida Statutes; amending ss. 240.117(3), 240.118(1), 240.2098(2), 240.268(6), 240.3215(2), 240.38(6), 242.3305(1), 250.10(1), (2), (3), (5), 253.033(1), (4)(a), 255.29(3), 282.322, 324.202(2)(b), 334.14(1)(a), 339.135(4)(g), 341.052(5), 348.753(2), 348.967(2)(a), 364.025(2), 370.154,

373.0693(1)(b), 373.605(1), 377.709(6), 381.0101(2)(a), 381.0301(1), 397.411(2)(b), 400.191(1)(c), 400.441(1)(a), 400.4415(1), (2)(a), (b), (9), 400.452(3), 400.471(3), and 400.6255, Florida Statutes, and ss. 240.253(1)(a), (b), 240.61(13), 250.5205(1), 252.85(1), 282.3061(8), 287.042(2)(a), 287.055(10)(b), 287.0947(1)(f), 288.1221(2), 288.1226(5)(c), 288.905(3)(c), 288.9604(2), 288.973(1)(f), 288.975(11), 290.0065(10), 290.009(1), 316.193(3)(c), 320.08056(4)(j), 320.08058(10)(c), 320.0848(1)(d), (2)(c), 320.27(2), 320.827, 322.2616(18), 338.155(2), 341.501, 370.021(2)(d), 370.0615(9), 370.092(2), 370.1111(1)(c), 376.30711(1)(b), 378.101(4)(b), 381.00315, 381.004(2)(c), 394.90(5)(b), 400.4075(5), (6), and 402.33(10)(b), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 436—A bill to be entitled An act relating to the Florida Statutes; amending ss. 39.012, 39.014, 39.046(1), (2), 39.055(1), 39.0573(2), 39.059(7)(c), 39.39, 39.41(2)(a), 39.449, 39.459, 63.032(1), 63.202(1), 63.212(1)(c), (d), (g), (h), 63.301(1), (2)(c), (4), 153.19(2), 154.001, 154.01, 154.011(1), (3), 154.013(1), 154.03, 154.05, 154.06, 154.304(5), 216.341, 232.032(1), (7), (8), 240.4075(7)(a), 240.4076(4)(a), 381.001(1), (4), 381.0011, 381.0019, 381.0034(1), 381.0035(1), 381.0036, 381.0038, 381.0039, 381.0042, 381.0051(4), (5)(a), 381.0063, 381.0072, 381.008(2), 381.0084(2), 381.009, 381.0101(2)(b), 381.0201, 381.0203(2)(a), (d), 381.0302(2)(a), (c), (e), 381.0402(1)(d), 381.0406(8), (13), 381.045, 381.0602(1), (3), 381.698(2)(l), (3)(a), (b), (6), (8), 382.002(5), 382.0135, 383.011, 383.013, 383.016, 383.04, 383.05, 383.11, 383.13, 383.16(1), 383.216(1), (2), (4), (5)(b), (6), (7), (10), 383.2161, 383.302(4), 383.3362(5)(a), (6)(a), (7)(h), 384.23(1), (2), 384.27(2), 385.103(1)(d), (2)(a), 385.203(1), (2), 385.204(1), 385.205(1), 385.206(1)(a), 385.207(2), (3), 385.209(2), 386.02, 386.03(1), 386.041(2), 386.203(7), 386.205(2)(a), 387.02, 387.03(1), 387.05, 387.08, 387.10(1), 388.45, 388.46(2)(a), 391.021(1), 391.091(1)(a), 391.214(1), 391.304, 391.305, 391.306, 391.307(1), 392.51, 392.52(2), (4), 392.55(2), 392.62(3)(e), 395.603(1), 400.441(1)(d), 400.464(4), 402.32(3)(d), (5), (6)(a), 402.321(4), (5)(b), 403.853(6), 403.860(4), (5), (6), 403.862(1), (6), (7), 404.056(6), 408.601(2), 408.701(13), 408.901(9), 409.016(1), (2), 409.141(1), (4), 409.146(1), (5), (6), (9), 409.166(2)(b), 409.167(1), 409.1685, 409.1755(3)(a), (b), (4)(a), 409.2599, 409.2675, 409.285, 409.403(1), (2), 409.404(1), 409.9112(3)(g), 410.032(1), 410.602, 410.603(1), 415.102(9), 415.501(2)(b), (3), 415.5015(5)(a), 415.5016(1), 415.50165(1), (2), (5), 415.502, 415.507(4), 415.5075, 415.5095(2), 415.515, 415.602(1), 415.604, 419.002(1), 420.623(1)(b), 458.315, 458.317(1)(c), (2), 459.0075(2), (4), 467.019(2), 509.232, 513.01(1), 513.045(2), (3), as amended by s. 16, ch. 93-120, Laws of Florida, 513.045(3), as amended by s. 6, ch. 93-150, Laws of Florida, 513.055(2)(a), as amended by s. 17, ch. 93-120, Laws of Florida, 513.055(2)(a), as amended by s. 12, ch. 93-150, Laws of Florida, 514.025, 514.028(1)(b), 514.05(4), 514.06, and 743.0645(5), Florida Statutes, and ss. 39.001(2), 39.003(5), 39.01(7), (8), (12), (14)(b), (c), (20), (30), (38), (39), (54), (55), (56), (57), (66), (67), 39.021(5), 39.025(2), (4)(d), (f), (5)(a), (c), (6)(d), (7), (8)(a), (b), 39.0361(5)(c), 39.039(3), 39.047(1)(a), 39.0517(1)(b), (c), (2), (3), (5), (7), 39.052(2)(c), (4)(d), 39.0585(1)(b), 39.418, 39.423(1), 39.442(3), (4), 39.446(3), 39.457, 63.022(2)(d), 110.205(2)(p), 230.2305(11)(b), 381.0031(1), 381.004(4), (5), (8), (10), (11)(a), (b), 381.0041(1), (3), (4), (8), (10), 381.0055, 381.0062(2)(b), (5)(c), 381.0064(1), 381.0065(3), (4), (5)(b), 381.0068, 381.0087(7), 381.0098(1), (2)(c), 381.0407(3)(b), (5), (7), 381.815, 382.356, 383.14(1), (3), (5), 384.25(7), 385.202(1), 390.002(1), (4), 402.45(3), (10), 409.1671(1), (4)(a), (5), 409.175(5)(e), (14)(a), 409.178(6), 409.2355, 409.2572(3), 409.2673(4)(b), (8)(c), (9)(a), (10)(c), 409.441(2)(a), 409.803(2), 409.9116(5)(c), 409.912(3)(a), 409.9122(7)(b), 411.232(4)(a), 411.242(4)(a), 414.0252(3), 414.026(2)(a), 414.028(4)(e), 414.095(4)(a), 414.13, 414.175(1), 414.25, 414.27(1), 414.28(8), 414.36(1), 414.37, 414.38(1), (9), (10)(a), (c), (11), (12), 414.39(6), (9), 414.40(2)(d), 414.42, 415.503(6), 419.001(1)(a), (b), 458.347(4)(d), 459.022(4)(d), 514.033(1), (4), and 817.505(2)(a), Florida Statutes (1996 Supplement), pursuant to the directive of the Legislature in s. 26, ch. 96-403, Laws of Florida, to conform the Florida Statutes to the organizational changes made by ch. 96-403, Laws of Florida. References to the "Department of Children and Family Services" are substituted for references to the "Department of Health and Rehabilitative Services," and the title of the secretary of the department is conformed to the change in provisions within chapters 39, 63, 410, 411, 414, 415, and 419, and ss. 409.016-409.803, Florida Statutes. References to the "Department of Health" are substituted for references to the "Department of Health and Rehabilitative Services," and the title of the secretary of the department is conformed to the change in provisions within chapters 153, 154, 381, 382, 383, 384, 385, 386, 387, 388, 390, 391, and 392, Florida Statutes. The term "county health department" is substituted for the term "county public health unit" and for references to "public health unit" or "unit" where clearly in reference to county public health units. References to the "County Health Department Trust Fund" are substituted for references to the "County Public Health Unit Trust Fund" to reflect the change of name of the fund.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 438—A bill to be entitled An act relating to the Florida Statutes; amending ss. 607.0120(6)(a), (7), 607.0129, 607.0130(1), 607.01401(9), 607.0302(16), 607.0501(3), 607.0504(2), 607.0620(5), 607.0622(4), 607.0630(2)(b), 607.0705(1), (5), 607.0707(2), 607.0720(2), (3), (5), 607.0721(5), (6), (7), (8)(a), 607.0722(2), (4), (7), (9), 607.0728(2), 607.0730(1), 607.0731(3), 607.07401(7), 607.0805(5), 607.0807(1), 607.0808(2), (3), 607.0820(3), 607.0824(4), 607.0825(4), 607.0830, 607.0831(1), 607.0832(1), 607.0834(1), 607.0850(1), (2), (3), (4), (6), (7), (10), (11)(g), (12), 607.1302(1), (2), (3), (5), 607.1320(1), (2), (3), (4), (6), (7), 607.1406(5), 607.1421(4), 607.1432(3)(a), (5), 607.1436(2), 607.14401, 607.1507(2), 607.1508(2), 607.1509(1), 607.1530(5), 607.1602(1), (2), (3), (4), (6), (8), 607.1603(1), (4), 607.1604(3), 607.1620(2), (3), 607.1904, 608.404(10), 608.407(1)(d), 608.416(2), (3), 608.4211(3), (5), 608.4225, 608.426(3), 608.427(1), (2), (4), 608.428, 608.432(1)(d), 608.433(2), (3), (4), 608.434, 608.4362(1), 608.4363(1), (2), (3), (4), (6), (7), (10)(g), (11), 608.4421(5), 608.4481(4), 608.4492(3)(a), (5), 608.4494, 608.463(1)(b), 608.508(2), 608.509(1), 608.512(6), 609.02, 609.08(8), 610.021(2), 610.041(1), 610.061(2), 610.081(1), 616.121, 616.21(2)(a), 617.01201(6)(a), (7), 617.0129, 617.01301(1), 617.0501(3), 617.0504(2), 617.0701(3), 617.0721(2), (3), (4), 617.0806, 617.0807(1), 617.0808(7), (8), 617.0809(2), 617.0820(3), 617.0824(4), 617.0825(4), 617.0830, 617.0832(1), 617.0834(1), 617.1421(4), 617.1432(3)(a), (5), 617.1440, 617.1507(2), 617.1508(2), 617.1509(1), 617.1530(5), 617.1602(1), (2), (3), (5), (6), 617.1603(1), (4), 617.1604(2), 617.1807, 617.1904, 617.2003, 617.2006, 617.31(1), (2), 618.09(8), (9), 618.12(2), 618.14, 618.15(1), (2), 618.18(1), 618.25(1), 619.06(3), (4), (5), 619.07(1), (6), 620.102(2), 620.1051(2), (3), 620.116(1), 620.117(1), 620.124(4)(c), (d), (e), (f), (6), 620.126, 620.129(1), (3), (4), 620.132(1), 620.136(2), (4), 620.139, 620.142, 620.144, 620.145, 620.146, 620.148, 620.152(1)(d), 620.153, 620.154(2), (3), 620.155, 620.159(1), 620.164, 620.172(2), 620.1835(1), 620.57(1), (2)(b), 620.59(4), 620.60(1), 620.605(1), (2), 620.61, 620.615, 620.62, 620.625(1), 620.635, 620.64, 620.645(1), (2), (3), (4), (6), 620.66(1), 620.665(1), 620.675, 620.68(1), (2)(a), (d), (e), 620.685, 620.69, 620.695(1), (3), 620.715(1)(a), (b), (d), 620.725, 620.73(1)(b), (2)(b), (3)(c), (4), 620.735(2), (4), 620.74, 620.745(1), (2)(b), (c), 620.75(1), (2), 620.755(6), (9), 620.76(1), (3), (8), 620.765, 620.77, 620.78(3), 620.7885(3), 621.06, 621.11(1), 623.03(2), 623.04, 623.06, 623.12(1)(b), 624.155(1)(b), (2)(b), 624.305(1)(b), (3), 624.315(1), 624.317(3), 624.318(3), 624.321(1), (2), 624.322, 624.4211(2), 624.422(1), 624.423(1), (2), 624.424(8)(c), 624.425(3), 624.470(2)(b), 624.472(2), 624.474(4), 624.489(1), 624.501(22), 624.505(1), (2), 624.506(1), (3), 624.509(4), 624.5092(2)(a), (b), 624.510(3), 624.516(2), 624.523(1)(l), (n), 624.610(9), 625.75, 625.77, 625.78, 626.022(1)(c), 626.041(2)(b), (c), (d), 626.0428(1), 626.051(2)(b), 626.062(2)(b), 626.071(2), 626.091(3), 626.112(1), (2), (3), (4), (5), (6), (7), (8)(b), 626.171(2)(a), (b), (c), (e), (f), 626.172(1)(b), 626.181, 626.191, 626.201, 626.211(2), 626.221(2)(e), (g), 626.231, 626.251(1), 626.311(1), (4), 626.321(1)(d), (h), (i), 626.322, 626.331(1), (2), 626.341(2), 626.342(2), 626.431(2), (3), 626.451(2), (3), 626.471(1), (4), 626.541(1), 626.551, 626.561(1), (3), 626.572(1), 626.581, 626.592(1), (4), (5), 626.611(6), (11), 626.621(4), (6), 626.6215(5)(f), 626.730(1), (2), (3), 626.731(1)(b), (c), 626.732, 626.734, 626.7351(2), (5), 626.7352, 626.7353(2), 626.7354, 626.736, 626.738, 626.739(1)(a), 626.741(1), (2), (4), 626.742(1), (2), (4), (5), 626.7451(10)(c), 626.7454(3), 626.748, 626.749(1), (2), 626.7492(8)(c), 626.752(1)(a), (2), 626.753(1)(a),

626.754(1), 626.784(1), (2), 626.785(2), 626.7851, 626.790(1), 626.791(1)(a), 626.792(6), (7), 626.793(1), 626.795, 626.798, 626.829(2), 626.830(1), (2), 626.831(2), 626.8311, 626.835(6), (7), 626.837(1), 626.8373(1), 626.839, 626.8421, 626.8427(1)(a), (3), 626.844(5), 626.8463(1), (3), 626.8467, 626.857, 626.858(2), 626.862(1), 626.863(2), 626.865(1)(c), (d), (2), 626.866(3), (4), 626.867(3), (4), 626.869(1), (3), (5), 626.8695(1), (3), (4), 626.872(1)(c), (4), 626.873(1), (4), 626.8805(1), 626.894(2), 626.906, 626.907(1), 626.908(1)(d), 626.909(4), 626.912(4), 626.918(3), (5), 626.919(3), 626.922(2), 626.924, 626.927(7), 626.9271(1)(a), 626.9295, 626.930(1), (3), 626.931(1), 626.932(1), 626.935(1)(b), (d), 626.937(3), 626.942, 626.945(1)(k), (l), 626.9541(1)(o), (v), 627.041(3), 627.066(11)(a), 627.072(4)(c), 627.162(4), 627.215(12)(a), 627.291(2), 627.311(3)(e), (4)(a), (o), 627.371(1), 627.406(2), (4), 627.407, 627.410(7)(c), 627.4132, 627.4137(1), 627.4143(2)(d), 627.418(1), 627.4237, 627.553(3), 627.555(2)(b), 627.560, 627.561, 627.562, 627.566, 627.567, 627.568, 627.571(1), 627.6044(2), 627.619, 627.621, 627.624(1), 627.6401, 627.646(1), 627.6486(2)(b), 627.6488(2)(a), (b), 627.6516(2)(b), 627.657(1)(a), 627.664(1), 627.6645(2), 627.6675, 627.679(1)(c), 627.681(3), 627.6841(1), 627.6843(1)(a), 627.702(1), 627.727(1), (9)(b), (c), (d), (e), 627.7275(2)(a), 627.7286, 627.732(4), 627.733(5), (7)(a), 627.737(1), (2), 627.832(2), 627.835, 627.836(1), 627.839(3)(a), 627.840(3)(b), 627.841(3), 627.842(3), 627.843, 627.844(3), 627.845, 627.944(1)(c), 627.948(2), 627.952(1)(b), (3), 627.971(1)(b), 627.983(1), 627.985(1)(a), 628.152(2), 628.221(2)(a), 628.255(2), (4), 628.421(1)(a), 628.441(2)(c), (e), (g), 628.491(4), 628.501(2), 628.6013(7), (8), 628.6017(1)(d), 629.121(1), (2), 629.211(2), 629.221(2), 629.231(2), (4), 629.241, 629.291(3), 629.301(2), 629.401(2), (6)(b), 631.051(4), 631.112, 631.154(1), 631.171(2), 631.181(1)(b), (d), (2)(a), 631.191(2)(a), 631.261(1), 631.263(2)(b), 631.271(1)(b), 631.281(2)(a), 631.321(1), 631.331(2), (4), 631.371(3), 631.391(1)(b), 631.57(1)(a), 631.60(1), 631.61, 631.717(8)(a), 631.816(4), 631.93(2), 631.935(1)(c), 631.98(1), 632.608(2), (3), 632.634(2), 633.02, 633.052(1)(b), 633.061(3)(b), (c), (d), (4)(b), (6), 633.081, 633.085(1)(a), (2), 633.101(1), (2), (3), 633.13, 633.14, 633.151, 633.162(2), 633.167, 633.18, 633.31(3), 633.32(1), (2), 633.35(2), 633.351(2), 633.352, 633.382(2)(a), 633.47, 633.511(1), (2)(a), (3), 633.514(1), 633.517(2), 633.521(2)(a), (e), (3), (4), (6), 633.527(1), 633.531, 633.534(1), (2), (3)(a), (b), 633.537(1), (2), 633.547(2)(c), (3), 633.551(3), 633.702(3)(c), 633.72(1)(a), 634.011(13), 634.044(2)(i), 634.095, 634.101(1), 634.111(4), 634.121(3), (4), (5), (6), 634.136(2), (4), 634.151(1), 634.161(1), 634.171, 634.181, 634.191, 634.242, 634.261, 634.271(1), 634.281, 634.3077(3), 634.318, 634.319, 634.320(9), 634.321(4), (5), 634.3284(1), 634.342, 634.406(3)(e), 634.4061(2)(i), 634.420, 634.421, 634.422(9), 634.423(4), (5), 634.433(1), 634.442, 635.051(1)(a), 636.008(12), 636.016(6), 636.018(1)(b), 636.025(1), 636.044(1)(b), (3), 641.3105(1), 641.3921, 641.3922(6)(b), (11), (12)(d), 641.423(2), 641.424(1), 641.444, 642.025(3)(g), 642.036(1), 642.038, 642.041(9), 642.043(4), (5), 642.0475(1), 648.295(1), (3), 648.58, 650.02(2)(c), 650.03(1)(f), (3), (4), 650.04(1), 650.05(3)(b), 650.10, 651.023(1)(c), 651.026(4), 651.033(2)(b), 651.055(1)(g), (5), (6), 651.061, 651.091, 651.095(4), 651.114(1), (2), 651.116, 651.121(2), (5)(a), (b), 651.131(1), 655.005(1)(f), (n), 655.032(3)(c), 655.0322(3)(a), (e), 655.0386(1), 655.045(2)(a), 655.059(2)(a), (b), 655.417(3), 655.77, 655.78(2), 655.81, 655.82(8), 655.90(2), 655.936(1), (2), 655.948(2)(a), 657.021(3), (9)(c), 657.022(1), 657.0265(1), 657.028(1), (2), (3), (4), (5), 657.038(4), 657.068(3), 657.261(1), 658.235(2), 658.79, 658.81, 658.82(3), 658.83(3), 660.27(3), 660.33(4)(c), 660.35, 660.46(8), 665.033(1)(a), (d), 665.0501(8), 671.102(5)(b), 671.201(9), (23), (25), (26), (27), (44), 671.205(6), 671.206(1), 671.208, 672.104(1), 672.201(1), (3)(b), 672.210(1), (2), (4), (5), 672.304(1), 672.305(2), (3), 672.308(1), 672.310(2), 672.311(3), 672.312(2), 672.313(2), 672.316(3)(b), 672.318, 672.319(1)(b), (c), (2)(a), (3), 672.320(2), 672.324(1), 672.325(2), 672.326(3), 672.328(2), (3), (4), 672.401(2), (3)(a), 672.402(2), 672.403(1), (2), 672.501(1), (2), 672.502, 672.503(1), (3), (5)(a), 672.504, 672.505(1), 672.507, 672.508, 672.509(1), (2)(a), (c), (3), 672.510(2), (3), 672.512(2), 672.602(2)(b), 672.603(1), (2), 672.604, 672.605(1), 672.606(1)(a), (c), 672.607(3), (5), 672.608(1), (3), 672.609(1), 672.610(2), (3), 672.611(1), 672.612(3), 672.613(2), 672.615(1), (2), 672.616(1), 672.702(1), (2), 672.704(1)(a), 672.705(1), 672.706(3), (6), 672.707(1), 672.709(2), 672.711(1), (3), 672.712(3), 672.714(1), 672.716(3), 672.717, 672.718(2), (4), 672.722(2), 672.723(3), 675.106(1), (2), 675.108(2)(a), 675.112(2), 675.113(2)(b), 675.115(2), 675.116(2), (3), 677.102(1)(g), 677.202(2)(d), (g), (i), (3), 677.204(1), (2), 677.206(2), (3), (5), 677.209(1), (3), (4), 677.210(1), (2), (6), (7), (8), 677.301(5), 677.302(2), 677.303(1)(d), 677.304(3), 677.307(3), 677.308(1), (5), (6), 677.309(1), (2), 677.401(2), 677.402, 677.403(1)(d), (3), 677.404, 677.501(1), (2)(b), 677.502(1)(d), 677.503(1), 677.504(1), (2)(b), 677.506, 677.507, 677.602, 677.603, 678.103(2), 678.104(1), 678.105(3)(e), 678.107(1), 678.108, 678.201(1)(a), (b), (c), (2), 678.202(1)(b), (2), 678.203(1), 678.204(2), 678.206(3)(b), 678.208, 678.301(1), 678.302(1)(a), (3), (4), 678.303, 678.304(2), 678.306(1), (2)(a), (c), (3), (5), (6), (7)(a), (8), (9)(a), (10), 678.307, 678.308(1), (8)(a), (c), (f), (9), (10), (11), 678.311(1), 678.313(1)(a), (b), (c), (d), (e), (f), (g), (2), 678.314, 678.315(1), (2), 678.316, 678.318, 678.319(1), (3), (4), 678.321(1), (3), (4), 678.401(2), 678.403(2), (3)(c), (4)(c), (5), 678.405(1), (3), 678.406(1), 678.407(2), 679.103(2)(d), (3)(d), 679.105(1)(d), (k), 679.108, 679.109(4), 679.112, 679.206(1), 679.207(1), (3), 679.208(1), (2), 679.301(1)(c), (d), (2), 679.302(3)(b), 679.307, 679.308, 679.310, 679.313(3), 679.314(3), (4), 679.318(3), 679.401(1)(a), 679.402(6), 679.403(3), (5), (7), 679.404(1), (2), 679.405(2), 679.406, 679.501(1), (4), (5), 679.502, 679.504(1)(c), (3), (4)(a), (5), 679.505, 679.506, 679.507(2), 680.1031(1)(a), (o), 680.1091(1), 680.22(1)(b), (2), 680.221(2), 680.303(2)(a), (b), (4), (6), 680.306, 680.309(8), 680.31(5), 680.401(2), 680.405(2), 680.501(5), 680.504(3), 680.507(3), 680.511(1), (2), 680.513(2), 680.516(4)(a), 680.517(1), 680.526(2), 680.531(2), 682.04, 682.06(1), 682.08(1), (2), 682.09, 682.10, 682.13(1)(c), (d), 682.14(1)(b), 682.19, 684.04(2)(a), 684.07(2), 686.201(1)(c), 686.402(16)(b), (c), 686.405(3)(a), 686.406(3), 686.407(1), (2), (5), 686.409, 686.41, 686.413(3)(b), (c), (d), (e), (g), (4)(c), 686.417(1), (5), 686.501(2), (3), 686.503(5), 686.504(2)(b), 686.506(3), 687.071(5), (6), 687.14(4)(d), 687.145(1), (2), 688.002(2)(b), 689.01, 689.02(1), 689.03, 689.05, 689.06, 689.075(1)(f), (2), 689.14, 689.17, 689.21(2)(b), (3), (5), (6), 694.09, 694.14, 695.02(2), 695.03, 695.031(2), 695.09, 695.11, 695.12, 695.13, 695.17, 695.18, 695.20, 695.25(1), 695.26(2), 697.06, 697.08(1)(c), 697.10, 697.202(4), (6), (7), 697.205(1)(a), 698.01, 698.03(1), (2), (5), 698.09, 701.01, 702.05, 703.08, 703.10, 703.11, 703.18, 704.01(1), 704.04, 705.102(2), (3), (4), 705.103(2), (5), 705.19(1), (3), 709.01, 709.015(1), (3), 709.02, 709.08(7)(a), 712.02, 712.05(1)(b), (2), 712.08, 713.01(16), (22), 713.02(7), 713.03(1), (2), 713.04(1), 713.07(4), 713.09, 713.10, 713.11, 713.14, 713.15, 713.21(1), (4), 713.22(2), 713.23(1)(c), (d), (f), 713.24(1), (2), 713.245(13), 713.28(1), 713.29, 713.30, 713.31(2)(a), (b), 713.32, 713.3471(2)(i), 713.56, 713.57, 713.585(5), (8), (10), 713.60, 713.665(1), 713.691(2), 713.71, 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(3), (4), (6), 948.08(2), (4), (7), as amended by s. 9, ch. 91-225, Laws of Florida, 948.08(2), as amended by s. 6, ch. 91-280, Laws of Florida, 948.10(2), 949.07(1), (3), 950.03, 950.04, 950.09, 951.04, 951.062(9), 951.08, 951.14, 951.15, 951.21(2), (4), 951.231(1)(a), (b), 951.24(2)(a), (3)(a), (b), (c), (4), (5), 958.045(4), 958.07, 958.09(1), 958.12(1), 958.13(2), 958.14, 960.002(2)(c), 960.05(2)(k), 960.065(1)(d), 960.07(1), and 960.17(1), Florida Statutes, and ss. 607.0502(2), (3), 616.252(1)(a), 617.0502(2), (3), 617.2103(3), 617.306(6), (7), 624.310(1)(a), (4)(f), 624.311(4)(b), 624.319(5), 624.91(4)(a), 626.2815(3)(j), (5), (6)(c), 626.521(4), 626.601(2), (5), 626.9571(3), 626.9581(1), 626.988(5), (6), 626.989(1), (4)(b), 626.99(1), (5)(b), 627.351(6)(c), as amended by s. 2, ch. 96-377, Laws of Florida, 627.351(2)(b), (3)(a), (4)(c), (i), (5)(b), (6)(c), as amended by s. 8, ch. 96-194, Laws of Florida, 627.4147(1)(b), (2), 627.6692(5)(b), 627.6699(5)(h), (11)(b), (g), 627.701(1)(c), 627.728(1)(c), (4)(a), (6), 627.736(1)(a), (b), (2)(b), (3), (4)(d), (5), (6)(b), (c), (7)(b), 627.848(1)(a), (c), (d), 628.461(6)(b), (8), 628.4615(7)(b), (9), 633.111, 633.161(1), 633.175(2), (7), 633.445(5)(d), (e), (7)(d), (e), (9), 634.031(1), 634.201(1), (2), 634.338(3), 634.339(1), 634.438(3), 634.439(1), 641.31(10), 641.386(1)(b), (3), 641.3907(3), 641.445(3), 648.36, 648.44(1)(a), (d), 655.037(6)(a), 658.295(2)(e), 658.33(4), 697.04(1)(b), 705.18(1), 713.05, 713.06(1), (2)(a), (b), (c), (3)(c), (d), (f), (g), 713.08(1), (2), (3), 713.13(1)(a), (b), (d), (g), 713.16(1), (2), (3), (4), 713.18(1)(b), 713.20(1), (3), 717.101(14), 717.117(3), (5), 717.124(5)(a), 718.112(2)(d), 718.501(1)(d), 719.106(1)(d), (f), 719.501(1)(d), 721.071(4), 723.031(8), 741.01(1), 744.102(8), 744.309(1)(b), (2), (3), 744.3215(1)(b), (f), (h), (j), (3)(e), (g), (4)(b), 744.331(1), (2)(a), (3)(a), (d), (5)(b), (6)(a), (c), 744.334(1), 744.351(1), 744.3675(1)(a), (c), 744.454, 744.474(1), (2), (3), (4), (8), 744.703(5), 744.704(4), (5), (8), 744.708(4), 760.29(1), 760.34(1), (2), (3), 760.35(3)(b), 760.40(3), 760.50(3)(b), 765.202(3), 766.101(5), 766.105(3)(b), (c), (d), (f), 766.106(2), (9), (10), 766.207(7)(b), 766.21(1), (3), 766.304, 766.305(1)(a), 766.309(2), 766.312(1), 766.314(9)(d), 766.315(3), (4)(k), 768.28(1), (6)(a), (9)(a), (b), (19), 775.083(1), 775.0877(1), (4), 775.15(3), 787.01(1), 787.02(1), 787.04(5), 790.065(1), (2)(c), (3), 790.22(2), (3), (8), 810.09(2)(c), 812.014(4), 812.015(1)(c), (f), 832.07(1)(a), 832.08(1), (4), (5), 837.011(2), 838.014(1), (3), (4), (6), 849.0935(4)(e), 893.035(2), (4), (5), (6)(b), (7)(a), 893.13(6)(a), 893.135(5), 893.138(2), 901.15(2), (3), (7), (8), (9), (10)(a), (11), 905.17(1), 907.041(4)(b), (i), (j), 916.107(3), (4), (5)(c), (6), (8), (9)(b), (11), 921.0014(1), 921.142(2), (7)(e), (g), 922.052(1), 922.07(1), (2), (3), (4), 922.08(1), 922.11(1), 924.051(6)(a), 925.037(3)(a), (6), 940.03, 943.0515(1)(b), (2)(b), 943.054(1)(b), 943.0585(1)(b), 943.059(1)(b), 943.06(2), (3), 943.1395(2), (4), (6)(c), (8)(c), (d), 943.14(1), (8), 944.09(1)(o), 944.275(4), (c), 944.28(1), (2)(b), (c), as amended by s. 6, ch. 89-531, Laws of Florida, 944.28(1), as reenacted by s. 2, ch. 91-280, Laws of Florida, 944.31, 945.091(1), (4), 945.215(1)(f), 945.42(3), (4), (5), (12), (13), 945.43(1), (2)(b), (c), (3), 945.44, 945.45(1), (2), 945.47, 945.48(1), (2), 945.602(1), (2), 946.002(1)(a), (4), 946.006(3)(h), (j), 946.504(5)(b),

947.02(2), (3), 947.03(1), (3), 947.04(1), (2), (5), 947.1405(5), 947.146(1), (2), 947.173(1), (2), 947.18, 948.01(2), 948.03(1)(b), (e), (g), (k), (8)(b), 948.09(3)(a), (d), (4), 951.061, 951.23(8), 951.26(1)(a), 958.11(3)(b), (6), 960.001(1)(d), (e), (i), 960.003(5)(a), (6), 960.13(7), (9)(b), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volume 4 of the Florida Statutes without substantive changes in legal effect.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 440—A bill to be entitled An act relating to the Florida Statutes; amending ss. 403.087(6)(a), 403.0877(2), 403.091(3)(c), (d), 403.141(2), 403.321(1), 403.331(1)(a), (b), 403.341, 403.381(1), 403.411, 403.412(2)(f), 403.413(6)(c), (f), (h), 403.415(8)(b), 403.60, 403.709(5), 403.716(3), 403.7185(1), 403.721(6)(h), 403.809(2), 403.862(4), 403.905, 404.056(2)(c), (3)(g), (h), 404.161(2), 404.22(2), 404.30, 406.02(1)(b), (c), (2), 406.03, 406.06(2), 406.08(2), (3), (4), (5), 406.11(1), (2)(a), 406.13, 406.145, 406.16, 408.0014(4)(a), 408.006(1)(a), 408.033(1)(a), (2), 408.035(1)(h), 408.05(8)(b), (c), (d), 408.07(29), 408.7045(3), 408.705(6), 408.7071(2)(a), (b), 409.145(2)(a), (c), 409.166(1), 409.212(3), 409.2574(2)(b), 409.2575(1), 409.352(1)(a), (2), 409.401, 410.032(2), 410.603(2), 411.202(2), (7), 413.031(3), 413.033(3)(c), (4)(c), 413.034(2), (4), 413.037(2), 413.063, 413.08(4)(b), (d), 413.20(12), 413.273(1), 413.401, 413.445(3), (4), (5), (6), 413.604, 413.72(1), 415.104(6), 415.1065(2)(c), 415.1085(1), 415.109, 415.1113(10), 415.501(2)(b), 415.506, 415.507(2)(b), 415.5084, 415.511(2), 415.512, 418.302(1), (3), (4), (5), 420.101(1)(d), 420.124, 420.503(5), (16), 420.508(1)(a), 420.609(1)(n), (2)(a), 420.9075(4)(h), 421.05(1), (2), 421.06, 421.07, 421.19(2), 421.30(3), (5), 421.31, 421.33, 421.44(1), 421.50(3), (5), 425.045(2), 425.09(1), 425.10(2), 425.12, 425.20, 430.05(3)(a), 440.02(4), (5), (6), (13)(b), (c), (d), (15)(a), (16), (18), (24), (31)(b), 440.04(1), (3), 440.05(3), 440.06, 440.09(1)(d), (7)(a), 440.091(1), (3), 440.092(3), (4), 440.10(1)(a), (b), (c), (g), 440.105(3)(b), (4)(a), (e), (f), (7), 440.1051(2), 440.107(1), 440.11(1), 440.12(2), 440.14(1)(a), (e), (f), 440.151(1)(a), (b), (3), 440.185(1), (2), 440.19(6), 440.191(2)(b), 440.192(1), (2)(g), 440.20(6), (11)(b), (12)(b), (c), (d), (13), (14), (15)(b), (c), 440.21, 440.25(4)(h), (5)(b), (c), (7), 440.33(1), 440.34(1), (3), (4), 440.38(1)(b), 440.381(6), 440.385(1)(b), (3)(c), (7)(a), 440.386(5)(d), (9)(a), (11)(b), 440.40, 440.4416(2)(c), (d), 440.442(1), (2), (3), (4), (5), (6)(a), 440.51(3), (10), 441.01, 442.018(2)(b), 442.101, 442.102(8), 442.103(3), 442.105(1)(a), (c), 442.106(3)(a), 442.107(2), (4), 442.116(1)(b), (3), 442.119, 443.021, 443.041(1), 443.051(3)(a), 443.071(1), (5)(a), 443.191(2), 443.211(1), (2), 446.045(2)(b), (c), 446.081(2), 447.01(1), 447.04(1)(a), (2)(a), 447.08, 447.09(1), (3), (11), 447.17(1), 447.203(13)(b), (18), 447.208(2), (3)(d), 447.301(4), (5), 447.309(1), (2)(a), 447.401, 447.403(3), (4)(a), 447.405, 447.4095, 447.501(1)(d), (2)(d), 447.507(5), (6)(a), 447.509(3), 447.609, 448.01, 448.045, 448.05, 448.07(1)(c), (2)(a), (3), 448.09(1), 448.103(1)(c), 450.081(5)(b), (c), (6), 450.141(1), 450.151, 450.251, 450.261, 450.30(1), (5), 450.31(2)(b), 450.34(1), 450.35, 452.01, 452.02, 452.03, 454.18, 454.19, 454.23, 454.31, 455.02(1), 455.10, 455.209(1), 455.214(2), 455.2275, 455.2416(1)(b), 455.245(2), 455.2456(2)(d), (e), (f), 456.31(3), 456.32(3), 457.105(2)(a), 457.109(1)(j), (o), (q), (t), (3), 457.116(1)(a), 458.307(4), 458.309(2), 458.310(4), 458.315(1), 458.316(1), (2)(a), 458.3165(1)(b), 458.317(1)(a), (c), (d), (2), 458.319(3), 458.324(2)(a), (c), 458.325(1), 458.327(2)(c), 458.3295(3), 458.335(2), (3), 458.346(2), 459.0075(1)(a), (b), (4), 459.0077(1), 459.008(3), 459.0125(2)(a), (c), 459.013(3)(b), 459.0145(3), 460.402(5), 460.4165(2), (5)(a), (6), (10), 461.004(4), 461.006(2)(b), 461.013(1)(n), (o), (p), (r), (u), (x), (3), (6), 461.0134(1), (2), 462.08, 462.14(1)(k), (p), (q), (r), (s), (v), (y), 462.16, 462.17(3), (5), (6), 462.18(1), 462.19(3), 463.001, 463.002(3)(b), 463.0057(1), (2), 463.006(1)(b), 463.009, 463.012, 463.0135(1), 463.016(1)(e), (i), (o), (s), (3), 465.003(1), (5), (13), 465.007(1)(b), (c), 465.009(1), 465.014, 465.015(2)(a), (3)(a), 465.016(1)(d), (j), (m), (3), 465.017(2), 465.025(2), 465.026(1)(a), (2), 465.0276(1), (2)(a), (3), (4), (5), 465.186(1), 466.002(1), 466.006(2), (3), (4)(b), (c), 466.009(2), (3), 466.0135(3), 466.014, 466.016, 466.017(1), (6), (7), 466.018(1), (2), (4), 466.021, 466.024(5), 466.025(1), 466.026(2)(b), (c), 466.028(1)(n), (o), (p), (q), (s), (x), (y), (bb), (2)(e), (5), 466.031(2), 467.0125(1), (2)(a), 467.013, 467.203(1)(g), 468.1115(2)(c), 468.1135(3), 468.1245(2), 468.1275, 468.1285(1)(d), 468.1655(4)(b), 468.1705(1), 468.1745(1)(c), 468.1755(1)(k), (l), (o), 468.207, 468.209(1), (4), 468.211(1), (2), 468.215(2), (3), 468.217(1)(p), (s), (t), (w), 468.223(1)(b), (c), 468.225(1)(a), (b), 468.304, 468.306(3), 468.3065, 468.307(2)(b), 468.309(5), (6), 468.3095(1), 468.3101(1)(f), 468.314(3), 468.352(3), 468.354(4)(a), (c), 468.36, 468.362(1), 468.365(1)(n), (x), 468.366(1)(d), 468.368(4), (5), (6), 468.383(1), 468.385(2), (3), (4), (5), (6), 468.386(2), 468.387(1), 468.388(3)(b), (5), 468.389(1)(h), 468.395(4), 468.401(3)(c), 468.402(1)(d), (e), (f), (q), (r), 468.403(1), (3)(a), (5), 468.407(3), 468.408(1)(a), 468.531(1)(d), 468.543, 468.551(1)(a), (b), (c), 468.723(6), 470.006(3), 470.007(1)(b), 470.009(2), 470.011(1)(b), 470.019(2)(f), (o), 470.021(2), 470.023, 470.0255(1), 470.026(5), 470.028(3), 470.031(1)(c), 470.032, 470.033, 470.034, 470.036(1)(q), (w), 470.039(2), 471.003(2)(a), (h), (i), (3), 471.005(6), 471.013(1)(a), (b), 471.023(1), (2), (3), 471.025, 471.031(1)(c), 471.033(1)(j), 472.003(2), (3)(a), (b), 472.013(2)(c), (d), (3), 472.017(1), 472.018, 472.021(1), (2), (3), 472.025, 472.031(1)(c), 472.033(4), 473.302(5)(b), 473.303(2), 473.308(3)(b), 473.313(1), 473.315(1), (2), 473.316(1)(c), (4)(b), (5), 473.318, 473.3205, 474.202(10), 474.203(2), (3), (4), (6), 474.207(3)(b), (5), 474.2125(1), 474.213(1)(c), 474.214(1)(h), 474.216, 474.217(1), 475.01(1)(c), (2), 475.011(1), (3), (5), (8)(a), 475.03(1), 475.10, 475.17(1), (2), (4)(c), 475.175(1), 475.180(2)(a), 475.182(1), 475.183(1), 475.22, 475.23, 475.24, 475.25(1)(b), (d), (i), (j), (k), (o), 475.37, 475.42(1)(b), (d), (e), (h), (j), (k), (n), 475.43, 475.451(2), (7), 475.483(1)(d), 475.484(2), 475.486(2), 475.5015, 475.5017(1), 475.613(1)(a), 475.615(4), (5), 475.616, 475.617, 475.619(2), 475.620(1), 475.622, 475.623, 475.624(2), (6), (7), (10), (18), 475.626(1)(b), 475.627(1), (2), 476.054(5), (6), 476.064(1), (3), 476.114(2)(c), 476.134(3), 476.144(4), 476.154(1), 476.204(1)(a), (d), 477.0135(1)(g), 477.015(3), (4), (5), (6), (8), 477.019(2)(c), 477.022(1), (5), 477.029(1)(a), (d), 478.44(4)(a), 478.49, 478.50(3), 478.52(1)(m), (q), (r), 479.16(4), 480.035(3), (4), (5), 480.042(1), (5), 480.046(1)(g), (i), 480.047(1)(a), (d), (e), 481.219(2), (3), (5), (10), 481.221(2), (3), (4), (5), (6), (9), 481.223(1)(d), 481.225(4), 481.2251(1)(c), (j), (l), 481.229(4), 481.301, 481.319(4), (6), 481.321(1), (2), (3), 481.323(1)(b), (c), 481.325(1)(l), (4), 481.329(4), (5), (6), (7), 482.021(9), (18)(b), (21)(a), 482.091(2)(c), 482.111(5), (6)(a), (b), (10), 482.121(1), 482.132(1), 482.141(4), 482.152, 482.155(2), 482.211(1), (11), 482.226(3), 482.2267(3), 483.23(1)(a), 483.285(8), 483.308, 483.817(1), 483.819(1), 483.821, 483.823, 483.825(2), 483.901(4)(e), (10)(c), (11)(a), (b), (f), 484.011, 484.013(1)(a), (2), 484.014(1)(k), (t), (3), 484.018(1), (2), 484.042(4), 484.0445(1), 484.045(2), 484.051(2), 484.053(1)(c), 484.058, 486.028, 486.031(3)(a), (b), 486.041, 486.051, 486.061, 486.081(1), (3), 486.085(4)(c), 486.102(3)(a), (b), 486.103, 486.104, 486.106, 486.107(1), (3), 486.108(4)(c), 486.125(1)(a), (b), (g) (j), (3), 486.135(1), 486.161(1), (2)(a), 486.171(2), 487.021(8), (22), (30), (41), (48)(b), (49), (65), 487.025(2)(d), (g), (h), 487.049(1), 487.051(1)(a), 487.1585(1), 488.04(1), 489.111(2), 489.113(1), (3)(b), (g), (4)(a), (7)(b), (8), (9), 489.115(4)(a), (5)(b), (c), (6), 489.117(1)(a), (b), 489.1195(1), (2)(e), (3)(a), (d), 489.121, 489.128, 489.133(2), (3), 489.134, 489.141(1)(a), 489.509(2), 489.511(2)(a), 489.513(1), (3)(b), (5), 489.515(1)(b), 489.516(1), (3), 489.521(2), (4), (5), (7)(a), (8), 489.522(1), (2)(b), (3), 489.523, 489.531(1)(b), (c), (3)(d), (k), 489.532, 489.537(3)(e), (4), (8)(a), (b), 489.538, 490.0111, 490.012(1), (2), 490.0121(5), 490.014(2)(a), (b), (e), (f), (3), 490.0141, 490.0143, 490.0147, 491.006(1), 491.0111, 491.012(1)(a), (b), (c), (d), (e), (2), 491.014(3), (4)(a), (b), (5), 491.0141, 491.0143, 491.0147, 491.0149(1), 492.102(3), (4), (7), 492.103(1), 492.105(1)(e), 492.108(1), 492.109(3), 492.111(2), (4), 492.112(1)(c), 492.113(1)(j), 492.116(5), 493.6104(8), 493.6105(1)(a), (3)(a), (b), (c), (d), (e), (f), (h), (i), (5), (6), (9), 493.6106(1)(c), (d), (e), (3), 493.6107(5), 493.6109(2)(b), 493.6113(3), (4), (6), 493.6114, 493.6115(3), (4), (6), (8), (9), (12)(b), 493.6118(1)(c), (d), (i), (p), (q), (u), (4), (6), 493.6119(1), (4), 493.6120(4), 493.6123(2), 493.6304(2)(a), 493.6404(2), 493.6406(2)(a), 494.0013(3), 494.003(1)(e), 494.0031(3), 494.0033(4), 494.0039(3), 494.0041(2)(e), (f), (h), 494.006(1)(d), (i), (j), 494.0061(2), 494.0062(2), 494.0072(2)(e), (f), (h), 495.011(1), (2), (6), (8), (9), 495.021(1)(d), 495.031(1)(c), (2)(d), 495.051(2), 495.101(4)(e), 495.121, 495.151, 496.404(1), (14), 496.405(7), 496.406(1)(a), 496.409(1), 496.410(1), (7)(d), 496.412(1)(a), 496.415(17), 496.425(6), (7)(a), (8), 497.135, 497.225, 497.445(5), 497.527, 498.005(2)(e), (3), (17), (18), 498.021(2), 498.023(2)(c), (3)(d), (4), 498.024(3)(d), 498.027(1)(c), (4), 498.031(3), 498.035(4), 498.037(2)(d), 498.041(1)(c), 498.047(4), 498.051(3)(a), 498.057(1)(a), (2), 498.059, 498.061(3), (4), (5), (6), 499.003(10), (11)(b), (c), 499.005(7), 499.007(12), 499.015(3), (4), 499.02(5)(a), 499.024, 499.028(15), 499.041(1)(f), 499.06(1), (2), (3), 499.063, 499.067(5), 499.069(2), (3), 499.62(1), 499.64(3)(b), (c), (d), 499.65(1), 499.68(1), 499.73(3), 499.76, 500.04(7), 500.11(2), 500.121(1)(c), 500.13(2), 500.172(3), 500.177(2), 500.301(12), 501.001(1)(a), (2)(d), 501.021(2)(a), 501.022(1)(b), (5), 501.031(1), 501.041, 501.045, 501.055(2), 501.059(1)(c), (9)(a), (b), 501.065(2), (6), (7)(a), 501.081(2), 501.091(1), (2), (3)(a), 501.095, 501.105(2), 501.122(3)(a), 501.135(5)(c), (6), 501.138(1), 501.141(1), (2)(a), 501.143(3)(f), (4)(f), (6)(f), 501.160(2), 501.206(1), (2), (4), 501.207(3), 501.2075, 501.2077(2), 501.2105(1), (2), 501.32(3), 501.606(1), 501.607(1)(h), (2)(a), 501.609(1), 501.611(4), 501.613(1), (2), 501.615(6),

(9), 501.617(1), (2), 501.621(4), 501.623(2), 501.922, 501.925(5)(a), 502.032(5), 503.041(2), 504.31(2)(a), (b), 506.01, 506.03, 506.06, 506.09(7), 506.12, 506.16, 506.19, 506.20, 506.24, 506.25, 506.26, 506.27, 506.30, 506.34, 506.35, 506.36, 506.37, 506.38, 506.39, 506.42, 506.43, 506.44, 506.511, 509.111(2), 509.213(3), 509.281(2), 509.504(1), 509.508(3), 514.011(4), 516.02(1), 516.031(4), 516.12(1), 516.16, 516.35(1), 517.021(6), (9), (10), (18), 517.141(10), 517.191(1), (2), 517.311(2), 518.11(4), 520.07(1)(c), (4), (5), 520.08(4), 520.10, 520.34(1)(c), (6)(b), (8), (10), 520.36, 520.61(4), 520.68(2), 520.74(2), (3), 520.76(4), 520.78(4), 520.83(1)(a), 520.88(4), 522.03, 522.06, 523.02, 523.08, 523.09, 523.10, 523.11, 523.13, 523.14, 523.15, 523.18, 523.19, 523.20, 523.21, 525.16(3), 526.01(2)(c), 526.03, 526.06, 526.11, 526.111(1), 526.141(7), 526.312(2)(a), 526.51(1)(a), 526.55(3), 527.021(3), 527.04(1), (2), 527.067(2), 527.09, 527.11(2), 527.16(5), (6), 531.42(2)(a), (3), 531.43, 531.50(1), 532.02, 532.04(1), 533.05, 534.021, 534.041, 534.081(1), 534.52(1), 534.54(2)(a), 535.11(2), (3), (6), (7), 536.13, 536.14, 536.15, 536.18, 538.03(2)(m), 538.09(2), (3), (5)(g), 538.15(1)(c), 538.19(2)(f), 538.20, 538.25(1)(c), 540.08(1)(b), (c), (2), (3)(b), (5), (6), 540.09(4), 542.22(1), (3)(b), (d), 542.235(4), 542.27(3), 542.33(2)(a), 544.04, 544.05, 545.03, 545.04, 545.11, 548.003(3), (4), 548.014(1)(a), (d), 548.022, 548.042, 548.045(1), (3), (4), 548.046(2), 548.047, 548.05(2), 548.052, 548.053, 548.054(1), 548.056(2), 548.057(4), 548.058(1), (2), 548.07, 548.071(6), (9), 549.02, 549.03, 549.06, 549.09(2), 550.0235, 550.0425(1), 550.105(1), (4)(c), 550.125(3)(a), 550.155(6), 550.175, 550.1815(3), 550.334(1), 550.3605, 550.3615(4), 552.093(1), (2), 552.094(3), (5)(b), (c), 552.101, 552.113(1), 552.114, 552.23, 553.03(1), 553.04(1), (3)(a), (b), 553.05(1), 553.11(4), 553.381, 553.74(2), (4), 553.75(1), (2), 553.80(3)(a), 553.851(2)(e), 553.907, 553.993(2), 554.105(2)(d), 556.106(2)(a), (e), 559.21(2), 559.23, 559.27(1), 559.3904(3), 559.544(4), 559.545(3), 559.55(6), 559.565(3), 559.72(3), (4), (5), (7), (8), (15), (16), 559.77, 559.805(1), (3), 559.811(1), 559.813(5), 559.905(3), (5), 559.907(2), 559.909(2), (5), 559.917(1)(a), (2), 559.920(10), 559.921(5)(a), 559.9221(2)(a), (b), 559.9233(3), 559.9236(2), 559.928(8)(d), (e), 559.932(1)(g), 559.933(4), 559.935(1)(a), (6), 560.109(3)(c), 560.118(2)(a), 561.051(1), 561.111, 561.17(1), (4), 561.20(2)(e), 561.22(2)(a), 561.27(1), 561.29(1)(a), (h), (i), (2), (3), 561.32(1), 561.33(1), (2), 561.37, 561.42(4), (5), (10), (11), (12), 561.421, 561.57(2), (4), (5), 561.65(1), 561.68(1), (2), (3), (5), 562.02, 562.03, 562.061, 562.07(5), 562.11(1)(b), (2), 562.111(1), 562.12(1), (3), 562.13(2)(d), (e), 562.131(1), (2), 562.16, 562.18, 562.27(1), (2), 562.28, 562.34(1), 562.41(3), (4), 562.451(1), (2), 562.454(4), 562.47(3), 563.02(2), (3), 563.022(5)(b), (7)(e), (18)(c), (20)(b), (e), 564.02(2), (3)(a), 565.02(9), 565.03(1)(a), 565.11, 567.09, 567.10, 568.06, 568.07(2), 568.08, 568.10, 569.003(2)(b), 570.07(24), 570.0705(5), (6), 570.10(4), 570.11, 570.15(3), 570.16, 570.22, 570.23(1)(e), 570.244(8), 570.248(1)(a), 570.34(1)(a), 570.381(3)(c), 570.382(3)(c), 570.543(2), 570.545, 571.06, 573.103(6), 573.112(2)(b), (d), (3), (5), 573.122, 573.124(5), (8)(b), 574.02, 574.03(2), (3), (6), 574.08, 574.09(2), 574.12(2), 576.111(2), 578.10(3), 578.11(3)(b), 578.26(1)(a), (2), 578.27(1), (3), (4)(b), (c), 580.041(1)(a), 581.031(19), 581.071, 581.122, 581.131(1), (2), 581.141(1), 581.181, 581.185(3)(d), (f), 581.211(1)(c), (e), 582.02, 582.18(1)(a), (b), 582.19(2), (3), 582.23(1), 582.25, 582.26, 582.41, 582.44, 585.006, 585.09, 585.50, 585.53, 585.83(5), 585.88(1)(a), (b), (c), 585.90(4), 586.02(14), 586.03(1), 586.10(15), 586.11(2)(a), 588.07, 588.16, 588.17(1), 588.19, 588.20(1), (2), 589.01(3), 589.02, 589.06, 589.30, 589.32, 589.33, 590.026(5)(b), 590.082(1), (2), 590.12(1)(b), 590.29(1), 590.31, 590.33, 590.34, 591.30, 591.34, 593.107, 593.111(2)(b), 593.116(3), 600.041(6), (7), 600.051(2)(a), 601.04(1)(a), (c), (2)(b), (c), (3), 601.06, 601.08, 601.155(9), 601.28(7), 601.33, 601.39, 601.40, 601.51, 601.54(1), 601.601(1), 601.61(1), (3), 601.641(2), (3), 601.66(3), 601.67(1), 601.68, 601.69, 601.731(1)(d), (2), 601.90(1), 601.96, 601.9910(1)(d), 601.9911, 603.161(3), 603.203(1), (2), (3), 603.204(1), 604.11(2), 604.12(1)(e), 604.15(1), (8)(a), 604.20(3), 604.211, 604.22(1), 604.23, 604.25(1)(a), (d), (g), (2), 604.30(3)(b), 604.32(10), and 604.33, Florida Statutes, and ss. 403.021(11), 403.031(7), 403.0876(3)(b), 403.0885(4), 403.508(4)(e), 403.785, 403.805(2), 403.814(2), 403.9326(1)(e), 404.111(4), 404.131(2), 406.075(1)(d), (f), (2), (3)(a), 408.001(3)(e), 408.40(1), (2)(a), (c), (d), 409.175(2)(g), (3)(e), (11)(a), (14)(a), 409.176(12)(a), 409.2561(2), 409.2598(4)(b), (7), 409.9081(3)(c), 409.910(5), (6)(b), (c), (d), (7)(a), (12)(a), (b), (d), (f), (g), (h), (14), (18), (19), 409.9123, 409.913(1)(b), 410.037, 410.605, 413.011(2), 413.012(2), 413.341(1)(a), (f), 414.095(2)(b), 414.115(2)(a), 414.26, 414.27, 414.28(1), (3), 414.29(2)(a), 414.39(1)(b), (3)(a), (4)(a), 414.41(1), 414.55(2), 415.503(9)(j), (11), 415.504(3), 415.505(1)(h), (i), 415.5055(1)(d), (g), 415.51(1)(a), (2)(h), (4), 420.504(3), (4), 420.9071(3), 430.207, 430.501(3)(b), 440.101(2), 440.102(1)(n), (3)(a), (5)(b), 440.13(2)(c), (4)(b), (c), (5)(a), (b), (d), (9)(c), (d), (f), (12)(a), (13)(b), (c), (d), (e), 440.15(1)(d), (f), (2)(b), (d), (5)(a), (8), (9), (10)(a), (c), (13), 440.39(1), (2), (3), (4), (5), (6), 440.49(1), (4), (5), (6)(a), (9)(a), 440.491(1)(g), (h), 440.50(2), (3), 442.109(1)(b), (c), (d), 443.036(6), (7), (9), (12)(b), (18)(c), (19), (26), (28), (32), (33)(b), 443.091(1), (2), 443.101(1), (2), (3), (4), (5), (7)(b), (8), (9), (10)(b), 443.111(1)(b), (4), (5)(b), (6)(a), (c), (d), (e), (h), (7)(e), (f), 443.131(1), (2), (3)(a), (b), (e), (g), (h), (i), (k), (4)(b), (d), 443.141(3)(a), 443.151(1)(a), (3)(a), (4)(a), (b), (6)(a), (b), (c), (e), 443.171(5)(c), (7), (9), (10), 443.1715(1), 443.221(1)(a), (b), 443.231(2)(d), 446.52, as amended by s. 91, ch. 95-418, and s. 297, ch. 96-406, Laws of Florida, 446.52, as amended by s. 8, ch. 95-394, and s. 296, ch. 96-406, Laws of Florida, 446.602(1), 447.205(1), (2), (5), 447.503(3), (6)(a), 447.605(1), (2), 450.061(1)(g), 450.33(1), (3), (5), (7), (8), (9), (10)(c), 455.213(4), 455.2141(3), 455.217(2), 455.2173(2), 455.225(1), (4), (8), (10), 455.236(4)(j), 455.241(2), 455.261(3)(a), 458.311(1)(f), (2), (3), (4), (9)(a), 458.313(1), (3), (4), 458.3145(2), 458.320(4)(a), (5)(d), (e), (g), (7), 458.331(1)(j), (p), (q), (r), (s), (v), (y), (4), (9), 458.337(1)(a), 458.339, 458.341, 458.347(1)(b), (4)(e), (7)(f), (9)(a), (11), 459.0055(4), 459.0085(4)(a), (5)(d), (e), (g), (7), 459.015(1)(s), (t), (u), (w), (z), (cc), (4), (9), 459.016(1), 459.017, 459.018, 459.022(1)(b), (4)(e), (7)(e), (9)(a), (11), 460.406(1)(b), (c), 460.413(1)(e), (o), (q), (t), (w), (3), (5), 464.009(1), 464.012(1), (4), 464.018(1)(j), 466.004(1), 466.007(3)(a), (4)(b), 466.022(1), 466.0275, 466.0282(1), 466.032(2), (4), 468.302(1), (2), (6)(b), 468.432(1), 470.035, 473.322(1)(d), 474.2185, 475.045(2)(b), (c), (4)(a), (b), (6)(a), 475.612(6), 479.07(2), (3)(b), (8)(b), 479.105(2)(a), 487.031(5), (8), (9), 487.041(3), (7), 487.0615(1)(d), (e), (2)(c), 489.103(2)(a), (3), (4), (9)(b), (11), 489.105(3), (4), (5), 489.119(3)(a), (b), (5)(a), (6), 489.127(1)(a), (c), (f), (5)(d), (k), 489.129(1)(f), (9), 489.131(3)(f), (7)(a), (b), 489.143(2), (6), 489.503(1)(a), (2), (3), (6), (9), 489.505(14), (15), (16), (21), (22), (23), 489.533(1)(k), (7)(b), 490.009(2)(c), (g), (p), 491.009(2)(c), (g), (p), 493.6101(4), (11), (13), 493.6102(1), (2), (3), (4), (6), (13), 493.6121(4), (8)(c), 494.00125(2), 497.002(2), 497.005(17), (24), 497.101(1), 497.127(3), 497.131(1), (8), 497.233(1)(r), 497.407(1), (2)(c), (3), (7), 497.413(9), 497.417(1), (3), (5), 497.419(7), 497.429(7), (9), 497.447(3), 498.025(1)(a), (4), 498.029(3), (4)(a), 499.018(1)(o), (p), 501.017(1)(d), 501.075(4), (7), 501.1375(5), (7)(d), 501.603(2), 501.604(8), (26), 501.605(2)(a), (h), 501.608(2), (3), 501.612(1)(b), (2), 501.93(2)(b), 509.032(4), 517.061(3), (11)(a), (b), 517.12(7)(a), (c), (d), 517.131(3)(b), 517.161(1)(h), (k), (3), 517.2015(2), 519.101(3), (6), 520.9965(2), 542.28(8), (11), (12), 550.2415(3)(c), 553.79(5)(c), (d), (8), (11), 556.105(1)(a), 556.107(1)(e), 561.15(3)(b), 561.19(2)(d), 561.705(6), 561.706(1), 570.02(1), 570.544(10), 570.903(3)(b), 573.123(4), 578.13(2)(c), 578.30(3), 585.01(15), (18), 585.19(2), 585.20, 601.10(9), 601.15(4), (8)(a), (9)(b), 601.152(1)(c), (7), (10)(b), 601.154(2)(c), (4)(a), (b), (c), (e), (9), (13)(a), (b), 602.055(5)(b), (c), and 604.21(1), (4), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volume 3 of the Florida Statutes without substantive changes in legal effect.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 442—A bill to be entitled An act relating to education; creating a pilot project to promote school readiness for preschool children; requiring a report; providing an effective date.

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

By Senator Crist—

SB 444—A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Horne and Sullivan—

SB 446—A bill to be entitled An act relating to waiver of sovereign immunity in tort actions; amending s. 768.28, F.S.; prescribing time for

submitting notice of a claim to the Department of Insurance; prohibiting actions against the state or its agencies or subdivisions by persons who are operating a motor vehicle while under the influence of drugs or alcohol, by passengers in a motor vehicle that is operated by a person who is under the influence of drugs or alcohol, and by persons using property without permission or in an unintended manner; providing an effective date.

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

By Senator Rossin—

SB 448—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; including certain correctional probation officers within the Special Risk Class of that system; amending s. 121.0515, F.S.; specifying criteria for inclusion of correctional probation officers in that class; providing for inclusion of probation and parole circuit and deputy circuit administrators in that class; providing a finding of important state interest; providing an effective date.

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

By Senator Grant—

SB 450—A bill to be entitled An act relating to public records; creating s. 315.18, F.S.; providing an exemption from public records requirements for certain proposals and counterproposals exchanged between certain deepwater ports and nongovernmental entities for a specified period; providing an exemption from public records requirements for certain financial records submitted by such entities to such ports; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Dantzler—

SJR 452—A joint resolution proposing amendments to Section 15 of Article III, Sections 8, 17, and 18 of Article V, and Section 1 of Article VIII and the creation of Section 7 of Article VI of the State Constitution, relating to residency requirements for justices, judges, legislators, state attorneys, public defenders, and county commissioners.

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

By Senator Bankhead—

SCR 454—A concurrent resolution amending Joint Rule One, Joint Rules of the Florida Legislature, relating to lobbyist registration and reporting.

—was referred to the Committee on Rules and Calendar.

By Senators Silver, Latvala, Forman, Myers, Klein and Sullivan—

SB 456—A bill to be entitled An act relating to tax on sales, use, and other transactions; creating s. 212.0607, F.S.; imposing a surcharge on the sale of certain cruise ship admissions or tickets; providing rates of the surcharge; providing exemptions; providing that the proceeds shall be deposited in the Ecosystem Management and Restoration Trust Fund and used exclusively to implement a statewide beach management plan; providing for administration, collection, and enforcement; providing for rules; providing an effective date.

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

By Senators Harris, Klein, Latvala, Diaz-Balart, Brown-Waite, Horne, Forman, Campbell, Williams, Crist, Lee, Grant, Sullivan, Holzendorf, Burt and Clary—

SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 231.17, F.S.; requiring demonstration of the ability to communicate verbally and mastery in the subject area of mathematics for certain teacher certifications; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of certain documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; requiring a study on the feasibility of adding a verbal-communication assessment to the teacher certification examination process; providing an effective date.

—was referred to the Committee on Education.

By Senator Kirkpatrick—

SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

—was referred to the Committee on Education.

By Senator Diaz-Balart—

SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experi-

ences; repealing s. 231.171, F.S., relating to alternate preparation programs for teachers; providing an effective date.

—was referred to the Committee on Education.

By Senator Silver—

SB 464—A bill to be entitled An act relating to offenses against persons; amending s. 782.051, F.S.; providing that an act, to be punishable under s. 782.051, F.S., must have resulted in great bodily harm; deleting requirements relating to the assessment of victim injury points and the ranking of offenses; amending s. 921.0012, F.S.; ranking offenses described in s. 782.051, F.S., for purposes of sentencing guideline offense severity; providing an effective date.

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

By Senator Silver—

SB 466—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.06, F.S.; eliminating the requirement that a permanent validation sticker be issued in connection with each license plate and revising requirements relating to the annual validation sticker; requiring that an annual validation decal be issued in connection with each license plate in addition to the annual validation sticker; providing exemptions; amending ss. 320.03, 320.031, F.S.; providing for issuance of decals by tax collectors and delivery of decals by mail; amending s. 320.061, F.S.; providing a penalty for altering a decal; amending s. 320.07, F.S.; providing penalties for operating a motor vehicle without a current decal; amending s. 320.071, F.S.; providing for issuance of decals as part of the advance registration renewal process; providing a penalty; amending s. 320.26, F.S.; providing a penalty for counterfeiting decals; amending s. 320.261, F.S.; providing a penalty for attaching a decal to a vehicle to which the decal was not assigned; amending ss. 320.04, 320.0607, 320.0657, 320.084, 320.10, 921.0012, F.S., relating to service charges, replacement plates and decals, fleet license plates, disabled veterans' license plates, licensing of exempt vehicles, and a sentencing guidelines ranking chart, to conform; providing an effective date.

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

By Senator Silver—

SB 468—A bill to be entitled An act relating to criminal actions committed through the use of simulated legal process or under false color of law; creating s. 843.0855, F.S.; providing definitions; defining the offense of deliberately impersonating or falsely acting as a public officer or tribunal or public employee or utility employee in connection with or relating to legal process, or taking action under color of law against persons or property, and providing penalties therefor; defining the offense of simulating legal process with knowledge or reason to know of fraud with respect to a legal document, proceeding, or basis for action, and providing penalties therefor; defining the offense of falsely under color of law attempting to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of official duties, and providing penalties therefor; providing for applicability; providing an effective date.

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

By Senator Gutman—

SB 470—A bill to be entitled An act relating to the regulation of alcoholic beverages; amending s. 562.45, F.S.; providing that a county or municipality may not, by ordinance, restrict the manufacture, bottling, possession, advertising, manner of sale, distribution, handling, or transportation of alcoholic beverages, except as authorized by the Beverage Law and the State Constitution; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senators Gutman and Burt—

SB 472—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; authorizing the court to sentence a defendant to a specified term of incarceration if the defendant is convicted of a felony committed on or after a certain date, the defendant has previously been convicted of a felony, and the sentence recommended under the sentencing guidelines is not a state prison sanction; providing that a determination of guilt is a conviction for purposes of imposing such sentence, regardless of whether adjudication is withheld; providing that the sentence may not be appealed except upon grounds of illegality; providing an effective date.

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

By Senators Gutman, Burt, Jenne, Crist and Campbell—

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

—was referred to the Committee on Judiciary.

By Senator Forman—

SB 476—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.273, F.S.; extending reimbursement for per diem and travel expenses to all activities required of members of certain councils involved with vocational rehabilitation; providing for reimbursement for or provision of accommodations necessitated by members' disabilities; amending s. 413.395, F.S., relating to the Florida Independent Living Council; authorizing the council to incorporate as a not-for-profit corporation; providing for its board of directors; providing for reimbursement for certain childcare expenses; providing for reasonable compensation to certain members under certain circumstances; amending s. 413.405, F.S., relating to the Rehabilitation Advisory Council; revising provisions relating to reimbursement for expenses, to conform; providing an effective date.

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

By Senator Dyer—

SB 478—A bill to be entitled An act relating to the human immunodeficiency virus; amending ss. 384.24, 384.34, F.S.; increasing the penalty in cases in which a person who has the human immunodeficiency virus has sexual intercourse without informing his or her partner of the presence of the disease; amending s. 796.08, F.S.; specifying the elements of the offense of offering to commit prostitution when infected with the human immunodeficiency virus; providing a penalty; providing an effective date.

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

By Senator Forman—

SB 480—A bill to be entitled An act relating to health maintenance organizations and prepaid health clinics; amending s. 641.511, F.S.; providing subscriber grievance reporting and resolution requirements; providing an effective date.

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

By Senator Latvala—

SJR 482—A joint resolution proposing the creation of Section 26 of Article I of the State Constitution, to provide for amendment or revision of statutory law by citizen initiative.

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

By Senator Latvala—

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

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

By Senator Forman—

SB 486—A bill to be entitled An act relating to assistive technology devices; creating part III of chapter 427, F.S.; creating the "Assistive Technology Device Warranty Act"; providing definitions; requiring an express warranty for manufacturers who sell assistive technology devices; requiring refund, replacement, or repair of nonconforming assistive technology devices; requiring disclosure of reasons for return before resale or re-lease; allowing consumers the option of submitting disputes to arbitration; permitting action for damages for violation of the act; providing an effective date.

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

By Senator Grant—

SB 488—A bill to be entitled An act relating to criminal exposure of sexual organs; amending s. 800.03, F.S.; prohibiting willfully and intentionally being "naked," as defined, in certain lands under concurrent state and federal jurisdiction; providing penalties; reenacting ss. 914.16, 933.18(7)(c), and 943.051(3)(b), F.S., relating to limits on interviews of victims of child abuse and sexual abuse of children under age 16 or persons with mental retardation, issuance of warrant for search of private dwelling, and fingerprinting of minors for criminal justice information purposes, respectively, to incorporate said amendment in references; providing an effective date.

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

By Senators Latvala and Myers—

SB 490—A bill to be entitled An act relating to mental health services; amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.0085, F.S.; authorizing the Board of Psychology to designate an organization responsible for approval of continuing education providers, programs, and courses for psychologists; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 490.0147, F.S.; revising provisions relating to waiver of secrecy of confidential communications; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0147, F.S.; revising provisions relating to waiver of secrecy of confidential communications; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending s. 766.1115, F.S.; including specified mental health professionals within the definition of "health care provider" under the Access to Health Care Act; amending ss. 232.02, 394.455, F.S.; conforming cross-references; providing for a work group to analyze community mental health care services; requiring recommendations to the Legislature; providing effective dates.

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

By Senator Campbell—

SB 492—A bill to be entitled An act relating to campaign financing; creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law; amending ss. 106.04, 106.07, 106.08, 106.082, 106.19, 106.25, 106.29, F.S.; conforming provisions; providing an effective date.

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

By Senator Forman—

SB 494—A bill to be entitled An act relating to the detention of juveniles; amending s. 39.044, F.S.; specifying circumstances in which a child who is taken into custody may continue to be detained by a court; amending s. 39.0145, F.S.; deleting time limits for holding in a secure detention facility a delinquent child who has been held in contempt of court; providing an effective date.

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

By Senators Brown-Waite, Grant and Forman—

SB 496—A bill to be entitled An act relating to the regulation of orthotists and prosthetists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; providing for licensure without examination; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licen-

sure; prohibiting the use of certain titles by unlicensed persons; providing an effective date.

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

By Senator Campbell—

SB 498—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; providing enhanced penalties for the sale, delivery, or possession of a controlled substance during a specified time within 1,000 feet of a bus stop for a public or private elementary, middle, or secondary school; defining the term "bus stop"; providing an effective date.

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

By Senators Ostalkiewicz, Brown-Waite, Crist, Diaz-Balart, Bronson, Myers, Dudley, Horne, Williams, Cowin, Harris and Grant—

SB 500—A bill to be entitled An act relating to taxation of intangible personal property; amending s. 199.185, F.S.; increasing the value of property that is exempted from the annual tax of taxpayers who are natural persons; providing an exemption from the annual tax for taxpayers that are not natural persons; excluding accounts receivable from the property subject to taxation; amending s. 199.32, F.S.; providing an exemption from the tax for certain intangible personal property that is secured by mortgage, deed of trust, or other lien upon real estate; repealing ss. 199.012, 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.104, 199.106, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202, 199.212, 199.218, 199.232, 199.262, 199.272, 199.282, 199.292, 199.303, F.S., relating to the tax on intangible personal property; abolishing the tax; providing duties and powers of the Department of Revenue with respect to collection of unpaid taxes; providing effective dates.

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

By Senator Ostalkiewicz—

SB 502—A bill to be entitled An act relating to the lottery; amending s. 24.115, F.S.; providing for reducing prize amounts under certain circumstances; providing duties of the Department of the Lottery; providing an effective date.

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

By Senator Forman—

SB 504—A bill to be entitled An act relating to health care; creating s. 154.501, F.S.; creating the "Primary Care Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; authorizing contracts for health care services; creating s. 154.506, F.S.; providing for primary care challenge grant awards; providing for local matching funds; providing an effective date.

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

By Senator Ostalkiewicz—

SB 506—A bill to be entitled An act relating to taxpayer rights; amending s. 213.015, F.S.; providing additional rights to taxpayers regarding interest paid on delinquent taxes and interest received on delinquent refunds, freedom from being reaudited, rights of appeal, rights to obtain reimbursement of certain fees on favorable appeals, the right to compensation for providing certain information or documents to the department, freedom from commissioned auditors, statutes of limitation, the time permitted to file for refunds, and the right to apply overpayments to the payment of other taxes due; providing an effective date.

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

By Senator Brown-Waite—

SB 508—A bill to be entitled An act relating to Medicaid provider agreements; amending s. 409.907, F.S.; requiring state and national criminal-history checks of those who apply to be providers; defining the term "applicant"; allowing the Agency for Health Care Administration to permit an agency to become a provider pending the results of such checks, and to revoke permission in specified circumstances; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Childers—

SB 510—A bill to be entitled An act relating to telecommunications; amending s. 364.025, F.S.; requiring the Public Service Commission to establish a competitively neutral universal service and carrier-of-last-resort mechanism; amending s. 364.163, F.S.; requiring the Public Service Commission to establish rates for network access service; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Childers—

SB 512—A bill to be entitled An act relating to insurance; creating s. 624.4351, F.S.; prohibiting certain insurers from terminating certain contracts between insurers and agents unless just cause exists; providing definitions; providing a cause of action; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Burt, Horne, Gutman and Brown-Waite—

SB 514—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to operate a toll-free telephone number to provide public access to information regarding sex offenders; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring certain sex offenders to report their current address and place of permanent or temporary residence to the Department of Law Enforcement within a specified time and upon moving to a new place of residence; requiring the department to adopt rules on sex-offender reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the department and its personnel in compiling, recording, and reporting information regarding certain sex offenders; providing that the department and its personnel are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on certain sex offenders who are in the custody of the Department of Corrections on or after a specified date; providing for a joint agreement to determine the time and manner in which the information is provided; providing

immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding certain sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.03, F.S.; requiring the Department of Corrections to compile information on certain sex offenders who are under the supervision of the department on or after a specified date; requiring that the Department of Corrections provide such information to the Department of Law Enforcement; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding certain sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offense of failure to report current place of residence; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles to report to the Legislature on a plan to make digitized photographs of certain sex offenders; requiring the Department of Corrections to report to the Legislature on a plan for directly transmitting data on sex offenders to the Department of Law Enforcement; requiring that the report also include a plan for taking digitized photographs of certain sex offenders under the supervision of the department; providing an effective date.

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

By Senator Ostalkiewicz—

SB 516—A bill to be entitled An act relating to proceedings that involve juveniles; creating s. 39.4015, F.S.; creating the "Family Bill of Rights Act"; requiring the Department of Children and Family Services to obtain a court order before taking a child into custody; requiring an affidavit stating that the child is in immediate danger; defining the term "immediate danger"; providing penalties; amending s. 39.401, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; modifying provisions that allow a child to be placed in a shelter prior to a court hearing; providing that a protective investigator or law enforcement officer may take a child into custody without a court order due to a medical emergency or if the child is subject to immediate harm or danger; providing that a law enforcement officer may take a child into custody without a court order if the child is a runaway or truant from school; requiring the court to hold an emergency hearing on the continued removal of the child; providing for the court to issue an emergency order authorizing the removal of a child from the home; requiring the court to hold a shelter hearing within a specified time following issuance of the emergency order; requiring that a child's parent or guardian be notified before the shelter hearing; amending s. 39.404, F.S.; changing a time limitation on holding a child in custody to conform to changes made by the act; requiring that parents receive a copy of the petition 48 hours before arraignment hearing; amending s. 39.408, F.S.; revising the time within which an arraignment hearing must be held; providing that clear and convincing evidence is required to establish a child's dependency; conforming a cross-reference to changes made by the act; amending s. 39.409, F.S.; providing for the child's parent or guardian or the county to be awarded attorney's fees and costs upon dismissal of a case alleging dependency; amending s. 415.5017, F.S.; requiring department staff to audio-record or videotape all interviews with a child who is the subject of a report alleging abuse; amending ss. 415.504, 415.505, F.S.; modifying the manner in which reports of abuse or neglect may be given, received, and investigated; requiring that notice of additional rights be provided to the subject of an investigation; requiring the department to show cause prior to a court order authorizing the department to examine and interview a child; amending s. 415.51, F.S.; providing for the name of a person reporting child abuse or neglect and a copy of the department's file on the case to be released to certain alleged perpetrators upon order of the court; amending s. 933.18, F.S.; deleting a provision authorizing a law enforcement officer to remove a child from a private dwelling; amending s. 39.038, F.S., relating to the release of a child from custody; conforming cross-references to changes made by the act; repealing s. 415.506, F.S., relating to authorization for a law enforcement officer or agent of the department to take a child into protective custody; amending s. 39.044, F.S.; providing for the detention hearing for a juvenile to be held by means of closed-circuit television; requiring the Department of Children and Family Services to report the savings or costs of implementing the act to the Governor and the Legislature; providing for certain provisions of the act to be void if the loss of federal funds that results from enactment of the act exceeds the amount of savings; providing an effective date.

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

By Senator Brown-Waite—

SB 518—A bill to be entitled An act relating to disability retirement for deputy sheriffs; providing that specified disabilities suffered by deputy sheriffs are presumed to have been incurred in the line of duty; providing an effective date.

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

By Senator Hargrett—

SB 520—A bill to be entitled An act relating to economic development; creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

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

By Senator Latvala—

SJR 522—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution relating to initiatives.

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

By Senators Childers, Dudley, Forman, Turner, Myers and Dyer—

SB 524—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans" and "local law plans"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases;

creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S, relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

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

By Senators Dyer, Forman, Childers, Thomas, Gutman and Lee—

SB 526—A bill to be entitled An act relating to the Board of Professional Engineers; creating s. 417.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing an effective date.

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

By Senator Myers—

SB 528—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners; providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

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

By Senator Scott—

SB 530—A bill to be entitled An act relating to breast cancer treatment; creating ss. 627.64185, 627.66125, F.S.; prohibiting certain health insurance policies from imposing certain limitations on coverage for hospital stays or for certain followup care for breast cancer treatments under certain circumstances; requiring insurers to communicate certain information to a treating physician or hospital; amending s. 641.31, F.S.; prohibiting certain health maintenance contracts from imposing certain limitations on coverage for hospital stays or for certain followup care for breast cancer treatments under certain circumstances; requiring insurers to communicate certain information to a treating physician or hospital; providing an effective date.

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

By Senator Latvala—

SB 532—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

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

SR 534—Not referenced.

SR 536—Not referenced.

By Senator Forman—

SB 538—A bill to be entitled An act relating to health insurance; providing a short title; providing legislative findings; creating the Premium Assistance Program within the Agency for Health Care Administration to assist small businesses in purchasing health insurance coverage for employees; providing eligibility requirements; specifying the subsidies that a small business may receive under the program; requiring that moneys in the Public Medical Assistance Trust Fund be used to fund the Premium Assistance Program; providing for distribution of funds; providing an appropriation; providing an effective date.

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

By Senator Forman—

SB 540—A bill to be entitled An act relating to construction contracts; amending s. 255.071, F.S.; providing that payment to a contractor on a public projects construction contract is not a condition precedent to payment to a subcontractor; providing that payment to one subcontractor is not a condition precedent for payment to any other subcontractor and that contracts providing otherwise are unenforceable; amending s. 713.346, F.S.; providing similar conditions for contracts for constructing or altering permanent improvements to real property; providing an effective date.

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

By Senator Turner—

SB 542—A bill to be entitled An act relating to postsecondary education; amending s. 239.105, F.S.; providing that supplemental vocational courses may include parent education courses; amending ss. 239.117, 240.35, F.S.; authorizing the use of financial aid fees for payment of child care; deleting restrictions on the use of capital improvement fees for child care centers; providing for the use of activity and service fees for child care centers; providing an effective date.

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

By Senator Turner—

SB 544—A bill to be entitled An act relating to the storage of firearms; amending s. 784.05, F.S.; providing that it is culpable negligence and a third-degree felony to store or leave a loaded firearm within the reach of a student who takes the firearm to an elementary or secondary school; specifying certain circumstances under which such an act does not constitute culpable negligence; providing an effective date.

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

By Senator Jones—

SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; amending s. 199.023, F.S.; defining the term "state contract provider contribution"; creating s. 199.105, F.S.; providing a credit against the intangibles tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; creating s. 220.185, F.S.; providing legislative policy and purpose; providing a credit against the corporate income tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; amending s. 220.02, F.S.; providing for the order in which credits against the corporate income tax are to be taken; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing an effective date.

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

By Senator Gutman—

SB 548—A bill to be entitled An act relating to retirement funds; amending s. 175.071, F.S.; prescribing authorized investments for firefighters' pension trust funds; amending s. 185.06, F.S.; prescribing authorized investments for municipal police officers' retirement trust funds; providing an effective date.

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

By Senator Latvala—

SB 550—A bill to be entitled An act relating to oil and gas drilling; amending s. 377.2425, F.S.; revising surety requirements for drilling permittees; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Brown-Waite—

SB 552—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; authorizing certain use of state or federal funds to protect and improve public health; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0406, 381.04065, 392.52, 392.565, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0055, F.S.; deleting a provision relating to confidentiality of certain quality assurance information; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; deleting requirement for an annual diabetes state plan; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.031, F.S.; revising definitions; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; expanding family planning services provided under the Medicaid program; amending s. 409.908, F.S.; requiring a county health department to be reimbursed for certain Medicaid compensable services; deleting obsolete repeal provision; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 627.6419, F.S.; revising criteria relating to denial or cancellation of insurance for fibrocystic conditions; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; revising and expanding provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records;

providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; increasing fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

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

By Senator Latvala—

SB 554—A bill to be entitled An act relating to the distribution of sales tax revenues; amending s. 212.20, F.S.; providing for a reduction of funds deposited into the Solid Waste Management Trust Fund and a redistribution of those funds into the Ecosystem Management Trust Fund for the purpose of funding the Surface Water Improvement and Management Program; providing an effective date.

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

SR 556—Not referenced.

By Senators Cowin, Latvala, Clary, Lee, Dudley, Diaz-Balart, Forman, Kurth, Silver, Brown-Waite, Myers and Bankhead—

SB 558—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; requiring the Public Service Commission to extend time periods and reschedule events by the number of days a utility is late in providing discovery; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Forman—

SB 560—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.743, F.S.; requiring a search for liens on certain damaged vehicles before payment is made; providing circumstances when joint payment of certain automobile damage claims is not required; providing a limitation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Forman—

SB 562—A bill to be entitled An act relating to public health; creating s. 408.605, F.S.; creating the Public Health Communication Act; providing a short title; providing legislative findings and intent; requiring the Department of Health to conduct a competition intended to create a public health campaign and advertisements; providing requirements for procedures and substance of the campaign; providing for evaluation, measurement, and a 10-year plan; providing an appropriation; providing an effective date.

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

By Senator Latvala—

SB 564—A bill to be entitled An act relating to water management districts; amending s. 373.605, F.S.; deleting reference to a repealed section relating to payment of insurance premiums; providing an effective date.

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

By Senator Rossin—

SB 566—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance;

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

—was referred to the Committees on Commerce and Economic Opportunities; and Children, Families and Seniors.

By Senator Latvala—

SB 568—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing penalties; amending ss. 106.04, 106.07, F.S.; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; repealing s. 100.091, F.S., relating to the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections required by local law in conjunction with the second primary election; amending s. 100.061, F.S.; providing for a single primary election; providing the day for holding the primary election; providing for nomination by a plurality of the votes cast; providing a method for deciding tie votes; eliminating the second primary election; amending ss. 10.1008, 97.021, 97.055, 97.071, 98.081, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 101.62, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references and provisions relating to the primary elections, to conform; revising campaign financing reporting dates, to conform; removing language pertaining to ballot content and validity of absentee ballots for overseas electors; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a specified distance of any polling place or polling room; specifying acts of solicitation that may not be restricted; authorizing a supervisor of elections to permit solicitation within a specified zone under prescribed conditions; authorizing an election board to have disruptive persons removed by law enforcement officers; requiring the law enforcement officer assigned to an election precinct to inform solicitors of zone surrounding the polling place and to remove disruptive solicitors; creating s. 99.013, F.S.; providing definitions; requiring that certain candidates or public officers have only one declared residence; providing factors to be considered; requiring candidates and appointed public officers for certain offices to meet the residency requirement from the time of qualifying for office; providing for investigation of violations by the Florida Elections Commission; amending s. 106.18, F.S.; requiring omission from the ballot of the name of any candidate found in violation of the residency requirement; amending s. 106.25, F.S.; granting the commission authority to investigate, consider, and determine such violations; providing procedure; amending s. 106.26, F.S.; providing procedure upon a determination that such a residency violation has occurred or has not occurred; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of

Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including contingent effective dates.

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

By Senator Clary—

SB 570—A bill to be entitled An act relating to the Department of Juvenile Justice; amending s. 20.316, F.S.; requiring the Secretary of Juvenile Justice to appoint an inspector general; providing duties of the Office of Inspector General; providing for the Office of Inspector General to have unrestricted access to employees and to records, documents, and other materials that relate to programs operated by the department or operated by a private entity, county or municipal government, or law enforcement agency under a contract with the department; authorizing the department to cancel the contract of an entity that fails to timely provide information upon request; authorizing the inspector general to administer oaths and issue affidavits; authorizing the inspector general to investigate complaints; specifying circumstances under which an employee of the department, or an employee of a provider under contract with the department, may apply physical force upon a juvenile offender; requiring the Juvenile Justice Standards and Training Commission to teach methods of applying authorized physical force; requiring that a health care provider examine persons involved in an incident in which physical force was used; requiring a report; requiring a physician to examine any noticeable physical injury; requiring an employee who applies physical force, or who makes a decision to apply physical force, to prepare a report; providing for review of such report by the superintendent or program director; requiring that the report be forwarded to the district juvenile justice manager and the inspector general; providing requirements for maintaining reports on the use of physical force; defining the term "sexual misconduct"; providing that it is a second-degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing certain exceptions; prohibiting the employment of any person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses unlawful abuse or sexual misconduct, or who has reason to suspect that unlawful abuse or sexual misconduct has been committed, to report such incident to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first-degree misdemeanor to fail to make a report as required or to submit inaccurate or untruthful information; providing that it is a third-degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of force or sexual misconduct; prohibiting the introduction, removal, or possession of contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing an effective date.

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

By Senator Forman—

SB 572—A bill to be entitled An act relating to growth management concurrency; amending s. 163.3180, F.S.; revising statewide concurrency requirements; providing an effective date.

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

By Senator Forman—

SB 574—A bill to be entitled An act relating to health care; creating s. 641.555, F.S.; creating the "Managed-Care-Subscriber's Bill of Rights and Responsibilities"; specifying the purpose of the act; requiring an organization that offers a managed-care plan to provide certain information about the plan to a prospective subscriber in the plan; requiring that a health-care provider observe certain standards in providing health care for subscribers in a managed-care plan; providing for privacy; providing for access to health care and medical treatment; providing for grievance procedures; providing for disenrollment; providing limitations on experimental research; providing responsibilities of a subscriber in a managed-care plan; creating s. 641.5551, F.S.; requiring that an organization's handbook include the subscriber's rights and responsibilities; requiring that the handbook be written in plain language; providing an effective date.

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

By Senator Clary—

SB 576—A bill to be entitled An act relating to sewage treatment facilities; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from loan surcharges and federal funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an effective date.

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

By Senator Clary—

SB 578—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; providing that the victim of a crime and the state attorney, upon the victim's consent, have standing to assert the rights of the victim; providing an effective date.

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

By Senator Clary—

SB 580—A bill to be entitled An act relating to saltwater plants and animals; amending s. 370.01, F.S.; defining the term "nonindigenous saltwater species"; amending s. 370.06, F.S.; authorizing the Department of Environmental Protection to consider the protection of indigenous species when issuing special activities licenses or aquaculture permits; amending s. 370.081, F.S.; authorizing possession of nonindigenous saltwater species for aquaculture or scientific purposes; amending

s. 370.10, F.S.; authorizing the possession of saltwater species for experimental, scientific, and exhibitional purposes; amending s. 370.14, F.S.; requiring imported shipments of crawfish to be available for inspection by the department; requiring that weight receipts be sent to a Florida Marine Patrol Office; revising permitholder report requirements; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 582—A bill to be entitled An act relating to environmental protection; amending ss. 403.061, 403.703, 403.786, 403.813, 403.855, F.S.; changing references from the Department of Health and Rehabilitative Services to the Department of Health; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Kirkpatrick—

SB 584—A bill to be entitled An act relating to mining; amending s. 378.601, F.S.; providing that certain heavy mineral mining operations are not required to undergo development-of-regional-impact review; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Meadows—

SB 586—A bill to be entitled An act relating to education; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over the age of 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 232.17, F.S.; revising procedures relating to habitual truancy; amending s. 232.19, F.S.; revising procedures relating to habitual truancy; providing an effective date.

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

By Senator Diaz-Balart—

SB 588—A bill to be entitled An act relating to schools; authorizing district school boards to pledge certain lottery moneys for the construction of neighborhood lottery schools; providing for notice and hearing; providing for issuing bonds; prescribing standards for neighborhood lottery schools; prescribing duties of the Division of Bond Finance and the Department of Education; amending s. 236.39, F.S.; providing an exemption from requirements for an election; providing an effective date.

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

By Senator Clary—

SM 590—A memorial to the Congress of the United States, urging Congress to enact amendments to the National Voter Registration Act of 1993.

—was referred to the Committee on Rules and Calendar.

By Senator Brown-Waite—

SB 592—A bill to be entitled An act relating to the "Water and Wastewater Treatment Regulatory Law"; amending s. 367.022, F.S.; deleting the requirements for reseller annual reports and meter testing; amending s. 367.071, F.S.; providing that the transfer of a utility to an exempt entity is to be treated as a matter of right by the Public Service Commission; amending s. 367.081, F.S.; providing a procedure for the handling of a decrease in expenses; amending s. 367.0814, F.S.; allowing interim rates in staff assisted rate cases; amending s. 367.082, F.S.; providing procedures for adopting interim rates; amending s. 367.145, F.S.; providing for regulatory assessment fees when jurisdiction is transferred from the commission; authorizing a payment plan for an application fee; amending s. 367.165, F.S.; providing additional requirements to ensure that utility service is not interrupted by the abandonment or receivership of a utility; providing an effective date.

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

By Senator Thomas—

SB 594—A bill to be entitled An act relating to the Beverage Law; amending s. 561.67, F.S.; providing that it is unlawful for any licensed vendor to obstruct or hinder a reclamation by a distributor of beverages not paid for by a licensed vendor; providing for an exemption from certain criminal trespass provisions and an exemption from liability for civil trespass; providing an effective date.

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

By Senator Dudley—

SB 596—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring certain state agencies to maintain certain records; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; repealing s. 119.092, F.S., relating to registration of federal employer registration numbers; providing an effective date.

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

By Senator Casas—

SB 598—A bill to be entitled An act relating to foreign licensed physicians; creating s. 458.3124, F.S.; providing for development of formulas for reserving certain medical education postgraduate training positions for foreign licensed physicians; providing for proposals to increase the number of certified or establish noncertified postgraduate training positions; providing eligibility requirements for such positions for foreign licensed physicians; specifying circumstances under which supervised practice shall fulfill the postgraduate training requirement; requiring additional supervised practice for certain foreign licensed physicians prior to examination for licensure; providing for rules; providing for future repeal and legislative review; amending s. 458.311, F.S.; revising a medical education specialty requirement for foreign licensed physicians; providing an effective date.

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

By Senator Dudley—

SB 600—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; revising language with respect to the exclusive jurisdiction of the Florida Public Service Commission over certain utility facilities; providing an effective date.

—was referred to the Committees on Regulated Industries and Natural Resources.

By Senator Bankhead—

SB 602—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; including Flagler County within a list of counties excluded from the provisions of the Water and Wastewater System Regulatory Law; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Bankhead—

SB 604—A bill to be entitled An act relating to road designations; designating an interchange in Jacksonville as the "Whatley Memorial Overpass"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Childers—

SB 606—A bill to be entitled An act relating to the Department of Health; creating s. 381.0075, F.S.; providing for regulation of body piercing by the department; providing definitions; providing exemptions; requiring a license to operate a body-piercing salon; providing licensing procedures and fees; prohibiting body piercing of a minor without consent of a parent or legal guardian; prohibiting other acts; providing penalties; providing for injunction; providing for enforcement; providing rulemaking authority; providing specific requirements for body-piercing salons; providing an effective date.

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

By Senator Meadows—

SB 608—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; providing an effective date.

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

By Senator Klein—

SB 610—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; limiting benefits to employees beyond the rank of captain; deleting a provision which preserves current benefits when a new sheriff takes office; providing for construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Brown-Waite—

SB 612—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 297.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

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

By Senator Ostalkiewicz—

SB 614—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing that a business may deduct from any such taxes that it owes to the state the cost of certain software; providing an effective date.

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

By Senator Ostalkiewicz—

SB 616—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified regulations of which he had no knowledge; prohibiting such agencies from enforcing regulations applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing a defense for enforcement actions in specified circumstances; providing an effective date.

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

By Senator Ostalkiewicz—

SB 618—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; revising the definition of "child care facility startup costs" and defining "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation, and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

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

By Senator Harris—

SB 620—A bill to be entitled An act relating to insurance; requiring certain insurers to file reports concerning their risk based capital; requiring the Department of Insurance to request such reports under certain circumstances; providing for hearings; providing definitions and reporting requirements; requiring certain insurers to file reports of material transactions concerning their assets or their ceded reinsurance agreements; providing definitions and reporting requirements; prescribing authority of the Department of Insurance with respect to such reports; amending s. 624.3161, F.S.; deleting a limitation on frequency of certain market conduct examinations; amending s. 624.424, F.S.; in-

creasing the time limitation on insurers using certain accounting services for certain purposes; providing an effective date.

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

By Senator Ostalkiewicz—

SB 622—A bill to be entitled An act relating to referenda on taxation; prohibiting the holding of a referendum on taxation at any election other than a general election; providing an effective date.

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

By Senator McKay—

SB 624—A bill to be entitled An act relating to educational finance; amending s. 236.25, F.S.; amending provisions that authorize the Legislature to prescribe a maximum amount of nonvoted current operating discretionary millage that school boards may levy and authorizing school boards to determine such millage, within specified limits; providing an effective date.

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

By Senator Campbell—

SB 626—A bill to be entitled An act relating to the "Work and Gain Economic Self-sufficiency (WAGES) Act"; amending s. 414.065, F.S.; raising the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Rossin—

SB 628—A bill to be entitled An act relating to assisted living facilities; amending s. 400.402, F.S.; defining the term "special care unit" for purposes of part III, ch. 400, F.S., relating to assisted living facilities; amending s. 400.4177, F.S.; requiring certain assisted living facilities to provide special care units for the care of persons who have Alzheimer's disease or related disorders; amending s. 400.452, F.S.; providing additional training requirements for staff and for direct caregivers who work in special care units; specifying topics to be included in level I and level II curricula; requiring continuing education for direct caregivers; providing for certification upon completion of training; providing for employees of certain facilities to receive training at no charge; providing requirements for providers of initial and continuing education courses; requiring the Department of Elderly Affairs to approve courses and providers; amending s. 400.407, F.S.; conforming a cross-reference; providing an effective date.

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

By Senator Rossin—

SB 630—A bill to be entitled An act relating to children; amending s. 230.2305, F.S.; providing for privatization of the prekindergarten early intervention program; providing for funding; providing for standards; providing for a sliding fee scale; providing references to the Department of Children and Family Services; amending s. 402.302, F.S.; defining "evening child care"; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.3015, F.S.; requiring level 2 background screening of nonrelated, unregulated caregivers receiving subsidies through the subsidized child care program or other public funds; providing references to the Department of Children and Family Services; amending s. 402.3051, F.S.; providing a timeframe for market rate reimbursement for providers of subsidized child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; amending ss. 220.03, 943.0585, 943.059, F.S.; conforming cross-references; providing references to the Department of Children and Family Services; providing an effective date.

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

By Senator Campbell—

SB 632—A bill to be entitled An act relating to probate; amending s. 732.201, F.S.; revising language with respect to the right to elective share; creating s. 732.2025, F.S.; providing definitions; creating s. 732.2035, F.S.; providing for property entering into the elective estate; creating s. 732.2045, F.S.; providing for exclusions and overlapping application; amending s. 732.205, F.S.; providing for the valuation of the elective estate; amending s. 732.206, F.S.; providing for the elective share amount; amending s. 732.207, F.S.; providing for the sources from which the elective share is payable; providing for abatement; amending s. 732.208, F.S.; providing for the liability of direct recipients and beneficiaries; amending s. 732.209, F.S.; providing for the valuation of the property used to satisfy the elective share; amending s. 732.210, F.S.; providing for the effect of the election on other interests; amending s. 732.211, F.S.; providing for the protection of payors and other third parties; amending s. 732.212, F.S.; providing who may exercise the right of election; amending s. 732.213, F.S.; providing for the time of election; providing for extensions and for withdrawal; amending s. 732.214, F.S.; providing for the order of contribution; providing for the personal representative's duty to collect contributions; amending s. 732.215, F.S.; providing for the effective date, the effect of prior waivers, and transition rules; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 634—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.02, F.S.; increasing the rate of the excise tax on cigarettes; amending s. 210.20, F.S.; revising the distribution of proceeds of the tax; providing for distribution of proceeds to fund health care programs and services; requiring rulemaking; providing for a tax on the inventory of cigarettes on hand on the effective date of the act; providing for application of penalties and interest; providing for distribution of the proceeds of the inventory tax; requiring rulemaking; providing an effective date.

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

By Senator Campbell—

SB 636—A bill to be entitled An act relating to sexual offenders; creating the "Children's Protection Act of 1997"; creating s. 775.231, F.S; providing legislative findings and intent with respect to imposition of mandatory minimum imprisonment upon sexual offenders who have committed specified offenses against minors; providing a mandatory minimum of 25 years' imprisonment when the sexual offender's victim was a minor under 12 years of age; providing a mandatory minimum of 15 years' imprisonment when the sexual offender's victim was at least 12 years of age but under 16 years of age; providing a mandatory minimum of 15 years' imprisonment and prohibiting plea bargaining, under certain circumstances, when the sexual offender has committed a violation of, or a criminal attempt to violate, s. 800.04(4), F.S., relating to lewd, lascivious, or indecent acts upon or in the presence of child; providing for construction; providing an effective date.

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

By Senator Campbell—

SB 638—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; prohibiting a corporation from forming more than one political committee; amending s. 106.08, F.S.; limiting contributions made by a political committee or committee of continuous existence; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Campbell—

SB 640—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; providing a definition; amending s. 106.08, F.S.; providing limitations on contributions; providing penalties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Ostalkiewicz—

SJR 642—A joint resolution proposing an amendment to Section 2 of Article VII of the State Constitution, relating to tax rates, and the creation of Section 19 of Article VII of the State Constitution and Section 22 of Article XII of the State Constitution, to prohibit the imposition of taxes on intangible personal property.

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

By Senator Horne—

SB 644—A bill to be entitled An act relating to mandatory minimum sentences; amending s. 775.0823, F.S.; providing mandatory minimum terms of imprisonment for certain violent offenses against a law enforcement officer or other designated officers and officials; deleting an obsolete reference; amending s. 775.0875, F.S.; providing a mandatory minimum term of imprisonment for the offense of taking a law enforcement officer's firearm; amending s. 784.07, F.S.; increasing the mandatory minimum term of imprisonment for committing certain offenses while possessing a firearm; correcting an erroneous cross-reference; amending s. 784.08, F.S.; providing a mandatory minimum term of imprisonment for an aggravated assault or aggravated battery committed against a person of a specified age or older; amending ss. 921.0014, 947.146, F.S., relating to the sentencing guidelines worksheet and the Control Release Authority; conforming cross-references to changes made by the act; providing an effective date.

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

By Senator Meadows—

SB 646—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair rental premises after notice to the landlord under certain conditions; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Ostalkiewicz—

SB 648—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

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

By Senator Dudley—

SB 650—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising language with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising language with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising language with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal, or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising language with respect to reservations; amending s. 498.025, F.S.; revising language with respect to exemptions; amending s. 498.027, F.S.; revising language with respect to application for registration; providing for rules; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising language with respect to inquiry and examination; amending s. 498.033, F.S.; revising language with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising language with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising language with respect to public offering statements; amending s. 498.039, F.S.; revising language with respect to certain trust and escrow accounts; providing for rules; amending s. 498.041, F.S.; revising language with respect to annual renewal; providing for termination of registration; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

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

By Senator Dudley—

SB 652—A bill to be entitled An act relating to public records; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing an exemption from public records requirements for certain identifying information of a purchaser or account holder, or a complainant; providing

for specific use of the confidential information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Dudley—

SB 654—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.145, F.S.; prohibiting the dispensing of alcoholic beverages or beverage alcohol for consumption on the premises at a price other than the licensee's initial price that business day, at a reduced price for a class of persons, or at no cost; providing penalties; providing an effective date.

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

By Senator Dudley—

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

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

By Senator Holzendorf—

SB 658—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing an effective date.

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

By Senator Holzendorf—

SB 660—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Dudley—

SB 662—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08053 and 320.08058, F.S.; providing for collegiate license plates for all of the 10 state universities; providing an effective date.

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

By Senator Dudley—

SB 664—A bill to be entitled An act relating to building designations; designating the first building constructed on the campus of Florida Gulf Coast University as the "Ben Hill Griffin III Building"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

By Senator Gutman—

SB 666—A bill to be entitled An act relating to public records; creating s. 159.6085, F.S.; providing that when a housing finance authority applies for or obtains a charter for a federal savings and loan association or bank, the personal financial records of the members of the authority or the directors of the bank do not become public records and are exempt from public records requirements; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Holzendorf—

SB 668—A bill to be entitled An act relating to insurance; amending s. 627.062, F.S.; providing procedures for incorporating the expenses incurred by insurers due to catastrophe fund premium payments and residual market deficit assessments into residential insurance rate filings; providing procedures for residential insurance rate filings for other factors based on the amount of the proposed statewide average change; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Kirkpatrick—

SB 670—A bill to be entitled An act relating to pupil progression; amending ss. 232.245, 232.246, and 232.425, F.S.; raising the required cumulative grade point average for purposes of the school district comprehensive program for pupil progression, high school graduation, and participation in interscholastic extracurricular activities; requiring reading courses under certain circumstances; restricting access to certain high school courses; providing for satisfaction of certain requirements; revising credit requirements; conforming cross-references; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending ss. 229.565 and 233.011, F.S.; conforming cross-references; amending s. 240.116, F.S.; requiring the development of standards for dual enrollment courses; amending s. 240.117, F.S., relating to the common placement test for postsecondary education; revising a dual enrollment requirement; amending s. 240.118, F.S.; requiring the recommendation of statutory changes to reduce postsecondary remediation; providing an effective date.

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

By Senator Campbell—

SB 672—A bill to be entitled An act relating to emergency medical services; creating the "Access to Emergency Medical Services Act"; providing findings and purpose; requiring a health plan that provides coverage for emergency services to cover emergency services furnished to an enrollee under specified circumstances; requiring the health plan to promptly pay for services; prohibiting a health plan from imposing certain types of cost-sharing; providing that a health plan may impose a reasonable copayment; providing requirements for a health plan with respect to providing prior authorization; specifying circumstances under which a health plan is deemed to have approved a request for prior authorization for certain services; prohibiting a health plan from subsequently denying or reducing payment for items or services; requiring that a health plan include certain information in educational materials; providing civil penalties; requiring that the Director of Health Care

Administration take certain factors into consideration in imposing a civil penalty; requiring the Agency for Health Care Administration to adopt rules; providing definitions; repealing s. 641.513, F.S., relating to requirements for providing emergency services and care; providing an effective date.

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

By Senator Diaz-Balart—

SB 674—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for screening of applicants for and recipients of temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing responsibilities of the Department of Children and Family Services; providing requirements relating to notice of and procedures for drug testing; providing for random testing of recipients; providing for certain retesting and appeal of test results; providing for notice to certain persons of local substance abuse assistance programs; providing circumstances resulting in ineligibility for or termination of temporary assistance or services; providing certain limitations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senators Scott, Meadows, Jenne and Forman—

SB 676—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

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

By Senator Horne—

SB 678—A bill to be entitled An act relating to local government finance; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; providing an effective date.

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

By Senator Rossin—

SB 680—A bill to be entitled An act relating to pollution control; amending s. 403.021, F.S.; providing public policy relating to the promotion of demineralized water supplies; creating s. 403.0882, F.S.; providing definitions; specifying conditions and limitations for the discharge of demineralization concentrate; providing for regulation by the Department of Environmental Protection; specifying conditions for discharge of concentrate from small water utility businesses; limiting departmental regulation of such businesses; providing a permitting schedule for demineralization facilities; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Campbell—

SB 682—A bill to be entitled An act relating to corporations; amending s. 48.101, F.S.; providing for service on certain dissolved corporations; amending s. 607.032, F.S.; providing a condition for an agreement among shareholders of certain corporations; amending s. 607.1002, F.S.; providing a condition for amending articles of incorporation; providing a definition; providing an effective date.

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

By Senator Gutman—

SB 684—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 2 of ch. 95-305, Laws of Florida; abrogating the future repeal of certain amendments made by that chapter to s. 212.05(1)(a)2., F.S., and abrogating the reversion of the text of that subparagraph to that in existence on September 30, 1995, with specified exceptions; providing an effective date.

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

By Senators Kirkpatrick and Bronson—

SB 686—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; providing an effective date.

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

By Senator Dudley—

SB 688—A bill to be entitled An act relating to prison inmates; amending s. 440.15, F.S.; providing that workers' compensation benefits for inmates are payable to the state and prohibiting inmates from receiving public assistance benefits; providing an effective date.

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

By Senator Dudley—

SB 690—A bill to be entitled An act relating to investments in education; providing purposes; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing duties of the board; providing for creation of Florida Future Funds for certain purposes; providing for investment of moneys in such funds; providing for contributing a portion of investment interest to the foundation for certain purposes; providing an effective date.

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

By Senators McKay and Holzendorf—

SB 692—A bill to be entitled An act relating to economic development; creating s. 212.098, F.S.; creating the Rural Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s.

220.189, F.S.; allowing credit for the Rural Job Tax Credit Program; providing an effective date.

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

By Senator Crist—

SB 694—A bill to be entitled An act relating to contracting; amending ss. 489.127 and 489.531, F.S.; providing for similar penalties for unlicensed violations with respect to construction contracting and electrical contracting; providing for additional penalties for certain violations by electrical contractors; providing an effective date.

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

By the Committee on Regulated Industries—

SB 696—A bill to be entitled An act relating to the taxation of telecommunication services; providing legislative intent with respect to the application of chapters 166, 203, and 212, F.S.; providing an effective date.

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

By the Committee on Judiciary—

SB 698—A bill to be entitled An act relating to enforcement of child support; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; amending s. 61.13016, F.S.; providing for suspension of drivers license or motor vehicle registration for failure to comply with subpoena or warrant; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of child support award without change in circumstances pursuant to periodic review; providing rulemaking authority; creating s. 61.151, F.S.; providing for liens on real and personal property; providing for rulemaking authority; amending s. 61.30, F.S.; providing for modification of child support award without change in circumstances pursuant to periodic review; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to employer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal which issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that department may release confidential tax payer information to any state or local child support enforcement program; amending s. 320.05, F.S.; providing that department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; amending s. 409.2564, F.S.; providing department authority to subpoena information and to impose fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2577, F.S.; providing an effective date; requiring the Department of Revenue to notify U.S. Department of Health and Human Services of reasonable evidence of domestic violence or child abuse, the disclosure of which could be harmful to parent or child; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing an administrative fine; providing rulemaking authority; amending s. 409.2579, F.S.; prohibiting state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; amending s. 409.2598, F.S.; providing that state child support agency may take action against license of an obligor who fails to comply with a subpoena or warrant; providing procedures; amending s. 742.031, F.S.; requiring social security number of each party to be entered on order of paternity; providing for prima facie evidence of expenses of genetic testing; requiring temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to paternity action to file specified information with court; providing for use of such information in subsequent action; transferring, renumbering, and amending s. 742.08, F.S.; deleting provision for lien; making technical changes; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of foreign paternity order which is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to state child support agency; providing an effective date.

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

By Senator Bronson—

SB 700—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing a definition; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082, 517.101, F.S.; deleting obsolete cross-references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

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

By Senator Williams—

SB 702—A bill to be entitled An act relating to the repeal of advisory bodies and other governmental entities; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971,

288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

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

By Senator Williams—

SB 704—A bill to be entitled An act relating to environmental permitting; requiring the Department of Environmental Protection and water management districts to develop checklists of permit requirements and to provide such checklists to permit applicants; requiring the department and water management districts to timely review all permit applications; providing responsibilities of the department and water management districts; providing for appeal of department and water management district decisions; providing for refund of a permit application fee under certain circumstances; amending s. 403.815, F.S.; providing for notice to certain adjacent property owners of applications for certain permits from the department; providing an effective date.

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

By Senator Williams—

SB 706—A bill to be entitled An act relating to the State Board of Administration; amending s. 240.551, F.S., relating to the Florida Prepaid Postsecondary Education Expense Program; transferring the program from the State Board of Administration to the Department of Education; transferring records, personnel, property, and certain funds of the program to the Department of Education; amending s. 376.3075, F.S.; transferring certain staff duties of the State Board of Administration regarding the functioning of the Inland Protection Financing Corporation to the Department of Environmental Protection; providing effective dates.

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

By Senator Williams—

SB 708—A bill to be entitled An act relating to the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; providing an effective date.

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

By Senator Latvala—

SB 710—A bill to be entitled An act relating to lands acquired for conservation and recreation; amending s. 373.59, F.S.; requiring water management districts to require appraisals in specified circumstances; providing an effective date.

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

By Senator Hargrett—

SB 712—A bill to be entitled An act relating to domestic wastewater management; providing a short title and legislative findings; creating the Interagency Task Force on Total Cost Assessment/Full Cost Accounting for Domestic Wastewater Disposal; providing for its membership, duties, public hearings, and report; assigning the task force to the Executive Office of the Governor; providing an effective date.

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

By Senator Horne—

SB 714—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

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

By Senators Horne and Campbell—

SB 716—A bill to be entitled An act relating to sentencing; repealing s. 921.001, F.S., relating to the Sentencing Commission and sentencing guidelines, generally; abolishing the Sentencing Commission; eliminating certain general provisions with respect to the sentencing guidelines; repealing s. 921.005, F.S., relating to sentencing criteria; establishing the Sentencing Reform Commission; providing for membership and expenses of the commission; providing for meetings of the commission; requiring that certain legislative staff members assist the commission; directing the commission to provide the Legislature with recommendations for sentencing policy and structure; providing effective dates.

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

By Senators Kirkpatrick, Horne and Sullivan—

SB 718—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; authorizing state agencies and the judicial branch to accept debit cards in payment for certain goods and services; providing duties of the Treasurer and the Florida Fiscal Accounting Management Information System Coordinating Council; authorizing certain fees; amending s. 282.20, F.S.; defining “customers” of the Division of Information Services and prescribing its duties with respect thereto; prescribing voting rights of members of the data processing policy board; prescribing additional duties of the board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for use of electronic information services; creating s. 282.22, F.S.; declaring legislative intent with respect to availability and use of

products and materials developed by or under the direction of the department; providing an effective date.

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

By Senator Williams—

SJR 720—A joint resolution proposing the creation of Section 17 of Article X of the State Constitution, relating to property rights.

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

By Senator Horne—

SB 722—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing compensation to counties for certain costs through a trust fund to be administered by the Supreme Court; amending s. 318.21, F.S., 1996 Supplement, relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime to be used to provide and maintain court facilities; requiring clerks of circuit court to submit specified financial reports; providing an effective date.

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

By Senator Horne—

SB 724—A bill to be entitled An act relating to tests for alcohol, chemical substances or controlled substances; amending ss. 316.1932, 316.1933, F.S.; amending the implied consent law and laws prescribing testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such reporting is not a violation of any ethical or moral duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in making such report; providing immunity from civil or criminal liability and from any professional disciplinary action; providing immunity in any judicial proceeding resulting from the report; providing that information relating to the alcohol content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained under these sections must be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with a violation of s. 322.2616, F.S., relating to suspension of a driver's license; providing an effective date.

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

SR 726—Not referenced.

By Senators Myers, Casas and Thomas—

SB 728—A bill to be entitled An act relating to family practice teaching hospitals; amending s. 395.806, F.S.; providing that only community hospitals may be designated as family practice teaching hospitals; prohibiting certain teaching hospitals from designation as family practice teaching hospitals; deleting a restriction; amending s. 395.807, F.S.; revising the membership of the family practice physician retention advisory committee; deleting a program requirement; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Brown-Waite, Dudley, Meadows and Turner—

SB 730—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; clarifying provisions; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

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

By Senator Turner—

SB 732—A bill to be entitled An act relating to road designation; designating a portion of State Road 9 (N.W. 27 Ave.) and N.W. 54 Street in Dade County as the Brownsville Commercial District; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Turner—

SB 734—A bill to be entitled An act relating to youth employment; creating the "Florida Comprehensive Youth Employment Act"; requiring that each state agency having an annual budget of $1,000,000 or more include a separate budget category for youth employment; providing a portion of such budget category for the employment of minority youths; providing an effective date.

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

By Senator Turner—

SB 736—A bill to be entitled An act relating to the WAGES Program; amending s. 414.065, F.S.; revising the conditions under which a single custodial parent who is unable to obtain child care may remain eligible for assistance under the program; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Turner—

SB 738—A bill to be entitled An act relating to adult family-care homes; amending s. 400.621, F.S.; providing for rules relating to respite care; amending s. 400.6211, F.S.; requiring the Department of Elderly Affairs to inform providers of financial assistance that may be available to certain residents; creating s. 400.626, F.S.; providing for waivers to enable residents to age in place; requiring a report; providing for renewal or revocation of waivers; providing an effective date.

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

By Senator Dudley—

SB 740—A bill to be entitled An act relating to the Iona McGregor Fire Protection and Rescue Service District, Lee County; amending ch. 75-421, Laws of Florida, as amended; authorizing the board of the district to establish and maintain emergency and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 742—A bill to be entitled An act relating to the Sanibel Island Fire Control District, Lee County; amending ch. 30930, Laws of Florida, 1955, as amended; providing for the establishment and maintenance of emergency medical and advanced life support and rescue services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 744—A bill to be entitled An act relating to the Estero Fire Protection and Rescue Service District, Lee County; amending ch. 76-408, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Clary, Horne, Grant, Brown-Waite, Ostalkiewicz and Cowin—

SB 746—A bill to be entitled An act relating to informed consent; creating s. 390.003, F.S.; creating the "Woman's Right-To-Know Act"; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician who is to perform the procedure, or the physician's designee, provide certain information by a prescribed deadline; requiring written certification that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary actions; limiting the civil liability of a physician who complies with this section; providing an effective date.

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

By Senator Gutman—

SB 748—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying benefits may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying health insurance subsidy payments are not payable; specifying Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying Deferred Retirement Option Program participation does not exempt such participants from the forefeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing a declaration of important state interest; providing a contingent effective date.

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

By Senators Latvala, Brown-Waite, Kurth, Dudley, Grant, Crist, Lee, Cowin, Sullivan, Dyer, McKay, Myers, Campbell, Dantzler and Burt—

SB 750—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; defining the term "pass-on charge"; amending s. 723.035, F.S.; prohibiting certain mobile home park rules and regulations; amending s. 723.037, F.S.; requiring a mobile home park owner to disclose material factors that justify a change in rentals, services, utilities, or rules; amending s. 723.0381, F.S.; deleting court-ordered arbitration; amending s. 723.063, F.S; providing for the participation of mobile home owners' associations in certain legal actions; amending s. 723.071, F.S.; providing conditions for the sale of mobile home parks to mobile home owners; revising the definition of the term "affiliate"; amending s. 723.083, F.S.; removing other suitable facilities from governmental action affecting removal or relocation of mobile home owners; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Crist—

SB 752—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; revising the deadline for mailing absentee ballots to absent qualified electors overseas; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Childers—

SB 754—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; repealing s. 553.509, F.S.; relating to vertical accessibility; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Holzendorf—

SB 756—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; redefining the term "legally authorized person"; amending s. 470.0085, F.S.; requiring certain students to register with the Department of Business and Professional Regulation; amending s. 470.009, F.S.; revising licensure requirements; amending s. 470.015, F.S.; revising education requirements for license renewal; amending s. 470.018, F.S.; revising continuing education requirements; amending s. 470.024, F.S.; prohibiting certain colocated funeral establishments; providing exceptions; requiring relicensure of establishments following ownership changes; amending s. 470.029, F.S.; setting deadlines for reports; amending s. 470.294, F.S.; providing for reliance on certain representations by legally authorized persons; amending s. 470.0301, F.S.; providing registration requirements for central embalming facilities; providing fees; creating ss. 470.0315, 470.0325, F.S.; providing for the storage, preservation, and shipment of human remains; establishing criteria; creating s. 470.0355, F.S.; providing for the identification of human remains; providing an effective date.

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

By Senator Crist—

SB 758—A bill to be entitled An act relating to civil actions; amending s. 776.085, F.S.; prohibiting recovery for damages by a person who, with criminal intent, has entered another's property or committed a crime against another's person or property; providing exceptions; providing for nonapplicability of specified provisions when the person committing or attempting to commit the crime has "clearly retreated," as defined, from the criminal activity; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Crist—

SB 760—A bill to be entitled An act relating to boating; creating s. 327.511, F.S.; requiring propeller guards on motorboats operated on the waters of this state; providing an exception; providing for the adoption of rules; amending s. 327.73, F.S.; providing penalties; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Crist—

SB 762—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Crist—

SB 764—A bill to be entitled An act relating to illegal drug dealers; creating the Drug Dealer Liability Act; providing a purpose; providing definitions; providing liability for participation in the illegal drug market; providing for recovery of damages; limiting recovery of damages under certain circumstances; providing third-party liability; providing for joinder of parties; providing for comparative responsibility of individual drug users; providing for contribution among defendants; providing a standard of proof; providing for prejudgment attachment and execution on judgments; providing a statute of limitations; providing for the representation of governmental agencies and for stays of actions; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Health Care—

SB 766—A bill to be entitled An act relating to volunteer health care providers; amending s. 766.1115, F.S.; revising legislative findings and intent with respect to sovereign immunity for health care providers that provide free medical services; revising definitions; redefining the term "low-income" to remove application of the act to persons who are eligible for Medicaid; deleting obsolete dates; revising terminology to reflect the transfer of duties to the Department of Health and the Agency for Health Care Administration; deleting alternative notice provisions that apply to federally funded community health centers; abrogating the repeal of s. 766.1115, F.S., as it appears in s. 1 of chapter 92-278, Laws of Florida; providing effective dates.

—was referred to the Committee on Health Care.

By Senators Williams, Kirkpatrick and Bronson—

SB 768—A bill to be entitled An act relating to ecosystem management; creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0751, F.S.; providing definitions; creating s. 403.0752, F.S.; authorizing ecosystem management unit agreements; authorizing ecosystem management unit advisory teams; providing an effective date.

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

By Senator Williams—

SB 770—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, and 626.112, F.S.; requiring agents to be appointed; amending s. 624.426, F.S.; exempting United States Customs surety bonds from the resident agent and countersignature law; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising a definition; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, and 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; applying administrative fine provisions to certain approved persons; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792 and 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437 and 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising a definition; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending ss. 626.927, 626.9271, 626.929, 626.935, and 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; revising administration of the auto mediation program; amending s. 634.011, F.S.; revising a definition; amending ss. 634.171 and 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; repealing s. 626.112(6), F.S.,

relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

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

By Senator Crist—

SB 772—A bill to be entitled An act relating to homestead property; amending s. 193.155, F.S.; prescribing guidelines and limitations on when the property appraiser may increase the assessed value of property that is subject to homestead exemption; providing an effective date.

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

By Senators Cowin, Gutman and Silver—

SB 774—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; defining prior convictions; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing for severability of provisions held invalid; providing penalties; providing an effective date.

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

By Senators Cowin, Bronson, Diaz-Balart, Kirkpatrick, Harris, Clary, Myers, Forman, McKay, Latvala, Holzendorf, Jones, Turner, Lee, Dudley, Jenne, Sullivan, Grant, Horne, Klein, Silver, Gutman, Burt, Brown-Waite and Campbell—

SB 776—A bill to be entitled An act relating to the distribution of lottery proceeds; amending s. 24.121, F.S.; amending provisions relating to the distribution of the proceeds that are transferred annually to the Educational Enhancement Trust Fund; allowing local school boards to determine how the local portion of such funds is to be used; repealing certain requirements for using such funds; requiring public notice and a public hearing; amending ss. 229.592, 230.23, F.S., to conform; providing an effective date.

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

By Senator Lee—

SB 778—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing to the right side of a school bus which is displaying a stop signal; providing for warning lights pursuant to rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for illegally passing to the right side of a school bus; amending s. 318.19, F.S.; providing a mandatory hearing for illegally passing to the right side of a school bus; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Holzendorf, Hargrett, Turner, Casas, Diaz-Balart, Thomas, Dudley, Harris, Jenne, Kurth and Klein—

SB 780—A bill to be entitled An act relating to economic development; creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

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

By Senator Burt—

SB 782—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; deleting a limitation on the amount of the tax exemption allowed on certain items of tangible personal property used to increase business output; providing for the exemption to apply if the use of such tangible personal property improves the environment; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; providing an effective date.

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

By Senator Ostalkiewicz—

SB 784—A bill to be entitled An act relating to special districts; requiring certain special districts to conduct a referendum on their continued existence and certify the results to the Legislature; requiring certain special districts to obtain the approval of their electors before imposing or raising taxes; providing an effective date.

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

By Senators Sullivan, Kirkpatrick, Grant, Horne, Williams, Ostalkiewicz, Bronson and Turner—

SB 786—A bill to be entitled An act relating to high school athletics; directing the public schools to operate a nonprofit organization to govern high school athletic programs; providing for the structure, duties, and responsibilities of the organization; providing an effective date.

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

By Senators Thomas, Williams, Childers, Dantzler and Clary—

SB 788—A bill to be entitled An act relating to water resources; creating the Apalachicola-Chattahoochee-Flint River Basin Compact; providing for enactment by certain state legislatures and the United States Congress; providing purposes; providing scope; providing parties; providing definitions; providing for legal viability; creating the Apalachicola-Chattahoochee-Flint River Basin Commission; providing for appointments, organization, powers, and duties; providing for development of an allocation formula for the equitable apportionment of surface waters; providing for termination of the compact; providing for completion of certain water resource studies; providing for relationship of the compact to other laws; providing for public participation; providing for funding of the commission's operations; providing procedures for resolution of disputes; providing for enforcement actions; providing for inapplicability to other stream systems; preserving certain water-use rights within a member state; providing agreements regarding water quality; providing for effect of underuse of a state's water allocation; providing severability; providing for notice of ratifications; requiring signatures to and recording of compact; providing an effective date.

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

By Senators Forman, Grant, Myers, Casas and Turner—

SB 790—A bill to be entitled An act relating to human rights; creating s. 402.164, F.S.; providing legislative intent with respect to the duties and powers of the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; defining the term "state agencies" for purposes of ss. 402.164-402.167, F.S.; providing for the Statewide Human Rights Advocacy Committee to monitor the activities of, and investigate complaints against, the Department of Children and Family Services, the Department of Health, the Department of Elderly Affairs, the Department of Juvenile Justice, and the Agency for Health Care Administration; amending s. 402.166, F.S.; requiring that the district human rights advocacy committees create juvenile justice subcommittees; providing additional training requirements for members appointed to the juvenile justice subcommittees; revising the duties of the district human rights advocacy committees to conform to the expanded duties of the statewide committee; amending s. 402.167, F.S.; providing rulemaking authority to the state agencies subject to investigation by the human rights advocacy committees; providing an effective date.

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

By Senator Diaz-Balart—

SB 792—A bill to be entitled An act relating to career and adult education; amending s. 240.301, F.S.; amending the mission and responsibilities of community colleges to authorize them to provide adult education services and career education; repealing s. 239.109, F.S., relating to career and adult education interinstitutional articulation agreements; providing an effective date.

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

By the Committee on Banking and Insurance—

SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of profits; providing for participation in regular assessments by member insurers; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; providing for a notice to be placed in the association policy; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; providing legislative intent; providing for the protection of creditors; providing immunity from liability; providing for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; conforming cross-references; providing an effective date.

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

By Senator Lee—

SB 796—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

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

By Senator Clary—

SB 798—A bill to be entitled An act relating to instructional materials; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; amending s. 233.09, F.S.; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending ss. 233.46 and 233.47, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; providing an effective date.

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

By Senator Latvala—

SB 800—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S.; specifying conditions under which retail revolving accounts are considered to be signed or accepted; providing an effective date.

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

By Senators Silver, Grant and Thomas—

SB 802—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk

member" to include any member employed as an assistant state attorney; providing an effective date.

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

By Senator Clary—

SB 804—A bill to be entitled An act relating to marine net fishing; amending s. 370.01, F.S.; defining the terms "netting material" and "net" for constitutional, statutory, and administrative law purposes; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Grant—

SB 806—A bill to be entitled An act relating to eminent domain; amending s. 73.0511, F.S.; providing for a written offer of settlement as part of the prelitigation notice; amending s. 73.071, F.S.; providing that the jury must determine full compensation in eminent domain actions; providing for consideration of business damages; providing for the determination of compensation in inverse condemnation proceedings; providing for consideration of mitigation by a property owner; providing for construction of the term "property"; creating s. 74.0205, F.S.; providing for presuit negotiations; creating s. 74.042, F.S.; providing for mandatory nonbinding mediation prior to the order of taking hearing; amending s. 337.271, F.S.; providing for the simplification of the acquisition negotiation process; providing an effective date.

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

By Senator Grant—

SB 808—A bill to be entitled An act relating to small business employment incentives; providing for issuing tax credit vouchers; requiring the Department of Revenue to develop forms and procedures; limiting the availability of the credit vouchers; providing an effective date.

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

By Senator Grant—

SB 810—A bill to be entitled An act relating to health care responsibility; directing the Agency for Health Care Administration to convene a task force on The Florida Health Care Responsibility Act of 1988; providing for membership; specifying topics for task force study; requiring a report; providing agency duties; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Grant—

SB 812—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an effective date.

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

By Senators Grant, Williams, Childers, Casas and Thomas—

SB 814—A bill to be entitled An act relating to motor vehicle and casualty insurance; amending s. 627.728, F.S.; prescribing notice requirements relating to nonpayment of premiums; amending s. 627.7295, F.S.; revising certain per-policy fees; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Grant—

SB 816—A bill to be entitled An act relating to the Insurance Commissioner; amending s. 20.13, F.S.; transferring responsibilities of head of the Department of Insurance from the State Treasurer to an appointed Insurance Commissioner; amending s. 14.24, F.S.; transferring responsibility for making an appointment; amending ss. 48.151, 175.032, 175.141, 185.12, 215.02, 215.58, 238.15, 240.551, 284.41, 554.105, 607.0501, 617.0501, 624.305, 624.319, 624.321, 624.422, 624.423, 624.502, 624.506, 624.523, 626.2815, 626.742, 626.906, 626.907, 626.912, 626.937, 626.9912, 626.9916, 627.944, 627.948, 628.461, 628.4615, 629.401, 634.151, 634.161, 641.19, 641.402, 641.454, 651.125, F.S., to conform terminology to the change made by this act; providing an effective date.

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

By Senators Grant and Lee—

SB 818—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s. 737.111, F.S.; revising language with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising language with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Klein and Turner—

SB 820—A bill to be entitled An act relating to veterans; amending s. 295.17, F.S.; eliminating the requirement of renewing identification cards; eliminating a service charge; providing an effective date.

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

By Senators Klein and Forman—

SB 822—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; authorizing the department to use certain funds to promote public health; providing the department with greater flexibility in budget expenditures; amending s. 110.131, F.S., relating to temporary employment of health care practitioners, s. 216.341, F.S., relating to disbursement of county health unit trust funds, s. 395.401, F.S., relating to trauma services, ss. 401.111, 401.117, F.S., relating to emergency medical services grants, ss. 401.23, 401.245, 401.265, F.S., relating to emergency medical services, s. 402.60, F.S., relating to emergency treatment for insect stings, to conform to the reorganization of the Department of Health and Rehabilitative Services and to conform other terminology to statutory usage; transferring pow-

ers, duties, functions, and assets of the Agency for Health Care Administration relating to rural health networks and local health councils to the Department of Health; amending ss. 945.602, 945.603, 945.6031, 945.6032, F.S.; transferring the Correctional Medical Authority from the Department of Corrections to the Department of Health; prescribing duties of the authority and both departments; providing an effective date.

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

By Senator Horne—

SB 824—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

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

By Senator Horne—

SB 826—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

By Senator Bronson—

SB 828—A bill to be entitled An act relating to motor vehicle equipment requirements; repealing ss. 325.221, 325.222, 325.223, F.S., relating to legislative findings and intent with respect to reduction of emission and recovery and recycling of chlorofluorocarbons and halons from motor vehicle air conditioners, definition of terms, training and certification requirements with respect to installation and use of refrigerant recycling equipment and establishments and personnel recovering and recycling used refrigerants from motor vehicle air conditioners, requirements for the sale and distribution of refrigerant and reclaimed refrigerant, certification and renewal fees, and penalties and fees for violation and noncompliance; providing an effective date.

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

By Senator Bronson—

SB 830—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.022, F.S.; providing an exemption from regulation by the Public Service Commission as a utility and from the provisions of ch. 367, F.S., for the sale for resale of bulk supplies of water to governmental authorities or specified utilities; providing an effective date.

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

By Senator Ostalkiewicz—

SB 832—A bill to be entitled An act relating to special districts; requiring each special district that has the power to levy taxes or special assessments to elect the members of its governing body; prescribing requirements for such elections; providing for expiration of terms of office of present, nonelected district governing body members; providing an effective date.

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

By Senators Brown-Waite, Myers, Dudley, Silver and Rossin—

SB 834—A bill to be entitled An act relating to health care service programs; amending s. 641.315, F.S.; providing additional criteria for certain provider contracts; amending s. 641.3903, F.S.; prohibiting health maintenance organizations from taking certain retaliatory action against providers of health care services; requiring that the governing body of a managed care plan provide notice and the opportunity for a hearing before terminating or failing to renew the contract of a health care provider; providing certain exceptions; providing notice requirements; providing requirements for the hearing panel appointed by the managed care plan; requiring that the governing body of the managed care plan render a final decision within a specified time; providing an effective date.

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

By Senators Forman, Dudley, Childers, Williams and Holzendorf—

SB 836—A bill to be entitled An act relating to hospitals and ambulatory surgical centers; amending s. 395.0191, F.S.; prohibiting such facilities from denying staff membership or clinical privileges to optometrists based solely on their licensure as such; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Holzendorf—

SB 838—A bill to be entitled An act relating to the Florida Preservation 2000 Program; amending ss. 259.032 and 373.59, F.S.; revising provisions which authorize certain counties to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the program, to reduce the percentage of tax loss required as a qualification for such payments; providing an effective date.

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

By Senator Holzendorf—

SB 840—A bill to be entitled An act relating to workers' compensation and employer's liability insurance; amending s. 627.072, F.S.; prescribing a minimum value that may be placed on margin for profit and contingencies when determining and fixing rates for such insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Dudley—

SB 842—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period

for notice of nonpayment; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that an owner may not record a notice of termination except after completion of construction; amending s. 713.135, F.S.; requiring certain applicants for building permits to file certain information with the issuing authority; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Gutman—

SJR 844—A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution, relating to local option ad valorem tax exemption for, and assessment of, certain historic properties, to remove a requirement that the owner must be renovating the property, and to allow local governments to provide by ordinance for assessments of such property to be based on character or use.

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

SR 846—Not referenced.

By Senator Campbell—

SB 848—A bill to be entitled An act relating to mastectomies; amending ss. 627.6417, 627.6612, 627.6699, 641.31, F.S.; requiring health insurance policies and contracts to provide coverage for mastectomies; prohibiting such policies and contracts from imposing certain limitations on coverage for hospital stays under certain circumstances; creating ss. 627.64175, 627.6614, 641.30198, F.S.; providing requirements and prohibitions for insurers and health maintenance organizations relating to breast cancer coverage; amending ss. 627.651 and 627.6515, F.S.; conforming application provisions to include certain cross-references; providing an effective date.

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

By Senator Campbell—

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

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

By Senator Childers—

SB 852—A bill to be entitled An act relating to building designations; designating and naming the Children's Medical Services facility currently under construction at 5192 Bayou Boulevard in the City of Pensacola, Escambia County, as the "Dr. Reed Bell and Dr. John H. Whitcomb Building"; directing the Department of Management Services to erect suitable markers; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Bronson—

SB 854—A bill to be entitled An act relating to state lands; amending s. 253.68, F.S.; deleting a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; providing an effective date.

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

By Senator Dyer—

SB 856—A bill to be entitled An act relating to judgments; amending s. 55.03, F.S.; clarifying the rate of interest to be paid on judgments; providing an effective date.

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

By Senator Sullivan—

SB 858—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing for the funding of specified postsecondary scholarship programs from the Educational Enhancement Trust Fund; amending s. 232.2465, F.S., relating to Florida Academic Scholars; conforming provisions relating to award of scholarships; amending s. 239.217, F.S., relating to the Florida Gold Seal Vocational Endorsement Program; revising provisions relating to eligibility requirements; amending s. 240.402, F.S., relating to the Florida Undergraduate Scholars' Program; revising eligibility requirements; revising the amount of awards and reinstatement requirements; revising funding source; amending s. 240.4021, F.S., relating to the Vocational Gold Seal Endorsement Scholarship Program; revising eligibility, renewal, and reinstatement requirements; revising the amount of awards; amending s. 240.4024, F.S., relating to the Florida Postsecondary Tuition Program; revising eligible postsecondary institutions; revising provisions relating to the amount of awards; revising eligibility and renewal requirements; revising administrative procedures; requiring annual reports and audits; authorizing penalties for certain noncompliance; amending s. 240.404, F.S., relating to requirement for student eligibility for state financial aid; conforming provisions; providing an effective date.

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

By the Committee on Criminal Justice—

SB 860—A bill to be entitled An act relating to criminal justice; amending s. 27.51, F.S.; clarifying the procedure by which the court may issue an order stating that a defendant will not be imprisoned if convicted; creating s. 27.512, F.S.; requiring the court to issue an order of no imprisonment in each case in which the defendant is not subject to imprisonment if convicted; prohibiting the court from appointing a public defender to represent the defendant following issuance of such an order; providing for the appointment of a public defender upon the withdrawal of an order of no imprisonment; amending s. 27.52, F.S.; requiring the court to redetermine the indigency of a defendant represented by a public defender each time the defendant appears before the court; requiring that an indigent defendant agree to report any change in his or her financial situation; amending ss. 27.53, 925.036, F.S., relating to appointed counsel; prohibiting an attorney appointed to assist the public defender from reassigning the case to another attorney; amending s. 925.037, F.S.; providing meeting requirements for the circuit conflict committee; amending s. 948.08, F.S.; revising criteria under which an offender may be admitted to a pretrial intervention program; prohibiting the appointment of a public defender to represent an offender released to a pretrial intervention program; requiring the Justice Administrative Commission to submit certain reports to the Legislature to assist the Legislature in determining the fiscal effect of certain revisions in the law for establishing the indigency of defendants; providing for developing a form to be used for determining the indigency of defendants who claim to be indigent; providing an effective date.

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

By Senator Dyer—

SB 862—A bill to be entitled An act relating to education; providing for a review over a 4-year period of the portions of the Florida School Code that govern the public schools; repealing chs. 228, 229, and 230, F.S., on July 1, 1998, and providing for prior legislative review; repealing chs. 232, 233, and 239, F.S., on July 1, 1999, and providing for prior legislative review; repealing chs. 231, 234, and 238, F.S., on July 1, 2000, and providing for prior legislative review; repealing chs. 235, 236, and 237, F.S., on July 1, 2001, and providing for prior legislative review; providing an effective date.

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

By Senator Dyer—

SB 864—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

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

By Senator Lee—

SB 866—A bill to be entitled An act relating to hearsay exceptions; amending s. 90.803, F.S.; providing an exception to the hearsay rule for certain statements concerning a violent act against a victim who is an elderly person or disabled adult; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Kirkpatrick—

SB 868—A bill to be entitled An act relating to education; transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 11.42, F.S., relating to the Auditor General; conforming a cross-reference; amending s. 20.15, F.S.; revising duties of the State Board of Education; providing for the Commissioner of Education rather than the State Board of Education to head the Department of Education; providing for the appointment of a Deputy Commissioner for Educational Programs; providing for the appointment of a Deputy Commissioner for Planning, Budgeting, and Management; providing for the Commissioner of Education rather than the State Board of Education to appoint the councils and committees within the Department of Education; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; granting the Commissioner of Education rulemaking authority for certain programs; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education program; amending s. 228.081, F.S.; requiring the State Board of Education and the department to provide certain assistance for educational programs of the Department of Juvenile Justice; amending s. 228.086, F.S., relating to regional centers of excellence in mathematics, science, computers, technology, and global awareness; deleting certain requirements; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.092, F.S., relating to retention of records of nonpublic school students; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.011, F.S.; revising certain functions of the state with respect to public education; amending s. 229.053, F.S.; revising the powers and duties of the State Board of Education; requiring the State Board of Education to establish a clearinghouse for information on economic development; amending s. 229.085, F.S., relating to the custody of educational funds; amending s. 229.111, F.S.; providing for the Commissioner of Education to assume the duties of the State Board of Education with respect to the acceptance of gifts; amending s. 229.512, F.S.; revising the duties of the Commissioner of Education; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.559, F.S., relating to the use of student's social security numbers; deleting obsolete provisions; amending s. 229.565, F.S.; deleting a requirement that the State Board of Education approve standards of excellence; deleting requirements for an evaluation of the Florida Primary Education Program; amending s. 229.57, F.S.; revising requirements of the student assessment program; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects; amending s. 229.591, F.S.; deleting the name "Blueprint 2000"; amending s. 229.592, F.S., relating to school improvement and education accountability; deleting obsolete provisions; amending s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.594, F.S.; deleting obsolete provisions; providing the commissioner's role in reviewing components of school improvement and accountability; amending ss. 229.75, 229.76, F.S.; revising duties of the State Board of Education to conform to changes made by the act; amending s. 229.771, F.S.; providing for removal from office by the State Board of Education; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 230.03, F.S.; providing commissioner's rulemaking authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.; requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; conforming a cross reference; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.; requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student

services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.014, F.S.; requiring the commissioner to review and approve surveys and priority rankings for recommended educational facilities; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.15, F.S.; providing for rules of the commissioner governing educational plant surveys and providing for approval of projects; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 235.435, F.S.; providing for rules of the commissioner relating to educational plant needs; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, minimum term of operation of schools, employment of personnel, salary schedules, and budgets; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; providing that certain rules of the state board in effect June 30, 1997, shall remain in effect until amended or revoked; amending s. 237.40, F.S.; correcting a cross-reference; repealing s. 228.0617, F.S., relating to the school age childcare incentives program; repealing s. 228.085, F.S., relating to the state comprehensive plan for mathematics, science, and computer education; providing an effective date.

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

By Senator Forman—

SB 870—A bill to be entitled An act relating to excise tax on documents; creating s. 201.032, F.S.; authorizing district school boards to levy an additional surtax on deeds and other instruments relating to real property and interests therein; providing procedures; providing for a public hearing; providing for use of the proceeds; authorizing pledge of the proceeds for bonds; providing that a school board may elect to receive surtax proceeds or certain impact fee proceeds; providing that certain impact fee programs are not repealed by this act; specifying effect on conflicting ordinances and laws; requiring a report; providing an effective date.

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

By Senators Forman, Gutman, Grant, Brown-Waite and Campbell—

SB 872—A bill to be entitled An act relating to trauma centers; amending s. 395.402, F.S.; providing legislative recognition of pediatric trauma referral centers; providing legislative intent regarding factors to be considered in devising planning guidelines; prescribing the number and types of patients to be treated at pediatric trauma referral centers; amending s. 395.4025, F.S.; providing for the selection of state-approved trauma centers and pediatric trauma referral centers; amending procedures for renewing verification; requiring the formation of a task force on pediatric trauma; providing for membership, duties, and responsibilities of the task force members; requiring a report to the Legislature; providing for the inapplicability of this act to certain pending cases; providing an effective date.

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

By Senator Dyer—

SB 874—A bill to be entitled An act relating to the solicitation of a minor to commit an offense; amending s. 777.04, F.S.; providing that it is a second-degree felony to solicit a minor to commit an offense prohibited by law; specifying elements of the offense; providing for ranking the offense for purposes of sentencing under the sentencing guidelines; requiring that a sentence of imprisonment imposed for the offense of soliciting a minor be served consecutively to any other sentence imposed for an offense committed during the course of the same criminal transaction; amending s. 921.0012, F.S., relating to the sentencing guidelines; providing for ranking the offense of soliciting a minor to commit an offense prohibited by law; providing an effective date.

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

By Senators Forman and Harris—

SB 876—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Sea Turtle license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Latvala—

SB 878—A bill to be entitled An act relating to the Pinellas Police Standards Council, Pinellas County; amending ch. 72-666, Laws of Florida, as amended; prescribing purposes, membership, powers, and duties of the countywide police standards council; providing for screening applicants for public-safety positions; providing for continued funding of the council through a court cost; providing for fees from applicants for public-safety positions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Forman, Myers, Grant, Turner and Casas—

SB 880—A bill to be entitled An act relating to human rights; creating s. 402.164, F.S.; providing legislative intent with respect to the duties and powers of the human rights advocacy councils; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; providing for the statewide council to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Commerce and Economic Opportunities—

SB 882—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; removing the expiration date on the allocation of the state volume limitation to the manufacturing facility bond pool; providing an effective date.

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

By Senator Brown-Waite—

SB 884—A bill to be entitled An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing an effective date.

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

By Senator Myers—

SB 886—A bill to be entitled An act relating to criminal justice officers; amending s. 112.532, F.S., relating to law enforcement officers' and correctional officers' rights; requiring certain notice to a law enforcement officer or correctional officer under internal investigation; providing a limitation with respect to the right to counsel or representation of the officer under investigation; repealing s. 112.533(3), F.S., relating to the offense of willful disclosure by a participant in an internal investigation of certain confidential information; amending s. 119.07, F.S., relating to inspection, examination, and duplication of public records; providing that the exemption from public records requirements for photographs of former or active law enforcement personnel is inapplicable in the case of arrested personnel; providing an effective date.

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

By Senator Rossin—

SB 888—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing for the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult, elderly person, or child as a result of abuse, neglect, exploitation, or abandonment; requiring that the department redact names and other identifying information in certain records; authorizing any person or organization, or the Department of Children and Family Services, to petition the court to prohibit public disclosure of such records; providing for a presumption that disclosure is in the public interest; revising provisions to reflect the creation of the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Rossin—

SB 890—A bill to be entitled An act relating to the financing of substance abuse and mental health services; amending s. 394.467, F.S.; requiring that an involuntary placement order be made to the appropriate facility or service if the department's contract provider is a managed care organization; amending s. 394.65, F.S.; making conforming changes; amending s. 394.66, F.S., broadening legislative intent; making conforming changes; amending 394.67, F.S.; adding definitions; making conforming changes; creating s. 394.674, F.S.; providing clinical and financial eligibility criteria for substance abuse and mental health services funded by the Department of Children and Family Services; requiring the Department of Children and Family Services to develop administrative rules; amending 394.675, F.S.; expanding comprehensive substance abuse and mental health services by adding acute care services and substance abuse services; deleting primary care services and preventive services; making conforming changes; amending 394.73, F.S.; deleting obsolete language regarding "planning council" and adding "board"; making conforming changes; amending 394.74, F.S.; expanding the list of entities with which the department may contract for substance abuse and mental health services; requiring that performance-based budgeting provisions be included in the contracts with provider agencies; deleting obsolete contracting provisions; making conforming changes; amending 394.75, F.S.; changing requirements related to the district substance abuse and mental health plan; requiring a plan every 5 years rather than biennially; deleting priority population groups; making conforming changes; amending s. 394.76, F.S.; deleting obsolete contracting provisions; adding provisions for managed care contracts, rate and purchase of service contracts, and start-up contracts; adding provisions for reinvestment plan; adding provisions for evaluating the performance of the service provider under contract with the Department of Children and Family Services; deleting obsolete contracting language; adding provisions for ownership of property of service providers whose contract is terminated or not renewed; amending s. 394.77, F.S.; providing for a penalty to be imposed on providers that fail to timely submit reports; requiring eligibility and enrollment systems; amending s. 394.78, F.S.; expanding rulemaking authority of the department to include service standards, quality assurance standards, service protocols, functional assessments, and client satisfaction standards for the substance abuse and mental health programs with which the department contracts; amending s. 394.79, F.S.; requiring an annual state plan for substance abuse and mental health services rather than a biennial plan; making conforming changes; amending 397.6818, F.S.; requiring that an involuntary court order for assessment and stabilization be made, when appropriate, to a licensed service provider that is under contract with a managed care organization; amending 397.697, F.S.; requiring that an involuntary treatment order be made, when appropriate, to a licensed service provider who is under contract with a managed care organization; amending s. 409.906, F.S.; revising the criteria for the provision of community mental health services under the Medicaid program; authorizing the agency to seek certain federal waivers; amending s. 409.912,

F.S.; modifying the licensure requirements of certain entities that provide mental health services under Medicaid; deleting a rulemaking requirement for the Department of Insurance; creating s. 636.0145, F.S.; exempting from certain regulatory requirements those prepaid limited health service organizations that serve only Medicaid clients; providing legislative findings; directing the Florida Mental Health Institute, in conjunction with certain agencies, to report to the Governor and the Legislature regarding the activities and resources necessary for developing an integrated behavioral health care data system; specifying report topics to be addressed; directing the Agency for Health Care Administration to review administrative costs related to providing certain managed behavioral health care services and to report its findings to the Governor and the Legislature by a specified date; directing the Department of Children and Family Services, in collaboration with others, to prepare a plan relating to the community placement of certain hospital patients and to submit a report to the Governor and the Legislature by a specified date; directing the Agency for Health Care Administration and the Department of Children and Family Services to develop a joint plan related to behavioral health services and to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an effective date.

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

By Senators Dudley, Grant, Horne, Campbell, Burt and Rossin—

SB 892—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; providing effective dates.

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

By Senator Holzendorf—

SB 894—A bill to be entitled An act relating to community colleges; providing an appropriation to the Commissioner of Education to enter into an agreement with the Southern Regional Education Board to support a "Compact for Faculty Diversity Program" to increase the number of minority personnel holding doctoral degrees in selected Florida community colleges; providing for scholarships; establishing a process for selection of community college and minority participants; providing requirements of doctoral candidates; requiring service or repayment; requiring rules; providing an effective date.

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

By Senator Holzendorf—

SB 896—A bill to be entitled An act relating to elections; amending s. 97.055, F.S.; eliminating the book-closing period for voter registration; providing for registration and changes in registration at the polls on election day; amending ss. 97.021, 97.053, 97.071, 98.065, 98.081, 98.231, 101.045, and 101.663, F.S., to conform; creating s. 101.657, F.S.; requiring the office of the supervisor of elections and any branch office to be open on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of allowing early in-person absentee voting for that election; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Holzendorf—

SB 898—A bill to be entitled An act relating to secondary notice of lapse of insurance policies; amending ss. 627.4555 and 627.5045, F.S.; revising provisions requiring notice to policyowners and secondary addressees of impending lapse of certain insurance policies under certain circumstances; providing procedures; providing application; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Holzendorf—

SB 900—A bill to be entitled An act relating to collective bargaining; amending s. 447.403, F.S.; revising procedures for resolving certain impasses; providing duties of parties; requiring a special master to hold public hearings under certain circumstances; requiring a legislative body to hold a public hearing under certain circumstances; providing duties of the Public Employees Relations Commission; providing an effective date.

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

By Senator Silver—

SB 902—A bill to be entitled An act relating to trust funds; creating the County Article V Trust Fund to be administered by the Supreme Court; providing for future review and termination or re-creation of the fund; providing an effective date.

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

By Senator Grant—

SB 904—A bill to be entitled An act relating to confidentiality of information held by the Florida Surplus Lines Service Office; providing that certain information required to be kept by the office is confidential and exempt from disclosure; providing for future review of this exemption; providing legislative findings of necessity; providing a conditional effective date.

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

By Senator Dudley—

SB 906—A bill to be entitled An act relating to Lee County independent fire control districts; prescribing uniform criteria for operation of independent special fire-control districts; providing definitions; preempting certain special acts and general acts of local application; providing for district boards of commissioners and for their election; providing for officers of boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion, merger, and dissolution of districts; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Grant—

SB 908—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association

under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; providing an effective date.

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

By Senator Dudley—

SB 910—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; specifying persons who have standing and may present evidence for an injunction for protection against domestic violence; providing for information and assistance through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of counseling programs and batterers' intervention programs; amending s. 61.13, F.S.; providing for presumption of child custody when false accusations of domestic violence or child abuse have been proven; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Latvala—

SB 912—A bill to be entitled An act relating to liens; creating s. 713.596, F.S.; providing for molders' liens and rights; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 914—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S., providing for service upon a sole proprietorship; amending s. 48.183, F.S., providing for service in action to recover residential property; amending s. 48.27, F.S., providing for application and fee for inclusion on list of certified process servers; amending s. 55.03, F.S., providing for docketing and indexing of civil process generally; amending s. 56.27, F.S., providing for payment to execution creditor of money collected; amending s. 56.28, F.S., prescribing procedure for demand for payment of moneys collected; providing an effective date.

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

By Senator Grant—

SB 916—A bill to be entitled An act relating to reconstructive breast surgery; amending ss. 627.6417, 627.6612, and 627.6699, F.S.; requiring certain insurance policies to provide coverage for reconstructive breast surgery for certain purposes; providing an effective date.

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

By Senator Burt—

SB 918—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; providing for application of the act; providing an effective date.

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

By Senator Childers—

SB 920—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; redefining the term "motor vehicle"; amending s. 634.121, F.S.; revising provisions relating to disclosure of limitations on warranty transfer rights; amending s. 634.312, F.S.; providing certain disclosure requirements on home warranty transfer limitations; creating s. 634.331, F.S.; providing for the purchase of home warranty coverage of residential property prior to sale; amending s. 634.406, F.S.; revising certain financial requirements for service warranty associations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Kirkpatrick—

SB 922—A bill to be entitled An act relating to private attorney services; amending s. 287.059, F.S.; prohibiting certain private attorneys under contract with a state agency from representing certain persons before state agencies; providing for an affidavit; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Gutman—

SB 924—A bill to be entitled An act relating to designated parking; amending s. 316.008, F.S.; authorizing counties or municipalitites to impose certain fines under certain circumstances; creating s. 316.1961, F.S.; providing for parking places for persons who transport certain young children; providing requirements; providing criteria; prohibiting parking in such places under certain circumstances; providing penalties; providing exceptions; amending s. 316.1957, F.S.; providing presumptions relating to parking in certain spaces; amending s. 316.1959, F.S.; providing for parking enforcement; amending s. 316.1967, F.S.; providing liability for certain parking violations; amending s. 318.18, F.S.; requiring community service in addition to certain civil penalties under certain circumstances; creating s. 320.0849, F.S.; providing for temporary parking parking permits for certain persons; providing requirements; providing criteria; providing penalties; requiring the Department of Highway Safety and Motor Vehicles to adopt rules; providing an effective date.

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

By Senator Gutman—

SB 926—A bill to be entitled An act relating to campaign financing; amending s. 106.1405, F.S.; prohibiting the use of campaign funds by candidates and their spouses for salary or personal expenses; providing penalties; creating the Campaign Finance Reform Study Committee within the Department of State; providing for appointment of members; requiring the Division of Elections to provide staff support for the committee; providing purpose; requiring a report and providing for termination of the committee upon submission thereof; providing effective dates.

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

By Senator Gutman—

SB 928—A bill to be entitled An act relating to sexual battery; creating s. 794.025, F.S.; creating the "Officer Elizabeth Alvarez Child Protec-

tion Act of 1997"; providing legislative findings and intent with respect to imposition of mandatory minimum imprisonment upon sexual batterers whose victims are under 13 years of age; providing a mandatory minimum penalty of 2 years' imprisonment when the sexual battery victim was under 13 years of age; providing for construction; providing an effective date.

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

By Senator Gutman—

SB 930—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act of 1997"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; providing penalties; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senator Gutman—

SB 932—A bill to be entitled An act relating to education; creating a pilot program to increase the number of school counselors; establishing a ratio of counselors to students; requiring an evaluation; providing an appropriation; providing an effective date.

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

By Senator Gutman—

SB 934—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the holder of certain outstanding tax certificates to withhold a property from public auction upon payment of a surcharge; providing for title to the property to vest in the certificateholder upon failure of the property owner to redeem the tax certificates; amending s. 197.512, F.S.; requiring publication of notice; amending s. 197.522, F.S.; providing requirements for notifying the property owner of the application for a tax deed; providing an effective date.

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

By Senator Gutman—

SB 936—A bill to be entitled An act relating to local graffiti ordinances; amending s. 806.13, F.S.; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory community service and mandatory restitution; providing for the court to apply such higher penalties in a delinquency or other proceeding for violation of the ordinance; providing an effective date.

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

By Senator Holzendorf—

SB 938—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Kirkpatrick, Sullivan and Forman—

SB 940—A bill to be entitled An act relating to information resources management; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; creating s. 216.0446, F.S.; authorizing a mechanism for the review of agency legislative budget requests for information technology resources; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative intent with respect to information resources management; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the position of State Chief Technology Officer; creating s. 282.3093, F.S.; providing legislative intent with respect to the State Chief Technology Officer; providing powers and duties; creating s. 282.3095, F.S.; creating the Office of the State Chief Technology Officer; creating s. 282.310, F.S.; requiring an annual report on information resources management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes and membership of the council; amending s. 282.1021, F.S.; revising requirements of the State Implementation Plan for Communications Services; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising provisions relating to data processing policy boards; amending s. 282,318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the technology budget review group; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to approve a strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending ss. 20.19, 20.316, 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending ss. 186.021, 186.022, F.S.; revising provisions relating to state agency strategic plans; amending s. 215.96, F.S., relating to the Florida Fiscal Accounting Management Information System; revising provisions relating to the coordinating council to the system; amending s. 216.031, F.S.; corforming references; amending ss. 216.235,

216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; revising the definition of "information technology resources"; amending s. 943.06, F.S.; relating to the Criminal and Juvenile Justice Information Systems Council; adding the State Chief Technology Officer as an ex officio nonvoting member; amending s. 943.08, F.S.; requiring the council to approve a strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; requiring that the records of the Information Resource Commission be transferred to the State Chief Technology Officer; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the technology budget review group; providing an effective date.

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

By Senator Holzendorf—

SB 942—A bill to be entitled An act relating to the sale of used motor vehicles; creating the "Used Motor Vehicle Warranty Act"; providing legislative intent; providing definitions; requiring express warranties with respect to the sale of used motor vehicles; providing exceptions; providing requirements for used motor vehicle dealers in honoring warranties; providing for extension of warranty terms under certain circumstances; providing for inability of dealer to conform the motor vehicle to the warranty; providing certain remedies; providing for duties of the Department of Legal Affairs; providing for establishment of resource center and toll-free consumer number; providing liability for bad faith claims; providing for application of the Used Motor Vehicle Warranty Act; amending s. 320.27, F.S.; providing additional circumstances under which the Department of Highway Safety and Motor Vehicles may suspend certain vehicle dealers' licenses; providing for collection of a fee on each sale of a used motor vehicle; providing an effective date.

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

By Senator Holzendorf—

SB 944—A bill to be entitled An act relating to public streets, highways, and roads; amending ss. 316.2045 and 337.406, F.S.; prohibiting solicitation by children of a certain age upon any public street, highway, right-of-way of a state transportation facility, or road; providing an effective date.

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

By Senator Holzendorf—

SB 946—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Secretary of State of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; creating s. 741.411, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Executive Business, Ethics and Elections.

By Senator Brown-Waite—

SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for tolling of license expiration under certain circumstances; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for tolling of license expiration under certain circumstances; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for tolling of license expiration under certain circumstances; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for tolling of license expiration under certain circumstances; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing for consumer access to certain background information pertaining to physicians and health care facilities; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; providing an effective date.

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

By Senator Silver—

SB 950—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—was referred to the Committees on Community Affairs and Regulated Industries.

By Senator Brown-Waite—

SB 952—A bill to be entitled An act relating to confidentiality of public hospital records and meetings; amending s. 395.3035, F.S.; providing that votes by the governing board to approve or modify strategic plans are confidential; providing a definition; providing an effective date.

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

By Senator Brown-Waite—

SB 954—A bill to be entitled An act relating to telecommunications; amending s. 364.163, F.S.; requiring certain local telecommunications companies to reduce their intrastate switched access rates; providing an effective date for the reductions; providing an effective date.

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

By Senator Forman—

SB 956—A bill to be entitled An act relating to disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that specified unclaimed moneys in the possession of a municipality will be paid into the municipality's fine and forfeiture fund; providing an effective date.

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

By Senator Forman—

SB 958—A bill to be entitled An act relating to public notification concerning sexual predators; amending s. 775.21, F.S.; requiring the sheriff to advertise certain information regarding the release of sexual predators; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Forman—

SB 960—A bill to be entitled An act relating to gambling; amending s. 849.085, F.S.; providing that bunko is a legal penny-ante game in certain situations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Forman—

SB 962—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; replacing the defunct Department of Health and Rehabilitative Services with the Department of Children and Family Services in a provision relating to the intent to encourage county and district juvenile justice plans and interagency agreements; deleting the Department of Health and Rehabilitative Services from a provision requiring specified entities to participate in a written interagency partnership agreement as a prerequisite to applying for community juvenile justice partnership grants; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Brown-Waite—

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

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

By Senator Gutman—

SB 966—A bill to be entitled An act relating to meetings of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing for portions of meetings of the Florida Violent Crime Council to be exempt from public meetings requirements if active criminal investigative or intelligence information is discussed; providing for the council to be defined as a criminal justice agency for purposes of chapter 119, F.S.; providing for future repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; providing an effective date.

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

By Senators Rossin, Harris, Thomas, Holzendorf, Grant, Bronson, Cowin and Lee—

SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; providing an effective date.

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

By Senator Harris—

SB 970—A bill to be entitled An act relating to Lee and Charlotte Counties; amending chapter 96-507, Laws of Florida, the Gasparilla Island Bridge Authority Act; revising the powers and duties of the authority to eliminate the requirement that electors authorize the maximum toll and maximum ad valorem tax in a single vote of the electors; eliminating the requirement that the proceeds of tolls and ad valorem taxes may only be used for certain purposes; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Williams—

SB 972—A bill to be entitled An act relating to efficiency of state employees in government; expressing legislative intent; providing an effective date.

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

By Senator Williams—

SB 974—A bill to be entitled An act relating to efficiency in government; expressing legislative intent; providing an effective date.

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

By Senator Williams—

SB 976—A bill to be entitled An act relating to the efficiency of the Division of Consumer Services, Department of Agriculture and Consumer Services; expressing legislative intent; providing an effective date.

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

By Senator McKay—

SB 978—A bill to be entitled An act relating to special care units; amending s. 400.402, F.S.; defining the term "special care unit" for

purposes of part III, ch. 400, F.S., relating to assisted living facilities; amending s. 400.4177, F.S.; requiring that an assisted living facility provide a special care unit for the care of persons who have Alzheimer's disease or related disorders; amending s. 400.452, F.S.; providing additional training requirements for staff who work in special care units and for direct caregivers; requiring that the training be completed by specified dates; specifying topics to be included in level I and level II curricula; requiring continuing education for direct caregivers; providing for certification upon completion of training; providing for employees of certain facilities to receive training at no charge; providing requirements for providers of initial and continuing education courses; requiring the Department of Elderly Affairs to approve courses and providers; amending s. 400.441, F.S., relating to rules establishing standards; providing for the department to adopt such rules at its discretion; amending s. 400.407, F.S., relating to licensure of facilities; conforming a cross-reference to changes made by the act; providing an effective date.

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

By Senator Holzendorf—

SB 980—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.054, F.S., which provides general administrative provisions for the levy of discretionary sales surtaxes by counties; providing for application of those administrative, collection, enforcement, and penalty provisions to levy by a municipality; amending s. 212.055, F.S.; authorizing levy of the local government infrastructure surtax by municipalities; providing for application of provisions requiring referendum approval and restricting use of the proceeds; providing for distribution of the proceeds; prohibiting levy by a municipality located in a county which levies local option sales surtaxes in excess of a specified rate; providing for repeal of a municipality's local government infrastructure surtax if the county subsequently levies the surtax at an equal or higher rate; amending s. 212.0596, F.S., relating to responsibility of dealers making mail order sales to collect local option surtaxes, to include surtaxes levied by municipalities; providing an effective date.

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

SR 982—Not referenced.

By Senator Ostalkiewicz—

SB 984—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Ostalkiewicz—

SJR 986—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

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

By Senator Kurth—

SB 988—A bill to be entitled An act relating to investments of state moneys; amending s. 18.10, F.S.; revising guidelines for the Treasurer in investing state moneys; prescribing additional depositories qualified to receive investments; providing an effective date.

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

By Senator Rossin—

SB 990—A bill to be entitled An act relating to insurance; amending s. 626.072, F.S.; authorizing general lines agents and general lines agencies to appoint temporary representatives to assist in transacting the business of insurance or private passenger motor vehicle insurance; providing conditions of appointment; providing a limitation; providing responsibilities of agents and agencies that make such appointments; providing responsibility; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Silver—

SB 992—A bill to be entitled An act relating to endangered or threatened native flora; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; providing an effective date.

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

By Senator Rossin—

SB 994—A bill to be entitled An act relating to Lee County; amending chapter 76-414, Laws of Florida, as amended; authorizing the Bayshore Fire Protection and Rescue Service District to establish and maintain emergency medical services and acquire and maintain rescue, medical, and other emergency equipment; amending the date the board elects its officers; increasing the minimum rate of ad valorem taxes that may be levied to provide funds for the district; providing for a referendum; providing for reports on the actions of the board and for the accounting of its funds in accordance with chapter 189, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Silver—

SB 996—A bill to be entitled An act relating to dual officeholding; providing that a person employed as a law enforcement officer, correctional officer, or correctional probation officer is not considered to be holding an "office" for certain purposes; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senator Meadows—

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

By the Committee on Natural Resources and Senator Bronson—

CS for SB 26—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing that certain environmental permits are not required for maintenance dredging of portions

of natural waterbodies within approved rights-of-way or drainage easements; providing limitations for such maintenance dredging; providing for notice to the water management district or the Department of Environmental Protection; providing an effective date.

By the Committee on Judiciary and Senators Dudley, Childers, Grant, Myers, Kirkpatrick, Dantzler, Rossin, Brown-Waite, Thomas, Dyer, Williams, Latvala, Meadows, Clary, Lee, Silver, Forman, Bronson, Horne, Harris, Casas, Kurth, Campbell, Crist and Sullivan—

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

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

CS for SB 104—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings apply to meetings of committees when a final decision will be made regarding the expenditure of association funds; amending s. 617.305, F.S.; increasing the limit on fines that an association may impose on members, tenants, guests, or invitees; creating an exemption from the prohibition against an association suspending the voting rights of a member; providing an effective date.

By the Committee on Transportation and Senator Bronson—

CS for SB 106—A bill to be entitled An act relating to the suspension of driver's licenses and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; providing an effective date.

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

CS for SB 138—A bill to be entitled An act relating to genetic testing for insurance purposes; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information; providing definitions; providing exemptions; amending s. 627.6419, F.S.; prohibiting insurers from denying or canceling coverage or limiting benefits solely due to family history, unless the condition is diagnosed through a breast biopsy; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; providing an effective date.

By the Committee on Agriculture—

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

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

CS for SB 188—A bill to be entitled An act relating to unemployment compensation; providing for temporary amendments to the contribution rates for specified employers; amending s. 443.111, F.S.; prescribing the maximum allowable weekly benefit amount; amending s. 443.036, F.S.; changing the exemption criteria on services performed by children in the employ of their parents; providing an effective date.

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

CS for SB 248—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; eliminating the provisions stating that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; amending s. 63.072, F.S.; including certain parents whose consent to an adoption may be waived; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 266—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem

assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; deleting the provision relating to the levy of a tax and issuance of bonds for certain purposes; authorizing the board of supervisors to issue bonds for a certain amount of non-ad valorem assessments; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Thomas, Childers, Brown-Waite and Williams—

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

By the Committee on Governmental Reform and Oversight; and Senators Thomas, Childers, Forman and Williams—

CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.42, F.S.; deleting duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; providing a definition; creating the Division of State Group Insurance in the Department of Management Services; requiring the department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; authorizing the division to adopt rules; amending s. 626.9641, F.S.; prescribing applicability of the policyholders' bill of rights to certain state health insurance contracts; requiring insureds in such plans to be notified of certain actions; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the department as the Division of State Group Insurance; creating the Florida State Group Health Insurance Commission within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; requiring notification by certain service providers; transferring powers, duties, and functions of the Division of State Health Purchasing in the Agency for Health Care Administration; providing an effective date.

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

CS for SB 288—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; redefining terms; amending s. 560.111, F.S.; providing that violations of certain statutes of other jurisdictions by money transmitters and money transmitter-affiliated parties are unlawful in this state; providing penalties; amending s. 560.114, F.S.; prescribing additional grounds for disciplinary action against persons registered as money transmitters or money transmitter-affiliated parties; amending s. 560.118, F.S.; revising standards for examinations and audits of money transmitters and authorized vendors; amending s. 560.128, F.S.; authorizing the Department of Banking and Finance to require money transmitters to display their registration; amending s. 560.205, F.S.; requiring additional information from applicants for registration; providing an effective date.

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

CS for SB 300—A bill to be entitled An act relating to the Comptroller; amending s. 17.20, F.S.; authorizing the deduction of certain fees and expenses from property that has not been claimed and is reportable to the department; amending s. 17.325, F.S.; revising language with respect to governmental efficiency hotlines; revising requirements with respect to "Get Lean" telephone calls; providing for certain confidentiality; amending s. 687.143, F.S.; requiring the Department of Banking and Finance to deposit certain fines in the Division of Financial Investigations Administrative Trust Fund; amending s. 939.01, F.S.; providing for certain investigative costs to be entered in a judgment; providing an effective date.

By the Committee on Education and Senators Grant, Dudley, Diaz-Balart, Horne, McKay, Sullivan, Cowin, Lee, Clary and Kirkpatrick—

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; providing that this act supersedes local laws; providing an effective date.

By the Committee on Children, Families and Seniors—

CS for SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to reports due to the Legislature; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services; requiring that the department procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; allowing a phase-in period for competitive procurement of certain client services; requiring that certain provisions be included in each contract entered into by the department in excess of a certain amount; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate certain districts that have centralized contracting functions; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

By the Committee on Regulated Industries and Senators Dudley, Scott, Crist, Gutman, Lee, Childers, Jenne, Holzendorf, Meadows, Casas, Brown-Waite, Harris, Klein, Ostalkiewicz and Bankhead—

CS for SB's 404 and 414—A bill to be entitled An act relating to taxation of telecommunications services; prohibiting any tax pursuant to ch. 166, ch. 203, or ch. 212, F.S., on specified services; providing an effective date.

By the Committee on Education and Senators Harris, Klein, Latvala, Diaz-Balart, Brown-Waite, Horne, Forman, Campbell, Williams, Crist, Lee, Grant, Sullivan, Holzendorf, Burt and Clary—

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

By the Committee on Education and Senator Diaz-Balart—

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 1996 REGULAR SESSION

The Honorable Toni Jennings *February 27, 1997*
President

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate, the following 1996 vetoed bills, Regular Session. The Governor's objections are attached thereto.

SB	356	An act relating to outpatient facilities;...
CS for SB	424	An act relating to state government;...
CS for SB	624	An act relating to taxation;...
CS for SB	690	An act relating to the regulation of health care facilities;...
SB	1630	An act relating to Collier County;...
CS for SB	1692	An act relating to nonpublic postsecondary institutions;...
SB	2354	An act relating to schools;...
SB	2636	An act relating to the Constitutional Revision Commission;...
SB	2940	An act relating to highway safety;...

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham May 30, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 356, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to outpatient facilities; ...

This legislation deregulates hospital outpatient facilities from the Agency for Health Care Administration's plans and construction review process. Although the agency will continue to review licensed ambulatory surgical centers, it will not have authority to review comparable outpatient surgery centers operated by licensed hospitals. While I would agree to exempt hospital outpatient facilities which do not provide surgery, this bill goes too far and can place patients at risk. Through construction review, the state ensures that acceptable electrical and medical gas systems are in place to safely support the medical and surgical procedures in such a way to protect patient safety. This is very important because technology has allowed for more complex and numerous surgical procedures to be performed on an outpatient basis. The bill creates an inequitable system of review between hospital outpatient facilities and the non-hospital surgical centers. As a proponent generally of deregulation, we can address this issue again next session and correctly deregulate the non-surgical hospital outpatient facilities if either is to be deregulated.

Additionally, this legislation provides that MediPass enrollees may receive up to ten visits of reimbursable services by participating chiropractors and four visits by podiatrists without receiving prior authorization by the MediPass primary care provider. As the bill is written, it is unclear if the number of visits of reimbursable services means office visits with an unlimited number of services during each visit, or a specific number of reimbursable services without prior authorization.

I am also concerned that the bill does not require chiropractors and podiatrists to report the results of the MediPass recipient's visits and treatments to the primary care provider. I believe this will hinder the primary care provider's ability to manage health services and maintain a comprehensive medical record for the protection of the patient.

For these reasons, I am withholding my approval of Senate Bill 356, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 31, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 424, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to state government; ...

It is a worthy effort for any law-enacting or law-adopting body to consider the impact of its actions on the family. Committee Substitute for Senate Bill 424 requires that the Legislature must do so prior to enacting any law and each agency must do so before adopting, amending, or repealing a rule or policy. There, the similarity ends.

In fact, no legislative enactment could be declared invalid for failure to consider family impact, since it is specifically exempted in the bill. On the other hand, administrative rules would be subject to challenge on that basis. The four issues that must be analyzed by agencies are almost entirely subjective. A rule challenge proceeding based upon an inadequate family impact statement, with expert psychologists testifying as to "what message, intended or otherwise, ... this rule or policy send(s) to the public concerning the status of the family," and expert accountants testifying as to the impact on the family budget, boggles the mind and would strangle normal rulemaking.

I agreed early in the session to work on a comprehensive bill acceptable to the Legislature on the subject of the Administrative Procedure Act. The bill that passed and which has already become law, opens up many more avenues for challenging administrative rules, and in many cases, assesses penalties against agencies when they are unsuccessfully challenged. Committee Substitute for Senate Bill 424 was outside of the debate and extensive review given other changes to the APA. This bill, when read in conjunction with the many changes just recently in place, would have consequences beyond those intended, and be largely counterproductive.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 424, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 28, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 624, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to taxation; ...

While many of the provisions in the bill deserve to become law, the inclusion of numerous costly tax breaks makes this impossible. This bill contains exemptions from sales taxes, documentary stamp taxes, corporate income taxes, insurance premium taxes, severance taxes, pollutants taxes, intangibles taxes, gross receipts taxes, workers compensation assessments, hospital assessments, local option sales taxes, property taxes, and municipal utility taxes. By combining so many diverse issues into a single bill, the Legislature has not allowed me to consider them based on their individual merits. I am left no choice but to veto the entire bill.

One significant provision contained in CS/SB 624 relates to the taxation of Internet access services. The bill exempts such services until completion by a study commission of a broad reexamination of telecommunication taxes. I intend to create a similar study commission by executive order and to request the Department of Revenue to hold the taxation of Internet access services in abeyance until completion of the study. Developing a thoughtful, rational state tax policy towards these new services is of paramount state importance and it is extremely unfortunate that the Legislature did not allow me to approve this provision of CS/SB 624.

According to the Revenue Estimating Conference, the total recurring cost of this bill exceeds $60 million. I do not think it is appropriate to enact tax exemptions of this magnitude, tax exemptions which lack any clear public purpose, while also substantially reducing funding for services used by citizens at the lowest rung of the economic ladder. The Legislature has chosen to cut funding for social services by approximately $400 million for the 1996-97 fiscal year. In good conscience I can not allow this bill to become law as well.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 624, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 24, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 690, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to the regulation of health care facilities; ...

This legislation repeals the current hospital budget review program which provides for protection of the public from excessive increases in hospital charges. The multi-million dollar hospital industry is undergoing a period of rapid change characterized by increased mergers and consolidation. Health care experts argue that with the merger of many hospitals, and the acquisition of many hospitals by a few larger hospitals, operating efficiency may improve, but competition may decline. These circumstances make it far more difficult in the future to negotiate prices and thus hospital charges may continue to increase. Many hospitals offer fixed discounts on their charges. Even with a constant discount rate, the cost for the customers will increase when hospital charges increase. Until a true market-driven price competitive system is developed for health care, repeal of the State's exception-based hospital budget review program is premature at this time.

The role of the government is most appropriately one of ensuring its citizens a quality health care delivery system which is both accessible and cost effective. The current hospital budget review program has been the very successful vehicle by which such assurance has been achieved over the past several years. Until such time as a true market place assurance has been achieved to protect these citizen interests the budget review process within the Agency for Health Care Administration should remain in place. Through the budget review program, excess charges have directly been reduced by over $100 million per year resulting in savings to health care consumers. Those hospitals most recently requesting increases over the limit automatically granted by statute have been primarily from the for-profit sector; the sector leading the trend toward increasing consolidation and merger in the health care industry. The for-profit sector receives approximately 30% of the revenues paid to hospitals in this state.

In addition, Committee Substitute for Senate Bill 690 rescinds the statutory authority provided in current law which allows the state to regulate surgery and other invasive procedures in a hospital outpatient facility through a construction review. While I would agree to exempt hospital outpatient facilities which do not provide surgery from review, this bill goes too far and can place patients at risk. Through construction review the state ensures that acceptable electrical and medical gas systems are in place to safely support the medical and surgical procedures

in such a way to protect patient safety. This is very important because technology has allowed for more complex and numerous surgical procedures to be performed on an outpatient basis.

It also creates in inequitable system of review between hospital outpatient facilities and the non-hospital surgical centers. The ambulatory centers will continue to be subject to rigorous safety standards while in the hospital outpatient facilities performing the same services will be eliminated from review.

As a proponent generally of deregulation we can address this issue again next session and correctly deregulate the non-surgical hospital outpatient facilities.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 690, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 31, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 1630, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to Collier County; ...

Senate Bill 1630 restricts the right of Collier County, the City of Naples and Everglades City, to exercise their power of eminent domain to acquire lands for the purpose of establishing, operating, or maintaining beach parks, beach access lands, or other related beach recreational facilities.

Any restriction of the home rule power vested in local governments by Article VIII of the Florida Constitution must be scrutinized very closely. Currently, there are no statutory restrictions on Collier County local governments' respecting their power of eminient domain to aquire lands for the purpose of establishing, operating or maintaining beach parks, beach access lands, or other related beach recreational facilities. The determination to use the power of eminient domain for these public purposes is a local concern for local government. If this bill is allowed to become law, it will single out Collier County local governments and expressly restrict them from exercising their statutory right of eminient domain which is generally provided to local governments pursuant to the Florida Constitution.

For these reasons, I am withholding my approval of Senate Bill 1630, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 24, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 1692, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to nonpublic postsecondary institutions; ...

While the legislative purpose motivating this legislation is laudable, this legislation has the effect of substantially reducing the state's ability to regulate the nonpublic postsecondary institutions and thereby provide the citizens of this state with protection from the inappropriate issuance of graduate credentials.

Potential students, graduates, employers and other members of the public have the right to know that all graduates from postsecondary institutions within the State of Florida have met acceptable standards of educational attainment. It is incumbent upon the state to protect the integrity of degrees conferred by all institutions in the State of Florida. Without appropriate regulations, "diploma mills" may proliferate and diminish the value and worth of degrees which meet commonly accepted academic standards.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 1692 and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 31, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2354, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to schools; ...

The citizens of the State of Florida have expressed concern over the way lottery revenues are expended. When the lottery was passed in 1986, the public believed that lottery proceeds would be used to enhance Florida's education system. Unfortunately, lottery revenues were diverted from enhancements and have ended up replacing general revenues necessary to fund basic operations. This bill would provide for a further diversion of lottery funds by allowing them to be bonded to construct school buildings and used to make debt service payments. This practice could be viewed as using lottery revenues to replace Public Education Capital Outlay (PECO) funding, the same way lottery revenues have been used to replace general revenue.

I agree with the sponsors' desire to provide funds for capital outlay since we do need to look for ways to address our public education capital outlay funding needs. Unfortunately, this bill provides a very narrow capital outlay funding scheme which would realistically benefit only a few school districts and result in the construction of only a few neighborhood schools each year while debt service payments would continue for ten years. In other words, the juice is not worth the squeeze. These bonds, in comparison to the state's traditional PECO bonds, are not likely to receive a AA rating from the bond rating agencies, resulting in greater interest costs being paid on this new type of bond. I do not think this is the most cost-effective alternative for addressing the school districts capital outlay needs as this debt is arguably worse than the certificates of participation (COPs) that might be arranged using lottery funds now.

Unfortunately, in addition to the general policy implications which concern me, this bill contains several technical flaws which could preclude the validation of such bonds even if the bill were to become law. Specifically, it is unclear whether school districts could bond a total of 10% or as much as 25% of their lottery revenues and whether these bonds would be state or local bonds. Further, it is not clear whether the school districts could bond the discretionary or the non-discretionary share of lottery revenues dedicated to pre-kindergarten or both.

In conclusion, the bill's authors have identified a significant statewide problem. We must work together to address school financing. However, to set such a precedent for eroding the lottery funding base through the bonding of lottery revenues, a revenue source which experiences very little growth, is not in the overall best interest of the citizens of this state.

For these reasons, I am withholding my approval of Senate Bill 2354, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 31, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2636, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to the Constitutional Revision Commission; ...

I applaud the intent of Senate Bill 2636, which is to assist the 1997-98 Constitution Revision Commission by creating a steering committee to lay some preliminary groundwork. Two items in the bill cause me concern.

First, while the steering committee is intended to be created in an abbreviated image of the Constitution Revision Commission, the steering committee should not reflect a different balance in membership than is provided for the Commission itself. The Commission reflects that the officers of no one branch of government have a majority of appointments. Throughout the session, my office made it quite clear that an upset in that balance was not acceptable, yet as the bill passed, the legislative officers would appoint a majority of members to the steering committee.

Second, the steering committee should be a solely advisory entity, as opposed to membership constituting a public office. By providing that the steering committee is independent and "not subject to control, supervision, or direction by the Executive Office of the Governor in any manner including, but not limited, to personnel, purchasing, and budgetary matters," it appears that the members of the steering committee are possessed of the authority to exercise sovereign power in hiring the committee's own personnel and in making other spending decisions affecting state funds. This being so, it is inappropriate for any member of the judicial or legislative branch to sit on the steering committee, and it is inappropriate for the President of the Senate and the Speaker of the House of Representatives to make appointments to this entity as it is constituted in this bill.

For these reasons, I am withholding my approval of Senate Bill 2636, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 31, 1996
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2940, enacted during the 28th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1996, and entitled:

An act relating to highway safety; ...

Senate Bill 2940 evidences both practical and legal problems.

On the practical level, there are four appointing authorities to make seven appointments, with no direction as to which authority appoints which member. There is a provision for staggered terms, yet no authority charged with designating which appointee serves which term. Ensuring that there is at least one member from each appellate district would be exceedingly difficult in that the appointing authorities have no control in who is nominated by the four associations which provide nominees.

While the practical considerations make the bill extraordinarily difficult to enforce, the legal ramifications are even more troublesome. The members of the DUI and Drug/Alcohol Traffic Education Commission are clearly officers of the executive branch of state government. The Commission appoints its own director, is independent of the Department of Highway Safety and Motor Vehicles, where it is housed, grants and revokes licenses, exercises rulemaking authority, and administers substantial amounts of state funds. It is constitutionally unacceptable for the President of the Senate and the Speaker of the House of Representatives to exercise appointment power within the executive branch. It is equally unacceptable for judicial officers to exercise executive power in implementing the provisions of this bill.

There are many examples in our current law where commissions have been established in a similar unlawful manner. Most often, these commissions are logrolled into comprehensive bills which, for practical purposes, are not amenable to veto. The Legislature should be aware that these commissions often subject those appointed to dual office holding concerns, including possible forfeiture of office, as well as laying open the validity of actions of an improperly constituted commission should it be challenged.

For these reasons, I am withholding my approval of Senate Bill 2940 and hereby veto the same.

Sincerely,
LAWTON CHILES

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 96-326

(Executive Order of Suspension)

WHEREAS, Lenzy Corbin is presently serving as a member of the County Commission of Washington County, Florida, and

WHEREAS, on October 9, 1996, the Honorable Jim Appleman, State Attorney for the Fourteenth Circuit of Florida, filed an information charging Lenzy Corbin with violating section 468.629(1)(f), Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Washington County and the citizens of the State of Florida that Lenzy Corbin be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of Section 112.41, Florida Statutes, allege as follows:

A. Lenzy Corbin is, and at all times material hereto was, a member of the County Commission of Washington County, Florida.

B. The office of County Commission member is within the purview of the suspension powers of the Governor, pursuant to Article IV, section VII, Florida Constitution and section 112.41, Florida Statutes.

C. The attached information alleges that Lenzy Corbin committed acts in violation of the laws of the State of Florida, and this information is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached information, which constitutes misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is hereby promulgated, effective immediately:

Section 1. Lenzy Corbin is hereby suspended from the public office which he now holds, to wit: Member of the County Commission of Washington County, Florida.

Section 2. Lenzy Corbin is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 22nd day of October, 1996.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

EXECUTIVE ORDER NUMBER 97-42

(Executive Order of Reinstatement)

WHEREAS, Lenzy Corbin was suspended from his office as a member of the County Commission of Washington County, Florida, pursuant to Executive Order 96-326, dated October 22, 1996, and

WHEREAS, on October 9, 1996, the Honorable Jim Appleman, State Attorney for the Fourteenth Circuit of Florida, filed an information charging Lenzy Corbin with violating section 468.629(1)(f), Florida Statutes, which was the basis for his suspension, and

WHEREAS, on January 28, 1997, the court entered a directed verdict in favor of Lenzy Corbin,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby promulgate the following Executive Order, effective immediately:

1. Lenzy Corbin is hereby reinstated to the public office which he held at the time of the above mentioned suspension, to wit: Member of the County Commission of Washington County, Florida.

2. Executive Order 96-326 is hereby revoked and the suspension of Lenzy Corbin is terminated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 29th day of January, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

[Referred to the Committee on Executive Business, Ethics and Elections.]

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointee:	Spottswood, Andrea A., Key West	10/31/1999
Board of Acupuncture		
Appointees:	Fraser, John Michael, Tallahassee	10/31/2000
	Yen, Johanna Chu, Plantation	10/31/2000
Board of Architecture and Interior Design		
Appointees:	Butt, Arnold Frederick, Howey in the Hills	10/31/1998
	Hall, Berta S., Winter Park	10/31/1999
State Athletic Commission		
Appointee:	Goodman, Alvin, Miami	09/30/2000
Greater Orlando Aviation Authority		
Appointees:	Hattaway, Robert T., Altamonte Springs	04/16/2000
	Miller, William, Jr., Orlando	04/16/2000
	Ritch, John Bunnette, Kissimmee	04/16/2000
Barbers' Board		
Appointee:	McCanless, Walter C., Jr., St. Petersburg	10/31/2000
Florida Black Business Investment Board		
Appointees:	Carswell, Keith A., Davie	09/30/1997
	Nelson, Tony D., Jacksonville	08/30/1998
Florida Building Code Administrators and Inspectors Board		
Appointee:	Rogers, George Arthur, Pensacola	10/31/2000
Board of Building Codes and Standards		
Appointees:	Harris, Peggy P., Winter Garden	05/01/1999
	Thorne, Karl Seymour, Gainesville	08/11/1999
Capitol Center Planning Commission		
Appointee:	Block, Charles Edward, Vero Beach	09/30/2000
Board of Chiropractic		
Appointees:	Sheldon, Richard Alan, Destin	10/31/2000
	Wolfson, Wayne Curtis, Winter Park	10/31/2000
Florida Citrus Commission		
Appointee:	McPherson, Rex Vanburt II, Orlando	05/31/1998
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointee:	Waldo, John Stephen, Shalimar	10/31/1998
Regulatory Council of Community Association Managers		
Appointees:	Creekmore, Thomas, Jr., Panama City Beach	10/31/2000
	Hildebrandt, Harold R., Largo	10/31/1999
Florida Communities Trust		
Appointee:	Perez, Julian Humberto, Miami	01/31/1997
State Board of Community Colleges		
Appointees:	Brice, Peggy J., Zellwood	09/30/1997
	Platt, George I. III, Ft. Lauderdale	09/30/2001
Florida Commission on Community Service		
Appointee:	Bailey, Mark Lawrence, Coral Gables	09/14/1998
Board of Trustees of Edison Community College		
Appointees:	Heber, Thomas C., Clewiston	05/31/2000
	Warr, Katherine L., Moore Haven	05/31/2000
Board of Trustees of Florida Community College at Jacksonville		
Appointee:	Barrett, Martha Elizabeth, Jacksonville	05/31/1999
Board of Trustees of Florida Keys Community College		
Appointee:	Cates, Emma Carrero, Key West	05/31/1998
Board of Trustees of Gulf Coast Community College		
Appointee:	Bloodworth, Leon Reed, Apalachicola	05/31/2000
Board of Trustees of Manatee Community College		
Appointees:	Branic, Gladys, Bradenton	05/31/2000
	McGuire, Hugh Etheridge, Jr., Parrish	05/31/1998
	Perkins, Robert Eugene, Sarasota	05/31/2000
Board of Trustees of Pensacola Junior College		

Office and Appointment		For Term Ending
Appointee:	Goodman, Antoinette L., Pensacola	05/31/1998
Board of Trustees of Polk Community College		
Appointee:	Ruthven, Joe P., Lakeland	05/31/1997
Board of Trustees of St. Petersburg Junior College		
Appointee:	Megaloudis, Gary, Palm Harbor	05/31/1999
Board of Trustees of Tallahassee Community College		
Appointee:	May, Fountain Howard, Jr., Quincy	05/31/1997
Board of Trustees of Valencia Community College		
Appointee:	Lackey, Jan Duke, Kissimmee	05/31/2000
Construction Industry Licensing Board		
Appointees:	Malia, Robert Joseph, Cooper City	10/31/2000
	Palacios, Rafael Raul, Miami	10/31/2000
Florida Corrections Commission		
Appointees:	Bolte, John R., Maitland	06/30/2000
	Harvey, David Fulton, Crawfordville	06/30/2000
State of Florida Correctional Medical Authority		
Appointees:	Baker, Jeannie Brinson, Starke	09/30/1999
	Clark, Nereyda Polo, Gainesville	07/01/2000
Board of Cosmetology		
Appointees:	Ortiz, Maria M., Miami	10/31/1998
	Poole, David William, Tallahassee	10/31/1999
	Stone, Ann E., Mt. Dora	10/31/1998
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointees:	Mauldin, Mary Inez, Panama City	12/10/2000
	Turner, Edgar Malone, Pensacola	11/19/2000
Board of Dentistry		
Appointees:	Brotman, Solomon George, Atlantic Beach	10/31/2000
	McDonald, Mary Lou Duffill, Sanford	10/31/2000
	Stavros, Irene J., South Miami	10/31/2000
Education Practices Commission		
Appointees:	Burton, Robert E., St. Augustine	09/30/1999
	Coddington, Clarissa H., Ft. Lauderdale	09/30/1999
	Corbett, Jordon Jerome, Bartow	09/30/1998
	Kenney, Mary Hannigan, Titusville	09/30/2000
	Palmer, Jayne Ann Wayman, Jensen Beach	09/30/1999
	Sijan, Amy O'Brien, Fort Myers	09/30/2000
	Wolfe, Margaret Ada, Anna Maria	09/30/1999
	Wright, Ronald Stephen, Ft. Lauderdale	09/30/1999
Education Standards Commission		
Appointees:	Coto, Norma E., Orlando	09/30/1998
	D'Alessandro, Bobbie J., Fort Myers	09/30/1996
		09/30/1999
	Farmer, Diane Albert, Tampa	09/30/1998
	Hoag, Patrick John, Deland	09/30/1999
	Horn, Patricia Solomon, St. Augustine	09/30/1997
	Johnson, Katherine McDonald, Port St. Lucie	09/30/1998
	Lisch, Eloise Turner, Bradenton	09/30/1998
	Lopez, Mary Morgan, Arcadia	09/30/1998
	Martin, Suzanne Owens, Pace	09/30/1999
	McBride, Rebecca Rigby, Pensacola	09/30/1998
	Pippin, James Willard, Okeechobee	09/30/1998
	Proctor, William Lee, St. Augustine	09/30/1998
	Rodriquez-Walling, Matty Barcelo, Miami	09/30/1998
	Sharpe, Barbara Jean, Gainesville	09/30/1996
Florida Elections Commission		
Appointees:	Buermann, Eric, Miami	12/10/1999
	Hardaway, Larry D., Winter Haven	12/10/1999
	McClure, Julie G., Bradenton	12/27/1999
	Murrah, Kenneth F., Winter Park	12/10/1999
	Ostrau, Norman M., Plantation	12/10/1997
Board of Employee Leasing Companies		
Appointees:	Saladrigas, Carlos A., Miami	10/31/1999
	Samuels, Robert J., Tampa	10/31/1997
Board of Professional Engineers		
Appointee:	Whitston, David Austin, Ocala	10/31/1999
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Hodor, Howard Irwin, Gainesville	07/01/1998
	Nunis, Richard A., Windermere	07/01/1999
Board of Directors, Capital Development Board		
Appointee:	Burton, Donald Williamson, Tampa	03/09/2000
Board of Directors, Florida International Trade and Economic Development Board		
Appointees:	Dye, H. Michael, Miami Lakes	11/21/2000
	Hsu, Paul S., Fort Walton Beach	11/21/1999
	Jennings, Cleastor William, Orlando	11/21/1999
	Maguire, Amelia Rea, Coral Gables	11/21/2000
	O'Brien, James Joseph, Plantation	11/21/2000
	Schirard, Joseph Brantley, Fort Pierce	11/21/2000
	Simonetta, Rocco Santo, Sarasota	11/21/2000
	Smith, John Edward, Miami	11/21/2000
	Villamil, Jose Antonio, Coral Gables	11/21/1999
Board of Directors, Technology Development Board		
Appointee:	Crissey, Relf Seward, Winter Park	06/14/1997
Board of Directors, Workforce Development Board		
Appointees:	Neimeiser, Mark M., Tallahassee	06/05/1999
	Rhoads, Sharon Callen, St. Petersburg	06/05/2000
	Tornillo, Pat L., Jr., Miami	06/05/1999
	Witte, Betty Jean, Coconut Creek	06/05/1999
Commission on Ethics		
Appointee:	Prieto, Peter, Coral Gables	06/30/1998
Tampa-Hillsborough County Expressway Authority		
Appointee:	Callahan, Frank Thomas, Tampa	07/01/2000
Board of Funeral Directors and Embalmers		
Appointees:	Benboe, Daniel Leslie, Pensacola	10/31/2000
	Cunningham, Albert Lee, Ocala	10/31/1998
Game and Fresh Water Fish Commission		
Appointees:	Bruner, Maxwell Joseph, Mary Esther	01/04/2001
	Morris, Julie K., Sarasota	01/06/2003
Board of Professional Geologists		
Appointee:	Greene, Collace Clinton, Ormond Beach	10/31/2000
Board of Hearing Aid Specialists		
Appointees:	Telischi, Fred F., Coral Gables	10/31/1997
	Weber, Dora W., Pompano Beach	10/31/2000
	Yordon, Leonard M., Daytona Beach	10/31/2000
Board of Trustees of South Lake County Hospital District		
Appointee:	McGriff, Dorothy C., Clermont	07/05/1999
Florida Housing Finance Agency		
Appointee:	Martin, Richard Charles, Jacksonville	11/13/1998
Florida Commission on Human Relations		
Appointees:	Ellis, Larry Tyrone, Gainesville	09/30/1999

Office and Appointment		For Term Ending
	Fenton, Jeanette LaRussa, Tampa	09/30/1999
	Townsend, Ronald Paul, Pensacola	09/30/1999
State Board of Independent Colleges and Universities		
Appointee:	Durst, Maribeth, Tampa	09/30/1999
State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools		
Appointee:	Peoples, David L., Orlando	07/01/1998
Board of Landscape Architecture		
Appointees:	Greene, Susan, Pembroke Pines	10/31/1999
	Hemphill, David Keith, Pensacola	10/31/1999
Gulf States Marine Fisheries Commission		
Appointee:	McFarland, Patrick Kelly, Port St. Joe	01/05/1998
Board of Massage		
Appointees:	Cressor, Candace, Tampa	10/31/1999
	Rosello, Gloria, Miami	10/31/2000
Board of Medicine		
Appointees:	Pardue, Carolyn Rennick, Tallahassee	10/31/2000
	Scoon, Cecile M., Panama City	10/31/2000
	Skinner, Margaret Sheppard, Juno Beach	10/31/1997
Board of Nursing		
Appointees:	Curry-Baggett, Patricia, Miami	10/31/2000
	Garner, Diane Jimenez, Tampa	10/31/2000
	Leonard, Mary Kathryn, New Smyrna Beach	10/31/2000
Board of Nursing Home Administrators		
Appointees:	Conti, Mary Alice, Pensacola	10/31/1999
	Echevarria, Katherine Harris, Tampa	10/31/1998
	Goodman, Terry Carl, Miami	10/31/2000
	Lockeby, Kyle Eustice, Jr., Daytona Beach	10/31/1998
	Trachsel, Sandra Faye, Gainesville	10/31/2000
Board of Opticianry		
Appointees:	Chamberlain, Sonya A., Tallahassee	10/31/1996
	Jones, William Vernon, Holmes Beach	10/31/1999
	Whited, Edmund Andrew III, Pensacola	10/31/1999
Board of Optometry		
Appointee:	Schlofman, Arthur Leonard, Starke	10/31/2000
Board of Osteopathic Medicine		
Appointees:	Owen, Carol R., Hallandale	10/31/1997
	Panzer, Robert George, Ocala	10/31/1996
Parole Commission		
Appointees:	Crockett, Maurice G., Tallahassee	06/30/1998
	Spooner, Edward M., Quincy	06/30/2002
	Wolson, Judith A., Tallahassee	06/30/2000
Board of Pharmacy		
Appointees:	Inge, Leonard LeBaron, Tallahassee	10/31/2000
	Mora, Juan Francisco, Miami	10/31/2000
Board of Physical Therapy Practice		
Appointees:	Bello, Barbara Wynne, Sunrise	10/31/1997
	Menge, Jewell Emily, Panama City	10/31/2000
	Prado, Antonio, Tampa	10/31/1999
Board of Pilot Commissioners		
Appointee:	Fuller, James Walden, Panama City	10/31/1996
Pilotage Rate Review Board		
Appointees:	Rodriguez, Ramon A., Fort Lauderdale	10/31/2000
	Scionti, Anthony J., Tampa	10/31/2000
Board of Podiatric Medicine		
Appointee:	Hickey, Jill Virginia, Naples	10/31/1997
Postsecondary Education Planning Commission		
Appointees:	Bryan, Robert A., Gainesville	02/04/2000
	Kirk, James E., Jr., Ocala	02/04/2000
	Shelton, Maria M., Davie	02/04/2000
Prepaid Postsecondary Education Expense Board		
Appointees:	Starling, Bruce Cordell, Orlando	06/30/1997
	Tate, Stanley G., Bay Harbor Islands	06/30/1999
Historic Palm Beach Preservation Board of Trustees		
Appointees:	Healy-Golembe, Patricia Ann, Delray Beach	06/30/1999
	Wescott, William Flynn, Jupiter	06/30/1999
Historic Tampa-Hillsborough County Preservation Board of Trustees		
Appointees:	Alvarez, Mary C., Tampa	06/30/1999
	Salaga, Vivian O., Tampa	06/30/1999
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Humphries, Frederick S., Tallahassee	09/30/1999
	Medlin, Kenneth Lewis, Longwood	09/30/1999
Chairman of Public Employees Relations Commission		
Appointee:	Mahon, Lacy, Jr., Atlantic Beach	01/01/2000
Florida Real Estate Appraisal Board		
Appointee:	Callaway, Mary M., Pensacola	10/31/1996
Florida Real Estate Commission		
Appointees:	Fisher, Herbert Roosevelt, Valrico	10/31/2000
	Tangel-Rodriguez, Ana E., Orlando	10/31/2000
Apalachee Regional Planning Council, Region 2		
Appointee:	Bailar, Richard J., Monticello	10/01/1996 10/01/1999
North Central Florida Regional Planning Council, Region 3		
Appointees:	Harris, Oscar L., Jr., Archer	10/01/1996
	Hodges, Evon W., Jr., Hampton	10/01/1997
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Hawkinson, James Earl, Orange Park	10/01/1998
	McCullagh, Lenore N., Orange Park	10/01/1998
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Barnes, John T., Homosassa	10/01/1997
	Bronson, Thomas Edward, Brooksville	10/01/1998
	Davis, Marjorie C., Williston	10/01/1997
	Neville, Eunice M., Lake Panasoffkee	10/01/1997
	Poole, Eugene Alphonziea, Ocala	10/01/1998
East Central Florida Regional Planning Council, Region 6		
Appointee:	Barice, Carole Joy, Longwood	10/01/1998
Central Florida Regional Planning Council, Region 7		
Appointees:	Clemons, Susanne H., Okeechobee	10/01/1998
	Jones, Mary E., Fort Meade	10/01/1997
	Martz, John Claude, Sebring	10/01/1997
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Bradley, Terrye Singletary, St. Petersburg	10/01/1998
	Nodine, William E., Belleair	10/01/1997
	Silverberg, Jane Esther, Redington Beach	10/01/1997

Office and Appointment		For Term Ending
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Klaas, Richard Lee, Naples	10/01/1999
	Suarez, Israel, Ft. Myers	10/01/1998
Treasure Coast Regional Planning Council, Region 10		
Appointee:	Klein, Robert Neal, Port St. Lucie	10/01/1999
South Florida Regional Planning Council, Region 11		
Appointee:	Echemendia, Santiago Dionisio, Coral Gables	10/01/1998
State Retirement Commission		
Appointee:	Butler, Wilbert, Jr., Tallahassee	12/31/1999
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointee:	Austin-Smith, Sheila A., Miami	11/05/1999
Board of Speech-Language Pathology and Audiology		
Appointees:	Hough, Gerald Lawrence, Palm Harbor	10/31/2000
	Pellegrino, Mary M., Tallahassee	10/31/2000
Board of Professional Surveyors and Mappers		
Appointees:	Armstead, Ralph, Orlando	10/31/1997
	Gibson, David Wylie, Evinston	10/31/2000
Florida Commission on Tourism		
Appointees:	Benson, Hayward J., Jr., Lauderhill	06/30/2000
	Cherniavsky, Thomas W., Duck Key	06/30/2000
	Garfield, Randy Alan, Orlando	06/30/2000
	Halford, Nancy Stanton, Pensacola	06/30/1998
	Healan, Jack Bernard, Amelia Island	06/30/2000
	Litrenta, Edward J., Orlando	06/30/2000
	Racanelli, John Charles, Tampa	06/30/2000
	Smith, Roxanna L., Ft. Myers Beach	06/30/2000
Unemployment Appeals Commission		
Appointee:	Harris, Charlie N., Nobleton	06/30/2000
Florida Commission on Veterans' Affairs		
Appointees:	Thomas, John W., Niceville	11/16/2000
	Walker, Isabella Beggio, Plantation	11/16/2000
Board of Veterinary Medicine		
Appointees:	Lewis, Cynthia N., Winter Garden	10/31/2000
	O'Neil, Robert Eugene, Pembroke Pines	10/31/2000

[Referred to the Committees on Executive Business, Ethics and Elections.]

Secretary of Department of Health		
Appointee:	Howell, James Thomas, Lake Worth	Pleasure of Governor

[Referred to the Committees on Health Care; and Executive Business, Ethics and Elections.]

Board of Regents		
Appointees:	Harding, James Raymond, Tallahassee	09/01/1997
	Heekin, James Freeman, Jr., Altamonte Springs	01/01/2003
	Lewis, Phillip Daniel, West Palm Beach	01/01/2002

[Referred to the Committees on Education; and Executive Business, Ethics and Elections.]

Environmental Regulation Commission		
Appointees:	Batchelor, Dick J., Orlando	07/01/1999
	Rogers, Roy, Lighthouse Point	07/01/1997
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Davenport, Claudia Annette, Everglades City	03/01/1999
	Goetz, Ellin, Naples	03/01/1999
Governing Board of the Southwest Florida Water Management District		
Appointee:	Harllee, John Pope IV, Bradenton	03/01/1997
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointee:	Haugabook, Earl Stanley, Brandon	03/01/1999
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Gaston, Lois Hurston, Valrico	03/01/1999
	Kuenzel, Calvin Arnold, Land O'Lakes	03/01/1999
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Hamner, John Thomas, Bradenton	03/01/1998
	Jones, Judith Lynne, Sarasota	03/01/1998
	Longino, Berryman Thomas, Arcadia	03/01/1999
	Williams, Charles Erwin, Sarasota	03/01/1999
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Tillotson, Gwendolyn Sue, Odessa	03/01/1999
	Wester, Janette Meredith, Lutz	03/01/1999
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Barben, Robert H., Avon Park	03/01/1997
	Davis, William Keith, Wauchula	03/01/1999
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Spigelman, Adelle Levin, Holiday	03/01/1999
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dixon, Eleanor Patricia, Inverness	03/01/1998
	Haile, Julia Hackley, Chiefland	03/01/1999
	Lee, Andrew Wayne, Wildwood	03/01/1999

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

SUPREME COURT OF FLORIDA

The following certificate was received:

No. 89,853

In Re: CERTIFICATION OF THE NEED FOR ADDITIONAL JUDGES

[February 12, 1997]

KOGAN, C. J.

Under the provisions of article V, section 9 of the Florida Constitution, the Supreme Court of Florida is responsible for determining the need for additional judges, or the necessity for decreasing the number of judges required to consider cases filed before the respective courts. We appreciate the fiscal ramifications of certifying new judges, and have adopted a policy of only doing so when we are certain that such a need exists. To this end, we have analyzed case filings and evaluated the growth in judicial workload over the past several years.

As a result of this careful review, in which we considered requests for a total of 26 new judges, we have determined we should certify the need for seven additional circuit judges, three additional county judges, and no additional appellate judges for a total of 10 new judicial positions. A comparison of the requests for new judges filed by the respective courts and the new judges certified as needed for fiscal year 1997-98 follows:

District Courts of Appeal		
District Court	Request	Certified
First District	3	0
Second District	--	--
Third District	--	--
Fourth District	--	--
Fifth District	--	--
Totals	3	0

Circuit Court			County Court		
Circuit	Request	Certified	County	Request	Certified
Second	1	1	Leon	1	0
Third			Columbia	1	0
Fourth	1	1			
Fifth	2	2			
Seventh	1	1	Putnam	1	0
Ninth	1	1	Orange	1	1
Eleventh	4	0	Dade	1	1
Thirteenth	1	0			
Fifteenth	2	0	Palm Beach	1	0
Seventeenth	1	1	Broward	1	1
Eighteenth	2	0			
Totals	16	7	Totals	7	3

This conservative certification is dependent upon receipt of the requested increase in funding for the assignment of senior judges. As explained herein, using senior judges is a very cost efficient means of meeting the increasing judicial workload.

The criteria for certification of the need for additional judges in the district courts of appeal are set forth in rule 2.035(b)(2), Florida Rules of Judicial Administration. The Court received a request for three additional judges from the First District Court of Appeal. None of the other district courts requested additional judges. The last new judgeships for the district courts were authorized in 1993. Since that time the number of annual filings in each district court has risen steadily. It is forecast that a total of 22,885 cases will be filed in the district courts in 1997, a 24 percent increase since 1993. Judicial workload is expected to range from 337 filings per judge in the Third District Court of Appeal to 411 filings per judge in the Fifth District Court of Appeal.

The district courts have each addressed increased workload pressures through various means. They have improved internal operating procedures, established central legal research staffs to handle selected matters, and assigned senior judges to hear appeals on a temporary basis. The First District Court of Appeal has developed an appellate prebriefing conference program combining both mediation and case management, as well as a specialized division to handle administrative and workers' compensation cases. We continue to encourage these courts to develop alternative and creative means to efficiently and fairly hear the cases brought before them. Such efforts have enabled the courts to address increases in caseloads without the serial addition of new appellate judges.

Nevertheless, we find that the continued growth in filings will soon force consideration of significant increases of judicial and other resources of the district courts. As an alternative to certifying new judges though, we recommend that consideration be given to changing the organization, jurisdiction, or geographical boundaries of the districts. The creation of additional districts may also be a plausible alternative.

To ensure a thorough review of these potential alternatives, the Court has directed the Judicial Management Council (JMC) to conduct an in-depth study of workload issues and all related policy for the district courts of appeal. The JMC Committee on Appellate Court Workload and Jurisdiction has already begun work in this regard. The Committee is examining the organization, jurisdiction, nature and flow of work, internal operating procedures, need for judges, judicial and support staffing standards, and alternatives to adding more judges. The alternatives being considered include redrawing the boundaries of the current districts and creating new districts. We have asked the Judicial Management Council to complete its study by May 30, 1997.

For the foregoing reasons we are not certifying the need for any of the judgeships requested by the First District Court of Appeal. The results of the Judicial Management Council study will be considered by the Court in preparation for the 1998 certification opinion.

The criteria for certification of the need for judges in trial courts are set forth in rule 2.035(b)(1), Florida Rules of Judicial Administration. Consistent with previous practice, we have placed the greatest weight on statistical data reflecting the growth and composition of caseloads in the various circuits and counties. We have determined that the most consistent and reliable measure of workload at the trial court level is total case filings per judge.

In addition to filings data, we considered the other factors described in rule 2.035(b)(1)(B), Florida Rules of Judicial Administration. These factors included county judge service on the circuit bench, the availability and use of senior judges, the availability and use of supplemental hearing officers, the use of alternative dispute resolution, the number of jury trials, the number of foreign language interpretations, the geographic size of a circuit, special law enforcement activities, the availability and use of case-related support staff and case management policies and practices, the nature and complexity of cases, and caseload trends. This information was extremely useful in evaluating the requests of the various circuit courts.

After reviewing these factors, we find it necessary to certify the need for seven new circuit judges for fiscal year 1997-98, as follows: one additional circuit judge each for the Second, Fourth, Seventh, Ninth, and Seventeenth Judicial Circuits, and two for the Fifth Judicial Circuit.

The overall workload of Florida's circuit courts continues to grow at a steady but modest rate. From 1995 through 1997, total filings are projected to increase five percent. Moreover, criminal filings are projected to grow by 12 percent over the same period. Civil filings, which were relatively flat through 1994, are increasing and are projected to grow by 10 percent through 1997. Domestic relations matters, which had been a growth category through 1994, have leveled off somewhat, but domestic and repeat violence filings continue to increase dramatically. These cases have increased 35 percent over the past four years.

Not only are circuit court filings increasing but, as we pointed out in previous certification opinions, all categories of cases being filed are more labor intensive than in previous years. In the past, circuit courts projected to have 1,865 filings per judge were considered working above capacity. This Court presumed that the circuit courts working at this threshold level required additional judicial resources. Today, there are other factors this Court must consider in evaluating workload. Changes in the statutes, case law and court procedure in recent years have necessitated more hearings for various types of cases, mandated priority handling for certain matters, and required judges to render written findings of fact and conclusions of law more frequently. The collective effect of these changes is that cases are more involved and labor intensive than when the 1,865 filings per judge threshold was adopted in 1986. Often these changes cannot be measured in terms of a need for full-time judicial positions in a particular jurisdiction, but instead serve to gradually increase workload across the board.

Due to the increase in labor intensity, we are compelled to give careful consideration to the necessity for additional judgeships not only for courts near or above the threshold, but also for courts that are somewhat below the standard as well. Four of the six courts for which we are currently certifying a need for an additional judge or judges are forecast to exceed the 1,865 filing per judge threshold in 1997. We also certify the need for one additional judge each for the Fourth and Seventeenth Judicial Circuits which are expected to have 1997 workloads slightly below the threshold.

Although we recognize that these circuits are faced with mounting workload pressures, we elect to limit the number of new judges certified to each and supplement the judicial resources in those circuits with senior judges. The Court has long encouraged the trial courts to consider alternatives to adding additional judgeships whenever possible. In addition to the effective and cost efficient use of senior judges, trial courts have employed an array of resources and case management strategies including: the establishment of specialized subject matter or trial divisions; differentiated case management to consolidate and expedite certain types of cases; the use of general or special masters, child support hearing officers, and traffic magistrates; court annexed mediation or

arbitration of family, civil and selected juvenile matters; and the assignment of a cadre of trial court law clerks to assist with case reviews, case management and legal research. We encourage the continued use of these alternatives.

As in the circuit courts, caseloads in Florida's county courts continue to increase at a steady rate, following a four year downward trend from 1990 through 1993. This increase is largely attributable to growth in criminal filings. We considered this increase in evaluating the need for additional county judges. We relied principally on case filings data that were adjusted to include only criminal, civil, DUI, and other criminal traffic cases. As in the past, worthless check cases and civil traffic infractions were weighted less heavily because of their volume and the lessened requirement for judicial attention per case, the diversion of large numbers of worthless check cases in selected circuits, and the variability and volume of such cases reported from county to county.

County courts with caseload forecasts near or exceeding 6,114 filings per judge are presumed to be operating at or above capacity. All of the counties for which we certify the need for an additional judge are projected to exceed the 6,114 threshold in 1997. We find it necessary to certify the need for three new county judges for fiscal year 1997-98, one each for Broward, Dade and Orange Counties.

Again, it is clear to this Court that adding judges alone will not ensure increased efficiency in the Florida State Courts System. Neither is it the most cost effective means for addressing increased caseloads. This conclusion is supported by our evaluation of judicial workload in the twenty judicial circuits. We will continue to rely heavily on the use of senior judges on temporary assignment to augment the active trial and appellate court judiciary. Senior judges will serve in excess of 5,500 days in the current fiscal year. The cost of the equivalent of a year of senior judge service is approximately 30 percent of the annual cost of a circuit judgeship. We are requesting an increase in funding for approximately 1,400 additional senior judge days for fiscal year 1997-98.

Further, judges cannot efficiently and effectively manage caseloads without the benefit of adequate numbers of trained support staff. The availability of law clerks, case managers, office automation, and other resources are essential to the ability of Florida's courts to effectively address caseload pressures on a continuing basis. We urge the Florida Legislature to fund the judicial branch budget requests for such resources.

Full funding of the requests certified in this opinion is absolutely essential if Florida's courts are to fulfill their constitutional mandate to try cases in a fair, impartial, and timely manner. Therefore, this Court encourages the Florida Legislature to authorize the judgeships certified herein, effective October 1, 1997.

It is so ordered.

OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.

Original Proceeding - Certification of Need for Additional Judges

COMMITTEES OF THE SENATE

(With Revisions)

Agriculture

Senator Bronson, Chairman; Senator Thomas, Vice Chairman; Senators Dantzler, Hargrett, McKay and Ostalkiewicz

Banking and Insurance

Senator Diaz-Balart, Chairman; Senator Holzendorf, Vice Chairman; Senators Bankhead, Childers, Grant, Harris, Jenne, McKay, Rossin, Scott, Sullivan, Thomas and Williams

Children, Families and Seniors

Senator Rossin, Chairman; Senator Cowin, Vice Chairman; Senators Bankhead, Brown-Waite, Campbell, Dantzler, Forman, McKay, Myers, Sullivan and Turner

Commerce and Economic Opportunities

Senator Harris, Chairman; Senator Horne, Vice Chairman; Senators Burt, Casas, Diaz-Balart, Dudley, Grant, Gutman, Holzendorf, Jenne, Jones, Klein, Kurth, Ostalkiewicz, Scott, Thomas and Williams

Community Affairs

Senator Dyer, Chairman; Senator Myers, Vice Chairman; Senators Brown-Waite, Casas, Dantzler, Dudley, Kurth and Meadows

Criminal Justice

Senator Gutman, Chairman; Senator Bronson, Vice Chairman; Senators Burt, Campbell, Crist, Horne, Klein, Silver and Turner

Education

Senator Grant, Chairman; Senator Jenne, Vice Chairman; Senators Clary, Cowin, Diaz-Balart, Dudley, Dyer, Holzendorf, Horne, Kirkpatrick, Latvala, Lee, Meadows and Sullivan

Executive Business, Ethics and Elections

Senator Crist, Chairman; Senator Clary, Vice Chairman; Senators Bronson, Childers, Dyer, Hargrett, Kirkpatrick, Latvala, Lee, Meadows and Silver

Governmental Reform and Oversight

Senator Williams, Chairman; Senator Harris, Vice Chairman; Senators Campbell, Crist, Gutman, Kurth, Rossin, Scott and Turner

Health Care

Senator Brown-Waite, Chairman; Senator Childers, Vice Chairman; Senators Bankhead, Burt, Casas, Forman, Jones, Klein, Myers and Silver

Judiciary

Senator Dudley, Chairman; Senator Jones, Vice Chairman; Senators Burt, Campbell, Crist, Grant, Horne, Ostalkiewicz, Rossin, Silver and Williams

Natural Resources

Senator Latvala, Chairman; Senator Kirkpatrick, Vice Chairman; Senators Bronson, Clary, Cowin, Dantzler, Diaz-Balart, Dyer, Forman, Hargrett, Kurth, McKay, Myers and Sullivan

Select Subcommittee for Land Acquisition and Management

Senator McKay, Chairman; Senators Bronson, Cowin, Forman, Kirkpatrick and Latvala

Regulated Industries

Senator Scott, Chairman; Senator Gutman, Vice Chairman; Senators Bankhead, Brown-Waite, Casas, Childers, Harris, Holzendorf, Jenne, Klein, Lee, Meadows and Turner

Rules and Calendar

Senator Bankhead, Chairman; Senator Diaz-Balart, Vice Chairman; Senators Bronson, Burt, Casas, Childers, Dudley, Grant, Hargrett, Horne, Jenne, Jones, Kirkpatrick, Latvala, McKay, Ostalkiewicz, Rossin, Scott, Silver, Sullivan, Thomas and Williams

Transportation

Senator Hargrett, Chairman; Senator Lee, Vice Chairman; Senators Clary, Cowin, Forman, Jones, Kirkpatrick, Latvala and Ostalkiewicz

Ways and Means

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

Subcommittee A (General Government): Senator Childers, Chairman; Senators Bronson, Casas, Dantzler, Hargrett, Jones, Lee, Scott and Williams

Subcommittee B (Education): Senator Horne, Chairman; Senators Burt, Clary, Cowin, Dyer, Grant, Holzendorf, Jenne and Kirkpatrick

Subcommittee C (Human Services): Senator Myers, Chairman; Senators Bankhead, Brown-Waite, Forman, Kurth, McKay and Rossin

Subcommittee D (Criminal Justice): Senator Silver, Chairman; Senators Campbell, Crist, Dudley, Gutman and Meadows

Subcommittee E (Finance and Tax): Senator Ostalkiewicz, Chairman; Senators Diaz-Balart, Harris, Klein, Latvala, Thomas and Turner

JOINT COMMITTEES

Joint Administrative Procedures Committee

Senator Williams, Alternating Chairman; Senators Brown-Waite and Dudley

Joint Legislative Information Technology Resource Committee

Senator Kirkpatrick, Alternating Chairman; Senators Forman and Sullivan

Joint Legislative Auditing Committee

Senator Ostalkiewicz, Alternating Chairman; Senators Burt, Gutman, Rossin and Silver

Joint Legislative Committee on Intergovernmental Relations

Senator Meadows, Alternating Chairman; Senators Clary, Dyer and Horne

Joint Legislative Management Committee

Senator Grant, Alternating Chairman; Senators Holzendorf and McKay

RECESS

On motion by Senator Bankhead, the Senate recessed at 2:59 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, March 5.

SENATE PAGES

March 3-7

Caroline Burd, Altamonte Springs; Jennifer Burnham, Live Oak; Kristy Calhoun, Crawfordville; James Cornell, Fruitland Park; Alphonso Craig, Tallahassee; Joseph (Joe) Durso, Spring Hill; Brandi M. Hackle, Cross City; Jeremy Harper, Stuart; Lesley (Parrish) Lentz, Daytona Beach; Mikael (Mykey) Tanique Miller, Tallahassee; Joseph Brian Page, Keystone Heights; Sarah Pritchett, East Palatka; Katina Meropi Stamat, Land O'Lakes; David Michael Wiggins, Lake Butler; Carma Williams, Tallahassee

Journal of the Senate

Number 2—Regular Session **Wednesday, March 5, 1997**

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Archbishop John C. Favalora, Archdiocese of Miami:

Almighty and eternal God, you have revealed your glory to all peoples. God of power and might, wisdom and justice, through you authority is rightly administered, laws are enacted and judgment is decreed.

Let the light of your divine wisdom direct the deliberations of this legislature and shine forth in all proceedings. May all seek to preserve peace, to promote happiness and to protect liberty.

We likewise commend to your unbound mercy the people of this great state we are called to serve. May we be preserved in that unity and peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to you, who are Lord and God, forever and ever. Amen.

PLEDGE

Senate Pages, Alphonso Craig of Tallahassee and Parrish Lentz of Daytona Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SB 26**, **CS for SB 82**, **CS for SB 186**, **CS for SB 266**, **CS for SB 284** and **CS for SB 288** were withdrawn from the Committee on Ways and Means.

On motion by Senator Gutman, by two-thirds vote **SB 166** and **SB 308** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 306** was withdrawn from the Committees on Commerce and Economic Opportunities; and Community Affairs; and referred to the Committees on Community Affairs; and Commerce and Economic Opportunities; and **CS for SB 286** was withdrawn from the Committee on Ways and Means and referred to the Committees on Banking and Insurance; and Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, March 6, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

On motion by Senator Harris—

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 458** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education;

requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 342—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 342** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 460** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; providing that this act supersedes local laws; providing an effective date.

—was read the second time by title.

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 1 (with title amendment)—On page 1, line 26, insert:

Section 1. Paragraph (c) is added to subsection (1) of section 230.23, Florida Statutes, 1996 Supplement, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) Records of employee contractual status, resignation, termination, and nonrenewal.—The school board shall maintain, and annually furnish to the Department of Education, records disclosing the contractual status of each district employee and the reason for resignation, termination, or nonrenewal of any district employee.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, resignation, termination, and nonrenewal;

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

Amendment 1A (with title amendment)—On page 1, line 30, delete "*resignation, termination,*" and insert: *termination*

And the title is amended as follows:

On page 2, line 12, delete "resignation, termination," and insert: termination

Amendment 1 as amended was adopted.

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 2—On page 2, line 22, delete that line and insert:

(e) Each school board shall establish a peer assistance process. The plan must provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f)~~(d)~~ The school board shall provide training

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 3—On page 2, line 22, delete that line and insert:

(e) Each school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f)~~(d)~~ The school board shall provide training

Senator Harris moved the following amendment which was adopted:

Amendment 4—On page 3, line 6, after "*of*" insert: *improvement in*

Senators Jenne and Dyer offered the following amendments which were moved by Senator Dyer and adopted:

Amendment 5—On page 4, line 15, delete "*must be given*" and insert: *shall be placed on performance probation and governed by the provisions of this section for*

Amendment 6—On page 4, line 18, delete "*tolling*" and insert: *calculating*

Amendment 7—On page 6, line 24, after the period (.) insert: *The system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.*

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 8—On page 7, lines 14 and 15, delete "*a period*" and insert: *annual periods*

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 9—On page 7, line 15, delete that line and insert: *period of not less than 1 year nor more than 3 years or not renewed at the discretion*

Senators Jenne, Dyer and Dantzler offered the following amendment which was moved by Senator Dyer and adopted:

Amendment 10—On page 7, line 16, after "*board*" insert: *for just cause, failure to meet school-board prescribed performance standards, or for failure to correct performance deficiencies under s. 231.29*

The vote was:

Yeas—28

Madam President	Childers	Hargrett	Meadows
Bankhead	Clary	Holzendorf	Ostalkiewicz
Bronson	Dantzler	Jenne	Rossin
Brown-Waite	Dyer	Jones	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner

Nays—12

Cowin	Dudley	Kirkpatrick	Myers
Crist	Harris	Lee	Sullivan
Diaz-Balart	Horne	McKay	Williams

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 11 (with title amendment)—On page 7, line 21, after the period (.) insert: *An employee who is dismissed or whose contract is not renewed pursuant to this subsection may, within 15 days after receipt of a written notice of dismissal or nonrenewal, submit a written request for a direct hearing before the school board in accordance with ss. 120.569 and 120.57 or a hearing before an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing must be conducted within 45 days after receipt of the written appeal and in accordance with chapter 120. A majority vote of the membership of the school board is required to sustain or change the recommended order of the administrative law judge. The determination of the school board is final as to the sufficiency or insufficiency of the grounds for termination of employment.*

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: providing for a hearing before the school board or an administrative law judge following dismissal or contract nonrenewal;

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 12 (with title amendment)—On page 7, line 21, after the period (.) insert: *An employee who is dismissed or whose contract is not renewed pursuant to the subsection may, within 15 days after receipt of a written notice of dismissal or nonrenewal, submit a written request for a direct hearing before the school board. The hearing must be conducted within 45 days after receipt of the written request. In any proceeding in which the employee challenges the nonrenewal of a contract, the burden of proving that the nonrenewal is contrary to s. 231.36(1)(a)1. shall be with the employee. The determination of the school board is final as to the sufficiency or insufficiency of the grounds for termination or nonrenewal of employment.*

And the title is amended as follows:

In title, on page 1, line 13, after the semicolon (;) insert: providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof;

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

Amendment 13—On page 12, line 6, delete "employee's" and insert: *school board's* ~~employee's~~

Senator Grant moved the following amendment which was adopted:

Amendment 14 (with title amendment)—On page 17, lines 11-18, delete those lines and insert:

Section 3. Subsection (2) of section 231.3605, Florida Statutes, is amended and a new subsection (3) is added to that section to read:

231.3605 Educational support employees.—

(2)~~(a)~~ Each educational support employee *hired before July 1, 1997:*

(a) Shall be employed on probationary status for a period to be determined through the appropriate collective bargaining agreement or by school board rule in cases where a collective bargaining agreement does not exist.

(b) *Shall,* upon successful completion of the probationary period, ~~by the employee, the employee's status shall~~ continue *his or her employment* from year to year unless the superintendent *dismisses* ~~terminates~~ the employee for reasons stated in the collective bargaining agreement, or in school board rule in cases where a collective bargaining agreement does not exist, or reduces the number of employees on a districtwide basis for financial reasons.

(c) *May be suspended with or without pay if the* ~~In the event a~~ superintendent seeks *dismissal* ~~termination~~ of *the* ~~an~~ employee~~, the school board may suspend the employee with or without pay~~. The employee shall receive written notice and shall have the opportunity to formally appeal the *dismissal* ~~termination~~. The appeals process shall be determined by the appropriate collective bargaining process or by school board rule in the event there is no collective bargaining agreement.

(3) Each educational support employee hired after June 30, 1997:

(a) Shall receive a contract that is subject to annual review and renewal at the discretion of the school board upon recommendation of the superintendent. During the first 3 years of employment, the employee shall receive an annual contract. After the first 3 years of employment, the contract may be renewed for a period not to exceed 3 years at the discretion of the school board upon recommendation of the superintendent.

(b) May be dismissed by the superintendent during the term of the contract for reasons stated in the collective bargaining agreement, or in school board rule if a collective bargaining agreement does not exist, or due to reduction in force on a districtwide basis for financial reasons. If the superintendent seeks dismissal of the employee during the term of the contract for reasons other than reduction in force, the school board may suspend the employee with or without pay. The superintendent must provide the employee written notice of dismissal and an opportunity to formally appeal the dismissal. The appeals process shall be determined by the appropriate collective bargaining process or by school board rule if there is no collective bargaining agreement.

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals;

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 15—On page 5, line 12, delete "*45*" and insert: *60*

Amendment 16—On page 12, line 9, delete "45" and insert: *60* ~~45~~

Pursuant to Rule 4.19, **CS for SB 340** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead, by two-thirds vote **HCR 775** was withdrawn from the Committee on Rules and Calendar.

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

HCR 775—A concurrent resolution amending Joint Rule One, Joint Rules of the Florida Legislature, relating to lobbyist registration and reporting.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That Joint Rule One, Joint Rules of the Florida Legislature, is hereby amended as follows:

Joint Rule One

Lobbyist Registration and Reporting

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Joint Legislative Management Committee. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means *the* ~~a~~ lobbyist who is appointed, by *a* ~~the~~ principal *represented by two or more lobbyists,* to file *expenditure reports that include lobbying expenditures made directly by the principal* ~~the Consolidated Expenditure Report~~.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which that person must state, under oath, that person's name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Joint Legislative Management Committee in writing within 15 days.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. *At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal.* Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the Joint Legislative Management Committee as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4) *A lobbyist shall promptly send a written statement to the Joint Legislative Management Committee cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the Joint Legislative Management Committee may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the joint committee that the lobbyist is no longer authorized to represent that principal.* ~~Each person~~

~~who registers must submit quarterly to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures as required in Joint Senate and House Rule 1.4. Reporting statements shall be filed on April 15, July 15, October 15, and January 15 of each year and shall include the expenditures for the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reporting statement filed on January 15 shall also include cumulative totals for the previous calendar year. A reporting statement shall be considered timely filed if it is postmarked by the specified date. A request for an extension of time may be filed with the Joint Legislative Management Committee, on forms provided by the committee. The request for an extension must be signed and indicate that expenditures were incurred for the reporting period. An extension of 75 days shall be automatically granted as long as an extension request is filed by the date the reporting statement is due. To obtain an extension for a Consolidated Expenditure Report, the designated lobbyist must request the extension, and the extension shall cover all reports necessary to prepare the Consolidated Expenditure Report. A statement need not be filed for a reporting period if no expenditures have been made during that reporting period. However, the registrant shall certify in the report due January 15 that there were no expenditures during any reporting period for which a report was not filed. Reporting statements, when feasible, may be filed by electronic means.~~

(5) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Joint Legislative Management Committee. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Game and Fresh Water Fish Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the Joint Legislative Management Committee. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Joint Legislative Management Committee. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Joint Legislative Management Committee, on forms provided by the joint committee and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Unless a special session is called, only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through the date of adjournment of the regular session of the Legislature, including an extension, if any. The second report shall disclose expenditures for the remainder of the calendar year. However, whenever the Legislature convenes in a special session, a separate, supplemental report is required which shall disclose all expenditures incurred during the period since the end of the period covered by the last previous report required to be filed through adjournment of that special session. Following adjournment of a special session for which a separate, supplemental report is required, the next report required to be filed shall disclose all expenditures incurred from the date of adjournment of that special session through the end of the reporting period applicable to that next required report. It is the intent of this rule that each reporting period be separate from every other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Joint Legislative Management Committee.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing a report which discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(4) EXPENDITURES.—

(a)~~(1)~~ *Definitions* ~~MANNER OF REPORTING.—~~

1. ~~All lobbying expenditures shall be reported on an Individual Lobbyist's Expenditure Report or a Consolidated Expenditure Report. An~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. ~~Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any~~

~~defined category, it should be reported in the "Other" category.~~ Expenditures shall be accounted for and reported on *an* ~~either a cash or~~ accrual accounting basis. ~~The basis selected shall be designated in the space provided on the applicable expenditure report and shall be the basis consistently used, during the entire calendar year, for reporting quarterly and annual expenditures.~~

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b)~~(2)~~ Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, *mother-in-law, son-in-law, daughter-in-law, brother-in-law,* sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c)~~(3)~~ Expenditure categories.—*Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category.* The categories of expenditures used in this rule are as follows:

~~(a)~~1.*a.* "Communications" means dissemination of information, including, but not limited to, by means of the following:

I.~~a.~~ Audio-visual materials; and

II.~~b.~~ Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b.~~2.~~ This category does not include media advertising, publications, or research.

2.~~(b)~~ "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3.~~(c)~~ "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4.~~(d)~~ "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5.~~(e)~~ "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6.~~(f)~~ "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7.~~(g)~~ "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8.~~(h)~~ "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9.~~(i)~~ "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10.~~(j)~~ "Travel" means transporting an individual from one place to another, regardless of the means used.

(d)~~(4)~~ Items that are not expenditures.—The term "expenditure" does not include:

1.~~(a)~~ Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2.~~(b)~~ A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3.~~(c)~~ If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e)~~(5)~~ Valuation of expenditures.—

1.~~(a)~~ In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest $5. A record is not required to be maintained for any amount that rounds to zero.

2.~~(b)~~ The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3.~~(c)~~ When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4.~~(d)~~ When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5.~~(e)~~ The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regu-

larly required as conditions precedent for eligibility to make other expenditures.

6.~~(f)~~ A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 20 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7.~~(g)~~ A person providing lodging in a private residence shall be considered to be making an expenditure of $29 per night.

8.~~(h)~~ Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the Joint Legislative Management Committee shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Joint Legislative Management Committee shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

~~(6) INDIVIDUAL LOBBYIST'S EXPENDITURE REPORT.—~~

~~(a) When a principal has only one lobbyist, the lobbyist shall file quarterly, as provided in Joint Senate and House Rule 1.2, an Individual Lobbyist's Expenditure Report on forms provided by the Joint Legislative Management Committee. The report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the quarter shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The report filed on January 15 shall contain cumulative totals for the calendar year.~~

~~(b) A lobbyist shall file an Individual Lobbyist's Expenditure Report for each principal represented, unless a Consolidated Expenditure Report is required to be filed for that principal.~~

~~(7) CONSOLIDATED EXPENDITURE REPORT.—~~

~~(a) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing the Consolidated Expenditure Report. Every lobbyist so designated shall file quarterly, as provided in Joint Senate and House Rule 1.2, a Consolidated Expenditure Report on forms provided by the Joint Legislative Management Committee. The Consolidated Expenditure Report shall include the name of the principal and the names of all of the lobbyists for that principal. A cumulative total by the expenditure categories of Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other shall be provided for all lobbyists on the report. The Consolidated Expenditure Report filed on January 15 shall contain cumulative totals for the calendar year.~~

~~(b) Each lobbyist identified on the Consolidated Expenditure Report must provide an Individual Lobbyist's Expenditure Report to the designated lobbyist, who shall attach all the Individual Lobbyist's Expenditure Reports for that principal, including the Individual Lobbyist's Expenditure Report of the designated lobbyist, to the Consolidated Expenditure Report. The designated lobbyist is responsible for attaching each Individual Lobbyist's Expenditure Report to the Consolidated Expenditure Report and completing the Consolidated Expenditure Report. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal; however, the principal is responsible for the accuracy of the figures submitted to the designated lobbyist by the principal. The designated lobbyist is not responsible for the failure of another lobbyist to provide the Individual Lobbyist's Expenditure Report to the designated lobbyist and is not responsible for the contents of any Individual Lobbyist's Expenditure Report submitted by another lobbyist.~~

~~(c) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal on the Consolidated Expenditure Report. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.~~

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the Joint Legislative Management Committee. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any reports have not been timely filed. A fine shall be assessed for any subsequent late-filed reports.

(5) The person designated to review the timeliness of reports shall notify the Joint Legislative Management Committee of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office of the Joint Legislative Management Committee a notice of appeal within 20 days after the date of receipt of the notice of payment due, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the Joint Legislative Management Committee must be made within the same 20-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The Joint Legislative Management Committee may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

1.7~~1.5~~—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Joint Legislative Management Committee as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of the respective house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8~~1.6~~—Open Records

All of the lobbyist registration and expenditure reports received by the Joint Legislative Management Committee shall be available for public inspection and for duplication at reasonable cost.

1.9~~1.7~~—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

~~(1) For the period from July 1, 1993, to September 30, 1993, the statement of expenditures required by section 11.045, Florida Statutes (1991), shall be filed no later than January 15, 1994. For the period from October 1, 1993, to December 31, 1993, the applicable lobbyist report shall be filed as provided in Joint Senate and House Rule 1.4; however, cumulative totals are not required for calendar year 1993.~~

~~(2) Until January 1, 1995, the annual fee is $50 per each house of the Legislature for a person to register to represent a principal and an additional $10 per house for each additional principal that the person registers to represent.~~

~~(3) For persons who have paid the registration fee for the period July 1, 1992, to June 30, 1994, the registration is valid through June 30, 1994, and those persons may renew their registration for calendar year 1994 at a rate of one-half the rate specified in subsection (2). Those renewal registrations expire on December 31, 1994.~~

~~(4) All persons who were required to register under Joint Senate and House Rule One as it existed on October 1, 1993, and who registered between that date and the date of adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, but who, under the revisions to Joint Senate and House Rule One by this concurrent resolution are no longer required to register, may, within 14 days after adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, withdraw from registration and receive a refund of all fees paid.~~

~~(5) All persons who were not required to register under Joint Senate and House Rule One as it existed on October 1, 1993, but who are required to register under the revisions to Joint Senate and House Rule One by this concurrent resolution, are given until January 1, 1994, to comply with the registration requirements of this rule.~~

—a companion measure, was substituted for **SCR 454** and by two-thirds vote read the second time in full.

On motion by Senator Bankhead, **HCR 775** was adopted and certified to the House. The vote on adoption was:

Yeas—40

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

Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 5, 1997: CS for SB 458, CS for SB 462, SB 342, CS for SB 460, CS for SB 340, SCR 454

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Kirkpatrick, Sullivan and Forman—

SB 998—A bill to be entitled An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring a fee; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; authorizing that guidelines rather than rules be prescribed for the use of debit cards; providing for collecting convenience fees instead of service fees; amending s. 282.20, F.S.; providing a definition; conforming certain references; specifying a formula for votes by members of the data processing board of the Technology Resources Center; revising the monetary threshold for approval by the policy board of acquisitions by the Technology Resource Center; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the regulation of international attorney-notaries by the Secretary of State; providing for fees; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international attorney-notaries; providing for effect of acts of international attorney-notaries; providing for rulemaking; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; providing an effective date.

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

By Senator Hargrett—

SB 1000—A bill to be entitled An act relating to registration of motor vehicles and vessels; providing for a registration period; providing an effective date.

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

By Senator Hargrett—

SB 1002—A bill to be entitled An act relating to highway safety; modifying provisions relating to operation of the Department of Highway Safety and Motor Vehicles; providing an effective date.

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

By Senator Hargrett—

SB 1004—A bill to be entitled An act relating to training programs to enhance employment in transportation industries; providing an effective date.

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

By Senator Silver—

SB 1006—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing for consideration of spousal or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1008—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that all dates tied to the date of the second primary remain unchanged; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Kirkpatrick, Horne and Sullivan—

SB 1010—A bill to be entitled An act relating to the public records law; amending s. 119.07, F.S.; providing an exemption from public records requirements for credit card account numbers and debit card account numbers in the possession of a state agency or unit of local government; providing a finding of public necessity; providing an effective date.

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

By Senator Silver—

SB 1012—A bill to be entitled An act relating to chiropractic licensure; amending s. 460.403, F.S.; revising provisions governing the practice of chiropractic; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Silver—

SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term "curtilage" for purposes of the crimes of burglary and trespass; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Dantzler and Lee—

SB 1016—A bill to be entitled An act relating to culpable negligence; amending s. 784.05, F.S.; providing that a person commits the offense of exposing another to personal injury through culpable negligence, when such person knowingly has permitted the person's dog to run at large as a "pack of dogs," as defined, and the pack of dogs inflicts significant personal injury; providing penalties; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a pack of dogs and the death of any person occurs from injury inflicted by the pack of dogs; providing penalties; providing an effective date.

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

By Senator Meadows—

SB 1018—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and the 1997 Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511, 316.1955, F.S.; revising requirements for parking facilities and spaces; providing an effective date.

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

By Senator Brown-Waite—

SB 1020—A bill to be entitled An act relating to juvenile sex offenders; amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to seek a court order to notify the school superintendent of any child who has a known history of aggressive sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing an effective date.

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

By Senator Klein—

SB 1022—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 39.0145, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 39.025, F.S., relating to district juvenile justice boards; revising requirements for application for a community juvenile justice partnership grant to remove the requirement for participation of the Department of Health and Rehabilitative Services; amending s. 39.044, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for extension up to 60 days of the time limits upon detention of a child, under specified circumstances; reenacting ss. 39.038(4), 39.042(2)(b), 39.0445, 39.049(5), 39.064(1), 790.22(8), relating to release or delivery from custody, use of detention, juvenile domestic violence offenders, release or delivery from custody, process and service, detention of a furloughed or escaped child, and weapons or firearms offenses by minors, to incorporate said amendment in references; amending s. 39.0471, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining "truant student" to include enrolled students between 6 years of age and 18 years of age; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such

programs; amending s. 806.13, F.S., relating to criminal mischief; redefining first-degree misdemeanor criminal mischief to include damage to property greater than $200 but less than $500, and providing penalties therefor; redefining third-degree felony criminal mischief to include certain damages of $500 or greater, and providing penalties therefor; amending s. 921.0012, F.S., relating to the sentencing guidelines offense penalties, to conform a cross-reference; amending s. 812.014, F.S., relating to theft; providing second-degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 39.052(3)(a) and 538.23(2), F.S., relating to the transfer of a child for prosecution and offenses by secondary metal recyclers, to incorporate said amendment in references; providing for the Department of Juvenile Justice to receive a portion of certain moneys for the purpose of substance abuse treatment and mental health placements of delinquents; providing for juvenile justice district budgets to include discretionary funds for delinquents with special needs; providing for certain distributions of moneys by the juvenile justice district managers; providing an effective date.

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

By Senator Klein—

SB 1024—A bill to be entitled An act relating to growth management; amending s. 163.3187, F.S.; exempting amendments to a capital improvement element's schedule of capital improvements from the amendment limitation for comprehensive plans during any calendar year; providing that such amendments require only one public hearing; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Klein—

SB 1026—A bill to be entitled An act relating to the Secretary of State; directing the Secretary of State to appoint a State Song Commission to hold a contest for the selection of the official state song in Florida; directing the commission to provide for the rules of the contest; providing for a scholarship for the winner; directing the commission to prepare certain legislation; providing an effective date.

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

By Senator Klein—

SB 1028—A bill to be entitled An act relating to felonies arising from the use of destructive devices; amending s. 775.15, F.S, relating to time limitations upon prosecution; providing that prosecution for such felonies arising from use of a destructive device and resulting in personal injury may be commenced at any time; providing an effective date.

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

By Senator Klein—

SB 1030—A bill to be entitled An act relating to insurance; creating s. 627.7051, F.S.; requiring certain residential property insurers to provide for scheduled premium payments; limiting service charges and rates of interest; providing application; providing a definition; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Klein—

SB 1032—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting transactions in excess of $500 from the tax on the sale of coins or currency; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion in excess of $500; providing for emergency rules; providing effective dates.

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

By Senator Klein—

SB 1034—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; providing that the property appraiser, when considering specified use factors applicable to an agricultural assessment, may rely on 5-year moving average data for certain crops; providing an effective date.

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

By Senator Klein—

SB 1036—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; revising requirements with respect to odometer readings for purposes of motor vehicle registration; providing additional requirements; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Latvala—

SB 1038—A bill to be entitled An act relating to trust funds; creating s. 403.8533, F.S.; creating the Drinking Water Revolving Loan Trust Fund within the Department of Environmental Protection; specifying the purposes of the trust fund; providing a conditional effective date.

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

By Senator Scott—

SB 1040—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

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

By Senator Klein—

SB 1042—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international

banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

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

By Senator Rossin—

SB 1044—A bill to be entitled An act relating to revenues for foster care and related services; amending s. 409.1671, F.S.; requiring that the Department of Children and Family Services establish policies and procedures for certifying local funds used to match Title IV-E federal funds; requiring that excess funds resulting from local match funds be returned to the agency providing the excess funds; providing an effective date.

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

By Senator Klein—

SB 1046—A bill to be entitled An act relating to universal access to health care; providing legislative intent; providing definitions; creating the Florida Universal Health Access Plan; establishing the Florida Universal Health Access and Cost Containment Commission; providing commission responsibilities; providing for the appointment and responsibilities of an executive director; providing for implementation and administration of the plan; providing for deposit and use of certain moneys in the Florida Universal Health Access Trust Fund; establishing Florida Universal Health Access Trust Fund accounts; establishing a Health Professional Education and Training Fund; providing eligibility for health benefits under the plan; providing for covered and noncovered health services; providing access to participating providers; providing for reimbursement; providing for revenues and premium determinations; instructing the Agency for Health Care Administration to seek federal waivers; providing reporting requirements; providing an appropriation; providing an effective date.

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

By Senator Klein—

SB 1048—A bill to be entitled An act relating to community organizations; creating "The Community Asset Protection Act"; providing that all records and procedures relating to the transfer of the assets or management authority of a community organization to outside interests are open to the public; providing definitions; providing legislative intent; providing notice; providing for inspection and copying of records; providing an effective date.

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

By Senator Silver—

SB 1050—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms "foreign limited liability partnership" and "limited liability partnership" and redefining the term "statement"; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8906, 620.8907, F.S.; conforming statutory cross-references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners' liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9004, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.785, 620.786, 620.787, 620.788, 620.7885, 620.7887, 620.789, F.S., relating to registered limited liability partnerships; providing an effective date.

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

By Senator Klein—

SB 1052—A bill to be entitled An act relating to civil immunity of the district school board; providing legislative intent; exempting the district school board and its officers and employees, personnel or staff, school volunteers or teacher's aides, and agents from certain liabilities for tort and other civil claims arising out of, and directly resulting from, use of school property or facilities for "community and recreational purposes," as defined; providing an exception; providing an effective date.

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

By Senator Klein—

SB 1054—A bill to be entitled An act relating to county court assessments; amending s. 34.191, F.S.; providing that the county commission may assign the collection of fines, court costs, and other costs imposed by the county court and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing for authorization by the county commission of any additional fee to offset collection costs; providing an effective date.

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

By Senator Klein—

SB 1056—A bill to be entitled An act relating to health care; creating s. 381.0408, F.S.; creating the Public Health Partnership Council on Stroke; providing responsibility and duties; providing council membership; directing the Department of Health to contract for certain services; providing for administrative location of the council at the Institute of Public Health at Florida Agricultural and Mechanical University; providing for members' per diem and travel expenses; requiring a report; providing for legislative review of council accomplishments; providing an appropriation; providing an effective date.

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

By Senator Brown-Waite—

SB 1058—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; modifying the regulatory requirements of certain entities that provide health services under Medicaid; deleting a rule-making requirement for the Department of Insurance; deleting duplicative provisions relating to Medicaid recipient selection of provider entities; creating s. 636.0145, F.S.; exempting from certain regulatory requirements

prepaid limited health service organizations that serve only Medicaid clients; providing an effective date.

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

By Senator McKay—

SB 1060—A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.718, F.S.; prescribing a limit on assessments against certain member insurers of the association; providing an effective date.

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

By Senator Silver—

SB 1062—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; prohibiting benefits to prisoners during periods of confinement in a public institution; providing for recovery of lost compensation in certain situations; providing an effective date.

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

By Senator McKay—

SB 1064—A bill to be entitled An act relating to drycleaning contamination; amending s. 376.301, F.S.; redefining the term "real property owner"; amending s. 376.303, F.S.; providing for registration of active and inactive facilities; amending s. 376.3078, F.S.; declaring intent to encourage voluntary cleanup and for a liberal construction of immunity; providing standards of rehabilitation liability for active and inactive facilities; establishing standards for gross negligence; providing for the retroactive application of burden of proof in certain administrative proceedings; revising standards for reporting solvent spills outside containment structures; revising negligence standards for failure to follow solvent containment requirements; providing for voluntary site rehabilitation immunity; providing for the applicability of immunity from liability for real property owners; amending s. 376.308, F.S.; providing for immunity; amending s. 376.313, F.S.; conforming a statutory cross-reference; amending s. 376.70, F.S.; providing for payment of registration fees and collection of gross receipts taxes; providing conditions for eligibility in the cleanup program when taxes have not been paid; providing an effective date.

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

By Senator Williams—

SB 1066—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.81, F.S.; providing that an educational unit does not need to publish the preliminary text of proposed rules in the Florida Administrative Weekly; providing that educational units must publish notices of rule development by publication in a newspaper of general circulation; providing that an educational unit need not publish a notice of change in the Florida Administrative Weekly; providing that an educational unit need not publish a notice of a public meeting, hearing, or workshop in the Florida Administrative Weekly; amending s. 120.545, F.S.; conforming a statutory cross-reference; providing an effective date.

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

By Senator Silver—

SB 1068—A bill to be entitled An act relating to retirement; providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility; providing an effective date.

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

By Senator Silver—

SB 1070—A bill to be entitled An act relating to health care; amending s. 381.0406, F.S.; prohibiting rural health networks from denying membership to certain health care providers based solely on the provider's category of licensure; amending s. 408.706, F.S.; prohibiting such discrimination against applicants for participation in an accountable health partnership's provider network; requiring accountable health partnerships to demonstrate and ensure such nondiscrimination; providing for complaints; providing for cease and desist orders; providing for revocation of designation as an accountable health partnership; amending ss. 627.6471, 627.6472, F.S.; defining "reasonable access," with regard to the operation of preferred provider contracts and exclusive provider organizations, to prohibit such discrimination; requiring an exclusive provider organization's plan of operation to demonstrate such nondiscrimination; amending ss. 641.21, 641.405, F.S.; requiring the application for a health maintenance organization or prepaid health clinic certificate of authority to be accompanied by a plan of operation demonstrating such nondiscrimination; amending s. 641.315, F.S.; prohibiting health maintenance organizations from engaging in such discrimination in its provider contracts; creating s. 641.3923, F.S; prohibiting a person, entity, or health maintenance organization from engaging in such discrimination in establishing its provider panel; requiring health maintenance organizations to demonstrate and ensure such nondiscrimination; providing for complaints; providing for hearings; providing for cease and desist orders; providing for suspension or revocation of a health maintenance organization's certificate of authority; providing an effective date.

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

By Senator Burt—

SB 1072—A bill to be entitled An act relating to elections; amending s. 101.141, F.S., relating to specifications for the primary election ballot; providing clarification with respect to charter county offices on the ballot; repealing s. 230.08, F.S., relating to nomination of school board members in primary elections; amending s. 228.053, F.S.; conforming a cross-reference, to conform; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Latvala—

SB 1074—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation

to the Department of Environmental Protection; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; providing an appropriation; providing an effective date.

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

By Senator Burt—

SB 1076—A bill to be entitled An act relating to Volusia County; providing for members of the Volusia County School Board to be elected on a nonpartisan basis; prescribing procedures for qualification for office and for conducting elections for members of the board; ratifying referendum election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 1078—A bill to be entitled An act relating to Volusia County; amending ch. 70-966, Laws of Florida, which establishes the charter government of the county; establishing nonpartisan election of school board members; ratifying the referendum election; providing for the repeal of laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Barbers' Board		
Appointee:	Capostagno, Frank, Winter Park	10/31/2000
Florida Building Code Administrators and Inspectors Board		
Appointees:	Fuchs, Donald Lee, Jr., Oviedo	10/31/2000
	Gregg, Ada Mijares, Belleair	10/31/2000
Florida Corrections Commission		
Appointee:	Revell, Ernest Guy, Jr., Tallahassee	06/30/2000
State of Florida Correctional Medical Authority		
Appointee:	Hicks, Thomas Lynn, Tallahassee	07/01/1999
Board of Employee Leasing Companies		
Appointee:	Bloomer, Donna Mary, Pensacola	10/31/2000
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Blue, Barbara Ann, Tampa	07/01/2000
Board of Directors, Workforce Development Board		
Appointees:	Habif, Josefina Bonet, Key Biscayne	06/05/2000
	Lenard, Marilyn P., Tallahassee	06/05/2000
Board of Professional Geologists		
Appointee:	Enos, Gabrielle Mitzn, Tampa	10/31/2000
Commission on Government Accountability to the People		
Appointee:	Cosio Carballo, Isabel Cristina, Hollywood	08/21/2000
Florida Housing Finance Agency		
Appointee:	Lee, Edward, Jr., Panama City	11/13/2000
Florida Commission on Human Relations		
Appointee:	Jenkins, Whitfield, Ocala	09/30/2000
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointee:	McCormick, Fenwick Donald, Ocala	07/01/1997
Board of Medicine		
Appointee:	Murray, Louis Charles, Orlando	10/31/2000
National Conference of Commissioners on Uniform State Laws		
Appointee:	Ehrhardt, Charles W., Tallahassee	06/05/1999
Board of Pilot Commissioners		
Appointee:	Alonso-Poch, Manuel, Miami	10/31/2000
East Central Florida Regional Planning Council, Region 6		
Appointee:	Lamar, Howell Arthur, Titusville	10/01/1997
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Davis, Albert, Tampa	10/01/1998
	Young, Helen Wright, Tampa	10/01/1997
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointee:	Cook, Marlow Webster, Sarasota	11/05/2000
Florida Commission on Veterans' Affairs		
Appointee:	Ogilvie, Victor Nicholas, Altamonte Springs	11/16/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

Board of Regents		
Appointee:	Moyle, Jon Cameron, Jupiter	01/01/2003

[Referred to the Committees on Education; and Executive Business, Ethics and Elections.]

Executive Director of Southwest Florida Water Management District		
Appointee:	Vergara, Emilio De, Bradenton	Pleasure of the Board
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Starkey, Jay B. III, New Port Richey	03/01/1999

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 775 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HCR 775—A concurrent resolution amending Joint Rule One, Joint Rules of the Florida Legislature, relating to lobbyist registration and reporting.

—was referred to the Committee on Rules and Calendar

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 4 was corrected and approved.

CO-SPONSORS

Senators Dudley, Diaz-Balart, Sullivan and Cowin withdrew as co-sponsors of CS for SB 340.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:27 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 3:15 p.m., Thursday, March 6.

Journal of the Senate

Number 3—Regular Session **Thursday, March 6, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 3:15 p.m. A quorum present—39:

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

Excused: Senator McKay

PRAYER

The following prayer was offered by the Rev. W. T. Lockett, Mt. Moriah Missionary Baptist Church, Palm Bay:

Eternal and all wise God, thou who art from everlasting unto everlasting, it is again that we come into thy presence. We come with grateful but heavy hearts.

First, we come with thanksgiving, thanking you for the privilege of coming and for your hearing us. We thank you for this day, for this session and for the place in which we are assembled. We thank you for these legislators. We pray that you will touch and consecrate their hearts and minds so that they will be mindful of the needs of our State, and that while you control their thoughts, you will give them the courage that they might play the game of life with boldness, fairness and integrity. Help them to stand firmly on their beliefs if it is pleasing in thy sight.

Help them, O God, to make this state one that others will look to for guidance and direction. Help them to propose the kind of legislation that will increase the quality of education for our children—a book for every child in every class. Help them to pass laws that will set the standard in housing and employment.

Our President wants to build a bridge to the next century. Help us to ensure that no one in this state has to sleep under it. Help us set the standard in health care for our elderly. Then, dear God, teach us how to love one another as you have commanded us to do.

This we ask in your name, your servant's prayer. Amen.

PLEDGE

Senate Pages, Jeremy Harper of Stuart and Sarah Pritchett of East Palatka, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 794** was withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 788** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 92** was withdrawn from the Committee on Ways and Means.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **CS for SB 458** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

—was read the third time by title.

On motions by Senator Diaz-Balart, **CS for SB 462** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

SB 342—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the third time by title.

Senator Jones moved the following amendment:

Amendment 1—On page 3, line 25, delete "*performance*" insert: *measurable and objective performance criteria*

Senator Harris moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 2—On page 3, lines 25 and 26, delete "*performance demonstrated under s. 231.29*" and insert: *measurable and objective performance criteria determined at the discretion of the school board*

The vote was:

Yeas—26

Madam President	Clary	Harris	Meadows
Bronson	Dantzler	Holzendorf	Rossin
Brown-Waite	Dyer	Jenne	Silver
Burt	Forman	Jones	Sullivan
Campbell	Grant	Kirkpatrick	Williams
Casas	Gutman	Klein	
Childers	Hargrett	Kurth	

Nays—13

Bankhead	Dudley	Lee	Scott
Cowin	Horne	Myers	Thomas
Crist	Latvala	Ostalkiewicz	Turner
Diaz-Balart			

Senator Brown-Waite moved the following amendment which was adopted by two-thirds vote:

Amendment 3—On page 3, line 26, after the period (.) insert: *When developing this schedule, the superintendent or a designee shall seek the input of the district's school advisory committees.*

Senator Jones moved the following amendment:

Amendment 4—On page 4, line 9, delete "*employee performance*" and insert: *measurable and objective employee performance criteria*

Senator Harris moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 5—On page 4, line 9, delete "*employee performance demonstrated under s. 231.29*" and insert: *measurable and objective employee performance criteria determined at the discretion of the school board*

On motions by Senator Harris, **SB 342** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Turner

CS for SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 460** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, termination and nonrenewal; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals; providing that this act supersedes local laws; providing an effective date.

—as amended March 5 was read the third time by title.

Senators Dyer and Grant offered the following amendment which was moved by Senator Dyer and adopted by two-thirds vote:

Amendment 1—On page 8, line 10, after "*period,*" and before the word "*the*" insert: *or following the expiration of each annual contract during the first 3 years of employment,*

Senator Diaz-Balart moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 8, line 28, delete "*45*" and insert: *60*

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 3—On page 8, line 15, delete that line and insert: *renewed at the discretion of the school board. For subsequent renewals, termination must be for just cause,*

Senator Cowin moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 5, line 31, delete "*for the subsequent school year*"

Senator Grant moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 8, line 18, after "*231.29.*" insert: *All school board prescribed performance standards are solely within the discretion of each school board and are not subject to the collective bargaining process.*

On motions by Senator Grant, **CS for SB 340** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

REPORTS OF COMMITTEES

The Committee on Community Affairs recommends the following pass: SB 190 with 1 amendment

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

The Committee on Education recommends the following pass: SB 72

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 450

The Committee on Community Affairs recommends the following pass: SB 240

The Committee on Education recommends the following pass: SB 382

The Committee on Health Care recommends the following pass: SB 660

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 222, SB 486

The Committee on Community Affairs recommends the following pass: SB 332

The Committee on Criminal Justice recommends the following pass: SB 92, SB 154, SB 204

The Committee on Education recommends the following pass: SB 386

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 300 with 1 amendment

The Committee on Health Care recommends the following pass: SB 356

The Committee on Judiciary recommends the following pass: SB 68

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

The Committee on Education recommends the following pass: SB 326

The Committee on Governmental Reform and Oversight recommends the following pass: SB 56

The Committee on Health Care recommends the following pass: SB 766 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 106

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 278

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

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 236, SB 370

The Committee on Community Affairs recommends a committee substitute for the following: SB 402

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 378

The Committee on Executive Business, Ethics and Elections recommends committee substitutes for the following: SB 120, SB 290

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Executive Business, Ethics and Elections; and Senator Crist—

CS for SB 120—A bill to be entitled An act relating to elections; amending s. 106.143, F.S.; providing conditions for political advertisements; providing additional requirements for specified political advertisements; providing a penalty; creating s. 106.1431, F.S.; requiring specific disclosures during telephone calls made in relation to a candidate, ballot proposal, or political organization; providing conditions for telephone solicitations; providing a penalty; creating s. 106.1432, F.S.; requiring the appointment of a registered agent for a person providing political campaign services or products before that person conducts business; requiring the filing of such appointment with the Division of Elections of the Department of State; providing a penalty; creating s. 106.1433, F.S.; requiring disclosure of messages accessible by computer or other medium; providing an effective date.

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

CS for SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing a termination date for the pilot project; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Burt, Rossin and Gutman—

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

By the Committee on Executive Business, Ethics and Elections; and Senators Scott, Crist, Jenne and Dudley—

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

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

CS for SB 370—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school; providing an effective date.

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

CS for SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

By the Committee on Community Affairs and Senator Dudley—

CS for SB 402—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; clarifying use of tax revenues for beach maintenance; authorizing use of tax revenues to acquire property for beaches, beach parking, or beach access and to construct or improve existing beaches, beach parking facilities, or beach access; authorizing issuance of bonds; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 5 was corrected and approved.

CO-SPONSORS

Senators Clary—SB 398, SB 526; Forman—SB 1490; Grant—SB 836; Hargrett—SB 152; Harris—SB 1634; Holzendorf—SB 1490; Horne—SB 584; Jones—SB 134; Latvala—SB 1490; Meadows—SB 1490; McKay—SB 550, SB 792, SB 1398; Myers—SB 274; Scott—SB 72; Thomas—SB 1162; Williams—SB 152

RECESS

On motion by Senator Bankhead, the Senate recessed at 4:47 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, March 12.

Journal of the Senate

Number 4—Regular Session **Wednesday, March 12, 1997**

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by the Rev. Abe Brown, Pastor, First Baptist Church of College Hill, Tampa:

Dear gracious Father, we thank you for the many blessings that you have bestowed upon this state and this great nation. We truly have much to be thankful for; and in obedience to your word that we should pray for the government, we do lift up the House of Representatives, the Senate, the Cabinet of the Governor and, last but not least, we do lift up the Governor of this great State.

Father, we do have much to be thankful for. As we look around at other states and the problems that have come naturally and some that are unnatural, again we do have much to be thankful for. We pray now that the decisions that will be made by this body will be prudent and prayerful and will be decisions of peace.

We do ask that you would create within us a clean heart, blot out all of our transgressions and renew within us the right spirit. Bless these men and these women that they might be a blessing to others. We do thank you. We do praise you, and we ask it all in your name. Amen.

PLEDGE

Senate Pages, Brittany Bass of Winter Springs and John Fosgate of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 568** was withdrawn from the Committee on Ways and Means and referred to the Committee on Executive Business, Ethics and Elections.

On motion by Senator Sullivan, by two-thirds vote **SB 68**, **SB 154**, **CS for SB 178**, **SB 222**, **CS for SB 236**, **SB 244**, **CS for SB 300**, **SB 332**, **SB 356**, **SB 386**, **CS for SB 402** and **SB 486** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 1722** was withdrawn from the Committees on Commerce and Economic Opportunities; Education; and Ways and Means; and referred to the Committees on Regulated Industries; Education; and Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, March 13, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

Consideration of **SB 92** was deferred.

On motion by Senator Gutman—

SB 156—A bill to be entitled An act relating to the Violent Crime Emergency Account; amending ss. 943.031, 943.042, F.S.; changing terminology to conform to the renaming of the Violent Crime Investigative Emergency Account as the Violent Crime Emergency Account by ch. 94-215, Laws of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 156** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 316—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.18, F.S.; authorizing accused persons to be witnesses in their own behalf; providing for the examination of such persons in the same manner as other witnesses; providing limitations; providing responsibility of prosecuting attorneys; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—On page 1, line 31, delete that line and insert:

Section 3. *Rule 3.250, Florida Rules of Criminal Procedure, is repealed.*

Section 4. This act shall take effect July 1, 1997, but section 3 of this act shall take effect only if this act is enacted by a two-thirds vote of the membership of each house of the Legislature.

And the title is amended as follows:

On page 1, line 10, delete that line and insert: closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury; providing a contingent effective date.

Pursuant to Rule 4.19, **SB 316** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 288—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; redefining terms; amending s. 560.111, F.S.; providing that violations of certain statutes of other jurisdictions by money transmitters and money transmitter-affiliated parties are unlawful in this state; providing penalties; amending s. 560.114, F.S.; prescribing additional grounds for disciplinary action against persons registered as money transmitters or money transmitter-affiliated parties; amending s. 560.118, F.S.; revising standards for examinations and audits of money transmitters and authorized vendors; amending s. 560.128, F.S.; authorizing the Department of Banking and Finance to require money transmitters to display their registration; amending s. 560.205, F.S.; requiring additional information from applicants for registration; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1—On page 2, line 11, after "*person*" insert: *who becomes involved in a similar capacity with a money transmitter registered in this state*

Senator Bronson moved the following amendment:

Amendment 2 (with title amendment)—On page 10, between lines 10 and 11, insert:

Section 7. Subsection (4) of section 560.309, Florida Statutes, is amended to read:

560.309 Rules.—

(4) Exclusive of the direct costs of verification which shall be established by department rule, no check casher shall:

(a) Charge fees, except as otherwise provided by this part, in excess of 5 percent of the face amount of the payment instrument, or 6 percent without the provision of identification, or $5, whichever is greater.~~;~~

(b) Charge fees in excess of 3 percent of the face amount of the payment instrument, or 4 percent without the provision of identification, or $5, whichever is greater, if such payment instrument is the payment of any kind of state public assistance or federal social security benefit payable to the bearer of such payment instrument.~~; or~~

(c) Charge fees for personal checks or money orders in excess of *12* ~~10~~ percent of the face amount of those payment instruments, or $5, whichever is greater.

(d) As used in this subsection, "identification" means, and is limited to, an unexpired and otherwise valid driver license, a state identification card issued by any state of the United States or its territories or the District of Columbia, and showing a photograph and signature, a United States Government Resident Alien Identification Card, a United States Passport, or a United States Military identification card.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 560.309, F.S., relating to allowable fees for check cashers; increasing the percentage that may be charged for personal checks or money orders;

On motion by Senator Bronson, further consideration of **CS for SB 288** with pending **Amendment 2** was deferred.

On motion by Senator Crist—

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Gutman and failed:

Amendment 1—On page 2, line 30, on page 3, line 19, and on page 4, line 15, before "within" insert: *once*

Amendment 2—On page 3, lines 1 and 20, before "every" insert: *once*

Pursuant to Rule 4.19, **SB 258** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart, by two-thirds vote—

CS for SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of surplus; providing for participation in regular assessments by member insurers; authorizing credits from assessments for taking policies out of the Residential Property and Casualty Joint Underwriting Association; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; requiring the Department of Insurance to verify calculations of emergency assessments; specifying purpose of financing mechanisms; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; revising the notice requirements for cancellation of association policies; providing for a notice to be placed in the association policy; providing legislative intent that the rate and premium structure of the association be actuarially sound and noncompetitive; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; authorizing issuance of bonds and other indebtedness in the absence of a hurricane; providing legislative intent; providing for the protection of creditors; providing immunity from liability; applying such prohibition to pending applications; providing standards for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; requiring the Department of Insurance to verify the calculations of emergency assessments; specifying purpose of financing mechanisms; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; revising notice requirement for cancellation of association policies; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; revising the mobile home rate requirements for the association; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; revising the standards and scope of the immunity from causes of action provided to board members and others; providing for protection of creditors; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; creating s. 627.3513, F.S.; establishing

requirements for the sale of bonds and the selection of financial services providers and underwriters by the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; prohibiting the engagement of the services of certain persons; requiring the disclosure of certain information; providing that failure to comply does not affect validity of bond issue but is a violation of the Insurance Code; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; conforming cross-references; providing an effective date.

—was read the second time by title.

Senators Diaz-Balart, Jenne and Burt offered the following amendments which were moved by Senator Diaz-Balart and adopted:

Amendment 1—On page 16, line 15, delete "*FWUA*" and insert: *association*

Amendment 2—On page 20, line 26, delete "*governors*" and insert: *directors*

Senators Diaz-Balart, Jenne and Burt offered the following amendment which was moved by Senator Diaz-Balart:

Amendment 3 (with title amendment)—On page 22, between lines 6 and 7, insert:

(e) Notwithstanding any other provision of this subsection, the areas eligible for coverage by the association may not be expanded beyond the geographical boundaries of the areas determined by order of the department to be eligible areas as of the effective date of this act, regardless of any petition or request for expansion or eligibility which has been filed before the effective date of this act and which has not yet been determined by final order of the department before such date.

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: prohibiting expansion of the geographical boundaries of the association after the effective date of this act; applying such prohibition to pending applications;

Senators Diaz-Balart and Jenne offered the following amendment to **Amendment 3** which was moved by Senator Diaz-Balart and adopted:

Amendment 3A—On page 1, line 19, after "*subsection,*" insert: *until October 1, 1998*

Amendment 3 as amended was adopted.

Senators Diaz-Balart, Jenne and Burt offered the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 4—On page 61, line 17, following "*s. 627.351(6)(b)3.d.*" insert: *For the sole purpose of levying and collecting emergency assessments, special purpose homeowner insurance companies shall be considered member insurers of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association.*

Senator Silver moved the following amendment:

Amendment 5 (with title amendment)—On page 64, line 27 through page 67, line 27, delete those lines and insert: Florida Statutes, 1996 Supplement, are amended, and subsection (8) is added to that section, to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane or wind losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane or wind losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane or wind losses no higher than 5 percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane or wind losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after April 1, 1996, or prior to the first renewal of a residential property insurance policy on or after April 1, 1996, the insurer must offer alternative deductible amounts applicable to hurricane or wind losses equal to $500 and 2 percent of the policy dwelling limits, unless the 2 percent deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form specified by the department in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains *up to a* ~~the~~ 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane or wind deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the 2 percent hurricane or wind deductible as required by subparagraph 1.

(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.

(7)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.

(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:

1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.

2. The insurer need not make the offers required by paragraph *(3)(b)* ~~(3)(a)~~.

(8) Notwithstanding any other provisions of this section or any other law, but only as to hurricane coverage as defined in s. 627.4025:

(a) An insurer is not required to offer deductible amounts of less than 2 percent of the policy dwelling limits as to personal lines residential property insurance coverage; in addition to any other deductibles allowed by law, insurers may also offer deductibles as to such coverage not exceeding 5 percent on a residential property policy.

(b) As to commercial lines, residential property insurers may offer deductibles applicable only to hurricane coverage in amounts not exceeding 10 percent, if, at the time of such offer, the insurer also offers to the policyholder a deductible of 3 percent.

All of the forms by which the offers authorized in this section are made or required to be made must be adopted or approved by the department.

And the title is amended as follows:

On page 4, line 23, following the first semicolon (;) insert: prescribing additional guidelines with respect to deductibles offered on hurricane coverage;

Senator Silver moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 4, lines 20-31, delete those lines and insert: *defined in s. 627.4025, as to commercial lines, residential property insurers may offer deductibles applicable only to hurricane coverage in amounts not exceeding 10 percent, if at the time of such offer, and at each renewal, the insurer also offers to the policyholder a deductible of 3 percent.*

Amendment 5 as amended was adopted.

Senator Silver moved the following amendment which failed:

Amendment 6—On page 15, line 20 through page 16, line 11, delete those lines and insert:

e. It is the intent of the Legislature that the rates

Pursuant to Rule 4.19, **CS for SB 794** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, the Senate resumed consideration of—

CS for SB 288—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; redefining terms; amending s. 560.111, F.S.; providing that violations of certain statutes of other jurisdictions by money transmitters and money transmitter-affiliated parties are unlawful in this state; providing penalties; amending s. 560.114, F.S.; prescribing additional grounds for disciplinary action against persons registered as money transmitters or money transmitter-affiliated parties; amending s. 560.118, F.S.; revising standards for examinations and audits of money transmitters and authorized vendors; amending s. 560.128, F.S.; authorizing the Department of Banking and Finance to require money transmitters to display their registration; amending s. 560.205, F.S.; requiring additional information from applicants for registration; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Bronson was withdrawn.

Pursuant to Rule 4.19, **CS for SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 92—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding flunitrazepam, gamma-hydroxybutyrate, alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2, 5-dimethoxyphenethylamine, and methcathinone to the list of Schedule I controlled substances; adding fenfluramine to Schedule IV; eliminating flunitrazepam from the list of Schedule IV controlled substances; amending s. 893.13, F.S.; eliminating language with respect to penalties for the use of flunitrazepam; revising language with respect to combinations of certain controlled substances; amending s. 893.135, F.S.; providing penalties for trafficking in flunitrazepam; amending s. 921.0012, F.S.; conforming the sentencing guidelines to the act; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **SB 92** and **CS for SB 788**.

Senator Sullivan moved the following amendment which was adopted:

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

Section 1. Paragraphs (a) and (c) of subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 893.03, Florida Statutes, 1996 Supplement, are amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl.
2. Acetylmethadol.
3. Allylprodine.
4. Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
5. Alphamethadol.
6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
7. Alpha-methylthiofentanyl.
8. Alphameprodine.
9. Benzethidine.
10. Benzylfentanyl.
11. Betacetylmethadol.
12. Beta-hydroxyfentanyl.
13. Beta-hydroxy-3-methylfentanyl.
14. Betameprodine.
15. Betamethadol.
16. Betaprodine.
17. Clonitazene.
18. Dextromoramide.
19. Diampromide.

20. Diethylthiambutene.

21. Difenoxin.

22. Dimenoxadol.

23. Dimepheptanol.

24. Dimethylthiambutene.

25. Dioxaphetyl butyrate.

26. Dipipanone.

27. Ethylmethylthiambutene.

28. Etonitazene.

29. Etoxeridine.

30. Flunitrazepam.

31.~~30.~~ Furethidine.

32.~~31.~~ Hydroxypethidine.

33.~~32.~~ Ketobemidone.

34.~~33.~~ Levomoramide.

35.~~34.~~ Levophenacylmorphan.

36.~~35.~~ 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

37.~~36.~~ 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).

38.~~37.~~ 3-Methylthiofentanyl.

39.~~38.~~ 3, 4-Methylenedioxymethamphetamine (MDMA).

40.~~39.~~ Morpheridine.

41.~~40.~~ Noracymethadol.

42.~~41.~~ Norlevorphanol.

43.~~42.~~ Normethadone.

44.~~43.~~ Norpipanone.

45.~~44.~~ Para-Fluorofentanyl.

46.~~45.~~ Phenadoxone.

47.~~46.~~ Phenampromide.

48.~~47.~~ Phenomorphan.

49.~~48.~~ Phenoperidine.

50.~~49.~~ 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).

51.~~50.~~ Piritramide.

52.~~51.~~ Proheptazine.

53.~~52.~~ Properidine.

54.~~53.~~ Propiram.

55.~~54.~~ Racemoramide.

56.~~55.~~ Thenylfentanyl.

57.~~56.~~ Thiofentanyl.

58.~~57.~~ Tilidine.

59.~~58.~~ Trimeperidine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances or which contains any of their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Alpha-ethyltryptamine.

2.~~1.~~ 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).

3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

4.~~2.~~ 4-Bromo-2,5-dimethoxyamphetamine.

5. 4-Bromo-2, 5-dimethoxyphenethylamine.

6.~~3.~~ Bufotenine.

7.~~4.~~ Cannabis.

8.~~5.~~ Cathinone.

9.~~6.~~ Diethyltryptamine.

10.~~7.~~ 2,5-Dimethoxyamphetamine.

11.~~8.~~ 2,5-Dimethoxy-4-ethylamphetamine (DOET).

12.~~9.~~ Dimethyltryptamine.

13.~~10.~~ N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).

14.~~11.~~ N-Ethyl-3-piperidyl benzilate.

15.~~12.~~ N-ethylamphetamine.

16.~~13.~~ Fenethylline.

17.~~14.~~ N-Hydroxy-3,4-methylenedioxyamphetamine.

18.~~15.~~ Ibogaine.

19.~~16.~~ Lysergic acid diethylamide (LSD).

20.~~17.~~ Mescaline.

21. Methcathinone.

22.~~18.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.

23.~~19.~~ 4-methoxyamphetamine.

24.~~20.~~ 4-Methyl-2,5-dimethoxyamphetamine.

25.~~21.~~ 3,4-Methylenedioxy-N-ethylamphetamine.

26.~~22.~~ 3,4-Methylenedioxyamphetamine.

27.~~23.~~ N-Methyl-3-piperidyl benzilate.

28.~~24.~~ N,N-dimethylamphetamine.

29.~~25.~~ Parahexyl.

30.~~26.~~ Peyote.

31.~~27.~~ N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).

32.~~28.~~ Psilocybin.

33.~~29.~~ Psilocyn.

34.~~30.~~ Tetrahydrocannabinols.

35.~~31.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP) (Thiophene analog of phencyclidine).

36.~~32.~~ 3,4,5-Trimethoxyamphetamine.

(2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis:

1. Opium and any salt, compound, derivative, or preparation of opium, except nalmefene or isoquinoline alkaloids of opium, including, but not limited to the following:

a. Raw opium.

b. Opium extracts.

c. Opium fluid extracts.

d. Powdered opium.

e. Granulated opium.

f. Tincture of opium.

g. Codeine.

h. Ethylmorphine.

i. Etorphine hydrochloride.

j. Hydrocodone.

k. Hydromorphone.

l. Levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).

m. Metopon (methyldihydromorphinone).

n. Morphine.

o. Oxycodone.

p. Oxymorphone.

q. Thebaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species Papaver somniferum, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine.

5. Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product.

6. Gamma-hydroxy-butyrate (GHB).

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(a) Alprazolam.

(b) Barbital.

(c) Bromazepam.

(d) Camazepam.

(e) Cathine.

(f) Chloral betaine.

(g) Chloral hydrate.

(h) Chlordiazepoxide.

(i) Clobazam.

(j) Clonazepam.

(k) Clorazepate.

(l) Clotiazepam.

(m) Cloxazolam.

(n) Delorazepam.

(o) Dextropropoxyphene (dosage forms).

(p) Diazepam.

(q) Diethylpropion.

(r) Estazolam.

(s) Ethchlorvynol.

(t) Ethinamate.

(u) Ethyl loflazepate.

(v) Fencamfamin.

(w) Fenfluramine.

(x)~~(w)~~ Fenproporex.

(y)~~(x)~~ Fludiazepam.

~~(y) Flunitrazepam.~~

(z) Flurazepam.

(aa) Halazepam.

(bb) Haloxazolam.

(cc) Ketazolam.

(dd) Loprazolam.

(ee) Lorazepam.

(ff) Lormetazepam.

(gg) Mazindol.

(hh) Mebutamate.

(ii) Medazepam.

(jj) Mefenorex.

(kk) Meprobamate.

(ll) Methohexital.

(mm) Methylphenobarbital.

(nn) Midazolam.

(oo) Nimetazepam.

(pp) Nitrazepam.

(qq) Nordiazepam.

(rr) Oxazepam.

(ss) Oxazolam.

(tt) Paraldehyde.

(uu) Pemoline.

(vv) Pentazocine.

(ww) Phenobarbital.

(xx) Phentermine.

(yy) Pinazepam.

(zz) Pipradrol.

(aaa) Prazepam.

(bbb) Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.

(ccc) Quazepam.

(ddd) Tetrazepam.

(eee) SPA[(-)-1 dimethylamino-1, 2 diphenylethane].

(fff) Temazepam.

(ggg) Triazolam.

(hhh) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Section 2. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), paragraph (c) of subsection (6), and subsection (12) of section 893.13, Florida Statutes, 1996 Supplement, are amended to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any *mixture containing any substance named or described in s. 893.03(1)(a) or (1)(b), or any* combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any *mixture containing any substance named or described in s. 893.03(1)(a) or (1)(b), or any* combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any *mixture containing any substance named or described in s. 893.03(1)(a) or (1)(b), or any* combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(12) Notwithstanding any provision of the laws of this state to the contrary, any unauthorized activity under this section which involves flunitrazepam shall be subject to the same penalties as are provided for in this section for violations involving controlled substances named or described in s. 893.03(1)(a).~~

Section 3. Paragraph (g) is added to subsection (1) of section 893.135, Florida Statutes, 1996 Supplement, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(g)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits a felony of the first degree, which felony shall be known as "trafficking in flunitrazepam." If the quantity involved:

a. Is 4 grams or more but less than 14 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b. Is 14 grams or more but less than 28 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c. Is 28 grams or more but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of $500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first-degree felony of trafficking in flunitrazepam. A person who has been convicted of the first-degree felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in flunitrazepam, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

Section 4. Paragraphs (g) and (h) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, are amended to read:

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

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071(1)	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.

Florida Statute	Felony Degree	Description
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	*1st*	*Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.*

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135(1)(g)1.b.	*1st*	*Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.*
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

Section 5. (1) Paragraph (w) of subsection (4) of section 893.03, Florida Statutes, 1996 Supplement, as amended by this act, is repealed.

(2) Subsection (1) shall not take effect unless the substance known as fenfluramine is removed from the schedules of controlled substances in 21 C.F.R. s. 1308. If the substance known as fenfluramine is removed from the schedules of controlled substances in 21 C.F.R. s. 1308, subsection (1) shall take effect on the day that such removal takes effect.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding flunitrazepam, alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2, 5-dimethoxyphenethylamine, and methcathinone to the list of Schedule I controlled substances; adding gamma-hydroxy-butyrate to the list of Schedule II controlled substances; adding fenfluramine to Schedule IV; eliminating flunitrazepam from the list of Schedule IV controlled substances; amending s. 893.13, F.S.; eliminating language with respect to penalties for the use of flunitrazepam; revising language with respect to combinations of certain controlled substances; amending s. 893.135, F.S.; providing penalties for trafficking in flunitrazepam; amending s. 921.0012, F.S.; conforming the sentencing guidelines to the act; repealing s. 893.03(4)(w), F.S.; providing for the removal of fenfluramine from the schedule of controlled substances; providing a conditional effective date and an effective date.

Pursuant to Rule 4.19, **SB 92** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 788—A bill to be entitled An act relating to water resources; creating the Apalachicola-Chattahoochee-Flint River Basin Compact; providing for enactment by certain state legislatures and the United States Congress; providing purposes; providing scope; providing parties; providing definitions; providing for legal viability; creating the Apalachicola-Chattahoochee-Flint River Basin Commission; providing for appointments, organization, powers, and duties; providing for development of an allocation formula for the equitable apportionment of surface waters; providing for termination of the compact; providing for completion of certain water resource studies; providing for relationship of the compact to other laws; providing for public participation; providing for funding of the commission's operations; providing procedures for resolution of disputes; providing for enforcement actions; providing for inapplicability to other stream systems; preserving certain water-use rights within a member state; providing agreements regarding water quality; providing for effect of underuse of a state's water allocation; providing severability; providing for notice of ratifications; requiring signatures to and recording of compact; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. *APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT*

The states of Alabama, Florida and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States.

SHORT TITLE

This Act shall be known and may be cited as the "Apalachicola-Chattahoochee-Flint River Basin Compact" and shall be referred to hereafter in this document as the "ACF Compact" or "Compact."

ARTICLE I
COMPACT PURPOSES

This Compact among the states of Alabama, Florida and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACF, engaging in water planning, and developing and sharing common data bases.

ARTICLE II
SCOPE OF THE COMPACT

This Compact shall extend to all of the waters arising within the drainage basin of the ACF in the states of Alabama, Florida and Georgia.

ARTICLE III
PARTIES

The parties to this Compact are the states of Alabama, Florida and Georgia and the United States of America.

ARTICLE IV
DEFINITIONS

For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

(a) "ACF Basin" or "ACF" means the area of natural drainage into the Apalachicola River and its tributaries, the Chattahoochee River and its tributaries, and the Flint River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters "ACF" and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

(b) "Allocation formula" means the methodology, in whatever form, by which the ACF Basin Commission determines an equitable apportionment of surface waters within the ACF Basin among the three states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

(c) "Commission" or "ACF Basin Commission" means the Apalachicola-Chattahoochee-Flint River Basin Commission created and established pursuant to this Compact.

(d) "Ground waters" means waters within a saturated zone or stratum beneath the surface of land, whether or not flowing through known and definite channels.

(e) "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, public corporation, company, the United States of America, any state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(f) "Surface waters" means waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered "surface waters" when it exits from the spring onto the surface of the earth.

(g) "United States" means the executive branch of the government of the United States of America, and any department, agency, bureau or division thereof.

(h) "Water Resource Facility" means any facility or project constructed for the impoundment, diversion, retention, control or regulation of waters within the ACF Basin for any purpose.

(i) "Water resources," or "waters" means all surface waters and ground waters contained or otherwise originating within the ACF Basin.

ARTICLE V
CONDITIONS PRECEDENT TO LEGAL VIABILITY OF THE COMPACT

This Compact shall not be binding on any party until it has been enacted into law by the legislatures of the states of Alabama, Florida and Georgia and by the Congress of the United States of America.

ARTICLE VI
ACF BASIN COMMISSION CREATED

(a) There is hereby created an interstate administrative agency to be known as the "ACF Basin Commission." The Commission shall be comprised of one member representing the state of Alabama, one member representing the state of Florida, one member representing the state of Georgia, and one non-voting member representing the United States of America. The state members shall be known as "State Commissioners" and the federal member shall be known as the "Federal Commissioner." The ACF Basin Commission is a body politic and corporate, with succession for the duration of this Compact.

(b) The Governor of each of the states shall serve as the State Commissioner for his or her state. Each State Commissioner shall appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission. The alternate members from each state shall be knowledgeable in the field of water resources management. Unless otherwise provided by law of the state for which an alternate State Commissioner is appointed, each alternate State Commissioner shall serve at the pleasure of the State Commissioner. In the event of a vacancy in the office of an alternate, it shall be filled in the same manner as an original appointment.

(c) The President of the United States of America shall appoint the Federal Commissioner who shall serve as the representative of all federal agencies with an interest in the ACF. The President shall also appoint an alternate Federal Commissioner to attend and participate in the meetings of the Commission in the event the Federal Commissioner is unable to attend meetings. When at meetings, the alternate Federal Commissioner shall possess all of the powers of the Federal Commissioner. The Federal Commissioner and alternate appointed by the President shall serve until they resign or their replacements are appointed.

(d) Each state shall have one vote on the ACF Basin Commission and the Commission shall make all decisions and exercise all powers by unanimous vote of the three State Commissioners. The Federal Commissioner shall not have a vote, but shall attend and participate in all meetings of the ACF Basin Commission to the same extent as the State Commissioners.

(e) The ACF Basin Commission shall meet at least once a year at a date set at its initial meeting. Such initial meeting shall take place within ninety days of the ratification of the Compact by the Congress of the United States and shall be called by the chairman of the Commission. Special meetings of the Commission may be called at the discretion of the chairman of the Commission and shall be called by the chairman of the Commission upon written request of any member of the Commission. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission by each member, by facsimile, telegram or by telephone. The Chairmanship of the Commission shall rotate annually among the voting members of the Commission on an alphabetical basis, with the first chairman to be the State Commissioner representing the State of Alabama.

(f) All meetings of the Commission shall be open to the public.

(g) The ACF Basin Commission, so long as the exercise of power is consistent with this Compact, shall have the following general powers:

(1) to adopt bylaws and procedures governing its conduct;

(2) to sue and be sued in any court of competent jurisdiction;

(3) to retain and discharge professional, technical, clerical and other staff and such consultants as are necessary to accomplish the purposes of this Compact;

(4) to receive funds from any lawful source and expend funds for any lawful purpose;

(5) to enter into agreements or contracts, where appropriate, in order to accomplish the purposes of this Compact;

(6) to create committees and delegate responsibilities;

(7) to plan, coordinate, monitor, and make recommendations for the water resources of the ACF Basin for the purposes of, but not limited to, minimizing adverse impacts of floods and droughts and improving water quality, water supply, and conservation as may be deemed necessary by the Commission;

(8) to participate with other governmental and non-governmental entities in carrying out the purposes of this Compact;

(9) to conduct studies, to generate information regarding the water resources of the ACF Basin, and to share this information among the Commission members and with others;

(10) to cooperate with appropriate state, federal, and local agencies or any other person in the development, ownership, sponsorship, and operation of water resource facilities in the ACF Basin; provided, however, that the Commission shall not own or operate a federally-owned water resource facility unless authorized by the United States Congress;

(11) to acquire, receive, hold and convey such personal and real property as may be necessary for the performance of its duties under the Compact; provided, however, that nothing in this Compact shall be construed as granting the ACF Basin Commission authority to issue bonds or to exercise any right of eminent domain or power of condemnation;

(12) to establish and modify an allocation formula for apportioning the surface waters of the ACF Basin among the states of Alabama, Florida and Georgia; and

(13) to perform all functions required of it by this Compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state or the United States.

ARTICLE VII
EQUITABLE APPORTIONMENT

(a) It is the intent of the parties to this Compact to develop an allocation formula for equitably apportioning the surface waters of the ACF Basin among the states while protecting the water quality, ecology and biodiversity of the ACF, as provided in the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Endangered Species Act, 16 U.S.C. Sections 1532 et seq., the National Environmental Policy Act, 42 U.S.C. Sections 4321 et seq., the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401 et seq., and other applicable federal laws. For this purpose, all members of the ACF Basin Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of the ACF Basin Commission and technical committees in which the basis and terms and conditions of the allocation formula are to be discussed or negotiated. When an allocation formula is unanimously approved by the State Commissioners, there shall be an agreement among the states regarding an allocation formula. The allocation formula thus agreed upon shall become effective and binding upon the parties to this Compact upon receipt by the Commission of a letter of concurrence with said formula from the Federal Commissioner. If, however, the Federal Commissioner fails to submit a letter of concurrence to the Commission within two hundred ten (210) days after the allocation formula is agreed upon by the State Commissioners, the Federal Commissioner shall within forty-five (45) days thereafter submit to the ACF Basin Commission a letter of nonconcurrence with the allocation formula setting forth therein specifically and in detail the reasons for nonconcurrence; provided, however, the reasons for nonconcurrence as contained in the letter of nonconcurrence shall be based solely upon federal law. The allocation formula shall also become effective and binding upon the parties to this Compact if the Federal Commissioner fails to submit to the ACF Basin Commission a letter of nonconcurrence in accordance with this Article. Once adopted pursuant to this Article, the allocation formula may only be modified by unanimous decision of the State Commissioners and the concurrence by the Federal Commissioner in accordance with the procedures set forth in this Article.

(b) The parties to this Compact recognize that the United States operates certain projects within the ACF Basin that may influence the water resources within the ACF Basin. The parties to this Compact further acknowledge and recognize that various agencies of the United States have responsibilities for administering certain federal laws and exercising certain federal powers that may influence the water resources within the ACF Basin. It is the intent of the parties to this Compact, including the United States, to achieve compliance with the allocation formula adopted in accordance with this Article. Accordingly, once an allocation formula is adopted, each and every officer, agency, and instrumentality of the United States shall have an obligation and duty, to the maximum extent practicable, to exercise their powers, authority, and discretion in a manner consistent with the allocation formula so long as the exercise of such powers, authority, and discretion is not in conflict with federal law.

(c) Between the effective date of this Compact and the approval of the allocation formula under this Article, the signatories to this Compact agree that any person who is withdrawing, diverting, or consuming water resources of the ACF Basin as of the effective date of this Compact, may

continue to withdraw, divert or consume such water resources in accordance with the laws of the state where such person resides or does business and in accordance with applicable federal laws. The parties to this Compact further agree that any such person may increase the amount of water resources withdrawn, diverted or consumed to satisfy reasonable increases in the demand of such person for water between the effective date of this Compact and the date on which an allocation formula is approved by the ACF Basin Commission as permitted by applicable law. Each of the state parties to this Compact further agree to provide written notice to each of the other parties to this Compact in the event any person increases the withdrawal, diversion or consumption of such water resources by more than 10 million gallons per day on an average annual daily basis, or in the event any person, who was not withdrawing, diverting or consuming any water resources from the ACF Basin as of the effective date of this Compact, seeks to withdraw, divert or consume more than one million gallons per day on an average annual daily basis from such resources. This Article shall not be construed as granting any permanent, vested or perpetual rights to the amounts of water used between January 3, 1992 and the date on which the Commission adopts an allocation formula.

(d) As the owner, operator, licensor, permitting authority or regulator of a water resource facility under its jurisdiction, each state shall be responsible for using its best efforts to achieve compliance with the allocation formula adopted pursuant to this Article. Each such state agrees to take such actions as may be necessary to achieve compliance with the allocation formula.

(e) This Compact shall not commit any state to agree to any data generated by any study or commit any state to any allocation formula not acceptable to such state.

ARTICLE VIII
CONDITIONS RESULTING IN TERMINATION OF THE COMPACT

(a) This Compact shall be terminated and thereby be void and of no further force and effect if any of the following events occur:

(1) The legislatures of the states of Alabama, Florida and Georgia each agree by general laws enacted by each state within any three consecutive years that this Compact should be terminated.

(2) The United States Congress enacts a law expressly repealing this Compact.

(3) The States of Alabama, Florida and Georgia fail to agree on an equitable apportionment of the surface waters of the ACF as provided in Article VII(a) of this Compact by December 31, 1998, unless the voting members of the ACF Basin Commission unanimously agree to extend this deadline.

(4) The Federal Commissioner submits to the Commission a letter of nonconcurrence in the initial allocation formula in accordance with Article VII(a) of the Compact, unless the voting members of the ACF Basin Commission unanimously agree to allow a single 45 day period in which the non-voting Federal Commissioner and the voting State Commissioners may renegotiate an allocation formula and the Federal Commissioner withdraws the letter of nonconcurrence upon completion of this renegotiation.

(b) If the Compact is terminated in accordance with this Article it shall be of no further force and effect and shall not be the subject of any proceeding for the enforcement thereof in any federal or state court. Further, if so terminated, no party shall be deemed to have acquired a specific right to any quantity of water because it has become a signatory to this Compact.

ARTICLE IX
COMPLETION OF STUDIES PENDING ADOPTION OF ALLOCATION FORMULA

The ACF Basin Commission, in conjunction with one or more interstate, federal, state or local agencies, is hereby authorized to participate in any study in process as of the effective date of this Compact, including, without limitation, all or any part of the Alabama-Coosa-Tallapoosa/Apalachicola-Chattahoochee-Flint River Basin Comprehensive Water Resource Study, as may be determined by the Commission in its sole discretion.

ARTICLE X
RELATIONSHIP TO OTHER LAWS

(a) It is the intent of the party states and of the United States Congress by ratifying this Compact, that all state and federal officials enforcing, implementing or administering other state and federal laws affecting the ACF Basin shall, to the maximum extent practicable, enforce, implement or administer those laws in furtherance of the purposes of this Compact and the allocation formula adopted by the Commission insofar as such actions are not in conflict with applicable federal laws.

(b) Nothing contained in this Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

(c) Nothing contained in this Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions or jurisdiction under other existing or future laws in and over the area or waters which are the subject of the Compact, including projects of the Commission, nor shall any act of the Commission have the effect of repealing, modifying or amending any federal law. All officers, agencies and instrumentalities of the United States shall exercise their powers and authority over water resources in the ACF Basin and water resource facilities, and to the maximum extent practicable, shall exercise their discretion in carrying out their responsibilities, powers, and authorities over water resources in the ACF Basin and water resource facilities in the ACF Basin in a manner consistent with and that effectuates the allocation formula developed pursuant to this Compact or any modification of the allocation formula so long as the actions are not in conflict with any applicable federal law. The United States Army Corps of Engineers, or its successors, and all other federal agencies and instrumentalities shall cooperate with the ACF Basin Commission in accomplishing the purposes of the Compact and fulfilling the obligations of each of the parties to the Compact regarding the allocation formula.

(d) Once adopted by the three states and ratified by the United States Congress, this Compact shall have the full force and effect of federal law, and shall supersede state and local laws operating contrary to the provisions herein or the purposes of this Compact; provided, however, nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory states relating to water quality, and riparian rights as among persons exclusively within each state.

ARTICLE XI
PUBLIC PARTICIPATION

All meetings of the Commission shall be open to the public. The signatory parties recognize the importance and necessity of public participation in activities of the Commission, including the development and adoption of the initial allocation formula and any modification thereto. Prior to the adoption of the initial allocation formula, the Commission shall adopt procedures ensuring public participation in the development, review, and approval of the initial allocation formula and any subsequent modification thereto. At a minimum, public notice to interested parties and a comment period shall be provided. The Commission shall respond in writing to relevant comments.

ARTICLE XII
FUNDING AND EXPENSES OF THE COMMISSION

Commissioners shall serve without compensation from the ACF Basin Commission. All general operational funding required by the Commission and agreed to by the voting members shall obligate each state to pay an equal share of such agreed upon funding. Funds remitted to the Commission by a state in payment of such obligation shall not lapse; provided, however, that if any state fails to remit payment within 90 days after payment is due, such obligation shall terminate and any state which has made payment may have such payment returned. Costs of attendance and participation at meetings of the Commission by the Federal Commissioner shall be paid by the United States.

ARTICLE XIII
DISPUTE RESOLUTION

(a) In the event of a dispute between two or more voting members of this Compact involving a claim relating to compliance with the allocation formula adopted by the Commission under this Compact, the following procedures shall govern:

(1) Notice of claim shall be filed with the Commission by a voting member of this Compact and served upon each member of the Commission. The notice shall provide a written statement of the claim, including a brief narrative of the relevant matters supporting the claimant's position.

(2) Within twenty (20) days of the Commission's receipt of a written statement of a claim, the party or parties to the Compact against whom the complaint is made may prepare a brief narrative of the relevant matters and file it with the Commission and serve it upon each member of the Commission.

(3) Upon receipt of a claim and any response or responses thereto, the Commission shall convene as soon as reasonably practicable, but in no event later than twenty (20) days from receipt of any response to the claim, and shall determine if a resolution of the dispute is possible.

(4) A resolution of a dispute under this Article through unanimous vote of the State Commissioners shall be binding upon the state parties and any state party determined to be in violation of the allocation formula shall correct such violation without delay.

(5) If the Commission is unable to resolve the dispute within 10 days from the date of the meeting convened pursuant to subparagraph (a)(3) of this Article, the Commission shall select, by unanimous decision of the voting members of the Commission, an independent mediator to conduct a non-binding mediation of the dispute. The mediator shall not be a resident or domiciliary of any member state, shall not be an employee or agent of any member of the Commission, shall be a person knowledgeable in water resource management issues, and shall disclose any and all current or prior contractual or other relations to any member of the Commission. The expenses of the mediator shall be paid by the Commission. If the mediator becomes unwilling or unable to serve, the Commission by unanimous decision of the voting members of the Commission, shall appoint another independent mediator.

(6) If the Commission fails to appoint an independent mediator to conduct a non-binding mediation of the dispute within seventy-five (75) days of the filing of the original claim or within thirty (30) days of the date on which the Commission learns that a mediator is unwilling or unable to serve, the party submitting the claim shall have no further obligation to bring the claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

(7) If an independent mediator is selected, the mediator shall establish the time and location for the mediation session or sessions and may request that each party to the Compact submit, in writing, to the mediator a statement of its position regarding the issue or issues in dispute. Such statements shall not be exchanged by the parties except upon the unanimous agreement of the parties to the mediation.

(8) The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of the mediation. All records, reports, or other documents received by a mediator while serving as a mediator shall be considered confidential. The mediator shall not be compelled in any adversary proceeding or judicial forum to divulge the contents of such documents or the fact that such documents exist or to testify in regard to the mediation.

(9) Each party to the mediation shall maintain the confidentiality of the information received during the mediation and shall not rely on or introduce in any judicial proceeding as evidence:

a. Views expressed or suggestions made by another party regarding a settlement of the dispute;

b. Proposals made or views expressed by the mediator; or

c. The fact that another party to the hearing had or had not indicated a willingness to accept a proposal for settlement of the dispute.

(10) The mediator may terminate the non-binding mediation session or sessions whenever, in the judgment of the mediator, further efforts to resolve the dispute would not lead to a resolution of the dispute between or among the parties. Any party to the dispute may terminate the mediation process at any time by giving written notification to the mediator and the Commission. If terminated prior to reaching a resolution, the party submitting the original claim to the Commission shall have no further obligation to bring its claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

(11) The mediator shall have no authority to require the parties to enter into a settlement of any dispute regarding the Compact. The mediator may simply attempt to assist the parties in reaching a mutually acceptable resolution of their dispute. The mediator is authorized to conduct joint and separate meetings with the parties to the mediation and to make oral or written recommendations for a settlement of the dispute.

(12) At any time during the mediation process, the Commission is encouraged to take whatever steps it deems necessary to assist the mediator or the parties to resolve the dispute.

(13) In the event of a proceeding seeking enforcement of the allocation formula, this Compact creates a cause of action solely for equitable relief. No action for money damages may be maintained. The party or parties alleging a violation of the Compact shall have the burden of proof.

(b) In the event of a dispute between any voting member and the United States relating to a state's noncompliance with the allocation formula as a result of actions or a refusal to act by officers, agencies or instrumentalities of the United States, the provisions set forth in paragraph (a) of this Article (other than the provisions of subparagraph (a)(4)) shall apply.

(c) The United States may initiate dispute resolution under paragraph (a) in the same manner as other parties to this Compact.

(d) Any signatory party who is affected by any action of the Commission, other than the adoption or enforcement of or compliance with the allocation formula, may file a complaint before the ACF Basin Commission seeking to enforce any provision of this Compact.

(1) The Commission shall refer the dispute to an independent hearing officer or mediator, to conduct a hearing or mediation of the dispute. If the parties are unable to settle their dispute through mediation, a hearing shall be held by the Commission or its designated hearing officer. Following a hearing conducted by a hearing officer, the hearing officer shall submit a report to the Commission setting forth findings of fact and conclusions of law, and making recommendations to the Commission for the resolution of the dispute.

(2) The Commission may adopt or modify the recommendations of the hearing officer within 60 days of submittal of the report. If the Commission is unable to reach unanimous agreement on the resolution of the dispute within 60 days of submittal of the report with the concurrence of the Federal Commissioner in disputes involving or affecting federal interests, the affected party may file an action in any court of competent jurisdiction to enforce the provisions of this Compact. The hearing officer's report shall be of no force and effect and shall not be admissible as evidence in any further proceedings.

(e) All actions under this Article shall be subject to the following provisions:

(1) The Commission shall adopt guidelines and procedures for the appointment of hearing officers or independent mediators to conduct all hearings and mediations required under this Article. The hearing officer or mediator appointed under this Article shall be compensated by the Commission.

(2) All hearings or mediations conducted under this article may be conducted utilizing the Federal Administrative Procedures Act, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. The Commission may also choose to adopt some or all of its own procedural and evidentiary rules for the conduct of hearings or mediations under this Compact.

(3) Any action brought under this Article shall be limited to equitable relief only. This Compact shall not give rise to a cause of action for money damages.

(4) Any signatory party bringing an action before the Commission under this Article shall have the burdens of proof and persuasion.

ARTICLE XIV
ENFORCEMENT

The Commission may, upon unanimous decision, bring an action against any person to enforce any provision of this Compact, other than the adoption or enforcement of or compliance with the allocation formula, in any court of competent jurisdiction.

ARTICLE XV
IMPACTS ON OTHER STREAM SYSTEMS

This Compact shall not be construed as establishing any general principle or precedent applicable to any other interstate streams.

ARTICLE XVI
IMPACT OF COMPACT ON USE OF WATER WITHIN THE BOUNDARIES OF THE COMPACTING STATES

The provisions of this Compact shall not interfere with the right or power of any state to regulate the use and control of water within the boundaries of the state, providing such state action is not inconsistent with the allocation formula.

ARTICLE XVII
AGREEMENT REGARDING WATER QUALITY

(a) The States of Alabama, Florida, and Georgia mutually agree to the principle of individual State efforts to control man-made water pollution from sources located and operating within each State and to the continuing support of each State in active water pollution control programs.

(b) The States of Alabama, Florida, and Georgia agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the ACF River Basin whenever such sources are called to their attention by the Commission.

(c) The States of Alabama, Florida, and Georgia agree to cooperate in maintaining the quality of the waters of the ACF River Basin.

(d) The States of Alabama, Florida, and Georgia agree that no State may require another state to provide water for the purpose of water quality control as a substitute for or in lieu of adequate waste treatment.

ARTICLE XVIII
EFFECT OF OVER OR UNDER DELIVERIES UNDER THE COMPACT

No state shall acquire any right or expectation to the use of water because of any other state's failure to use the full amount of water allocated to it under this Compact.

ARTICLE XIX
SEVERABILITY

If any portion of this Compact is held invalid for any reason, the remaining portions, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force, effect, and application.

ARTICLE XX
NOTICE AND FORMS OF SIGNATURE

Notice of ratification of this Compact by the legislature of each state shall promptly be given by the Governor of the ratifying state to the Governors of the other participating states. When all three state legislatures have ratified the Compact, notice of their mutual ratification shall be forwarded to the Congressional delegation of the signatory states for submission to the Congress of the United States for ratification. When the Compact is ratified by the Congress of the United States, the President, upon signing the federal ratification legislation, shall promptly notify the Governors of the participating states and appoint the Federal Commissioner. The Compact shall be signed by all four Commissioners as their first order of business at their first meeting and shall be filed of record in the party states.

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

Pursuant to Rule 4.19, **CS for SB 788** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 12, 1997: SB 92, SB 156, SB 316, CS for SB 288, SB 258, CS for SB 794, CS for SB 788, CS for SB 186, CS for SB 8, CS for SB 284, SB 416, SB 418, SB 420, SB 422, SB 424, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 326

Respectfully submitted,
Mario Diaz-Balart, Vice Chairman

The Committee on Criminal Justice recommends the following pass: SB 246 with 3 amendments

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

The Committee on Community Affairs recommends the following pass: SB 864

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

The Committee on Children, Families and Seniors recommends the following pass: SB 354 with 3 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 596 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 528 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 168

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

The Committee on Agriculture recommends the following pass: SB 854

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

The Committee on Criminal Justice recommends the following pass: SB 46 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 882

The Committee on Community Affairs recommends the following pass: SB 52, SB 392 with 1 amendment, CS for SB's 404 and 414, SB 820

The Committee on Criminal Justice recommends the following pass: SB 152, SB 162, SB 164, SB 182, SB 198, SB 472, SB 796

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 568 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 382 with 1 amendment, SB 656

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

The Committee on Criminal Justice recommends the following pass: SB 132

The Committee on Governmental Reform and Oversight recommends the following pass: SB 240 with 3 amendments, SB 450, SB 702 with 1 amendment, SB 1010 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 138 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 602

The Committee on Transportation recommends the following pass: SB 604, SB 732

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

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 64, Senate Bills 780, 520 and 692

The Committee on Judiciary recommends a committee substitute for the following: SJR 298

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 888

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

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SJR 482

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

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 330

The bill with committee substitute attached was referred to the committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: Senate Bills 628 and 978

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 614

The Committee on Community Affairs recommends a committee substitute for the following: SB 658

The Committee on Education recommends a committee substitute for the following: SB 178

The Committee on Judiciary recommends a committee substitute for the following: SB 134

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 794

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 880, SB 962

The Committee on Education recommends a committee substitute for the following: SB 398

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 752

The Committee on Health Care recommends a committee substitute for the following: SB 508

The Committee on Judiciary recommends a committee substitute for the following: SB 444

The Committee on Natural Resources recommends committee substitutes for the following: SB 550, SB 788

The Committee on Regulated Industries recommends a committee substitute for the following: SB 558

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Burt—

SB 1080—A bill to be entitled An act relating to bridge designations; designating an overpass bridge in New Smyrna Beach as the "Martin Luther King, Jr., Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Burt—

SB 1082—A bill to be entitled An act relating to sales tax exemptions; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs in urban areas; providing a limitation on the exemption; providing an expiration date; providing an effective date.

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

By Senator Rossin—

SB 1084—A bill to be entitled An act relating to postsecondary student fees; amending ss. 239.117, 240.235, 240.35, F.S.; exempting children adopted from the Department of Children and Family Services from certain postsecondary student fees; providing an effective date.

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

By Senator Dantzler—

SB 1086—A bill to be entitled An act relating to armories; amending s. 250.40, F.S.; providing for the disposition of money received from the rental of billeting operations at Camp Blanding Training Site; providing an effective date.

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

By Senator Dantzler—

SB 1088—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 215.20, F.S.; eliminat-

ing the General Revenue Fund service charge on the General Inspection Trust Fund and certain other collections; amending s. 215.22, F.S.; providing for the exemption of certain trust funds administered by the department from the service charge imposed by s. 215.20, F.S.; providing an effective date.

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

By Senator Dantzler—

SB 1090—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Trust Fund; prescribing its uses; defining what constitutes an "agricultural emergency"; amending s. 570.20, F.S.; providing a service charge for deposit into the Agricultural Emergency Trust Fund; providing a cap on deposits into that fund; providing a conditional effective date.

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

By Senator Dantzler—

SB 1092—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for territorial restrictions to be included in a court order providing residential responsibility for children; authorizing relocation of residence under certain circumstances; providing guidelines; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Dantzler—

SB 1094—A bill to be entitled An act relating to environmental protection; amending s. 253.03, F.S.; prohibiting the control, regulation, permitting, or imposition of charges on certain severed materials; amending s. 369.20, F.S.; authorizing certain riparian owners to remove aquatic plants without certain permits under certain circumstances; authorizing the Department of Environmental Protection to issue certain permits; providing criteria; providing construction; exempting such permits from certain water pollution operation permit requirements; amending s. 403.813, F.S.; exempting installation and repair of certain piers and docking facilities from certain permitting requirements; providing an effective date.

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

By Senator Dantzler—

SB 1096—A bill to be entitled An act relating to the disclosure of information by an employer; amending s. 768.095, F.S.; requiring that an employer disclose information about a current or former employee to a law enforcement agency that is conducting a background investigation for purposes of employment; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Dantzler—

SB 1098—A bill to be entitled An act relating to secondhand dealers; amending s. 538.06, F.S.; prescribing fee to be charged in a title loan transaction; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Dantzler—

SB 1100—A bill to be entitled An act relating to the learner's driver's license; amending s. 322.1615, F.S.; extending the nighttime hours during which licenseholders of a specified age may drive; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Scott and Klein—

SB 1102—A bill to be entitled An act relating to educational finance; creating s. 236.08105, F.S.; requiring an advance distribution of Florida Education Finance Program funds under certain circumstances; providing an effective date.

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

By Senator Dantzler—

SB 1104—A bill to be entitled An act relating to citrus canker; amending s. 602.065, F.S.; revising disposition of funds received from the Federal Government for eradication of citrus canker; providing an effective date.

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

By Senator Burt—

SB 1106—A bill to be entitled An act relating to sexual offenders; creating the "Sex Offender Punishment and Supervision Act"; amending s. 775.084, F.S.; providing definitions; providing for a separate proceeding for court determination of whether a defendant is a "repeat sex offender" or "habitual sex offender," as defined; providing penalties for such offenders, including mandatory minimum imprisonment, under specified circumstances; providing for appeal; providing legislative intent; providing an exception for capital felonies; creating s. 775.0871, F.S.; providing a mandatory minimum term of imprisonment of 10 years for commission of sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof using or threatening to use a deadly weapon or uses actual physical force likely to cause serious personal injury; providing a mandatory minimum term of imprisonment of 10 years for commission of lewd, lascivious, or indecent assault by committing a sexual battery upon a victim under 14 years of age, when the defendant was over 24 years of age; precluding claim of victim's consent; amending s. 921.001, F.S., relating to the Sentencing Commission and sentencing guidelines, generally; prohibiting downward departure sentences for specified sexual battery offenses or offenses involving lewd, lascivious, or indecent assault or act upon or in presence of a child; providing legislative finding; amending s. 948.001, F.S.; defining "sex offender probation"; amending s. 948.03, F.S.; revising terms and conditions of probation or community control; providing terms and conditions of sex offender probation or sex offender community control; providing an effective date.

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

By Senator Dudley—

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

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

By Senator Myers—

SB 1110—A bill to be entitled An act relating to petroleum and petroleum products; amending s. 376.303, F.S.; prohibiting the Department of Environmental Protection from mandating certain secondary containment under certain circumstances; authorizing the department to adopt certain rules relating to secondary containment under certain circumstances; amending s. 403.767, F.S.; exempting certain persons from certified transporter requirements; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Myers—

SB 1112—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; amending s. 466.003, F.S.; expanding the definition of "dentistry"; amending s. 466.026, F.S.; declaring the practice of dentistry without a license issued pursuant to chapter 466, F.S., to be a public nuisance; providing for injunctive relief; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Myers—

SB 1114—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of an unborn quick child by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing penalties; reenacting ss. 921.0012(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0012, F.S., relating to the offense severity ranking chart, to conform terminology; providing an effective date.

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

By Senator Myers—

SB 1116—A bill to be entitled An act relating to trust funds; creating the Social Services Block Grant Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Myers—

SB 1118—A bill to be entitled An act relating to trust funds; creating the Operations and Maintenance Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Myers—

SB 1120—A bill to be entitled An act relating to trust funds; creating the Grants and Donations Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Myers—

SB 1122—A bill to be entitled An act relating to trust funds; creating the Federal Grants Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Myers—

SB 1124—A bill to be entitled An act relating to trust funds; creating the Administrative Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Jenne—

SB 1126—A bill to be entitled An act relating to grand juries; amending s. 905.01, F.S.; increasing the maximum number of persons which may be appointed to serve on a grand jury; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Jenne—

SB 1128—A bill to be entitled An act relating to superintendents of schools; providing limitations upon benefits that a superintendent of schools may receive upon termination of employment; providing an effective date.

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

By Senator Latvala—

SB 1130—A bill to be entitled An act relating to gambling; amending s. 849.0935, F.S.; providing additional tax-exempt organizations which are authorized to conduct drawings by chance under said section, including civic organizations, employees' associations, clubs, fraternal benefit societies, fraternal lodges, and armed forces and veterans' organizations; amending s. 849.094, F.S., which regulates game promotions in connection with the sale of products or services; providing that specified provisions of said section do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission; providing an effective date.

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

By Senator Casas—

SB 1132—A bill to be entitled An act relating to foreign-licensed physicians; amending s. 498.3115, F.S.; providing a limitation on the development cost of examinations given to certain foreign-licensed physicians; authorizing the Board of Medicine and the Agency for Health Care Administration to modify the examinations; providing an effective date.

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

By Senator Lee—

SB 1134—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Lee—

SB 1136—A bill to be entitled An act relating to a durable power of attorney; amending s. 709.08, F.S.; authorizing certain corporations to act as an attorney in fact; providing a limitation; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Casas—

SB 1138—A bill to be entitled An act relating to food products; amending s. 500.10, F.S.; revising provisions related to the sale of candy that contains alcohol; amending s. 500.12, F.S.; revising inspection requirements relating to the sale of such candy; providing an effective date.

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

By Senator Klein—

SB 1140—A bill to be entitled An act relating to prescription drugs; requiring pharmacies to advertise their prescription drug retail price with a comparison reference; providing for adoption of rules; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Klein—

SB 1142—A bill to be entitled An act relating to community service education; creating s. 233.615, F.S.; providing legislative findings; authorizing school districts to require 100 hours of community service education as a condition for high school graduation; providing exceptions; providing components for high school community service education programs; providing an effective date.

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

By Senators Williams and Sullivan—

SB 1144—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; amending s. 186.021, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

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

By Senator Williams—

SB 1146—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S.; providing retroactive applicability of the Bert J. Harris, Jr., Private Property Rights Act; providing a cause of action for certain inordinate burdens imposed on real property resulting from the application of any law, rule, regulation, or ordinance; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Dudley—

SB 1148—A bill to be entitled An act relating to legal holidays; creating s. 683.22, F.S.; designating the first Wednesday in May of each year as "Law Day"; providing an effective date.

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

By Senator Williams—

SB 1150—A bill to be entitled An act relating to mastectomies; amending s. 627.6417, F.S.; specifying certain deductible and benefits criteria; providing additional criteria for purposes of a definition; providing an effective date.

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

By Senator Williams—

SB 1152—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; establishing rulemaking standards for treating new construction building sites; amending s. 482.071, F.S.; authorizing a duplicate licensure document fee; amending s. 482.111, F.S.; authorizing a certified pest control operator to be a certified applicator under ch. 487, F.S.; amending s. 482.211, F.S.; exempting the pest control treatment of seeds or raw agricultural products; creating s. 553.785, F.S.; creating the Florida Termite Advisory Council; amending s. 482.155, F.S.; specifying persons for whom limited certification categories are to be established; providing an effective date.

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

By Senator Williams—

SB 1154—A bill to be entitled An act relating to growth management; declaring the intent of the Legislature to revise growth management laws; providing an effective date.

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

By Senator Williams—

SB 1156—A bill to be entitled An act relating to surface waters or wetlands mitigation; amending s. 373.414, F.S.; revising conditions for the acceptance of money as mitigation in certain permitted projects; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Williams—

SB 1158—A bill to be entitled An act relating to the Department of Revenue; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the department; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; providing an effective date.

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

By Senator Williams—

SB 1160—A bill to be entitled An act relating to historic preservation boards; repealing parts II, IV, V, VI, VII and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Tallahassee Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; amending s. 267.061, F.S., relating to state policy and responsibilities with respect to historic properties; providing that the Division of Historical Resources of the Department of State shall establish regional offices for the purpose of assisting in the delivery of historic preservation services; providing locations at which regional offices are to be established; providing for the establishment of citizen support organizations; requiring the Department of State to contract with specified nonprofit corporations for the purpose of continuing work performed by specified historic preservation boards; providing for use of proceeds from the management of state-owned properties by such corporations; providing for the transfer of specified funds to such corporations; providing legislative intent with respect to the 1997-1998 General Appropriations Act; providing an effective date.

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

By Senators Williams and Thomas—

SB 1162—A bill to be entitled An act relating to air carriers; amending s. 206.9825, F.S.; providing for a credit or refund of the aviation fuel tax to certain suppliers; directing the Department of Management Services to evaluate the state contract for air carrier service; requiring a report to the Legislature; providing an effective date.

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

By Senator Williams—

SB 1164—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining when a member of the system reaches the "normal retirement date"; providing an effective date.

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

By Senator Williams—

SB 1166—A bill to be entitled An act relating to landscape architecture; amending s. 481.303, F.S.; defining the term "planting design"; amending s. 481.329, F.S.; providing an exemption from licensure for certain persons engaging in planting design; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Silver, Brown-Waite and Jenne—

SB 1168—A bill to be entitled An act relating to health care service programs; amending s. 641.28, F.S.; providing for the award of attorney's fees and court costs in civil actions in specified circumstances; amending s. 641.315, F.S.; providing that certain contracts between health maintenance organizations and providers may not prohibit providers from imparting certain information to patients; amending s. 641.3917, F.S.; providing for standing to bring a civil action against a health maintenance organization; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages except in certain circumstances; requiring the advance posting of discovery costs; providing that medical malpractice and certain other types of suits must be brought under legal provisions other than this section; amending s. 641.3903, F.S.; adding to the list of unfair or deceptive acts or practices; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; providing a legislative declaration that this act will fulfill an important state interest; providing an appropriation; authorizing positions; providing an effective date.

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

By Senator Gutman—

SB 1170—A bill to be entitled An act relating to taxation; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing an effective date.

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

By Senator Gutman—

SB 1172—A bill to be entitled An act relating to insurance fraud; amending s. 626.989, F.S.; granting to specified investigators of the Division of Insurance Fraud of the Department of Insurance felony and misdemeanor arrest powers and the powers of deputy sheriffs; amending s. 626.9891, F.S.; requiring the submission of an anti-fraud plan or the creation of an anti-fraud special investigation unit by health maintenance organizations; amending s. 641.30, F.S.; requiring health maintenance organizations to comply with s. 626.9891, F.S.; amending s. 817.234, F.S.; establishing penalty levels, defining terms, and prescribing time limitations for prosecution of these offenses; providing an effective date.

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

By Senator Gutman—

SB 1174—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and re-

quirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and a contingent effective date.

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

By Senator Gutman—

SB 1176—A bill to be entitled An act relating to corporate income tax; creating s. 220.185, F.S.; providing findings and purpose; authorizing a credit against such tax equal to a percentage of the costs of restoration of a historic building used for commercial purposes; providing limitations; providing for carryover of the credit; providing eligibility requirements for historic buildings and improvements thereto; providing application requirements; requiring a resolution by the local government; providing duties of the Division of Historical Resources, Department of State, and Department of Revenue regarding administration and monitoring of exemptions; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

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

By Senator Gutman—

SB 1178—A bill to be entitled An act relating to marriage licenses; creating s. 741.0305, F.S.; requiring a premarital orientation course as a condition precedent to obtaining a marriage license; providing course contents; providing a family responsibility component; providing for the establishment of a registry of course sites and course providers; providing a fee; providing for the publishing and dissemination of a handbook on marital rights, responsibilities, and requirements; amending s. 741.04, F.S., to conform; providing a penalty; providing an effective date.

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

By Senator Gutman—

SB 1180—A bill to be entitled An act relating to the Florida Retirement System; repealing s. 121.031(5), F.S., relating to the confidentiality of the names and addresses of retirees; providing an effective date.

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

By Senator Meadows—

SB 1182—A bill to be entitled An act relating to spring training franchises; amending s. 288.1162, F.S.; defining "retained spring training franchise"; providing for certification of a retained spring training franchise facility by the Office of Tourism, Trade, and Economic Development, upon determination that certain requirements have been met; providing the uses that such facility may make of funds provided pursuant to s. 212.20, F.S.; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of the revenues of the tax on sales, use, and other transactions to a certified facility for a specified period; providing an effective date.

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

By Senator Meadows—

SB 1184—A bill to be entitled An act relating to creation of the Florida Community Outreach Partnership Act of 1997; directing the Secretary of Community Affairs to carry out a demonstration program to determine the feasibility of facilitating partnerships between state universities and communities to solve urban problems; authorizing grants to state universities to establish Florida Community Outreach Partnership Centers; providing responsibilities of such centers; providing selection criteria for grant recipients; providing requirements regarding the state and nonstate share of grants; providing for a state advisory council and state clearinghouse; specifying use of funds made available for this program; requiring reports; providing an effective date.

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

By Senator Meadows—

SB 1186—A bill to be entitled An act relating to local government audits; amending s. 11.45, F.S.; requiring auditors to notify members of the governing body of a local governmental entity under certain circumstances; providing additional duties of the Auditor General under circumstances of potential financial emergency for a local governmental entity; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Meadows—

SB 1188—A bill to be entitled An act relating to funding of public education; creating s. 215.155, F.S.; providing for annual funding of public education at a specified percentage of total appropriations, not including lottery proceeds or federal funds; providing the basis for such percentage; providing conditions for temporary suspension of such requirement; providing applicability; providing an effective date.

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

By Senator Meadows—

SB 1190—A bill to be entitled An act relating to juvenile proceedings; amending s. 39.01, F.S.; redefining "abandoned" with respect to ch. 39, F.S., relating to juvenile proceedings, to include a child in need of services or a family in need of services, under specified circumstances; amending s. 39.442, F.S., relating to court powers of disposition with respect to families or children in need of services, and reenacting s. 39.424(1), F.S., relating to services to families in need of services, to incorporate said amendment in a reference thereto; providing for commitment of child in need of services to the temporary legal custody of the Department of Juvenile Justice for placement in residential facility, according to specified criteria and conditions; providing guidelines and time limits relating to placement of child in need of services in residential facility; providing for judicial review; providing for payment to the Department of Children and Family Services or deposit of certain child support moneys; amending s. 39.446, F.S., relating to departmental consent to medical treatment of child, to conform a cross-reference; providing an effective date.

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

By Senator Meadows—

SB 1192—A bill to be entitled An act relating to violations involving checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Latvala—

SB 1194—A bill to be entitled An act relating to lottery revenues; amending ss. 24.115, 24.121, and 240.40, F.S.; providing for deposit of unclaimed state lottery prize money and a percentage of the revenue from the sale of lottery tickets in the State Student Financial Assistance Trust Fund; amending s. 240.402, F.S.; providing that such funds shall be annually appropriated to fund the Florida Undergraduate Scholars' Program; providing an effective date.

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

By Senator Campbell—

SB 1196—A bill to be entitled An act relating to domestic violence remedies; amending s. 28.101, F.S.; increasing the amount of a charge relating to a petition for dissolution of marriage; providing for the proceeds of the charge to be deposited into the Domestic Violence Trust Fund and used as specified; replacing references to the defunct Department of Health and Rehabilitative Services with references to the Department of Children and Family Services; amending s. 741.282, F.S.; providing for a fee to be imposed upon a batterer and for the proceeds to be deposited into the Domestic Violence Trust Fund and used as specified; prohibiting offsetting this fee against any fee assessed under s. 945.76, F.S.; providing an effective date.

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

By Senator Campbell—

SB 1198—A bill to be entitled An act relating to tobacco products; requiring cigarette, snuff, and chewing tobacco manufacturers to file an annual report with the Department of Health; providing for the contents of the report; providing exceptions; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Campbell—

SB 1200—A bill to be entitled An act relating to tobacco products; amending s. 210.04, F.S.; revising an exemption to the cigarette tax to restrict the give away of free cigarettes to certain persons at certain events; amending s. 386.208, F.S.; revising the penalty provision of the Florida Clean Indoor Air Act to authorize law enforcement officers to issue a notice to appear; authorizing the court to issue a capias when a person fails to appear; amending s. 569.007, F.S.; providing that vending machines that dispense tobacco products may only be placed in certain establishments; directing the Division of Alcoholic Beverages and Tobacco to take certain actions with respect to violations of the chapter relating to the sale of tobacco products to minors; creating s. 569.155, F.S.; prohibiting the sale or other disposition of imitation tobacco products; providing a penalty; creating s. 569.17, F.S.; prohibiting the advertising of tobacco products in certain establishments; providing a penalty; providing an effective date.

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

By Senator Campbell—

SB 1202—A bill to be entitled An act relating to voluntary trial resolution; creating s. 44.1051, F.S.; permitting the written agreement by two or more parties in a civil dispute to submit the controversy to binding voluntary trial resolution in lieu of litigation when no constitutional issue is involved; providing duties of the clerk of the court and guidelines relating to application for voluntary trial resolution; providing for fees; providing for tolling of statutory limitations period; providing for court appointment of a member of The Florida Bar to act as trial resolution judge; providing qualifications and authority of trial resolution judge; providing for subpoenas and court orders compelling attendance and production of certain evidence; providing for hearing and appeal; providing for applicability of the Florida Evidence Code; providing for issuance and enforcement through contempt powers of court orders carrying out the trial resolution judge's decision; providing for nonapplicability of voluntary trial resolution to certain disputes involving child custody, visitation, or support or rights of third parties not participating in voluntary trial resolution; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Lee—

SB 1204—A bill to be entitled An act relating to economic development areas; providing legislative findings and intent; providing definitions; authorizing counties and municipalities to create economic development areas for certain purposes; providing criteria; providing for review by local planning agencies and the Department of Community Affairs; authorizing county or municipal governing bodies to provide consolidated, streamlined approval processes, to invest in certain infrastructure, and to waive certain development costs under certain circumstances; providing an effective date.

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

By Senator Lee—

SB 1206—A bill to be entitled An act relating to liens; amending s. 713.02, F.S.; providing an exemption from the Construction Lien Law for certain improvements; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Lee—

SB 1208—A bill to be entitled An act relating to civil remedies for drug offenses; creating s. 893.139, F.S.; providing a civil right of action for damages resulting from an act in violation of chapter 893, F.S., relating to drug abuse prevention and control; providing that the person who has suffered injury or damage as a result of such offense has a civil cause of action against the offender as the person responsible and liable for damages; providing for recovery of compensatory and punitive damages for infliction of emotional distress, personal injury, and loss of property value resulting from the drug offense, or from an act of violence occurring as part of the same criminal conduct or criminal episode as the drug offense; providing for injunctive relief; providing for cumulative remedies; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1210—A bill to be entitled An act relating to civil penalties for traffic infractions; amending s. 318.21, F.S.; revising the formula for distributing civil penalties assessed for traffic infractions under chapter 318, F.S.; amending s. 318.121, F.S.; providing for a specified court cost to be added to civil penalties in conformance to changes made by the act; amending s. 318.14, F.S.; providing for an additional fee to be assessed for court costs; providing for distribution of the fee; amending s. 318.18, F.S.; increasing the amount of a dismissal fee imposed for certain nonmoving traffic violations; providing for distribution of the fee; providing an effective date.

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

By Senator Rossin—

SB 1212—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact between a foster child and specified persons after termination of parental rights; amending s. 63.022, F.S.; providing for continuing postadoption contact and communication between a foster child and specified persons; creating s. 63.0426, F.S.; providing that a foster child subject to a petition for adoption has a right to continued communication or contact with siblings; providing for attorney's fees and court costs; providing for a rehearing if a petition is filed alleging that continuing communication or contact with a specified person is not in the best interest of an adopted child; providing that sealed adoption records may be opened to conduct court reviews; creating s. 63.0427, F.S.; providing for an agreement for continued communication or contact between the foster child and specified persons; providing that the agreement may be open for modification; providing for attorney's fees and court costs; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senator Forman—

SB 1214—A bill to be entitled An act relating to guardianship; amending s. 744.3145, F.S.; specifying education requirements for a professional guardian; amending s. 744.351, F.S.; requiring a professional guardian to post a blanket fiduciary bond; amending s. 744.3675, F.S.; requiring the applicable physician's report to be included in the annual guardianship plan within a specified time before the beginning of the reporting period; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1216—A bill to be entitled An act relating to wine manufacturers; amending s. 561.24, F.S.; prohibiting the licensure of wine manufacturers as distributors or registered exporters; providing an exception; providing an effective date.

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

By Senator Dudley—

SB 1218—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.7015, F.S.; providing for a freestanding radiation therapy center that provides cancer treatment for Medicaid patients to receive a credit against the annual assessment imposed to fund medical services for indigent persons; providing for calculating the reimbursement rate; providing an effective date.

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

By Senators Campbell and Forman—

SB 1220—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; creating s. 393.112, F.S.; providing for a court order involuntarily admitting a mentally retarded or autistic defendant to a specialized involuntary residential training program; providing departmental responsibilities, procedures, and guidelines relating to court petition and hearing thereon, notice, examination of defendant, continuing jurisdiction, and appeal; providing for fees of examining committee; providing for appointment of public defender or other counsel for the defendant or appointment of guardian ad litem; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; revising definitions with respect to the chapter; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; providing for admission to a mental health facility; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or a defendant placed on conditional release; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are mental retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is mental retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to mental retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for mentally retarded or autistic defendants; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to mental retardation or autism; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; requiring certain written notice of the involuntarily admitted defendant's right to petition for writ of habeas corpus; providing an effective date.

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

By Senator Campbell—

SB 1222—A bill to be entitled An act relating to local government comprehensive planning; amending s. 163.3177, F.S.; requiring the inclusion of a public school's element in a local government's comprehen-

sive plan; amending s. 163.3180, F.S.; providing that public school facilities are subject to the concurrency requirement on a statewide basis; providing an effective date.

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

By Senators Campbell and Meadows—

SM 1224—A memorial to the Congress of the United States, urging Congress to reauthorize the Older Americans Act.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

SB 1226—A bill to be entitled An act relating to the Miami River Authority; creating the Miami River Authority; providing for the appointment of the members of the Miami River Authority; providing the purposes of the act and the powers of the authority; providing for the receipt of federal, state, private, and other funds and aid; providing an effective date.

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

By Senator Lee—

SB 1228—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising language with respect to inapplicability of ch. 493, F.S., to certain local, state, and federal officers; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising language with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

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

By Senator Brown-Waite—

SB 1230—A bill to be entitled An act relating to elder services; creating the "Elder Services District of the Local County Act"; authorizing creation of independent special districts by local ordinance; requiring a referendum; specifying certain contents of ordinances; providing for district boundaries; providing for levy of ad valorem taxes; providing for cooperative agreements among districts; providing for combinations of districts by ordinance; specifying responsibilities and powers of district governing boards; requiring certain reports to the governing body of the county; authorizing fees; providing for employees and for contracts for services; providing for appointment of board members; providing for per diem and travel expenses; providing for members' terms and for bylaws; requiring a bond; providing for meetings and records; providing for indemnification of certain persons; providing procedures and limitations on levy and assessment of ad valorem taxes; requiring publication of an annual financial statement; providing for tax enforcement, delinquencies, and penalties; providing a tax exemption for bonds issued under the act; authorizing issuance of bond anticipation notes; providing for short-term borrowing; providing procedures; authorizing issuance of revenue bonds and general obligation bonds; providing for retirement of bonds and other obligations; requiring an annual report to the board of county commissioners and legislative delegation; requiring certain financial and compliance reporting; providing for dissolution of districts; providing severability; providing an effective date.

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

By Senator Brown-Waite—

SB 1232—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing that a person found guilty of, or pleading guilty or nolo contendere to, the offense of driving under the influence or a related offense must pay the cost of the breath, blood, or urine test administered; amending s. 316.1933, F.S.; providing that the driver of a motor vehicle that has caused the death or serious bodily injury of another must submit to a blood test; providing an effective date.

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

By Senator Dudley—

SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.112, F.S.; revising procedures relating to written complaints by unit owners; amending s. 718.1255, F.S.; redefining the term "dispute"; adding mediation to the dispute resolution process; revising the arbitration process; amending s. 718.501, F.S.; providing limitations on certain fines and civil penalties against associations; providing a venue for hearings in connection with certain disputes; providing for the certification of mediators; providing an effective date.

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

By Senator Dudley—

SJR 1236—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to assessment of property for purposes of taxation.

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

By Senator Lee—

SB 1238—A bill to be entitled An act relating to motor vehicle license plates; amending s. 316.515, F.S.; changing exemptions from maximum width, height, and length requirements for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word "wrecker" to be printed on certain license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers; creating s. 320.0821, F.S.; providing requirements for wrecker license plates; amending s. 206.877, F.S., to conform a cross-reference; providing an effective date.

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

By Senator Lee—

SB 1240—A bill to be entitled An act relating to road designations; designating a portion of State Road 37 as W.S. Badcock Boulevard; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Dudley—

SB 1242—A bill to be entitled An act relating to the administration of estates; amending s. 733.707, F.S.; providing liability of certain trusts for paying expenses of administering a decedent's estate and enforceable claims of creditors, to the extent that the estate is insufficient to pay such claims; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Myers—

SB 1244—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Business and Professional Regulation with respect to regulating public food service establishments to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to substance abuse and mental health to the Department of Health; amending s. 20.165, F.S.; renaming the Division of Hotels and Restaurants; providing that the Divisions of Mental Health and Substance Abuse in the Department of Health will be under the supervision of a Deputy Secretary for Behavioral Health Care; creating s. 381.0074, F.S.; providing for a mobile food dispensing registry; prescribing guidelines for temporary food service events; creating s. 381.00742, F.S.; prescribing rights of food service establishments; creating s. 381.00744, F.S.; providing for admission of, and ejection of, undesirable guests; providing rights and duties of operators and guests of establishments; creating s. 381.00746, F.S.; providing rules and guidelines with respect to theft of property; providing penalties; amending s. 391.051, F.S.; revising qualifications for Director for Children's Medical Services; amending ss. 20.19, 20.43, 381.006, 381.0072, 381.0101, 394.453, 394.455, 394.457, 394.4615, 394.4674, 394.4781, 394.480, 394.50, 394.60, 394.66, 394.67, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 397.311, 397.321, 397.427, 397.706, 397.753, 397.754, 397.801, 397.821, 397.901, 399.01, 509.013, 159.27, 316.1955, 404.056, 500.12, 717.1355, 877.24, 509.032, 509.035, 509.072, 509.091, 509.092, 509.101, 509.141, 509.142, 509.151, 509.162, 509.191, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.251, 509.261, 509.281, 509.291, 509.302, F.S., to conform to the changes made by the act; providing for the continued effect of rules; providing for the continuation of judicial and administrative proceedings; transferring and renumbering s. 509.213, F.S., relating to emergency first aid; transferring and renumbering s. 509.214, F.S., relating to notification of automatic gratuity charge; transferring and renumbering s. 509.232, F.S., relating to school carnivals and fairs; transferring and renumbering s. 509.292, F.S., relating to misrepresenting food or food products; repealing s. 509.036, F.S., relating to food service inspector standardization; repealing s. 509.039, F.S., relating to food service manager certification; repealing s. 509.049, F.S., relating to food service employee training; providing for appointment of transition advisory committees; providing effective dates.

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

By Senator Dudley—

SB 1246—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

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

By Senator Dudley—

SB 1248—A bill to be entitled An act relating to firesafety; prescribing uniform criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for officers of such boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; exempting district assets and property from state taxation; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; providing an effective date.

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

By Senator Dudley—

SB 1250—A bill to be entitled An act relating to postsecondary education; creating s. 240.4027, F.S.; establishing the Florida Supplemental Student Grant and Loan Program; providing for administration and rules; providing for student eligibility; providing for amount of awards; providing for student charges to fund the program; providing for deposit and investment of funds; authorizing refund of student charges; requiring the adoption of loan repayment schedules; providing an effective date.

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

By Senator Cowin—

SB 1252—A bill to be entitled An act relating to water quality; amending s. 376.307, F.S.; providing that certain persons may be entitled to subsidies or filters from the Water Quality Assurance Trust Fund under certain circumstances; amending s. 373.309, F.S.; authorizing the Department of Environmental Protection to establish criteria for the acceptance of certain water quality testing results; providing an effective date.

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

By Senators Cowin, Brown-Waite, Clary, Bronson, Lee, Horne, Holzendorf, Harris, Crist, Ostalkiewicz, Burt, Kurth, Bankhead and Gutman—

SB 1254—A bill to be entitled An act relating to domestic violence; amending s. 90.404, F.S.; authorizing evidence of other crimes, wrongs, or acts to be admitted into evidence in criminal cases involving domestic violence; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Cowin—

SB 1256—A bill to be entitled An act relating to liability of nonpublic schools; creating s. 768.37, F.S.; providing for nonliability of a nonpublic

school for an incident or occurrence involving students during unsupervised nonschool activities during school hours; providing an effective date.

—was referred to the Committees on Education and Judiciary.

By Senator Diaz-Balart—

SB 1258—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for film, paper, art, and other supplies used to produce printed matter for resale; providing an effective date.

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

By Senator Diaz-Balart—

SB 1260—A bill to be entitled An act relating to the Florida turnpike system; amending s. 338.227, F.S.; providing for the discontinuance of certain tolls; providing for the disposition of all revenues in excess of revenue pledged to debt service; amending s. 338.2275, F.S.; reducing the number of approved turnpike projects; amending s. 338.232, F.S., to conform to the act; providing an effective date.

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

By Senator Bronson—

SB 1262—A bill to be entitled An act relating to land sales and acquisitions; amending s. 253.022, F.S.; providing an additional member of the Land Management Advisory Council; amending s. 259.032, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to consider certain soil and water conservation districts to monitor certain acquired interests in land; requiring a conservation agreement and an approved conservation plan for purchase and management of certain state lands; providing for referencing approved conservation plans within certain management plans; requiring a report, a prospectus, and plans; increasing the amount of funds earmarked in the Conservation and Recreation Lands Trust Fund for land management; amending s. 373.59, F.S.; requiring water management district governing boards to consider certain soil and water conservation districts to monitor certain acquired interests in land; amending s. 704.06, F.S.; prohibiting conservation easements from operating to prevent construction of certain linear facilities; providing an effective date.

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

By Senators Lee, Cowin and Myers—

SB 1264—A bill to be entitled An act relating to nursing homes; amending s. 400.023, F.S.; specifying and limiting persons who may bring an action to enforce the rights of a resident; deleting authority for recovery of attorney's fees and costs; restricting liability for a physician's medical negligence to services rendered by a medical director acting in that capacity; specifying experience required by a physician or nurse who provides a statement verifying deprivation or infringement of adequate and appropriate health care; providing conditions for waiver of the verified statement requirement when the nursing home fails to provide records; revising conditions for award of punitive damages and limiting the amount of such awards; providing the claimant's burden of proving an injury was caused by the nursing home; providing a statute of limitation; specifying information required to be included in the complaint and providing for amendments thereto; prohibiting certain discovery or introduction of other evidence; providing for dismissal of complaints; providing for effect of an unintentional lack of documentation that at service was provided; providing an effective date.

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

By Senator Bronson—

SJR 1266—A joint resolution proposing amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution, relating to executive departments and taxation.

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

By Senator Bronson—

SB 1268—A bill to be entitled An act relating to water management; amending s. 20.02, F.S.; providing for an increase in the reference to the constitutional limitation on executive departments; creating ss. 20.44, 20.45, 20.46, 20.47, 20.48, F.S.; creating the Department of Northwest Florida Water Management, the Department of Suwannee River Water Management, the Department of St. Johns River Water Management, the Department of Southwest Florida Water Management, and the Department of South Florida Water Management; providing a contingent effective date.

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

By Senator Bronson—

SB 1270—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.0163, F.S.; requiring certain outpatient facilities to submit plans and specifications for agency review; exempting certain outpatient facilities that meet specified standards from certain construction reviews; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules related to construction requirements for new facilities or additions to existing facilities; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Williams—

SB 1272—A bill to be entitled An act relating to plats subdividing land; amending s. 177.101, F.S.; providing for the appropriate governing body to have the authority to vacate a prior plat on its own initiative when it is discovered that a developer has caused lands previously platted to be embraced in a second plat and when it is discovered that a developer has caused lands previously subdivided to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof; providing that plats may be vacated by the appropriate governing body; deleting the requirement that, to vacate a parcel located within the corporate limits of an incorporated city or town, a county commission be furnished with a copy of a resolution of the town council or city commission showing that it has already vacated the plat; providing jurisdiction to vacate plats; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Williams—

SB 1274—A bill to be entitled An act relating to voluntary annexation; amending s. 171.044, F.S.; deleting the requirement that legal descriptions of property to be voluntarily annexed be by metes and bounds; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Williams—

SB 1276—A bill to be entitled An act relating to local government planning; amending s. 163.3184, F.S., which provides procedures for adoption of a local government's comprehensive plan or plan amendment; revising the definition of "affected person"; removing a restriction

on alleging a new issue as a reason to find a plan or plan amendment not in compliance in certain administrative pleadings; reenacting s. 163.3191(12)(f), F.S., relating to petitions by affected persons for review of the state land planning agency's action with respect to a written agreement with certain local governments regarding requirements for evaluation and appraisal of their comprehensive plans, and s. 163.3244(4) and (5)(a), F.S., relating to petitions by affected persons for review of a local government's compliance with an agreement designating it as a sustainable community or review of comprehensive plan amendments by a local government so designated, to incorporate the amendment to s. 163.3184, F.S., in references thereto; creating s. 163.3190, F.S.; prohibiting any ex parte communication to the Department of Community Affairs regarding a comprehensive plan or plan amendment under review by the department; providing duties of a departmental employee who receives such a communication; providing for rebuttal of such communication; providing a penalty; amending s. 235.193, F.S.; providing requirements with respect to challenge by an affected person of a local government's determination of a proposed public educational facility's consistency with the local comprehensive plan and land development regulations under certain conditions; providing an effective date.

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

By Senator Williams—

SB 1278—A bill to be entitled An act relating to insurance; creating s. 627.0917, F.S.; providing for calculation of workers' compensation premiums for clients of employee leasing companies; requiring employee leasing companies to maintain and make available specified information; amending s. 626.022, F.S.; clarifying that contracts between leasing companies and their clients involve the sale of insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

By Senator Williams—

SB 1280—A bill to be entitled An act relating to stormwater management system permitting and review; creating s. 373.4132, F.S.; providing conditions under which a county may remove itself from the jurisdiction of the water management district with respect to permitting and review of such systems; providing a limitation on fees; providing an effective date.

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

By Senator Burt—

SB 1282—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Criminal Justice.

By Senator Childers—

SB 1284—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

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

By Senator Rossin—

SB 1286—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Rossin—

SB 1288—A bill to be entitled An act relating to local governments and special districts; amending s. 11.45, F.S.; directing the Auditor General to notify governing body members of deteriorating financial conditions; requiring local governmental entities to respond to requests for clarification of financial condition; directing the Auditor General to notify the Governor and Joint Legislative Auditing Committee of financial emergencies; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S.; eliminating a method for merger of local governmental entities; amending s. 189.403, F.S.; defining the term "public facilities" and redefining the terms "special district" and "dependent special district"; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites or deepwater ports; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; repealing s. 189.4043, F.S., relating to

dissolution procedures; providing for retroactive application; providing effective dates.

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

By Senator Holzendorf—

SB 1290—A bill to be entitled An act relating to children and families; creating s. 415.531, F.S.; providing legislative intent; directing the Department of Children and Family Services to establish and operate the Relative Caretaker Program; providing for financial assistance and support services to relatives caring for children; providing for support services for such children's parents; providing eligibility of such children for certain medical coverage and college tuition waivers; providing for funding; providing a limitation; providing for rules; providing an effective date.

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

By Senator Holzendorf—

SB 1292—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Holzendorf—

SB 1294—A bill to be entitled An act relating to welfare reform; creating s. 414.225, F.S.; directing the Department of Children and Family Services to establish a program under which certain surplus vehicles may be leased or sold to participants or former participants in the WAGES Program; providing requirements and limitations; authorizing certain contracts and agreements; authorizing adoption of rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Holzendorf—

SB 1296—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S., relating to examinations, investigations, and autopsies required of medical examiners; requiring notification and approval of next of kin if a procedure of the medical examiner on a dead human body is primarily for purposes of medical research; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Campbell—

SB 1298—A bill to be entitled An act relating to health care; amending ss. 408.706, 627.419, F.S.; creating s. 641.3151, F.S.; deleting provisions governing recruitment and retention of health care providers in a community health purchasing alliance district; providing free choice to subscribers to certain health care plans, and to persons covered under certain health insurance policies or contracts, in the selection of specified health care providers; prohibiting coercion of provider selection; specifying conditions under which any health care provider must be permitted to provide services under a health care plan or health insurance policy or contract; amending s. 627.6577, F.S.; creating ss. 636.0165, 641.3155, F.S.; providing for freedom of choice for dental patients; providing limitations; providing for civil penalties; providing application; providing an effective date.

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

By Senator McKay—

SB 1300—A bill to be entitled An act relating to public employment; prohibiting severance pay, as defined; providing exemptions from the prohibition; providing an effective date.

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

By Senator McKay—

SB 1302—A bill to be entitled An act relating to rental property; amending s. 212.031, F.S.; exempting from taxation the portion of guaranteed wharfage charges that are actually paid; providing an effective date.

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

By Senator McKay—

SB 1304—A bill to be entitled An act relating to aggravated battery; creating s. 784.078, F.S.; defining "facility"; defining the offense of aggravated battery by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

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

By Senator Latvala—

SB 1306—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; providing an effective date.

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

By Senator Horne—

SB 1308—A bill to be entitled An act relating to medical practice; creating s. 458.351, F.S.; requiring licensure of physicians, resident or nonresident, who provide certain medical services to residents of this state through electronic means; providing an exception; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Horne—

SB 1310—A bill to be entitled An act relating to firesafety; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Clary—

SB 1312—A bill to be entitled An act relating to medical transportation services; amending s. 401.291, F.S.; revising legislative intent with respect to automatic external defibrillators; revising requirements with respect to training and qualifications to use an automatic or semiautomatic defibrillator; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Clary—

SB 1314—A bill to be entitled An act relating to fire safety; amending s. 633.021, F.S.; redefining the term "preengineered system"; amending s. 633.061, F.S.; limiting the number of licenses a person may hold; revising requirements for trainees; deleting certain rulemaking authority of the Fire Marshal; amending s. 633.071, F.S.; requiring fire extinguishers and preengineered systems to be tagged and establishing qualifications; amending s. 633.511, F.S.; revising qualifications for Florida Fire Safety Board membership; amending s. 633.514, F.S.; providing permitholders with standing before the Florida Fire Safety Board; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Clary—

SB 1316—A bill to be entitled An act relating to campaign contributions by the gaming industry; creating s. 106.081, F.S.; prohibiting contributions by applicants for and holders of casino gambling licenses and their affiliated organizations and employees to candidates, political committees supporting or opposing candidates, committees of continuous existence, and state and county executive committees of a political party; prohibiting a candidate, political committees, committees of continuous existence, and executive committees of political parties from soliciting or accepting such contributions; providing a penalty; amending s. 921.0012, F.S.; designating violations under offense severity level 4 of the sentencing guidelines; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Regulated Industries.

By Senator Williams—

SB 1318—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; providing that certain students taking courses in airport rescue and firefighting, or related courses are classified as residents for tuition purposes; providing an effective date.

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

By Senator McKay—

SB 1320—A bill to be entitled An act relating to value adjustment boards; amending s. 194.032, F.S.; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

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

By Senator Gutman—

SB 1322—A bill to be entitled An act relating to inspections of records; amending s. 119.07, F.S.; providing exemptions from the public records law for specified persons; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senators Diaz-Balart, Silver, Forman, Myers, Holzendorf, Rossin, Jenne and Jones—

SB 1324—A bill to be entitled An act relating to the International Motorsports Museum facility; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to such facility; creating s. 288.11695, F.S.; providing criteria for certification of the International Motorsports Museum facility; prescribing duties with respect thereto of the Office of Tourism, Trade, and Economic Development; requiring certain findings; requiring a certain amount of advertising; providing for audits by the Department of Revenue; requiring periodic recertification; providing an effective date.

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

By Senator Gutman—

SB 1326—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; authorizing insurers to contract with preferred providers to provide personal injury protection benefits; providing for a reduced premium rate; providing coverage; providing an election form; providing a presumption; authorizing the Department of Insurance to adopt rules; providing definitions; specifying procedures; providing an effective date.

—was referred to the Committee on Banking and Insurance.

SR 1328—Not referenced.

By Senator Holzendorf—

SB 1330—A bill to be entitled An act relating to the responsibilities of Enterprise Florida, Inc.; amending ss. 288.9015, 288.903, 288.906, 288.9620, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; providing additional requirements for the annual report of Enterprise Florida, Inc.; requiring the workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; providing an effective date.

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

By Senator Holzendorf—

SB 1332—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.202, F.S.; defining the term "owner" for the purposes of the Clean Outdoor Air Law; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending s. 325.214, F.S.; providing for a biennial inspection fee; providing an effective date.

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

By Senator McKay—

SB 1334—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081, F.S.; removing the maximum enrollment ceiling on adult education programs; providing an effective date.

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

By Senator Latvala—

SB 1336—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions which regulate the conduct of bingo; providing findings and intent; providing definitions; providing for administration and enforcement by the Division of Pari-mutuel Wagering and county sheriffs and municipal police; providing powers and duties of the division; requiring an annual report; providing requirements for the conduct of bingo by charitable organizations, associational organizations, and authorized organizations; requiring such organizations to obtain a license or certificate; requiring lessors of premises for the conduct of bingo to be licensed; providing requirements relating to such lessors; providing application requirements for licenses and certificates; providing for fees; providing for processing of applications by the division; specifying license and certificate time periods; providing conditions under which licenses or certificates may be suspended or revoked; providing restrictions on use of the proceeds; providing requirements for deposit of proceeds; requiring reports; providing minimum standards for the conduct of bingo; providing for administrative fines and criminal penalties; specifying that the act does not prevent any county from adopting the same or stricter regulations; providing an effective date.

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

By Senator Latvala—

SB 1338—A bill to be entitled An act relating to water resources; amending s. 212.08, F.S.; providing a sales tax exemption for equipment used to build a desalination or reverse osmosis water facility; providing a sales tax exemption for electricity used in a desalination or reverse osmosis water facility; amending s. 373.1962, F.S.; providing for regional water supply authorities to develop alternative water supply sources; creating s. 373.1964, F.S.; directing the Southwest Florida Water Management District to develop a plan to develop alternative water supply sources; providing an effective date.

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

By Senator Latvala—

SB 1340—A bill to be entitled An act relating to vessel registration; amending s. 327.11, F.S.; requiring that two decals be placed on each vessel registered in this state; amending s. 327.25, F.S.; increasing the registration fees; providing an effective date.

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

SR 1342—Not referenced.

By Senator Bronson—

SB 1344—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

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

By Senator Bronson—

SB 1346—A bill to be entitled An act relating to insurance; amending s. 626.321, F.S.; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 627.6785, F.S.; requiring the Department of Insurance to adopt prima facie rates; providing a presumption as to such rates; providing criteria; amending s. 627.682, F.S.; revising requirements for credit life and disability insurance; authorizing the Department of Insurance to disapprove certain forms under certain circumstances; providing criteria; providing an effective date.

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

By Senator Hargrett—

SB 1348—A bill to be entitled An act relating to environmental equity; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; requiring each state agency to include an environmental justice element in its agency functional plan; requiring the establishment of specified tracking systems and registries by the Department of Health and county health departments for the purpose of providing data to the Center for Environmental Equity and Justice; amending s. 382.008, F.S.; requiring specified additional information to be included on certain certificates of death for the purpose of providing data to the Center for Environmental Equity and Justice; amending s. 120.525, F.S.; requiring state agencies to provide notice of certain proposed agency action via specified media; providing effective dates.

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

By Senator Hargrett—

SB 1350—A bill to be entitled An act relating to tax payments; amending s. 213.755, F.S.; prescribing criteria for requiring taxpayers to remit taxes by electronic funds transfer; authorizing reimbursement of a taxpayer who remits taxes by electronic funds transfer for the cost of establishing a separate bank account; providing an effective date.

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

By Senator Turner—

SB 1352—A bill to be entitled An act relating to governmental purchasing; reviving, readopting, and amending ss. 235.31, 287.093, F.S.; providing for certain local government entities to set aside certain funds allocated for contracts with small businesses; providing for the use of such set-asides; providing an effective date.

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

By Senator Turner—

SB 1354—A bill to be entitled An act relating to environmental equity and justice; requesting the creation of the Center for Environmental Equity and Justice; requiring each state agency to put an environmental justice element in its functional plan; directing the Department of Health and the Department of Environmental Protection to perform certain duties to assess the impact of pollution on the health of the

citizens of the state; providing for public notice and participation; providing for community awareness; providing for the use of fines and penalties; amending s. 382.008, F.S.; revising requirements for death certificates; providing an effective date.

—was referred to the Committees on Rules and Calendar; Health Care; Natural Resources; and Ways and Means.

By Senator Turner—

SB 1356—A bill to be entitled An act relating to preferences in government contracts; amending s. 235.31, F.S.; providing for a district school board or community college contracting for educational facilities to give a preference to a contractor that has its principal place of business in this state in certain circumstances; amending s. 287.084, F.S.; providing for an entity of government acquiring personal property to give preference to a contractor that has its principal place of business in this state in certain circumstances; providing an effective date.

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

By Senator Gutman—

SB 1358—A bill to be entitled An act relating to acupuncture; amending s. 457.105, F.S.; revising qualifications for certification to practice acupuncture; revising fees; revising provisions relating to the purchase of the examination; amending s. 457.107, F.S.; revising the renewal fee; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.109, 457.116, F.S., relating to disciplinary grounds and actions and prohibited acts and penalties, to conform; providing an effective date.

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

By Senator Holzendorf—

SB 1360—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; providing an effective date.

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

By Senator Thomas—

SB 1362—A bill to be entitled An act relating to propane gas; creating ss. 527.20-527.29, F.S.; creating the Florida Propane Gas Education, Safety, and Research Act; providing legislative purpose; providing definitions; establishing the Florida Propane Gas Education, Safety, and Research Council; providing for membership, duties, and responsibilities; providing referendum requirements; providing for industry assessments; providing for rules; providing for investigations; providing penalties for violations; providing for the effect of conflicts with other laws; providing an effective date.

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

By Senator Myers—

SB 1364—A bill to be entitled An act relating to reimbursement for health care services; amending ss. 409.906, 409.908, F.S.; authorizing the Agency for Health Care Administration to pay for certain services provided by a registered nurse first assistant; providing an effective date.

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

By Senators Clary and Kirkpatrick—

SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Clary—

SB 1368—A bill to be entitled An act relating to water or wastewater systems; amending s. 367.021, F.S.; defining "environmental compliance costs"; limiting certain determinations of the Florida Public Service Commission; amending s. 367.022, F.S.; providing a regulatory exemption for nonpotable irrigation water, under certain circumstances; amending s. 367.081, F.S.; revising procedure in commission rate proceedings for determinations regarding recovery of utility property investments; providing for recovery of environmental compliance costs; amending s. 367.171, F.S.; providing application of the act; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Kirkpatrick—

SB 1370—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; amending s. 372.16, F.S.; increasing the private game preserve license fee; amending s. 372.561, F.S.; increasing permit fees; amending s. 372.57, F.S.; eliminating the license exemption for residents 65 years of age or older; increasing resident hunting and fishing license fees; creating a reptile and amphibian collectors' license and fee; creating a senior sportsman's license and fee; providing for a management area permit on land leased from nongovernmental owners; providing for an adjustment in all recreational license fees every 2 years beginning on July 1, 1999, based on an average cost-of-living index; amending ss. 372.5715, 372.573, F.S.; conforming statutory cross-references; amending s. 372.574, F.S; providing for the establishment of a subagent fee; increasing a permit fee; creating s. 372.579, F.S.; creating a processing fee for no-cost licenses and permits; amending s. 372.661, F.S.; increasing the private hunting preserve license fee; amending s. 372.87, F.S.; increasing the poisonous reptile license fee; amending ss. 372.921, 372.922, F.S.; providing for the payment of expenses when wildlife is seized by the commission; revising fees and classifications for wildlife; amending s. 375.315, F.S.; increasing the fee for off-road vehicles; providing an effective date.

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

By Senator Myers—

SB 1372—A bill to be entitled An act relating to prescriptions of medicinal drugs; amending s. 458.345, F.S.; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Holzendorf and McKay—

SB 1374—A bill to be entitled An act relating to economic development; creating s. 212.097, F.S.; creating the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

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

By Senator Cowin—

SB 1376—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; repealing s. 230.2215, F.S., relating to a plan for school board member professional development; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; repealing s. 230.2317(2), (3), (4), (5), and (6), F.S., relating to a multiagency service network for severely emotionally disturbed students; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; repealing s. 230.23185, F.S., relating to a statewide crime watch program; amending s. 230.303, F.S., and repealing subsection (6), relating to a leadership development and performance compensation program for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; amending s. 232.246, F.S.; conforming cross-references; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms "graduation rate," "habitual truancy rate," and "dropout rate"; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; amending s. 234.021, F.S.; revising requirements relating to hazardous walking conditions; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

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

By Senator Hargrett—

SJR 1378—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, eliminating the disqualification of convicted felons to vote.

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

By Senator Hargrett—

SB 1380—A bill to be entitled An act relating to election of county commissioners; requiring county commissioners to be elected from single-member districts in certain counties; authorizing certain boards of county commissioners to increase their membership; providing for election of county commissioners in such counties; providing applicability; providing for transition to such method of election; providing an effective date.

—was referred to the Committees on Community Affairs; and Executive Business, Ethics and Elections.

By Senator Hargrett—

SB 1382—A bill to be entitled An act relating to distribution of surplus food; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

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

By Senator Diaz-Balart—

SB 1384—A bill to be entitled An act relating to education; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for

establishment, operation, and funding of residential academies; providing criteria for participation; providing an effective date.

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

By Senator Hargrett—

SB 1386—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; providing that a convicted felon who is incarcerated or who is on probation, parole, or community control may not vote; providing for automatic restoration of right to vote on a specified date after completion of sentence; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Dyer and Latvala—

SB 1388—A bill to be entitled An act relating to water policy; amending s. 367.081, F.S.; directing the Public Service Commission to consider additional factors in setting water utility rates; authorizing conservation rates; amending s. 373.016, F.S.; adding to the legislative declaration of water policy; providing for the role of various levels of government in water supply development and water resource development; amending s. 373.019, F.S.; defining the terms "water resource implementation rule," "Florida water plan," "district water management plan," "regional water supply plan," "water resource development," and "water supply development"; amending s. 373.036, F.S.; eliminating the state water use plan and providing guidelines for the development of the Florida water plan and district water management plans; creating s. 373.0361, F.S.; providing standards for regional water supply plans; creating s. 373.038, F.S.; establishing responsibilities for water resource development and water supply development; amending s. 373.046, F.S.; providing for regulatory responsibilities by interagency agreement; amending s. 373.536, F.S.; directing the Executive Office of the Governor to analyze water management district budgets under revised criteria; providing for the coordination of the Public Service Commission, the Department of Environmental Protection, and the water management districts in the regulation of certain water utilities; repealing ss. 373.039, 373.026(10), 403.061(33), F.S., relating to the Florida water plan and state water policy; providing an effective date.

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

By Senator Grant—

SB 1390—A bill to be entitled An act relating to dietetics and nutrition practice; amending s. 468.505, F.S.; repealing an exemption from licensure for certain persons employed in the dietetic departments of health care facilities; providing an effective date.

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

By Senator Jones—

SB 1392—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing an exemption for tangible personal property donated by a dealer to a nonprofit organization that holds a current certificate of exemption; providing that no tax imposed by ch. 212, F.S., before the effective date of the act and not actually collected on transactions qualified for such exemption shall be due from any person; providing an effective date.

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

By Senator Jones—

SB 1394—A bill to be entitled An act relating to trust funds; creating the Medical Quality Assurance Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Cowin—

SB 1396—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct which reveals personal identifying information about the victim; authorizing access by certain state or federal agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senators Cowin, Brown-Waite, Williams, Clary, Lee, Horne, Bronson, Ostalkiewicz, Grant, Casas, Diaz-Balart, Dudley, Harris and McKay—

SB 1398—A bill to be entitled An act relating to termination of pregnancies; amending s. 390.011, F.S.; defining "partial-birth abortion"; amending s. 390.001, F.S.; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; providing an effective date.

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

By Senator McKay—

SB 1400—A bill to be entitled An act relating to members of the Legislature; amending s. 112.313, F.S.; prohibiting members from receiving certain consulting fees; providing an effective date.

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

By Senator Hargrett—

SB 1402—A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage; amending s. 627.848, F.S.; requiring unearned premiums on a canceled insurance contract to be refunded by a premium finance company to the insured in the case of personal lines insurance and to the insured or agent or both for the benefit of the insured in the case of commercial insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Grant—

SB 1404—A bill to be entitled An act relating to postsecondary education readiness; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force

to recommend incentives for pursuit of a college-ready diploma; amending s. 239.301, F.S.; deleting conflicting provisions; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; providing an effective date.

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

By Senators Dantzler, Dyer, Klein, Campbell, Jenne, Silver and Kurth—

SB 1406—A bill to be entitled An act relating to elections; creating s. 101.621, F.S.; providing a limitation on the solicitation and collection of absentee ballots; amending s. 104.271, F.S.; conforming provisions; amending s. 106.011, F.S.; providing a definition; amending s. 106.107, F.S.; prescribing information to be included in campaign contribution reports; amending s. 106.075, F.S.; prohibiting candidates making certain loans; amending s. 106.08, F.S.; providing penalties for making unlawful contributions; amending s. 106.085, F.S.; providing notice requirements for independent expenditures; including political parties among persons required to give notice; providing conditions for giving notice of political advertisements; amending s. 106.141, F.S.; prohibiting a candidate's reimbursement from his campaign account for reported contributions by the candidate to the campaign; amending s. 106.143, F.S.; prescribing information to be included in any political advertisement; creating s. 106.1431, F.S.; providing for disclosure of telephone solicitation; amending s. 106.19, F.S.; authorizing the commission to bring a civil action to recover civil penalties against specified persons for contribution violations; amending s. 106.22, F.S.; requiring the Division of Elections of the Department of State to report to the commission any failure to file a report or information required by ch. 106, F.S.; amending s. 106.23, F.S.; abolishing certain powers and duties of the Division of Elections; amending s. 106.24, F.S.; providing powers and duties of the commission; amending s. 106.25, F.S.; providing for the commission to investigate and determine violations of ch. 106, F.S.; providing for the reporting of alleged violations to the commission; providing procedures; providing for an expedited hearing under certain conditions; amending s. 106.26, F.S.; conforming provisions; amending s. 106.295, F.S.; expanding and clarifying the prohibition of leadership funds; providing an effective date.

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

By Senator Burt—

SB 1408—A bill to be entitled An act relating to juvenile justice facilities; creating ss. 125.01091, 163.3198, 166.0446, F.S.; providing that for local zoning and comprehensive plan purposes, the operation of a juvenile justice facility constitutes a valid public purpose and does not require any special exemption or waiver; providing an effective date.

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

By Senator Forman—

SB 1410—A bill to be entitled An act relating to taxation; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing conditions under which the program is available to delinquent personal property taxpayers; providing requirements for applying; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants are unenforceable in certain circumstances; authorizing a tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; creating s. 197.4315, F.S.; providing for issuing tax certificates for delinquent property taxes to a county in specified circumstances; providing for the use of tax certificates as collateral to borrow for county programs; amending s. 197.432, F.S., relating to the sale of tax certificates; providing an exception for counties that enact ordinances under this act; providing an effective date.

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

By Senator McKay—

SB 1412—A bill to be entitled An act relating to water management; amending s. 373.073, F.S.; providing for a pilot project establishing additional guidelines for appointment to a water management district governing board; amending s. 373.079, F.S.; requiring the appointment of district executive directors by the Governor; providing for duties and training of water management district employees; authorizing the employment of an ombudsman; requiring reconfirmation of district executive directors every 4 years; amending s. 373.139, F.S.; authorizing the use of land for multiple purposes; creating s. 373.537, F.S.; establishing a cap on water management district millage rates; creating the Water Management District Employee Compensation Study Commission; requiring a report to the Governor and the Legislature; providing an effective date.

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

By Senators Dyer and Grant—

SB 1414—A bill to be entitled An act relating to the State University System; creating the "State University System Management Efficiency Act"; amending s. 110.131, F.S.; deleting certain recordkeeping and reporting requirements for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting authorization of the Board of Regents to construct facilities on leased property; amending s. 235.195, F.S.; deleting a requirement that a certain portion of the cost of certain construction projects be included in a budget request; deleting a limitation upon the number of such construction projects allowed to an educational agency; amending s. 240.205, F.S.; revising the authority of the Board of Regents to acquire property, commodities, and contractual services; amending s. 240.209, F.S.; authorizing the Board of Regents to adopt rules for administering an acquisition program; providing additional powers and duties of the Board of Regents with respect to purchasing property; amending s. 240.214, F.S.; revising the accountability process of the State University System; deleting requirements for an annual accountability report to the Legislature; amending s. 240.227, F.S.; providing additional powers and duties for university presidents with respect to contracts; increasing the maximum amount allowed for a contract; amending s. 240.298, F.S.; authorizing the universities to accept credit card payments; prohibiting the imposition of a service fee or surcharge for credit card payments; amending s. 243.151, F.S.; providing additional authority for a university to construct educational facilities; amending s. 287.012, F.S.; clarifying that the Board of Regents and the State University System are not state agencies of the executive branch of government; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to the delegation of certain duties of the Department of Management Services to the State University System, programs to eradicate discrimination on the basis of sex or race, rulemaking authority of the Board of Regents with respect to the Theodore R. and Vivian M. Johnson Scholarship Program, and the application of certain rules for purchasing to the State University System; providing an effective date.

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

By Senators Williams, Thomas and Kirkpatrick—

SB 1416—A bill to be entitled An act relating to small counties; amending s. 163.05, F.S.; increasing the population threshold under which a county may qualify for the Small County Technical Assistance Program; amending s. 163.3177, F.S.; increasing the population threshold at which a county must include a mass-transit element and plans for port, aviation, and related facilities in its comprehensive plan; amending s. 163.3191, F.S.; increasing the population threshold under which the state land planning agency may allow a county to focus on selected issues or elements when updating its comprehensive plan; amending s. 212.055, F.S.; increasing the population threshold under which a county may use the proceeds of a local government infrastructure surtax for long-term maintenance costs associated with closing certain landfills; amending s. 218.075, F.S.; increasing the population threshold for a county under which the Department of Environmental Protection and the water management districts are required to reduce or waive processing fees for permits following certification by the county that the fee is a fiscal hardship; amending s. 218.65, F.S.; increasing the population threshold at which a county may be eligible to receive a distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 252.373, F.S.; increasing the population threshold at which a county need not have a full-time program director in order to receive funds from the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 259.032, F.S.; deleting a requirement that a county levy a specified ad valorem tax in order to receive moneys from the Conservation and Recreation Lands Trust Fund as payment for tax losses incurred as a result of acquisitions under the Florida Preservation 2000 Program; amending s. 373.441, F.S.; increasing the population threshold at which the Department of Environmental Protection may delegate to a county the environmental resource permit program; amending s. 373.59, F.S.; providing for counties under a specified population, and school boards within such counties, to receive payments in lieu of taxes for lands designated areas of critical state concern; deleting a provision limiting such payments to counties that have incurred tax loses as a result of acquisitions under the Preservation 2000 Program; amending s. 403.706, F.S.; increasing the population threshold under which a county may provide its residents with the opportunity to recycle in lieu of achieving certain goals for reducing solid waste; amending s. 403.7095, F.S.; increasing the population threshold at which a county is eligible to receive a grant under the solid waste management grant program; deleting a time limitation for the program; repealing s. 327 of ch. 96-410, Laws of Florida, relating to an extension of the population threshold of a county for purposes of qualifying to receive certain specified assistance, fee waivers, exemptions, and tax distributions; providing an effective date.

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

By Senator Burt—

SB 1418—A bill to be entitled An act relating to the Florida Martin Luther King, Jr., Institute for Nonviolence; amending s. 240.631, F.S.; providing that the institute is created as a corporation not for profit; providing institute's mission and powers and duties; providing definitions; providing membership of the board of directors; providing for appointment of directors; providing for removal of directors for cause; providing for reimbursement of members for per diem and travel expenses; assigning the institute to the Florida Agricultural and Mechanical University for administrative and fiscal accountability purposes; providing for election of a president and employment of a combined vice president/secretary and staff; providing contracting authority of the institute; providing legislative findings; providing for board meetings; providing for adoption of bylaws and policies, procedures, and standards; providing for the university to withhold public funds from the institute under certain circumstances; providing for inclusion of the institute's budget within the university's budget; providing for assessment and waiver of fees and costs for programs and publications of the institute; providing for fellowship awards for certain studies addressing nonviolent conflict resolution; requiring development of a strategic plan; requiring a report; repealing s. 240.632, F.S., relating to creation of the institute; repealing s. 240.633, F.S., relating to powers and duties of the institute; repealing s. 240.634, F.S., relating to institute fellowships; providing for replacement of the institute by the corporation; providing that then-existing officers and directors shall become officers and directors of the new corporation; providing for transfer of assets to the new corporation; directing the existing institute to provide for incorporation of the new institute; providing effective dates.

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

By Senator Campbell—

SB 1420—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; deleting requirement that notice be made by certified mail; providing that a person who engages in business as a pawnbroker without a license is guilty of a first degree misdemeanor; repealing s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; providing an effective date.

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

By Senator Dyer—

SB 1422—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Jones—

SB 1424—A bill to be entitled An act relating to state uniform traffic control; creating the "Chief Richard B. and Nina Wardlow Highway Safety Act"; creating s. 316.0891, F.S.; providing lower speed limits for trucks with three or more axles and noncommercial buses on certain highways; prohibiting such vehicles from operating in the left lane or left two lanes on certain highways; amending s. 316.0895, F.S.; revising language with respect to following too closely; directing the Department of Highway Safety and Motor Vehicles to erect signs within a certain time period; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Kirkpatrick—

SB 1426—A bill to be entitled An act expressing legislative intent to revise the laws relating to state computers and "the year 2000 date problem."

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

By Senator Latvala—

SB 1428—A bill to be entitled An act relating to water resources development; amending s. 373.016, F.S.; making declarations of water policy; amending s. 373.019, F.S.; defining the terms "water resource

development," "water supply development," "public water utility," and "natural system"; creating s. 373.038, F.S.; directing the water management districts to establish water resource development programs; amending s. 373.042, F.S.; revising minimum flows and levels requirements; creating s. 373.0421, F.S.; providing guidelines for establishing and implementing minimum flows and levels; amending s. 373.223, F.S.; revising conditions for obtaining consumptive use permits; repealing s. 373.019(16), F.S., relating to state water policy; repealing s. 373.026(10), F.S., relating to a state water policy rule; repealing s. 373.036, F.S., relating to the state water use plan; repealing s. 373.039, F.S., relating to the Florida water plan; repealing s. 403.061(33), F.S., relating to a state water policy rule; providing an effective date.

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

By Senator Dyer—

SB 1430—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; providing authority for the water management districts to accept funds for the planning and implementation of district undertakings and delegations; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Childers—

SB 1432—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Division of Consumer Services of the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing a net worth requirement; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for attempts at collection; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; providing an effective date.

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

By Senator Dyer—

SB 1434—A bill to be entitled An act relating to education finance; creating the "Capital Improvement Millage Reform Act"; amending s. 236.25, F.S., relating to district school tax; raising the maximum millage a school district may levy for capital outlay purposes; authorizing the use of additional funds for certain lease-purchase agreements by school districts with high student growth; defining high student growth and providing for calculation; providing an expenditure requirement; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising the allocation of funds; providing an effective date.

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

By Senator Dyer—

SB 1436—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; requiring the inclusion of specified information in the advertisement of a school board's tentative budget; providing an effective date.

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

By Senators Silver, Forman, Myers, Holzendorf, Rossin, Jenne, Harris, Klein, Sullivan, Burt, Dyer, Diaz-Balart, Turner, McKay, Gutman, Jones, Meadows, Childers, Casas, Horne, Williams and Brown-Waite—

SB 1438—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; redefining the term "new sports franchise"; prescribing criteria for certifying an applicant as a facility for new professional sports franchise; increasing the number of franchises that may be certified; providing an effective date.

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

By Senator Klein—

SB 1440—A bill to be entitled An act relating to sale of fireworks; amending s. 791.001, F.S.; specifying enforcement authority; amending s. 791.01, F.S.; revising definitions; amending s. 791.012, F.S.; conforming a cross-reference; amending s. 791.013, F.S.; increasing criminal penalties for certain violations; amending s. 791.015, F.S.; revising registration requirements for manufacturers, distributors, and wholesalers of sparklers or fireworks; requiring certain fees; creating ss. 791.016, 791.017, 791.018, 791.019, F.S.; providing procedures for cease and desist orders; providing for administrative fines; specifying grounds for suspension or revocation of registration; providing for duration of suspension or revocation; amending s. 791.02, F.S.; prohibiting sale or delivery of sparklers or fireworks to certain persons; creating s. 791.021, F.S.; prohibiting sale or solicitation to sell sparklers under certain circumstances; requiring maintenance of records and sales of sparklers; providing requirements; amending s. 791.04, F.S.; authorizing the sale at wholesale of fireworks under certain circumstances; providing requirements; creating s. 791.041, F.S.; prohibiting sale or solicitation to sell fireworks under certain circumstances; requiring maintenance of records and sales of fireworks; providing requirements; amending s. 791.05, F.S.; providing for seizure, forfeiture, and disposal of certain fireworks and sparklers under certain circumstances; providing procedures; providing requirements; authorizing assessments to cover certain costs; amending s. 791.055, F.S.; specifying a rule governing the storage of sparklers or fireworks; amending s. 791.06, F.S.; increasing criminal penalties for certain violations; creating ss. 791.061 and 791.062, F.S.; providing for injunctive relief for certain violations; protecting certain municipal and county ordinances, rules, and regulations; amending s. 791.07, F.S.; providing for use of fireworks in certain agricultural works or fisheries operations; providing requirements; providing procedures; providing a penalty; providing an effective date.

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

By Senator Forman—

SB 1442—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Companion Animal license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Grant—

SB 1444—A bill to be entitled An act relating to postsecondary distance learning; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing an effective date.

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

By Senator Forman—

SB 1446—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; providing an effective date.

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

By Senator Kurth—

SB 1448—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a final injunction against committing acts of domestic violence or repeat violence from possessing any firearm or ammunition; providing a penalty; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first-degree misdemeanor to possess a firearm or ammunition following actual notice of the injunction; amending s. 784.046, F.S.; requiring that an injunction for protection against repeat violence indicate that the injunction is enforceable by law enforcement officers in all counties; requiring that a final injunction for protection against repeat violence indicate that possessing any firearm or ammunition is prohibited; amending s. 784.047, F.S.; providing that it is a first-degree misdemeanor to possess a firearm or ammunition following actual notice of the injunction; reenacting s. 901.15(6), F.S., relating to lawful arrest by a law enforcement officer without a warrant, to incorporate the amendments to ss. 741.31, 784.047, F.S, in references thereto; amending s. 790.06, F.S.; providing that the Department of State may issue a license to carry a concealed weapon or firearm if the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a violent misdemeanor; authorizing the department to issue such a license if the applicant has not been issued a final injunction against committing acts of domestic violence or acts of repeat violence; requiring that the department suspend such a license, or the processing of a license application, if the licensee or applicant is issued a final injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a violent misdemeanor or had adjudication of guilt withheld or imposition of sentence suspended for committing a violent misdemeanor; providing an effective date.

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

By Senator Silver—

SB 1450—A bill to be entitled An act relating to investment securities and leases under the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending ss. 679.105 and 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies; amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising language with respect to cover and substitute goods; amending s. 680.519, F.S.; revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S.; revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, 678.408, F.S., relating to investment securities under the Uniform Commercial Code; providing an effective date.

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

By Senator Lee—

SB 1452—A bill to be entitled An act relating to motor vehicle inspections; amending s. 325.203, F.S.; changing the effective date of an exemption of new vehicles from inspection; extending the time new vehicles may be exempt; providing an effective date.

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

By Senator Kirkpatrick—

SB 1454—A bill to be entitled An act relating to local pollution control programs; amending s. 403.182, F.S.; providing that a change in a program rule is not applicable to an installation or source permitted or under construction at the time of the change; providing an effective date.

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

By Senator Williams—

SB 1456—A bill to be entitled An act relating to insurance; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; amending s. 627.351, F.S.; providing civil immunity for certain persons associated with the Florida Windstorm Joint Underwriting Association; providing an exception; providing an effective date.

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

By Senators Harris and Scott—

SB 1458—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include certain nonprofit private schools; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act or by industrial development authorities; providing an effective date.

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

By Senator Turner—

SB 1460—A bill to be entitled An act relating to court costs in domestic violence cases; creating s. 741.282, F.S.; providing for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence; providing for waiver of the court cost; providing for collection by the clerk of the court; providing for deposit of such court costs in the Domestic Violence Trust Fund; providing for certain disbursements in accordance with specified provisions relating to funding of domestic violence centers; providing an effective date.

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

By Senator Myers—

SB 1462—A bill to be entitled An act relating to trust funds; creating the Division of Medical Quality Assurance Professional Regulatory Trust Fund in that division of the Department of Health; providing uses of moneys in the fund; prescribing sources of revenues for the fund; providing a contingent effective date.

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

By Senator Diaz-Balart—

SB 1464—A bill to be entitled An act relating to workers' compensation; amending s. 440.49, F.S.; providing for barring the filing of a claim for reimbursement against the Special Disability Trust Fund under certain circumstances; amending s. 631.915, F.S.; providing for retroactive coverage of claims by the Florida Self-Insurance Fund Guaranty Association; providing an effective date.

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

By Senator Dyer—

SB 1466—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

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

By Senator Dyer—

SB 1468—A bill to be entitled An act relating to water resources; amending s. 373.414, F.S.; imposing a time limitation on action by a water management district in granting or denying a petition for exemption; providing an effective date.

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

By Senator Dyer—

SB 1470—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, 426.009, F.S., relating to crime prevention assistance; amending ss. 775.0836, 939.015, F.S., to conform; providing an effective date.

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

By Senator Dyer—

SB 1472—A bill to be entitled An act relating to funeral processions; amending s. 316.1974, F.S.; providing definitions; providing requirements for funeral procession vehicles; providing rights-of-way for funeral procession vehicles; providing restrictions on rights-of-way for non-funeral procession vehicles; providing limitations on liability of funeral home establishments, directors, and employees, with exceptions; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Dyer—

SB 1474—A bill to be entitled An act designating the president's residence at the University of Central Florida as "The Burnett House"; providing an effective date.

—was referred to the Committee on Education.

By Senator Williams—

SB 1476—A bill to be entitled An act relating to air pollution; amending s. 403.0872, F.S.; providing procedures, time frames, and revised requirements for major source air operation permits; revising enforcement conditions for local ordinances; providing notice requirements for Title V sources; requiring the Department of Environmental Protection to revise major source air operation permits by a certain date; providing an effective date.

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

By Senator Williams—

SB 1478—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing that the fee schedules adopted under chapter 440, F.S., are the maximum fees allowed under a workers' compensation managed care arrangement; specifying circumstances under which an additional fee may be paid to a health care provider as part of a risk-sharing arrangement; revising requirements for the Agency for Health Care Administration in adopting practice parameters; amending s. 440.134, F.S.; providing definitions; prohibiting the agency from adopting rules that give a preference to any type of organization; providing additional procedures for handling informal and formal grievances; providing certain time limitations; requiring that a workers' compensation managed care arrangement notify its employees of the right to file a petition for benefits with the Division of Workers' Compensation of the Department of Labor and Employment Security; providing an effective date.

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

By Senators Dyer, Williams, Bronson, Grant, Dudley, Ostalkiewicz and Childers—

SB 1480—A bill to be entitled An act relating to environmental improvement; providing definitions; creating the Environmental Improvement Program; providing for environmental self-audits; providing a purpose; providing procedures for admission to the program; providing a limited exemption for certain information from discovery or introduction as evidence under certain circumstances; prohibiting the compelling of testimony under certain circumstances; prohibiting certain civil or administrative enforcement actions under certain circumstances; providing requirements for reports of violations of environmental laws; providing construction; providing for future repeal and review by the Legislature; providing criteria for review; providing procedures; protecting certain rights from the effect of repeal; providing for nonenforcement of certain provisions to the extent of conflict with federal law; providing an effective date.

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

By Senator Dyer—

SB 1482—A bill to be entitled An act relating to the University of Central Florida; designating the School of Communication as The Anthony J. Nicholson School of Communication; authorizing the university to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

By Senator Gutman—

SB 1484—A bill to be entitled An act relating to lodging and food service establishments; amending s. 509.032, F.S.; providing standards for rules adopted by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

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

By Senator Dyer—

SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing for cost-sharing by the state, Zellwood Drainage and Water Control District, and the St. Johns River Water Management District; providing an appropriation; providing an effective date.

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

By Senator Dyer—

SB 1488—A bill to be entitled An act relating to Lake Apopka restoration; providing an appropriation for purchasing lands described in s. 373.461(5)(a), F.S., and their related facilities; providing an effective date.

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

By Senators Campbell, Meadows, Forman, Holzendorf and Latvala—

SB 1490—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.003, F.S.; defining the term "inoperative"; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Meadows, Forman, Jones, Latvala, Clary and Lee—

SB 1492—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating an Adopt Greyhounds license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Dyer—

SB 1494—A bill to be entitled An act relating to real estate appraisals; amending s. 475.25, F.S.; providing disciplinary action for violations of the Uniform Standards of Professional Appraisal Practice; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Harris—

SB 1496—A bill to be entitled An act relating to museums; providing legislative intent; providing definitions; providing obligations of museums to lenders; providing for notice to lenders by museums; providing for termination of loans; providing conditions under which a museum gains title to property; providing for conservation or disposal of loaned property by a museum; providing an effective date.

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

By Senator Harris—

SB 1498—A bill to be entitled An act relating to Museum of Florida History programs; amending s. 267.072, F.S.; requiring the Division of Historical Resources of the Department of State to establish and administer a program to recognize and record achievements of certain Floridians; providing criteria; providing requirements; providing for nominations and selection; authorizing the division to undertake certain recording and marketing activities; authorizing the division to collect a charge for providing certain materials; providing for deposit of such charges; providing an effective date.

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

By Senator Harris—

SB 1500—A bill to be entitled An act relating to public officers and employees; amending s. 112.3173, F.S., which provides for the forfeiture of retirement benefits by a public officer or employee convicted of specified felony offenses involving breach of the public trust or whose office or employment is terminated by reason of his or her commission or aiding in the commission of such offense; specifying additional offenses for which such forfeiture is required; requiring such forfeiture when the officer or employee is found to have committed such offense in a proceeding conducted under the Administrative Procedure Act; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By Senator Harris—

SB 1502—A bill to be entitled An act relating to taxation of sales, use, and other transactions; amending s. 212.11, F.S.; revising guidelines for remission of taxes by electronic funds transfer; providing an effective date.

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

By Senator Thomas—

SB 1504—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 1506—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District d/b/a Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 1508—A bill to be entitled An act relating to the Department of State; transferring the Department of Highway Safety and Motor Vehicles to the Department of State; amending s. 20.10, F.S.; providing for additional divisions in the Department of State; repealing s. 20.24, F.S., relating to the Department of Highway Safety and Motor Vehicles; amending ss. 316.003, 318.13, F.S.; conforming to the act; directing the Division of Statutory Revision to prepare a reviser's bill; providing an effective date.

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

By Senator Silver—

SB 1510—A bill to be entitled An act relating to local government finances; amending s. 218.31, F.S.; defining the term "financial condition"; creating s. 218.3201, F.S.; directing the Department of Banking and Finance to establish procedures to monitor and evaluate the financial condition of local governmental entities; providing for notification of deteriorating financial conditions; providing an effective date.

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

By Senator Dantzler—

SB 1512—A bill to be entitled An act relating to children and family services; amending s. 20.19, F.S.; amending the list of responsibilities of health and human services boards with respect to district programs and services; providing for the boards to approve the district plan for the use of productivity-enhancement funding; providing that the boards shall determine, in consultation with the district administrator, how services will be delivered to each target client group under a performance-based, target-client-group budget, if the Legislature adopts such a budget; providing a restriction that the Secretary of Children and Family Services must observe in choosing a district administrator; providing for certain flexible budget and personnel policies to be exercised by the department; requiring periodic reports of transfers between budget entities within a district; providing an effective date.

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

By Senator Dantzler—

SB 1514—A bill to be entitled An act renaming the Polk Parkway as the Lawton Chiles Parkway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Dantzler—

SB 1516—A bill to be entitled An act relating to tobacco products; creating s. 569.11, F.S.; prohibiting the possession of tobacco products by certain minors; providing for the removal of such products from the possession of the minor; authorizing the detention of a minor in violation of the act; providing an effective date.

—was referred to the Committees on Regulated Industries and Criminal Justice.

By Senator Gutman—

SM 1518—A memorial to the Congress of the United States urging the economic protection of elderly or cognitively disabled legal residents who were lawful recipients of Supplementary Security Income on August 22, 1996, the date when the Welfare Reform Law of 1996 became law.

—was referred to the Committee on Rules and Calendar.

By Senator Grant—

SB 1520—A bill to be entitled An act relating to education; requiring students in community control programs to attend public education adult and community night school education programs if available; requiring employment; requiring disclosure of certain information if a student attends day school; providing an effective date.

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

By Senator Holzendorf—

SB 1522—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Fraternal Order of Police license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

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

By Senator Crist—

SB 1524—A bill to be entitled An act relating to pharmacy; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Cowin—

SB 1526—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term "elder"; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

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

By Senator Harris—

SB 1528—A bill to be entitled An act relating to building designations; naming three residence halls at the Sarasota Campus of New College at the University of South Florida; providing an effective date.

—was referred to the Committee on Education.

By Senator Grant—

SB 1530—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S., specifying the time when personal injury protection benefits are overdue; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Holzendorf—

SB 1532—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating s. 489.1455, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; amending s. 466.007, F.S.; conforming a cross-reference; providing effective dates.

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

By Senator Klein—

SB 1534—A bill to be entitled An act relating to nursing home facilities; amending s. 400.022, F.S.; revising language with respect to residents' rights; providing additional rights; amending s. 400.0255, F.S.; redefining the terms "transfer" and "discharge"; amending s. 400.141, F.S.; requiring licensed facilities to perform additional duties; creating s. 400.147, F.S.; requiring facilities to assist residents in contacting physicians; amending s. 400.19, F.S.; providing additional responsibilities of the Agency for Health Care Administration; amending s. 400.23, F.S.; providing a minimum personnel requirement; amending s. 400.0075, F.S.; conforming a cross-reference; providing an effective date.

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

By Senator Klein—

SB 1536—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer's credit on amounts in excess of $1,200 collected by a tax collector or tax collector's branch office acting as direct collection agent for the state; providing an effective date.

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

By Senator Kirkpatrick—

SB 1538—A bill to be entitled An act relating to the Florida Distance Learning Network; repealing ss. 364.509, 364.510, 364.511, 364.512, 364.513, 364.514, F.S.; abolishing the Florida Distance Learning Network in its extant form; providing an effective date.

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

By Senator Grant—

SB 1540—A bill to be entitled An act relating to health care; amending s. 240.5121, F.S.; allowing the Florida Cancer Control and Research Advisory Council either to purchase or to develop a written summary of cancer treatment alternatives for prostate cancer; providing an appropriation to the council for developing or purchasing and for distributing a pamphlet and for developing and implementing an education program on prostate cancer; providing an effective date.

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

By Senator Grant—

SB 1542—A bill to be entitled An act relating to public school parental choice; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford unrestricted access to the program to parents of students in multiple session schools; providing an effective date.

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

By Senator Horne—

SB 1544—A bill to be entitled An act relating to taxation; amending ss. 95.091, 193.062, 193.063, 194.192, 197.172, 199.052, 199.057, 199.062, 199.133, 199.143, 199.185, 199.282, 201.16, 201.17, 205.053, 212.02, 212.05, 212.06, 212.08, 212.12, 213.04, 220.211, 220.222, 220.34, 220.723, 220.737, 220.801, 220.809, 221.02, F.S.; creating ss. 199.252, 199.2825, 212.125, 220.8051, F.S.; amending certain statutes of limitation; eliminating the tolling of the statute of limitations for specified causes; prescribing circumstances for the tolling of the statute of limitations as a result of administrative or judicial proceedings; limiting the period for which additional penalties and interest may be imposed; prescribing dates for filing returns for specified taxes; increasing the maximum length of time for which an extension to file a tangible-personal-property tax return may be granted; postponing the regular filing deadline for certain tax returns; amending certain interest rates on delinquent taxes and on penalties; providing interest on refunds owed to taxpayers and setting the interest rate thereon; exempting from the tax imposed under s. 199.133, F.S., certain documents pertaining to transfers in conjunction with a dissolution of marriage; prescribing a maximum amount for the intangibles tax on certain obligations; defining the term "a residence of the borrower" for purposes of placing restrictions on paying nonrecurring taxes; increasing the amounts of certain exemptions from the annual and nonrecurring taxes on certain property; allowing extensions of deadlines for providing certain annual tax information reports; increasing the minimum amount of taxes that must be owed before a tax return must be filed; allowing an extension of the deadline by which a corporation must elect to pay the annual tax on behalf of its stockholders and specifying conditions for making such election; exempting taxpayers from paying certain taxes upon a showing of reasonable cause, for so long as the reasonable cause applies; providing exceptions to payment of certain taxes or penalties; allowing certain penalties to be waived; providing for payment on interest by the state with respect to overpayments of taxes; prescribing limitations upon the assessment of back taxes; prescribing penalties for failing to pay taxes; providing exemptions from specified taxes; providing for the establishment of a cost-price amount for the purpose of sales and use taxation; limiting the aggregate amount of certain penalties that may be imposed; providing that a federal extension of the deadline for paying certain taxes acts as a state extension, under specified conditions; deleting the requirement to pay interest on certain penalties; providing for credits for emergency excise taxes to be carried over; providing an effective date.

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

By Senator Horne—

SB 1546—A bill to be entitled An act expressing legislative intent to revise the laws relating to public school financial reporting.

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

By Senator Horne—

SB 1548—A bill to be entitled An act relating to education capital outlay; providing for alternative construction techniques; providing for the use of construction funds.

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

By Senator Rossin—

SB 1550—A bill to be entitled An act relating to court costs; providing legislative intent; creating chapter 970, F.S.; providing for certain mandatory costs in all cases; providing for certain mandatory costs in specific types of cases; providing for mandatory costs as authorized by local governmental entities; providing discretionary costs in specific types of cases; providing miscellaneous provisions; creating s. 970.01, F.S., relating to certain additional costs deposited in Additional Court Cost Clearing Trust Fund; conforming terminology and references; amending and renumbering s. 960.20, F.S., relating to assessment of certain additional costs deposited in Crimes Compensation Trust Fund; conforming terminology; creating s. 970.05, F.S., relating to certain additional court costs in special local government trust fund for criminal justice purposes; conforming terminology and references; providing for certain additions to fines imposed under s. 316.193, F.S., relating to fines and other penalties for driving under the influence, and amending s. 316.193, F.S., to conform; renumbering and amending s. 939.015, F.S., relating to certain additional costs in cases in which victim is handicapped or elderly; conforming terminology; amending and renumbering s. 775.0836, F.S., relating to certain surcharges in cases in which victim is handicapped or elderly; conforming terminology; renumbering s. 939.017, F.S., relating to certain additional costs for misdemeanor convictions involving drugs or alcohol; creating s. 970.15, F.S., relating to certain assessments for criminal justice education for local government; conforming terminology; amending and renumbering s. 775.0833, F.S., relating to certain fines for county delinquency prevention; conforming terminology; amending and renumbering s. 39.019, F.S., relating to certain costs for teen court operation and maintenance; conforming terminology; amending and renumbering s. 893.16, F.S., relating to certain additional assessments for alcohol and other drug abuse programs; conforming terminology and references; renumbering s. 939.01, F.S., relating to judgment for costs on conviction; amending and renumbering s. 27.56, F.S., relating to lien for payment of attorney's fees and costs in connection with certain legal assistance; providing for incorporation of references to the new chapter or subdivisions thereof; providing for construction; repealing s. 893.13(8), F.S., relating to additional assessments against certain violators for alcohol and other drug abuse programs; repealing s. 27.3455(1), (2), (3), F.S., relating to certain additional court costs in special local government trust fund for criminal justice purposes; repealing s. 943.25(3), (13), F.S., relating to certain additional costs deposited in Additional Court Cost Clearing Trust Fund and to certain assessments for criminal justice education for local government; providing an effective date.

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

By Senator Turner—

SB 1552—A bill to be entitled An act relating to safety standards for cheerleaders; creating s. 232.433, F.S.; requiring that the State Board

of Education adopt statewide uniform safety standards for student cheerleaders; specifying the standards to be adopted; providing an effective date.

—was referred to the Committee on Education.

By Senator Turner—

SB 1554—A bill to be entitled An act relating to education; creating s. 233.059, F.S.; requiring education in "family life and parenthood"; establishing components of the the curriculum; providing an effective date.

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

By Senator Turner—

SB 1556—A bill to be entitled An act relating to administrative review of property taxes; amending s. 194.013, F.S.; increasing the maximum amount of the filing fee for a petition to a value adjustment board; providing a limitation on joint filing fees for certain petitions to value adjustment boards; providing an effective date.

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

By Senator Turner—

SB 1558—A bill to be entitled An act relating to school pesticide safety; creating s. 232.365, F.S.; providing definitions; requiring a school pest management plan; requiring notification to students, parents, and staff of pesticide application; providing notice requirements; requiring a school pesticide registry; requiring records and reports; providing an effective date.

—was referred to the Committee on Education.

By Senator Turner—

SB 1560—A bill to be entitled An act relating to art therapy; creating part XV of chapter 468, F.S., the Art Therapy Practice Act; providing a short title and purpose; providing definitions; requiring art therapists to be licensed by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; providing rulemaking authority to the board for purposes of regulating art therapists; creating the Art Therapy Council to assist the board in such regulation; providing licensure requirements; providing for a licensure examination; providing for licensure by endorsement; providing disciplinary measures and the actions to which they may be applied; providing for license renewal, including continuing education requirements; providing for fees; prohibiting certain acts; providing penalties; specifying persons and practices not affected; providing an effective date.

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

By Senator Bronson—

SB 1562—A bill to be entitled An act relating to water management; amending s. 373.016, F.S.; declaring legislative policy and its construction or application; creating s. 373.0421, F.S.; providing for the establishment and implementation of minimum flows and levels; amending s. 373.0693, F.S.; conforming a statutory cross-reference; amending s. 373.073, F.S.; revising the process for the appointment and terms of water management district governing boards; amending s. 373.079, F.S.; directing the Governor to appoint governing board executive directors from recommendations by the board; authorizing a governing board to employ an ombudsman; providing for duties of legal staff; creating s. 373.0831, F.S.; providing governing board responsibilities for water resources development; amending s. 373.233, F.S.; providing conditions for the transport of ground or surface water; amending s. 373.236, F.S.; establishing standards for consumptive use permits; amending s. 373.507, F.S.; revising requirements for budgets and postaudits of districts and basins; amending s. 373.536, F.S.; revising certain notice requirements for district budgets and hearings; providing for review of proposed budgets; repealing s. 373.0735, F.S., effective January 1, 1999, relating to the Southwest Florida Water Management District governing board; providing an effective date.

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

By Senator Silver—

SB 1564—A bill to be entitled An act relating to random drug testing of public middle and high school students; requiring the Department of Education to adopt rules for administering random drug tests to public school students; providing for the method of drug tests and the frequency of drug tests to be established by rule; requiring that the Department of Highway Safety and Motor Vehicles withhold issuing a driver's license to a student younger than a specified age unless the student meets certain requirements; requiring the Department of Education to adopt, by rule, procedures for establishing a student's eligibility for a driver's license; requiring the Department of Highway Safety and Motor Vehicles to withhold issuance of or revoke the driver's license of a student younger than a specified age who is found guilty of or delinquent for, or has adjudication withheld for, any violation of ch. 893, F.S., relating to drug offenses; providing an effective date.

—was referred to the Committees on Education and Transportation.

By Senator Burt—

SB 1566—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; requiring the regional counsel to provide certain reports to the President of the Senate and the Speaker of the House of Representatives; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing a rate of compensation for attorney's fees in such cases; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Justice Administrative Commission; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Joint Legislative Committee on the Administration of Justice in Capital Cases; providing for membership; requiring the joint committee to review the management of the regional offices of capital collateral counsel; requiring that the joint committee hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing an effective date.

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

By Senator Latvala—

SB 1568—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; defining the term "traffic-infraction detector"; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance that provides for the use of a traffic-infraction detector to enforce traffic laws that require the driver of a vehicle to stop when facing a steady red traffic signal; providing for authorization of a traffic-infraction detector officer; requiring the Department of Transportation to develop standards for traffic-infraction detector officers; requiring public notice prior to the use of a traffic-infraction detector; providing for fines; requiring that a person be required to attend a driver improvement course following a second violation of the ordinance; providing that an emergency medical transportation vehicle is exempt from the ordinance; providing for a portion of the proceeds of the fines imposed under the ordinance to be deposited into the Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles; providing for the remainder of the proceeds to be used to fund positions for law enforcement officers and correctional officers; amending s. 316.0745, F.S.; requiring that a traffic-infraction detector meet requirements established by the Department of Highway Safety and Motor Vehicles; providing for testing such detectors; creating s. 316.1971, F.S.; providing procedures for imposing a fine for violations of an ordinance that provides for the use of a traffic-infraction detector; providing a procedure under which the operator of a vehicle may establish that the vehicle was in the care, custody, or control of another person at the time of the violation; providing for the violation to be contested; providing that an image produced by a traffic-infraction detector is prima facie evidence that the violation occurred; amending s. 320.03, F.S.; requiring the tax collector to withhold issuing a license plate or revalidation sticker if a person's name appears on a list of outstanding fines; requiring that a county or municipality that operates a traffic-infraction detector report to the Department of Highway Safety and Motor Vehicles; providing for a summary of such reports to be submitted to the Governor and the Legislature; providing an effective date.

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

By Senators Williams, Crist and Bronson—

SJR 1570—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution exempting from taxation sales of food and medicine.

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

By Senator Silver—

SB 1572—A bill to be entitled An act relating to used manufactured or mobile homes; providing for the establishment of minimum standards of habitability and safety for and the inspection of used manufactured or mobile homes by the Bureau of Mobile Home Construction of the Department of Highway Safety and Motor Vehicles; providing for the licensing of inspectors; providing for inspection decals; providing for fees for licenses and decals; providing penalties; providing an effective date.

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

By Senator Turner—

SB 1574—A bill to be entitled A act relating to state certification of music therapists.

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

By Senator Turner—

SB 1576—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; revising the membership of the commission; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Grant—

SB 1578—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; revising procedures for appeal to the State Board of Education; revising student eligibility criteria; providing for the distribution of funds; authorizing the Commissioner of Education to adopt rules; providing an effective date.

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

By Senator Bronson—

SB 1580—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Grant—

SB 1582—A bill to be entitled An act relating to negligence; amending s. 768.125, F.S.; providing civil liability for injury or damage resulting from intoxication under certain circumstances with respect to certain persons who negligently provide alcoholic beverages to visibly intoxicated persons; providing a cap on noneconomic damages under certain circumstances; providing for the award of punitive damages to be used to provide financial assistance to the survivors of law enforcement officers killed in the line of duty by persons under the influence of alcoholic beverages; providing a procedure for payment; providing an effective date.

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

By Senator Thomas—

SB 1584—A bill to be entitled An act relating to drug-free workplace program requirements; amending s. 440.102, F.S.; amending definitions; allowing employers to conduct onsite initial drug testing of employees; providing requirements and procedures for conducting such tests and for reporting and preserving the results; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Banking and Insurance.

By Senator Burt—

SB 1586—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 27.51, F.S., relating to duties of the public defender; providing for the court to appoint the public defender or private counsel to represent a defendant in capital cases; deleting provisions that specify the responsibilities of the capital collateral representative; amending s. 27.59, F.S.; requiring that the public defender approve any request for public records in a postconviction capital proceeding; creating s. 27.592, F.S.; providing for appointment of substitute counsel in cases that involve a conflict of interest; providing for payment of substitute counsel

from funds appropriated to the Justice Administrative Commission; specifying an hourly rate of compensation; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; amending s. 925.035, F.S., relating to the appointment and compensation of counsel in capital cases; providing additional qualifications for an attorney appointed as lead counsel; amending s. 925.036, F.S.; establishing an hourly rate for attorney's fees in capital cases; repealing ss. 27.7001, 27.701, 27.702, 27.703, 27.704, 27.705, 27.706, 27.707, 27.708, F.S.; abolishing the office of the capital collateral representative; amending ss. 43.16, 112.0455, 121.055, 216.011, 790.25, F.S., relating, respectively, to the Justice Administrative Commission, the Drug-Free Workplace Act, the Florida Retirement System, definitions relating to fiscal affairs of the state, and possession and use of firearms, in order to delete references to the capital collateral representative; providing recommendations for the Supreme Court; providing an effective date.

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

By Senator Kirkpatrick—

SB 1588—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S., relating to the Florida Prepaid Postsecondary Education Expense Program; restricting direction of investment; authorizing the purchase of advance payment contracts by members and employees of the Prepaid Postsecondary Education Expense Board; authorizing rules for maintenance of tax exempt status; providing technical revisions; authorizing the board to construct contracts for dormitory residence; providing for exemption from securities transactions laws; providing for refunds associated with the conversion of registration plans; restricting the use of funds; repealing s. 42, ch. 91-201, Laws of Florida; abrogating the repeal of the Florida Prepaid Tuition Scholarship Program; providing an effective date.

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

By Senator Jones—

SB 1590—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.437, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing for changes in the consumer membership of boards; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.2205, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending ss. 455.2185, 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; conforming cross-references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; conforming cross-references and definitions, to conform; providing an effective date.

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

By Senator McKay—

SB 1592—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for pro-

viders after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority; amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

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

By Senators Thomas, Williams, Bronson and Kirkpatrick—

SB 1594—A bill to be entitled An act relating to outdoor power equipment; creating ss. 686.60-686.614, F.S.; regulating sales and distribution of, and dealer relationships relating to, outdoor power equipment; providing a short title; providing legislative findings and intent; providing definitions; providing application; providing for warranty agreements; providing for claims and compensation of dealers; providing for parts availability and return; providing for repurchase of inventory under certain circumstances; providing for compensation for inventory under certain circumstances; providing for indemnification of dealers under certain legal actions; specifying unlawful acts and practices; specifying unenforceable contracts or agreements; providing remedies; providing for effect on other remedies; providing an effective date.

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

By Senator Kurth—

SB 1596—A bill to be entitled An act relating to residential insurance coverage; amending s. 627.4025, F.S.; defining such coverage to include cooperative unit owner's coverage and cooperative association coverage; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Kurth and Kirkpatrick—

SB 1598—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.106, F.S.; providing that an excavator who excavates with hand tools is liable for any damage to an operator's underground facilities which occurs during the excavation; amending s. 556.108, F.S.; revising exemptions to the requirement to give notice before excavating; providing an effective date.

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

By Senator Crist—

SB 1600—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who makes the apartment his or her permanent home and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

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

By Senator Grant—

SB 1602—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing an exception to safety belt use; deleting a provision that requires enforcement of the act only as a secondary action; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Grant—

SB 1604—A bill to be entitled An act relating to education; amending s. 120.81, F.S.; providing for exceptions to rule requirements, notice requirements, and filing requirements; providing for certain exemptions for educational units; providing for retroactive effect; amending s. 120.545, F.S.; conforming a cross-reference; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.305, F.S., relating to adult literacy; conforming provisions to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; repealing ss. 240.3575(5), 240.3815(1), 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; providing effective dates.

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

By Senator Holzendorf—

SB 1606—A bill to be entitled An act relating to community punishment; providing legislative intent to replace regular community supervision programs with a continuum of community punishment sanctions that are appropriate to the individual offender, the needs of the victim, and the needs of the community; providing legislative intent to remove all statutory and case law limitations, other than questions of constitutionality, that have been barriers to an effective system of community punishment and victim services; providing legislative intent to authorize enhanced community punishment sentences with greatly expanded conditions that can be administratively imposed; requiring the Department of Corrections to provide, by January 1, 1998, a plan to reorganize its Probation and Parole Program Office into an organizational unit focusing on community punishment and victim services under an assistant secretary, in accordance with the intent of the act; providing an effective date.

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

By Senators Jenne and Dyer—

SB 1608—A bill to be entitled An act relating to trust funds; creating the Florida Lottery School Construction Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

By Senators Kurth and Forman—

SB 1610—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to purchase and maintain motorcycles, equipment, and materials for use in motorcycle safety courses; deleting a limitation on the reimbursement of certain fees; amending s. 322.21, F.S.; increasing the motorcycle endorsement fee; providing an effective date.

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

By Senator Sullivan—

SB 1612—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1614—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1616—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1618—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1620—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1622—A bill to be entitled An act revising provisions of law relating to Medicaid and human services so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1624—A bill to be entitled An act revising provisions of law relating to education so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1626—A bill to be entitled An act revising provisions of law relating to criminal justice so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1628—A bill to be entitled An act revising provisions of law relating to governmental operations so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Sullivan—

SB 1630—A bill to be entitled An act revising provisions of law relating to regulatory programs so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Myers—

SB 1632—A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with post-secondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584,

F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; renumbering and amending s. 455.243, F.S., relating to inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; providing an effective date.

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

By Senators Grant, Klein, Forman, Meadows, Campbell and Harris—

SB 1634—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for patient records and other identifying information concerning a complainant involved in a complaint to the statewide or a district managed care ombudsman committee; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Gutman—

SB 1636—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9912, F.S.; prescribing information to be included in an application for a viatical provider license; amending s. 626.9913, F.S.; authorizing licensees to execute a security bond; providing for a waiver by the Department of Insurance of the deposit requirement under specified conditions; amending ss. 626.9923, 626.9924, F.S.; modifying conditions for unconditional recission of a viatical settlement contract; providing for a waiver of an unconditional recission provision; providing for reciprocal licensure of viatical settlement providers with other states; prohibiting life and health insurers from entering into a viatical settlement contract under certain conditions; repealing s. 626.993, F.S., relating to viators with dependent children; providing an effective date.

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

By Senator McKay—

SB 1638—A bill to be entitled An act relating to education; creating a public-private partnership pilot program; providing intent and definitions; providing eligibility requirements for private schools, nonprofit organizations, and home education program parents; providing for flexibility in educating students; providing for payment of funds; requiring certain funds to be sent to a direct-support organization for specified use; providing student eligibility; providing for rules; requiring the Department of Education to establish a choice information center; requiring legislative review; requiring reports; providing for severability; providing an effective date.

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

By Senator Meadows—

SB 1640—A bill to be entitled An act relating to local government; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; amending s. 125.01, F.S.; revising provisions relating to county powers with respect to special districts within which municipal services and facilities are provided; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to incorporation and merger of municipalities, to conform; amending s. 189.403, F.S.; defining "public facilities" under the Uniform Special District Accountability Act of 1989; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.4035, F.S.; providing for preparation of the official list of special districts by the Special District Information Program and revising requirements with respect thereto; revising requirements relating to a district's authority to dispute its status on the list and respond thereto; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; providing for a petition requesting an election in response to a proposal to involuntarily merge or dissolve certain special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; removing an exemption for certain single-purpose water control districts; amending s. 189.4085, F.S.; revising requirements for issuance of bonds by a special district when no referendum is required; providing limitations on the power of districts to issue general obligation bonds; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155,

F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules; amending s. 189.419, F.S.; revising provisions relating to assessment of fines against districts that fail to file certain reports; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against such districts; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.426, F.S.; providing salary and benefits limitations applicable to special district employees; authorizing special districts to provide for certain extra merit compensation for employees; providing exceptions; amending s. 189.427, F.S.; revising provisions relating to fees and amounts thereof; revising provisions relating to imposition of fines against districts that fail to remit required fees; amending s. 197.3632, F.S.; revising dates for provision of certain information, holding of public hearings, and certification of rolls with respect to the levy and collection of non-ad valorem assessments and providing for certification of rolls to the property appraiser; amending ss. 200.065 and 200.069, F.S.; providing for inclusion in the notice of proposed property taxes of a notice of adopted non-ad valorem assessments and providing requirements with respect thereto; providing effective dates.

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

By Senator Meadows—

SB 1642—A bill to be entitled An act relating to district school system personnel; amending s. 231.40, F.S.; providing alternative payment for accumulated sick leave for certain personnel; providing that an employee of one school district is not considered a new hire when accepting an administrator position in another; providing an effective date.

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

By Senator Kurth—

SB 1644—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; providing legislative findings with respect to protection of applicants and recipients of certain public assistance; providing for state adoption of specified Family Violence Option provisions of the Social Security Act; prescribing duties of the Department of Children and Family Services relating to identification of Temporary Assistance to Needy Families (TANF) assistance applicants and recipients who are victimized by or at risk of domestic violence; providing for waiver of certain program requirements; defining "victim of domestic violence"; providing for exercise of the state option to provide certain public assistance to such immigrants, including Temporary Assistance to Needy Families (TANF), Title XX social services, and Medicaid; providing an effective date.

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

By Senator Lee—

SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising a definition; amending s. 556.103, F.S.; requiring membership in a specified corporation; amending s. 556.104, F.S.; requiring participation in a specified system; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; repealing s. 556.106(2)(e), F.S., relating to certain required duties of excavators relating to notice; providing an effective date.

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

By Senator Rossin—

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1650—A bill to be entitled An act relating to notaries; amending s. 117.01, F.S.; increasing their required bond; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1652—A bill to be entitled An act relating to game and fish; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—was referred to the Committees on Natural Resources and Criminal Justice.

By Senator Ostalkiewicz—

SB 1654—A bill to be entitled An act relating to religious nonpublic postsecondary institutions; amending s. 246.083, F.S.; providing legislative intent to establish authorization for religious nonpublic colleges that do not receive state or federal funding; establishing the requirements for religious authorization; providing guidelines for religious nonpublic colleges to qualify for religious authorization; amending s. 246.101, F.S.; providing exemptions from certain fees; repealing s. 246.021(7), (10), F.S., which defines the terms "ecclesiastical program or major" and "religious institution"; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1656—A bill to be entitled An act relating to confidentiality of records; amending s. 415.51, F.S.; providing an exception to the confidentiality of records and reports in cases of child abuse or neglect; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Ostalkiewicz—

SB 1658—A bill to be entitled An act relating to teaching hospitals; amending s. 766.1115, F.S.; abrogating the repeal of that section; providing legislative intent that the teaching hospitals must be protected so that they can provide indigent care and medical education; modifying definitions; modifying contract requirements between teaching hospitals and governmental contractors; providing that teaching hospitals under contract with the state may not be named as a defendant in an action arising out of medical care or treatment; requiring the Agency for Health Care Administration, the Department of Health, and the Department of Education to enter contracts with teaching hospitals to provide indigent health care services and medical education services under which the hospitals are agents of the state; providing applicability; amending ss. 766.112, 768.81, F.S.; including a teaching hospital's officers, agents, and employees in the apportionment of damages in an action for wrongful death or personal injury; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1660—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1662—A bill to be entitled An act relating to state government; providing legislative intent; providing duties of procuring agencies relating to procurement contracts; imposing certain duties on the Comptroller; providing application; providing an effective date.

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

By Senator Williams—

SB 1664—A bill to be entitled An act relating to water resources; amending s. 373.326, F.S.; providing an exemption from water well provisions with respect to certain small businesses and owners of duplex, triplex, and quadruplex housing units; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Ostalkiewicz—

SB 1666—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.18, F.S.; abolishing the additional fee for a certificate of registration charged to specified dealers; providing an effective date.

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

By Senator Rossin—

SB 1668—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for direct mailing of absentee ballots; prohibiting mailing of multiple absentee ballots to the same address; providing exceptions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Williams—

SB 1670—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

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

By Senator Turner—

SB 1672—A bill to be entitled An act relating to midwifery; amending s. 467.003, F.S.; redefining the term "preceptor"; amending s. 467.009, F.S.; decreasing the number of women a student midwife must take care of and increasing the number she must observe during training; requiring certain facilities to establish observation programs; revising accreditation requirements for certain programs; amending s. 467.0125, F.S.; establishing credentialing requirements for licensure; deleting temporary certification provisions; amending s. 467.015, F.S.; revising certain midwife responsibilities regarding the administration of medication; amending s. 467.017, F.S.; requiring certain emergency care plan information to accompany licensure and renewal applications; providing an effective date.

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

By Senator Grant—

SB 1674—A bill to be entitled An act relating to the Construction Lien Law; amending s. 713.01, F.S.; revising certain definitions to include solid-waste removal; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Crist—

SB 1676—A bill to be entitled An act relating to regional perinatal intensive care centers; amending s. 383.19, F.S.; providing that the Department of Health may designate additional qualified centers as the department considers necessary; providing that, beyond a specified number of such centers, any additional center, and physicians' services performed in such additional centers, are ineligible for funding under s. 409.9112, F.S.; providing an effective date.

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

By Senator Williams—

SB 1678—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may, in lieu of making

estimated tax payments, remit the tax for sales of $100,000 or more at the time of sale; providing an effective date.

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

By Senator Jenne—

SB 1680—A bill to be entitled An act relating to tax administration; amending s. 195.096, F.S., relating to review of assessment rolls by the Department of Revenue; revising provisions which allow the department to combine a real property class with another class for assessment ratio studies or use the weighted average of other classes to calculate assessment levels under certain conditions; amending s. 197.253, F.S.; conforming provisions relating to an appeal to the value adjustment board of denial of homestead tax deferral to the time limitations specified in s. 194.011, F.S.; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; creating s. 199.105, F.S.; providing for taxation of certain intangible personal property transferred to a person or entity outside the state and then repurchased to avoid taxation; providing that a grantor shall be treated as owning property that constitutes trust principal under certain conditions; amending s. 212.10, F.S.; providing that a corporation with an officer, director, or majority shareholder who was previously associated with a corporation that quit business and failed to file a final sales tax return or pay sales tax liability may be denied the right to engage in business until payment is made; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.755, F.S.; defining "return" and "payment" for purposes of revenue laws administered by the department; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audit program; amending s. 213.67, F.S.; prohibiting disposition of assets of a delinquent taxpayer that come into the possession of another person after that person receives garnishment notice from the department for a specified period; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; amending s. 215.26, F.S.; limiting the amount of tax that may be refunded when the law under which a tax was imposed is held invalid; providing that claims for less than $25 shall not be the basis for membership in a class action seeking refund; specifying the statutes under which an action to contest the denial of a tax or fee refund may be brought and requiring denial of a refund application before such action may be initiated; requiring denial of a refund claim if a taxpayer has not contested or has unsuccessfully contested an administrative garnishment; providing effective dates.

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

By Senator Diaz-Balart—

SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6515, F.S.; requiring out-of-state groups to provide certain additional benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; revising the maximum premium rate for a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based

on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

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

By Senator Crist—

SB 1684—A bill to be entitled An act relating to reports by school personnel of students' suspected unlawful acts; amending s. 232.277, F.S., relating to reports of suspected substance or alcohol abuse; creating the "1997 Student Drug and Alcohol Zero Tolerance Act"; providing legislative intent; requiring notification to law enforcement agencies of suspected unlawful acts involving use, possession, or sale of a controlled substance, counterfeit controlled substance, alcoholic beverage, or model glue; requiring notification to the reported student's parent, guardian, or legal custodian; providing an effective date.

—was referred to the Committee on Education.

By Senator Meadows—

SB 1686—A bill to be entitled An act relating to risk assessment; creating the Science Advisory Board; providing qualifications for membership on the board; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint members to the board; providing for terms of appointment; providing for board members to be reimbursed for travel and per diem expenses; requiring the board to provide advice and guidance to state agencies in preparing risk impact statements and on risk assessment issues; requiring the board to report on each risk impact statement prepared by a state agency; requiring the board to maintain a list of experts for peer review of risk impact statements; requiring the board to update guidelines prepared by the Risk-Based Priority Council; requiring the board to recommend legislation; assigning the board, for administrative purposes, to the Administrative Procedures Committee; providing an effective date.

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

By Senator Horne—

SB 1688—A bill to be entitled An act expressing legislative intent to revise the laws relating to adult education and postsecondary vocational education to provide for the delivery of services and for funding.

—was referred to the Committee on Ways and Means.

By Senator Grant—

SB 1690—A bill to be entitled An act relating to Enterprise Florida, Inc.; directing the president of Enterprise Florida, Inc., to employ an infrastructure systems development director; providing duties of the director relating to recommendations regarding transportation and infrastructure and review of transportation plans; providing an annual appropriation; providing an effective date.

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

By Senator Grant—

SB 1692—A bill to be entitled An act relating to property taxation; amending s. 196.199, F.S.; providing that certain interests in property owned by a unit of government and subject to leasehold or other interest of a nongovernmental entity will be considered governmental, municipal, or public for purposes of the government property exemption from taxation; providing an effective date.

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

By Senator Grant—

SB 1694—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; reducing the percentage used to calculate estimated tax liability over a specified period and repealing said percentage January 1, 2003; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may, in lieu of making estimated tax payments, remit the tax for sales of $100,000 or more within a specified period; providing an effective date.

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

By Senator Horne—

SB 1696—A bill to be entitled An act relating to remedial education; providing definitions; providing program requirements; prescribing program length.

—was referred to the Committee on Ways and Means.

By Senator Horne—

SB 1698—A bill to be entitled An act relating to the funding of postsecondary education; providing procedures; prescribing requirements; establishing schedules.

—was referred to the Committee on Ways and Means.

By Senator Horne—

SB 1700—A bill to be entitled An act relating to education capital outlay; providing for public-private partnerships and for the use of facilities.

—was referred to the Committee on Ways and Means.

By Senator Grant—

SB 1702—A bill to be entitled An act expressing legislative intent to revise the laws relating to distance learning.

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

By Senator Grant—

SB 1704—A bill to be entitled An act expressing legislative intent to revise the laws relating to university student fees.

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

By Senator Crist—

SB 1706—A bill to be entitled An act relating to campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 99.092, 99.103, 105.031, F.S.; eliminating the transfer of a portion of filing fees to the trust fund and reducing filing fees accordingly, to conform; amending s. 99.093, F.S.; eliminating the transfer of a portion of municipal election assessments to the trust fund and reducing the municipal election assessment accordingly, to conform; amending s. 102.112, F.S.; providing for deposit of fines assessed for late county election returns into general revenue rather than the trust fund, to conform; amending ss. 106.04, 106.07, F.S.; providing for deposit of fines assessed for late campaign financing reports into general revenue rather than the trust fund, to conform; eliminating the separate reporting dates for candidates receiving contributions from the trust fund, to conform; amending s. 106.141, F.S.; eliminating deposit of surplus campaign funds into the trust fund, to conform; amending s. 106.22, F.S.; eliminating the required audits of campaign accounts of candidates receiving contributions from the trust fund, to conform; amending s. 106.265, F.S.; providing for deposit of civil penalties into general revenue instead of the trust fund, to conform; repealing ss. 199.052(14), 320.02(13), F.S., and amending ss. 322.08, 327.25, 607.1622, F.S., to eliminate provisions that authorize voluntary contributions to the trust fund, to conform; amending ss. 370.12, 732.9215, 732.9216, F.S.; conforming cross-references, to conform; providing an effective date.

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

By Senator Crist—

SB 1708—A bill to be entitled An act relating to elections; amending s. 106.17, F.S.; prohibiting state agencies and certain other governmental entities from soliciting pledges or authorizing or conducting polls or surveys relating to candidacies for public office; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By Senator Crist—

SB 1710—A bill to be entitled An act relating to time limitations upon commencement of criminal prosecutions; amending s. 775.15, F.S.; providing that prosecution is commenced upon filing of the charging document when the defendant has previously been arrested or served with summons on the charge; providing that, when the defendant charged by information or indictment with a crime in this state has not been so arrested or served, the failure to execute process or extradite the defendant in another state does not constitute unreasonable delay; providing for inapplicability of a limitation upon prosecution of a defendant who has been timely charged but not arrested due to absence from the state or not extradited, under specified circumstances; reenacting s. 119.011(3) and 517.302(4), F.S., relating to the definition of "criminal intelligence information" for purposes of public records, and criminal prosecution for offenses under chapter 517, the Florida Securities and Investor Protection Act, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Crist—

SB 1712—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 324.072, F.S.; requiring increased minimum limits of bodily injury coverage after DUI convictions; providing a penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Williams—

SB 1714—A bill to be entitled An act relating to insurance; amending s. 624.424, F.S.; increasing the period within which certain insurers may use the same accountant; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Crist—

SB 1716—A bill to be entitled An act relating to court enforcement; creating the "Comprehensive Court Enforcement Program Act"; providing for legislative findings and intent; providing for judicial oversight and jurisdiction; providing for the creation of the program by the Supreme Court; providing for staffing; providing for a notice to appear and a procedure; providing for the screening of cases for inclusion in the program; providing for hearings; providing for negotiated settlements; providing for alternatives to full payment; providing fees; providing a definition; providing alternatives to court-ordered financial obligations; providing penalties; providing for physical facilities and security; providing for the transfer of certain community service matters to the program for compliance sanctions; providing for hearing costs; providing for the deduction of money collected in the Comprehensive Court Enforcement Program Trust Fund; providing for the disbursement of collected funds; providing for the effective date of implementation of the program; providing an effective date.

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

By Senator Turner—

SB 1718—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor; providing an effective date.

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

By Senator Turner—

SB 1720—A bill to be entitled An act relating to education; amending ss. 228.041, 228.056, 230.23, 231.141, 231.15, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was referred to the Committee on Education.

By Senator Turner—

SB 1722—A bill to be entitled An act relating to state lotteries; requiring the Department of the Lottery to conduct a special lottery pilot program for the enhancement of postsecondary education; providing for

deposit, distribution, and use of proceeds; authorizing rules; requiring recommendations; providing an effective date.

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

By Senator Turner—

SB 1724—A bill to be entitled An act relating to Parkinson's disease; creating the "Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1997"; providing purpose; providing for establishment of programs; creating an interagency coordinating committee; providing duties of the committee; providing membership; requiring an annual report; providing for grants to research and training centers; providing requirements; providing time limitations; providing for review; providing for data management and dissemination of information; providing for grants to scientific researchers; providing for a state education program; providing an appropriation; providing an effective date.

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

By Senators Crist, Harris, Campbell and Thomas—

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

—was referred to the Committee on Regulated Industries.

By Senator Kirkpatrick—

SB 1728—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; revising provisions relating to educational benefits for Florida National Guard members; authorizing payment of the full cost of tuition and fees by the Department of Military Affairs under certain circumstances; amending ss. 240.235 and 240.35, F.S.; conforming cross-references; providing an effective date.

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

By Senator Kirkpatrick—

SJR 1730—A resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

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

By Senator Kirkpatrick—

SB 1732—A bill to be entitled An act relating to accessibility by handicapped persons; creating s. 553.5045, F.S.; providing an exception to the provisions of s. 553.504, F.S., for qualified historic buildings or facilities; providing that federal accessibility guidelines govern access to such buildings or facilities; creating s. 553.5125, F.S.; providing for the jurisdiction of local code enforcement boards to grant modifications and waivers; providing for the creation of local handicapped-accessibility advisory councils; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Kirkpatrick—

SB 1734—A bill to be entitled An act relating to student report cards; requiring school districts to establish and publish policies for the content and regular issuance of student report cards depicting both academic and conduct performance by all students; prohibiting student exemption from academic performance requirements; requiring annual progress monitoring and reporting by the Department of Education; providing an effective date.

—was referred to the Committee on Education.

By Senator Kirkpatrick—

SB 1736—A bill to be entitled An act relating to the Florida panther research and management program; providing an appropriation from the Florida Panther Research and Management Trust Fund for specified purposes; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1738—A bill to be entitled An act relating to department inspectors general; providing that the person who performs the duties of inspector general for the Department of Children and Family Services be appointed by the Attorney General and housed in the Department of Legal Affairs; amending ss. 20.19, 409.803, F.S., to conform; providing an effective date.

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

By Senator Scott—

SB 1740—A bill to be entitled An act relating to the regulation of utilities; expressing legislative intent; providing an effective date.

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

By Senator Silver—

SB 1742—A bill to be entitled An act relating to alcoholic beverages and tobacco; amending s. 20.165, F.S.; authorizing law enforcement officers certified under ch. 943, F.S., to make arrests and investigate, enforce, and prosecute violations of ss. 859.06-859.078, F.S., relating to the unlawful giving or selling of tobacco products; amending s. 210.04, F.S.; removing power of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to authorize persons to give away certain free sample packages of cigarettes upon which the taxes have been paid; providing for the division to authorize distribution of certain free sample packages of cigarettes as provided in s. 859.075, F.S.; creating s. 561.707, F.S.; requiring licensees under the Beverage Law to use diligence in the management and supervision of the licensed premises and in the supervision and training of their employees, agents, officers, or servants; providing that certain acts are prima facie evidence of lack of due diligence; providing that qualification as a responsible vendor may be evidence that a licensee used due diligence; amending s. 562.11, F.S.; increasing the criminal penalty for giving alcoholic beverages to underage persons or allowing such persons to consume such beverages on a licensed premises; increasing the criminal penalty imposed on a person convicted of misrepresenting his or her age

or the age of another to induce a licensee to give or sell alcoholic beverages to an underage person; amending s. 562.111, F.S.; absolving persons lawfully engaged in the enforcement of any law or municipal ordinance relating to alcoholic beverages from civil or criminal liability; amending s. 569.007, F.S.; prohibiting the sale or delivery of tobacco products through a vending machine unless the device is located within premises where the dealer ensures that no minor is present or permitted to enter; amending s. 859.06, F.S.; increasing the criminal penalty for selling, delivering, or giving tobacco products or cigarette wrappers to minors; creating s. 859.071, F.S.; providing that the possession of cigarettes or tobacco products by a minor is unlawful; providing an exception; providing penalties; providing for the issuance of citations by law enforcement officers; creating s. 859.075, F.S.; providing that it is unlawful for persons licensed under chapters 210 or 569, F.S., to distribute or cause to be distributed free samples of cigarettes or other tobacco products; providing an exception; providing for revocation of the license of a violator; creating s. 859.078, F.S.; absolving persons with the duty to enforce the provisions of ch. 569, F.S., relating to tobacco, and persons assisting them from civil or criminal liability for their acts while lawfully engaged in their duties; providing an effective date.

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

By Senator Silver—

SB 1744—A bill to be entitled An act relating to insurance; creating s. 624.4015, F.S.; requiring certain insurers to offer personal lines residential coverage; creating s. 627.3516, F.S.; requiring the placement of personal lines residential risks from the Residential Property and Casualty Underwriting Association to certain property and casualty insurers under certain circumstances; providing definitions and formulas; providing for the adoption of rules; providing a penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Klein—

SB 1746—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.012, F.S.; providing that a specified use of real property that is owned by and leased from a deepwater port is an activity that serves a governmental, municipal, or public purpose or function; exempting such real property from ad valorem taxes; providing an effective date.

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

By Senator Klein—

SB 1748—A bill to be entitled An act relating to the regulation of malt beverages; amending s. 563.06, F.S.; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to establish sizes of containers in which malt beverages may be packaged and sold or offered for sale in this state; deleting certain limitations on the size of the individual container in which malt beverages may be sold or offered for sale; recommending that, in establishing container sizes for packaging malt beverages, the division consider allowing malt beverages to be sold in containers of certain specified sizes; providing an effective date.

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

By Senator Myers—

SB 1750—A bill to be entitled An act relating to Medicaid; amending s. 236.0812, F.S.; authorizing certified match for expanded school-based services; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to include certain children and postpartum women; amending s. 409.905, F.S.; authorizing a preventive focus for Medicaid family planning services; amending s. 409.9071, F.S.; incorporating conforming revisions; amending s. 409.908, F.S.; modifying the Medicaid reimbursement for certified match services; amending s. 409.912, F.S.; authorizing Medicaid to enter prepaid contracts with provider service networks; amending s. 409.914, F.S.; modifying the provisions relating to the Medicaid buy-in program; reducing the income eligibility level under the program; directing the Agency for Health Care Administration to develop the buy-in program with other related programs; directing the agency to seek a federal waiver that will allow Medicaid funds to be used to pay premiums for certain insurance continuation coverage; directing the agency to seek a federal waiver for a specialized disproportionate share program; directing the agency, in conjunction with other parties, to develop programs designed to identify Medicaid eligible children who are not receiving services; directing the agency to seek a waiver to obtain Medicaid matching funds for children enrolled in the Florida Healthy Kids program; providing an effective date.

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

By Senator Harris—

SB 1752—A bill to be entitled An act relating to business promotion; expressing the legislative intent to promote Florida businesses.

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

By Senator Harris—

SB 1754—A bill to be entitled An act relating to international trade; expressing the legislative intent to foster international trade.

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

By Senator Harris—

SB 1756—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development.

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

By Senator Crist—

SB 1758—A bill to be entitled An act relating to state-funded scholarships; providing that a person who is incarcerated in a state or county correctional facility or who has been convicted of a felony may not receive a state-funded college or graduate-level scholarship; providing an effective date.

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

By Senators Harris and Brown-Waite—

SB 1760—A bill to be entitled An act relating to child welfare; amending s. 39.405, F.S.; revising certain guidelines relating to filing of affidavit of diligent search in dependency cases; removing requirement for appointment of guardian ad litem, under specified circumstances; amending s. 39.4051, F.S., relating to special procedures in dependency cases when identity or location of parent is unknown, and reenacting s. 39.01(27), F.S., relating to the definition of "diligent search," and s. 39.462(1)(a), F.S., relating to process and service in proceedings and petitions to terminate parental rights, to incorporate amendments in references; revising duties of the Department of Children and Family Services with respect to diligent searches; providing for notice by publication under certain circumstances; creating s. 39.4052, F.S.; requiring

written notice to identified adult relatives of a child taken into care; creating s. 39.4053, F.S.; prescribing duties of the department and guidelines relating to due diligence in the identification and notification of parents, relatives, and custodians of a child in departmental custody; defining "next of kin"; creating s. 39.4054, F.S.; imposing an affirmative duty on a parent to disclose information on the child's relatives, under specified circumstances; amending s. 39.4625, F.S., relating to special procedures in termination of parental rights cases when identity or location of parent is unknown; revising guidelines relating to court inquiry and diligent search; amending s. 39.464, F.S., relating to grounds for termination of parental rights, and reenacting s. 39.4611(1)(a) and (b) and (2), to incorporate said amendment in references thereto; conforming provisions relating to diligent search; providing an effective date.

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

By Senators Harris and Brown-Waite—

SB 1762—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; declaring additional legislative intent; amending s. 63.032, F.S.; providing definitions applicable to laws regulating adoptions; renumbering and amending s. 63.207, F.S., relating to out-of-state placement; amending s. 63.042, F.S.; providing who may not adopt; amending s. 63.052, F.S.; providing that prospective adoptive parents become legal custodians of a child pending finalization of adoption; providing for removal of a child from an unsuitable home; amending s. 63.062, F.S.; prescribing certain obligations that must be met by the father of a prospective adoptee in order to preserve his right of consent in an adoption; providing certain requirements with respect to consent; creating s. 63.063, F.S.; providing for notice of adoption proceedings; creating s. 63.064, F.S.; providing for the content of notice and service; creating s. 63.065, F.S.; providing termination of rights hearing; creating s. 63.066, F.S.; providing for the identity or location of a parent unknown after filing of notice of adoption; amending s. 63.072, F.S.; providing for waiver of the requirement that the parent must consent to the adoption of a child in certain circumstances; amending s. 63.092, F.S.; revising requirements of the preliminary home study and for certain records checks; amending s. 63.097, F.S.; requiring court approval of certain fees of agencies; amending s. 63.102, F.S.; providing for filing a petition for adoption in the county in which an adoption intermediary is located; amending s. 63.112, F.S.; requiring certain information to be made part of, or to accompany, an adoption petition; amending s. 63.125, F.S.; changing the time for filing the written report of a final home investigation; amending s. 63.132, F.S.; requiring agencies to file reports of expenditures and receipts; amending s. 63.162, F.S.; requiring intermediaries and agencies to retain certain records and to provide notice prior to closing of the location of said records; amending s. 63.182, F.S.; revising time period for appeal; amending s. 63.085, F.S.; conforming a cross-reference; amending s. 63.212, F.S.; prohibiting persons from providing false or misleading information about themselves when providing information for completion of an adoption placement; prohibiting birth parents from contracting with, or accepting benefits from, more than one agency or intermediary; providing penalties; revising fees which intermediaries may charge; correcting cross references; creating s. 63.215, F.S.; providing for preplanned adoption arrangements; amending s. 39.01, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senator Harris—

SB 1764—A bill to be entitled An act relating to nonprofit corporations; providing a tax exemption for assets used for a charitable purpose; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1766—A bill to be entitled An act relating to motor vehicles and vessels; amending s. 320.02, F.S.; providing for annualized voluntary contributions on motor vehicle registration application forms; amending s. 320.03, F.S.; providing for annualized fees on license registration and certain automobile and truck registrations; amending s. 320.04, F.S.; providing for annualized service charges on the issuance of license plates, mobile home stickers, validation stickers, or any registration certificate; amending s. 320.06, F.S.; providing for a registration period of up to 24 months; conforming fees; amending s. 320.07, F.S.; providing for optional biennial registration; amending ss. 320.0802, 320.0804, 320.083, 320.08046, 320.08047, 320.0805, 320.08056, F.S.; conforming references and fees; amending s. 320.15, F.S.; providing for a refund for biennial registration under certain circumstances; amending s. 325.203, F.S.; providing for biennial emissions testing; amending s. 327.23, F.S.; conforming provisions; amending s. 327.25, F.S.; providing for optional biennial registration for vessels; conforming fees; providing for a refund for biennial registration in certain circumstances; amending s. 327.28, F.S.; conforming fees; providing an effective date.

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

By Senator Klein—

SB 1768—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S.; authorizing county staff members or consultants to attend private sessions to discuss settlement of litigation; providing an effective date.

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

By Senator Williams—

SB 1770—A bill to be entitled An act relating to labor and retirement; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an appropriation; providing an effective date.

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

By Senator Jones—

SB 1772—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; authorizing small employer carriers to impose additional conditions on offering health benefits through rural health networks; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1774—A bill to be entitled An act relating to civil actions; creating s. 45.063, F.S.; providing for introduction of evidence that a plaintiff is a habitual litigant; amending s. 95.11, F.S.; providing a 2-year limitation period for bringing certain actions; amending s. 768.73, F.S.; requiring punitive damages awarded by a court to be payable to the Public Education Capital Outlay and Debt Service Trust Fund; prohibiting attorney's fees based on punitive damages; amending s. 768.77, F.S.; conforming provisions; creating s. 768.731, F.S.; providing a limitation on noneconomic damages; providing for nonbinding arbitration; providing for reasonable attorney's fees and court costs; amending s. 768.81, F.S.; providing that a claimant's contributory fault in a negligence action bars recovery if it exceeds a specified percentage of the total fault; providing for the

abolition of joint and several liability in all civil cases; providing an effective date.

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

By Senator Casas—

SB 1776—A bill to be entitled An act relating to thoroughbred horse taxes; delaying a scheduled repeal date for s. 550.09515, F.S., relating to thoroughbred horse taxes; providing an effective date.

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

By Senator Burt—

SB 1778—A bill to be entitled An act relating to rental car companies; creating s. 768.092, F.S.; limiting liability for certain damages and injuries; providing an effective date.

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

By Senator Bankhead—

SB 1780—A bill to be entitled An act relating to organization of the Department of Children and Family Services; amending s. 20.04, F.S.; abolishing offices and program offices as organizational units within the department; amending s. 20.19, F.S.; creating divisions within the department, to be headed by division deputy secretaries; prescribing functions of divisions and duties of division deputy secretaries; prescribing responsibilities for the Office of Standards and Evaluation; providing for appointment of division budget officers; providing for division master plans; creating Regional Community Services Administrators; creating a Department Coordinating Group and providing its powers and duties; prescribing intent with respect to state institutions; providing for establishment of an Office of Administration; abolishing districts of the department and providing for administration of departmental programs and services through regions defined by the department; providing for appointment of regional program administrators and for the duties of those appointees; establishing regional coordinating teams and providing their duties; revising membership of health and human services boards; revising membership of nominee qualifications review committees; providing for appointment of regional administrative services directors and prescribing their duties; creating a planning and legislative budget development workgroup; revising budgetary procedures; designating the head of each local service agency; requiring an implementation plan and status reports; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Meadows—

SB 1782—A bill to be entitled An act relating to fathers; requiring the Legislature to enact legislation to encourage fathers to be responsible fathers; providing an effective date.

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

By Senator Cowin—

SB 1784—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; providing for certain persons to take the licensure examination without applying for a license; providing fees; providing an effective date.

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

By Senator Campbell—

SB 1786—A bill to be entitled An act relating to homeowners' associations; amending s. 617.305, F.S.; providing homeowners' association members with a procedure for filing complaints with the association; providing for damages if action is not taken with respect to a complaint; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Campbell—

SB 1788—A bill to be entitled An act relating to pest control; amending s. 482.2267, F.S.; transferring from the Department of Agriculture and Consumer Services to the Department of Health the responsibility for maintaining a pesticide registry; providing an effective date.

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

By Senator Jones—

SB 1790—A bill to be entitled An act relating to road construction; requiring road contractors to carry business interruption insurance to cover businesses that lose revenues because of delays in completion of a road construction contract; providing an effective date.

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

By Senator Casas—

SB 1792—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; revising the definitions of "pharmacy" and "practice of the profession of pharmacy"; creating s. 465.0123, F.S.; providing for pharmacist practitioner licensure; providing for fees; providing for rules; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising disciplinary actions; increasing the administrative fine; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.022, F.S.; requiring the Board of Pharmacy to adopt rules relating to the functions of a pharmacist in a community pharmacy; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate and carisoprodol as Schedule IV controlled substances; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substance, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

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

By Senator Burt—

SB 1794—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s.

489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Bankhead—

SB 1796—A bill to be entitled An act relating to public lands; requiring specified agencies to conduct a study on alternative recreational uses of specified public lands; providing an effective date.

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

By Senator Holzendorf—

SB 1798—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

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

By Senator Williams—

SB 1800—A bill to be entitled An act relating to insurance; creating s. 627.41341, F.S.; providing for suspension or termination of agency contracts by property and casualty insurers; providing for renewal of residential property insurance contracts; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Hargrett—

SB 1802—A bill to be entitled An act relating to fire prevention; amending s. 633.061, F.S.; providing for licensing of fire equipment dealers; providing for training; amending s. 633.071, F.S.; providing standards for service tags on fire extinguishers and preengineered systems; amending s. 633.171, F.S.; changing categories of criminal penalties; amending s. 633.175, F.S.; revising claims investigation and immunity provisions; amending s. 633.30, F.S.; redefining the term "employing agency"; amending s. 633.35, F.S.; providing for training and certification; amending s. 633.511, F.S.; providing standards for appointment to the Florida Fire Safety Board; amending s. 633.514, F.S.; providing for duties of the board; amending s. 633.541, F.S.; providing for installation only by certified persons; changing a criminal penalty; amending s. 633.60, F.S.; changing a criminal penalty; providing an effective date.

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

By Senator Kurth—

SB 1804—A bill to be entitled An act relating to assisted living facilities; amending s. 400.407, F.S.; modifying the number of monitoring visits that must be made by the Agency for Health Care Administration to an assisted living facility licensed to provide extended congregate care services; changing the requirements for admission to an assisted living facility licensed to provide extended congregate care services; amending s. 400.408, F.S.; requiring certain individuals with knowledge of unlicensed assisted living facility activity to be subject to disciplinary action; amending s. 400.426, F.S.; authorizing use of a certain assessment to fulfill medical examination requirements; providing an effective date.

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

By Senator Clary—

SB 1806—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.315, F.S.; requiring such organizations to reimburse certain hospital-based providers; providing an effective date.

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

By Senator Kurth—

SB 1808—A bill to be entitled An act relating to Brevard County; creating the "City of Suntree Charter"; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a city council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of its membership, and a procedure for establishing their compensation and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the mayor and council; providing for a city manager, city clerk, and city attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions and for handling finances; establishing fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date of creation and establishment of the municipality, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the city to state-shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Horne—

SB 1810—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing for use of funds and startup funding; requiring an annual audit and report; providing for rules; requiring legislative review of the program; providing an effective date.

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

By Senator Horne—

SB 1812—A bill to be entitled An act relating to public records; amending section 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Jones—

SB 1814—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; specifying circumstances under which physicians who are governmental officers, employees, or agents meet financial responsibility requirements for staff privileges at licensed facilities in this state; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; creating s. 458.353, F.S.; requiring certain licensure to practice administrative medicine; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending ss. 459.006 and 459.021, F.S.; revising terminology relating to osteopathic medicine and directing that a reviser's bill be prepared to conform terminology; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; amending s. 459.007, F.S., relating to licensure by endorsement; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; specifying circumstances under which physicians who are governmental officers, employees, or agents meet financial responsibility requirements for staff privileges at licensed facilities in this state; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; creating s. 460.4138, F.S.; authorizing subpoena of certain records deemed necessary and relevant to investigation of a complaint; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; updating the definition of "department"; directing the preparation of a reviser's bill; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; revising membership of the Occupational Therapy Council; revising provisions for the filling of vacancies; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s.

468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and repealing s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; providing an effective date.

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

By Senator Williams—

SB 1816—A bill to be entitled An act relating to comprehensive insurance coverage; amending s. 627.7288, F.S.; providing that the deductible may apply to windshield damage; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1818—A bill to be entitled An act relating to state government; requiring the Comptroller to publish annually the amount spent on labor under state contracted services; imposing certain duties on the Comptroller; specifying requirements for certain procurement contracts; providing duties of the procuring agency; providing application; providing an effective date.

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

By Senators Campbell, Bronson, Gutman, Crist, Williams, Silver and Grant—

SB 1820—A bill to be entitled An act relating to solicitation of accident survivors and their relatives; creating s. 624.417, F.S.; prohibiting insurers from soliciting accident survivors and their relatives; providing an exception; providing penalties; creating s. 626.6116, F.S.; prohibiting insurance agents and others licensed by the Department of Insurance from soliciting accident survivors and their relatives; creating s. 877.021, F.S.; prohibiting persons from soliciting accident survivors and their relatives; providing a criminal penalty; providing an effective date.

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

By Senator Cowin—

SB 1822—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.042, F.S.; revising requirements for detaining a juvenile in secure detention if the juvenile is charged with domestic violence; amending s. 39.044, F.S.; authorizing the detention of a juvenile who is charged with a felony offense of domestic violence; amending s. 39.054, F.S.; deleting a requirement that monetary restitution required from a juvenile be secured by a promissory note from the juvenile's parent or guardian; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

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

By Senator Thomas—

SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.091, F.S.; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

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

By Senator Harris—

SB 1826—A bill to be entitled An act relating to financial matters; amending ss. 215.20, 215.22, F.S.; providing that the 7 percent service charge for the cost of general government which is deducted from the proceeds of the county fuel tax and from the Local Option Fuel Tax Trust Fund shall be reduced over a specified period and shall be eliminated for those funds on July 1, 2003; providing that the additional 0.3 percent service charge shall not be deducted from those funds beginning July 1, 2003; providing effective dates.

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

By Senator Dyer—

SB 1828—A bill to be entitled An act relating to the state designation of enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone; providing restrictions; providing for future repeal; providing an effective date.

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

By Senator Horne—

SB 1830—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Latvala—

SB 1832—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585 and 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senators Sullivan and Myers—

SM 1834—A memorial to the Congress of the United States, urging Congress to enact legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices.

—was referred to the Committee on Rules and Calendar.

By Senator Rossin—

SB 1836—A bill to be entitled An act relating to assisted living facilities; amending s. 400.402, F.S.; revising definitions; providing additional requirements for a service plan for a mental health resident of an assisted living facility; amending s. 400.407, F.S.; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the service plan for each mental health resident and verify that such resident meets certain requirements; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; providing examination requirements for a mental health resident who resides in an assisted living facility that holds a limited mental health license; amending s. 394.455, F.S.; revising provisions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; requiring that the resident be evaluated to determine if it is appropriate for the resident to reside in such a facility; requiring that the department assign a case manager to each mental health resident and provide certain documentation; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1838—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; eliminating the indexed tax on manufactured asphalt; providing an effective date.

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

By Senator Harris—

SB 1840—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt real estate licensees from the requirement to report persons in violation of regulatory law applicable to them; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing effective dates.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Jones—

SB 1842—A bill to be entitled An act relating to community redevelopment; creating the urban development program; providing purpose; providing legislative intent; providing definitions; providing criteria for eligibility to be certified and funded as a community redevelopment area containing an urban development project; providing duties and responsibilities of the Office of the Governor and assigning specified duties to the Office of Tourism, Trade, and Economic Development; providing duties of community redevelopment agencies; providing requirements for the use of funds that are allocated to an urban development account in the Community Redevelopment Trust Fund; allowing the issuance of bonds; requiring local leveraging of urban development project funds in a specified ratio; imposing restrictions on the assistance that the community redevelopment agency may provide; imposing limitations upon project costs and upon the return on the owner's equity investment; providing factors that a community redevelopment agency may consider in selecting a project; requiring each community redevelopment agency that has a certified project to maintain certain records; requiring each such community redevelopment agency to submit an annual report, as specified, to the Office of the Governor; amending s. 212.20, F.S.; providing for certain tax proceeds collected under part I of ch. 212, F.S., to be distributed monthly in specified amounts to community redevelopment areas; providing an effective date.

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

By Senator Jones—

SB 1844—A bill to be entitled An act relating to trust funds; creating within the Community Development Trust Fund a separate urban development account for each community redevelopment area containing either a type I or a type II urban development project; providing for the deposit of specified funds into such accounts; providing a contingent effective date.

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

By Senators Clary and Dudley—

SB 1846—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

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

By Senator Forman—

SB 1848—A bill to be entitled An act authorizing the creation of collaborative client information systems; providing a definition; specifying the types of information to be included in the collaborative systems; specifying participants in the collaborative systems; requiring a steering committee to govern each collaborative system; requiring a system security plan; authorizing collaborative system members to share client information; imposing restrictions to protect confidential client information; encouraging participation in the collaborative systems; providing an effective date.

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

By Senator Forman—

SB 1850—A bill to be entitled An act relating to genetic testing; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for consent to genetic testing; providing standards for disclosure of results; providing criminal and civil penalties; providing public records exemptions; providing requirements upon insurers; providing exemptions; providing legislative findings; providing an effective date.

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

By Senator Latvala—

SB 1852—A bill to be entitled An act relating to the Cities of Port Richey and New Port Richey, Pasco County; abolishing the City of Port Richey; annexing the lands comprising that city into the City of New Port Richey and providing for the City of New Port Richey to assume the assets and liabilities of the City of Port Richey; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 1854—A bill to be entitled An act relating to Putnam County; repealing chapter 71-884, Laws of Florida, relating to the Putnam County Nursing Home Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 1856—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 91-358, Laws of Florida; providing an alternate provision for runoff elections; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Williams—

SB 1858—A bill to be entitled An act relating to settlement of suits involving the governing body of a county or municipality; amending s. 164.106, F.S.; authorizing the settlement of certain suits without a public hearing by a county or municipal risk manager, third-party insurer, or administrator under certain conditions; providing an exception; providing an effective date.

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

By Senator Lee—

SB 1860—A bill to be entitled An act relating to governmental procurement of personal property and services; amending s. 287.055, F.S.; revising provisions related to the procurement of design-build contracts by certain governmental entities; providing guidelines for the procurement using a competitive proposal selection process or a qualifications-based selection process; providing an effective date.

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

By Senator Burt—

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

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

By Senator Grant—

SB 1864—A bill to be entitled An act relating to trust funds; creating s. 235.51, F.S.; creating the School Infrastructure Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Senator Grant—

SB 1866—A bill to be entitled An act relating to education; repealing ss. ; providing for a review over a 4-year period of the portions of the Florida School Code that govern the public schools; establishing the School Infrastructure Trust Fund Program; providing purposes; requiring the Commissioner of Education to review rules and recommend repeal; authorizing school district participation in the program and providing requirements; requiring review and recommendation for awards; restricting the use of program awards by the Legislature; authorizing the repeal of statutes; providing for annual funding; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1868—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining the term "residence" for purposes of provisions that specify when the nonrecurring intangible personal property tax must be paid if the property subject to a mortgage, deed of trust, or other lien that secures a line of credit is the borrower's residence; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; amending s. 212.02, F.S.; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.05, F.S.; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.054, F.S.; exempting certain charges for electricity from the discretionary sales surtax; providing for the exemption to be phased-in over a specified period; amending s. 212.08, F.S.; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment over a specified period and exempting such equipment beginning July 1, 2000; providing a tax exemption of certain radio stations and other organizations that conduct religious activities; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of an aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing a sales tax exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for the department to determine the taxability of specific products; authorizing the department to develop a central database; amending s. 212.12, F.S.; increasing the amount of the dealer's credit for collecting taxes; authorizing the Department of Revenue to adopt rules with respect to tax amounts and brackets; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audit project; providing that audits be conducted according to procedures established by the department; providing rulemaking authority; authorizing the department to compromise penalties and abate interest as an incentive for a taxpayer to incur the cost of an audit; providing for expiration of the project; providing procedures for conducting an audit under the certified audit project; providing for acceptance of the audit report by the department; amending s. 213.053, F.S.; authorizing the department to release certain information to the Department of Business and Professional Regulation with respect to proceedings that involve a certified public accountant who participates in the certified audit project; providing for the court to limit disclosure of tax information in judicial proceedings; providing for expiration of the provision; amending s. 213.21, F.S.; requiring the executive director of the department to settle or compromise liabilities for penalties for taxpayers who participate in the certified audit project; providing for expiration of the provision; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a public or private university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; amending s. 319.32, F.S.; deleting a fee imposed on the owner of a motor vehicle previously registered outside the state and deposited into the Nongame Wildlife Trust Fund; amending s. 372.991, F.S., relating to the Nongame Wildlife Trust Fund; conforming a cross-reference to changes made by the act; amending s. 328.03, F.S.; deleting a fee charged to the owner of a vessel previously registered outside the state; amending s. 395.701, F.S.; providing an exemption from the annual assessment on net operating revenues of hospitals to fund public medical assistance for certain health care facilities and services; providing effective dates.

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

By Senator McKay—

SB 1870—A bill to be entitled An act relating to Manatee County; amending s. 24, ch. 79-509, Laws of Florida; increasing the threshold amount of contracts to acquire real or personal property which the trustees of the Bayshore Gardens Park and Recreation District may enter

without an extraordinary vote and referendum approval; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 1872—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming terminology and a cross-reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

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

By Senator Brown-Waite—

SB 1874—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Dantzler—

SB 1876—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; repealing a requirement that operators of vending machines submit quarterly reports to the Department of Revenue relating to gross receipts from such machines and tax thereon; repealing a related penalty; providing that a penalty for displaying a required notice is optional, rather than mandatory; providing an effective date.

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

By Senator Williams—

SB 1878—A bill to be entitled An act relating to the Legislature; creating s. 11.077, F.S., the "Taxpayer Protection Act"; requiring that any general law enacted by the Legislature that will potentially increase the cost of county or municipal personnel salaries, wages, or benefits must include an economic impact statement and provide a means to finance the legislation; providing requirements of the economic impact statement; providing that any provision of general law that will potentially increase the cost of county or municipal personnel salaries, wages, or benefits for employees represented by a collective bargaining agent under ch. 447, F.S., shall not take effect for those employees until agreed to in collective bargaining; providing an effective date.

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

By Senator Meadows—

SB 1880—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance with employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in an officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a $3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

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

By Senator Brown-Waite—

SB 1882—A bill to be entitled An act relating to health care; amending s. 381.0035, F.S., relating to educational courses on HIV and AIDS; amending s. 381.0261, F.S., relating to the patient's bill of rights; amending s. 383.302, F.S., relating to definitions; amending s. 383.305, F.S., relating to licensing birth centers; amending s. 383.308, F.S., relating to birth center facilities and equipment; amending s. 383.309, F.S., relating to minimum standards for birth centers; amending s. 383.31, F.S., relating to selection of clients; amending s. 383.312, F.S., relating to prenatal care of birth center clients; amending s. 383.313, F.S., relating to laboratory and surgical services and anesthetic and chemical agents; amending s. 383.318, F.S., relating to postpartum care; amending s. 383.32, F.S., relating to clinical records; amending s. 383.324, F.S., relating to inspections and investigations; amending s. 383.325, F.S., relating to inspection reports; amending s. 383.327, F.S., relating to birth and death records; amending s. 383.33, F.S., relating to administrative penalties and emergency orders; amending s. 383.331, F.S., relating to injunctive relief; amending s. 383.335, F.S., relating to partial exemption of facilities; amending s. 390.001, F.S., relating to termination of pregnancies; amending s. 390.002, F.S., relating to reporting terminations of pregnancies; amending s. 390.011, F.S., relating to definitions; amending s. 390.012, F.S., relating to rulemaking powers; amending s. 390.014, F.S., relating to licenses, fees, and license display; amending s. 390.015, F.S., relating to applications for license; amending s. 390.016, F.S., relating to expiration of licenses; amending s. 390.017, F.S., relating to grounds for suspension or revocation of a license; amending s. 390.018, F.S., relating to administrative penalties; amending s. 390.019, F.S., relating to inspections and investigations; amending s. 390.021, F.S., relating to injunctions; amending s. 391.214, F.S., relating to rules establishing standards for pediatric extended care centers; amending s. 394.67, F.S., relating to definitions; amending s. 394.875, F.S., relating to crisis stabilization units and residential treatment facilities; amending s. 394.876, F.S., relating to applications; amending s. 394.877, F.S., relating to fees; amending s. 394.878, F.S., relating to issuance and renewal of licenses for community alcohol, drug abuse, and mental health services; amending s. 394.879, F.S., relating to rules relating to such services; amending s. 394.90, F.S., relating to inspection of facilities providing such services; amending s. 394.902, F.S., relating to

denial, suspension, or revocation of licenses; amending s. 394.903, F.S., relating to receivership proceedings; amending s. 394.907, F.S., relating to community mental health centers; amending s. 395.002, F.S., relating to definitions; amending s. 400.211, F.S., relating to persons employed as nursing assistants; amending s. 400.462, F.S., relating to definitions; amending s. 400.471, F.S., relating to application for licensure as a home health agency; amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; amending s. 455.239, F.S., relating to designated health care services; amending s. 458.331, F.S., relating to grounds for disciplinary action against a physician; amending s. 459.015, F.S., relating to grounds for disciplinary action against an osteopathic physician; amending s. 461.013, F.S., relating to grounds for disciplinary action against a podiatrist; conforming those sections to the reorganization of the Department of Health and Rehabilitative Services into the Department of Children and Family Services and the Department of Health, the transfer of certain regulatory powers from the Department of Business and Professional Regulation to the Department of Health, and transfer of certain powers to the Agency for Health Care Administration; repealing s. 394.904, F.S., relating to the Mental Health Facility Licensing Trust Fund; providing for certain moneys to be deposited instead into the Health Care Trust Fund; providing an effective date.

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

By Senator Diaz-Balart—

SB 1884—A bill to be entitled An act relating to insurance; amending s. 626.8411, F.S.; specifying that the provisions of s. 626.572, F.S., relating to rebating, do not apply to title insurance agents or agencies; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 1886—A bill to be entitled An act relating to insurance; amending s. 624.3161, F.S.; specifying the frequency and applicability of market conduct examinations of insurers by the Department of Insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Silver—

SB 1888—A bill to be entitled An act relating to road designations; designating a segment of Biscayne Boulevard as the "Aventura Parkway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Diaz-Balart—

SB 1890—A bill to be entitled An act relating to insurance; amending and renumbering s. 627.64195, F.S.; expanding the applicability of a requirement that health insurance policies make available coverage for enteral formulas under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Ostalkiewicz—

SB 1892—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising language with respect to the nonjudicial sale of vessels; revising timeframes for notice of certain sales; revising certain notice timeframes; providing requirements with respect to towed vessels; providing for liens on certain vessels; providing procedures; providing for sale of certain vessels; providing for liability; providing requirements with respect to waterborne towing vessels; providing for vessel inspection; providing for certificates of destruction; providing for fees; providing for rules and penalties; requiring the satisfaction of certain liens prior to the sale or destruction of a vessel or its contents; amending s. 715.05, F.S.; providing for the reporting of unclaimed vessels; amending s. 715.07, F.S.; providing for the towing of vessels docked on private property; providing an effective date.

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

By Senator Dudley—

SB 1894—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; repealing ss. 12, 13, 14, and 15 of ch. 63-1558, Laws of Florida, as amended, relating to emergency ambulance service, annual assessments therefor, adoption of fees or service charges, and requirement of a referendum election in order to dissolve the district; creating new ss. 12 and 13 of ch. 63-1558, Laws of Florida, as amended; providing for emergency medical rescue response services; providing for the levying of taxes to support same; renumbering subsequent sections of ch. 63-1558, Laws of Florida, as amended; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 1896—A bill to be entitled An act relating to the North Fort Myers Fire Control and Rescue Service District, Lee County; amending ch. 30925, Laws of Florida, 1955, as amended; providing for emergency medical and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 1898—A bill to be entitled An act relating to elections; amending s. 106.143, F.S.; prohibiting mailings to a voter which identify the voter as an absentee voter if such identification can be viewed without opening the envelope in which it is sent; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Kirkpatrick—

SB 1900—A bill to be entitled An act relating to school district improvement; amending s. 229.0535, F.S.; clarifying State Board of Education authority to enforce school and school district improvement; providing legislative intent that the State Board of Education and the school district work in partnership to achieve improvement; requiring consultation with the superintendent; expanding the authority of the state board to intervene in the operation of a district school system under described circumstances; providing for recommended actions and sanctions; requiring the state board to make specified recommendations; amending s. 230.23, F.S., to conform; providing an effective date.

—was referred to the Committee on Education.

By Senator Campbell—

SB 1902—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; revising the definition of "independent expenditure"; amending s. 106.08, F.S.; requiring the filing of a certifica-

tion relating to independent expenditures prior to a political party executive committee making certain contributions; prohibiting certain transfers of funds between political party executive committees and between political party executive committees and certain political committees and committees of continuous existence; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Rossin—

SB 1904—A bill to be entitled An act relating to possession of weapons on school property; amending s. 790.115, F.S.; providing that it is a third-degree felony to exhibit a razor blade, box cutter, or knife having a blade greater than a specified length on the grounds or facilities of any school, school bus, or school bus stop, or within a specified distance of the real property that comprises a public or private school during school hours; providing an effective date.

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

By Senator Campbell—

SB 1906—A bill to be entitled An act relating to waiver of court costs for indigent persons; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; providing an effective date.

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

By Senator Klein—

SB 1908—A bill to be entitled An act relating to limited liability companies; amending s. 220.02, F.S.; revising legislative intent; providing application; amending s. 220.03, F.S.; revising a definition; amending s. 220.13, F.S.; redefining the term "taxable income" as applied to limited liability companies to exclude income of certain limited liability companies; amending s. 608.471, F.S.; exempting certain limited liability companies from the corporate income tax; providing for classifying certain limited liability companies or members or assignees of a member of a limited liability company for certain taxation purposes; amending s. 608.452, F.S.; revising filing fees for certain documents; providing an effective date.

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

By Senator Turner—

SB 1910—A bill to be entitled An act relating to construction contracting; creating s. 489.112, F.S.; restricting local government licensing authority; authorizing local governments to enact ordinances relating to journeyman plumbers; providing for reciprocity; providing for an investigation fee; amending s. 489.113, F.S.; providing for denial of building permits for violations of local journeyman plumber job site requirements; providing an appeals process for certain disciplinary action by local jurisdictions; providing legislative intent; providing an effective date.

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

By Senator Turner—

SB 1912—A bill to be entitled An act relating to electrical contracting; creating s. 489.5151, F.S.; restricting local government licensing authority; authorizing local governments to enact ordinances relating to journeyman electricians; providing for reciprocity; providing for an investigation fee; amending s. 489.516, F.S.; providing for denial of building permits for violations of local journeyman electrician job site requirements; providing an appeals process for certain disciplinary action by local jurisdictions; providing legislative intent; providing an effective date.

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

By Senator Dyer—

SB 1914—A bill to be entitled An act relating to enterprise zones; creating s. 290.0067, F.S.; providing for the creation of two enterprise zones in areas impacted by the acquisition of Lake Apopka farm lands; providing for a duration of these enterprise zones; providing an effective date.

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

By Senator Hargrett—

SB 1916—A bill to be entitled An act relating to historic preservation; amending s. 266.00572, F.S.; expanding the boundaries of the Ybor City Historic District; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Campbell—

SM 1918—A memorial urging the Congress of the United States to approve a school construction initiative.

—was referred to the Committee on Rules and Calendar.

By Senator Myers—

SB 1920—A bill to be entitled An act relating to corporations not for profit; amending s. 617.0808, F.S.; deleting provisions providing for the removal of directors of certain charitable organizations; amending s. 617.2103, F.S.; providing that such organizations are exempt from the provisions of s. 617.0808, F.S.; providing an effective date.

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

By Senator Dyer—

SB 1922—A bill to be entitled An act relating to the University of Central Florida; designating the president's residence as The Burnett House; designating the School of Communication as The Anthony J. Nicholson School of Communication; authorizing the university to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

By Senator Crist—

SB 1924—A bill to be entitled An act relating to the supervision of out-of-state probationers and parolees; providing for the state to withdraw on a specified date from interstate compacts entered into under the Uniform Law for Out-of-state Probation and Parole Supervision; requiring the Department of Corrections to notify each state that is a party to an interstate compact of the withdrawal; providing for the department to continue supervising out-of-state probationers and parolees who reside within the state on the effective date of the withdrawal; requiring the Governor to renegotiate the terms under which the state supervises

out-of-state probationers and parolees; prohibiting the department from accepting responsibility for supervising an out-of-state probationer or parolee after a specified date unless the probationer or parolee has completed at least 85 percent of the term of incarceration imposed by the out-of-state court; repealing ss. 949.07, 949.071, 949.08, 949.09, F.S., relating to the Uniform Law for Out-of-state Probation and Parole Supervision; providing an effective date.

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

By Senator Grant—

SB 1926—A bill to be entitled An act relating to negligence; amending s. 768.125, F.S.; providing civil liability for certain persons who knowingly provide alcoholic beverages to visibly intoxicated persons, underage persons, or persons addicted to the excessive use of alcohol; providing an effective date.

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

By Senator Grant—

SB 1928—A bill to be entitled An act relating to common-law and statutory easements of necessity; amending s. 704.01, F.S.; providing for an implied grant of way of necessity and a statutory way of necessity for cable television and other utility services; providing an effective date.

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

By Senator Burt—

SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 948.001, F.S.; defining the term "sex offender probation"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo periodic polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining a post office box without prior approval; providing an effective date.

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

By Senator Clary—

SB 1932—A bill to be entitled An act relating to resident status for tuition purposes; amending s. 240.1201, F.S.; providing that certain members of the Canadian military are classified as residents for tuition purposes; providing an effective date.

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

By Senator Hargrett—

SB 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing criteria for the designation of brownfield areas and brownfield sites; creating s. 376.81; providing for the brownfield designation and implementation process; creating s. 376.82, F.S.; providing for enforcement orders and criminal penalties; creating s. 376.83, F.S.; reserving authority for seeking relief; directing local governments to coordinate efforts to provide health services; providing an effective date.

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

By Senator Hargrett—

SB 1936—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.84, F.S.; creating the Brownfields Land Recycling Trust Fund to be administered by the Department of Environmental Protection; providing for methods of financial assistance; providing for fees; providing a contingent effective date.

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

By Senator Grant—

SB 1938—A bill to be entitled An act relating to religious freedom; creating the Religious Freedom Restoration Act of Florida; providing that government may not substantially burden the exercise of religion; providing for attorney's fees and costs; providing an effective date.

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

By Senator Dyer—

SB 1940—A bill to be entitled An act relating to the West Volusia Hospital Authority; providing for relief of Michelle Jones, a minor, and Kathy M. Jones, her mother; directing the West Volusia Hospital Authority to appropriate funds to be paid to Kathy Jones, individually, and for the benefit of Michelle Jones, a minor, to compensate them for injuries and damages sustained as a result of the negligence of the West Volusia Hospital Authority, formerly d/b/a West Volusia Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Holzendorf—

SB 1942—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating an Edward Waters College license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Dyer—

SB 1944—A bill to be entitled An act relating to public school choice; amending s. 236.083, F.S.; directing the Legislature to designate additional funds for student transportation to school districts that offer a controlled open enrollment program; providing an effective date.

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

By Senator Clary—

SB 1946—A bill to be entitled An act relating to sponsored research and development; amending s. 220.15, F.S.; providing that certain property and payroll associated with sponsored research and development at a postsecondary institution in the state will be disregarded in calculating apportionment of adjusted federal income and that such research

will not, alone, cause a corporation to incur state income tax liability; providing an effective date.

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

By Senator Holzendorf—

SB 1948—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1998-1999 academic year, continued approval for a teacher preparation program is contingent upon the program's including an optional teacher internship in a socially and economically disadvantaged area; providing an effective date.

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

By Senator Scott—

SB 1950—A bill to be entitled An act relating to professional licensure; amending s. 455.213, F.S.; providing for certain examination fees to be paid directly to the person who administers the examination; amending s. 455.217, F.S.; providing for the adoption of rules establishing fees and providing for the administration of certain examinations; providing for the review of tests by certain persons; providing for the certification of vendors; providing an effective date.

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

By Senator Klein—

SB 1952—A bill to be entitled An act relating to enforcement of child support; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; amending s. 61.13016, F.S.; providing for suspension of driver's license or motor vehicle registration for failure to comply with subpoena or warrant; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of child support award without change in circumstances pursuant to periodic review; providing rulemaking authority; creating s. 61.151, F.S.; providing for liens on real and personal property; providing for rulemaking authority; amending s. 61.30, F.S.; providing for modification of child support award without change in circumstances pursuant to periodic review; excluding a child's part-time employment income and supplemental security income from consideration by the court in determining child support; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to employer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal that issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that department may release confidential taxpayer information to any state or local child support enforcement program; amending s. 320.05, F.S.; providing that department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; providing conditions for entering husband's name on child's birth certificate; amending s. 409.2554, F.S.; conforming cross-references; amending s. 409.2561, F.S.; providing guidelines for establishing obligor's liability; amending s. 409.2564, F.S.; providing department authority to subpoena information and to impose fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; providing for verification of physical custody; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2567, F.S.; providing for availability of child support services; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing an administrative fine; providing rulemaking authority; amending s. 409.2579, F.S.; prohibiting state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; amending s. 409.2598, F.S.; providing that state child support agency may take action against license of an obligor who fails to comply with a subpoena or warrant; providing procedures; amending s. 742.031, F.S.; requiring social security number of each party to be entered on order of paternity; providing for prima facie evidence of expenses of genetic testing; requiring temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to paternity action to file specified information with court; providing for use of such information in subsequent action; transferring, renumbering, and amending s. 742.08, F.S.; deleting provision for lien; making technical changes; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of foreign paternity order that is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to state child support agency; making appropriations; providing an effective date.

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

By Senator Silver—

SB 1954—A bill to be entitled An act relating to adoption; amending s. 39.001, F.S.; providing legislative intent; amending s. 39.01, F.S.; providing a definition; amending s. 39.45, F.S.; prohibiting the delay of an adoption because a sibling is not also placed in the same home; amending s. 39.451, F.S.; providing for adoptive placement by a licensed child-placing agency or an intermediary; amending s. 39.454, F.S.; prescribing time for judicial review of parental rights proceedings; amending s. 39.456, F.S.; conforming provisions; amending s. 39.469, F.S.; providing that licensed child-placing agencies and intermediaries have exclusive authority for adoptive placement of children committed to the Department of Children and Family Services; amending s. 39.47, F.S.; providing procedures; amending ss. 39.471, 39.473, F.S.; conforming provisions; providing an effective date.

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

By Senator Lee—

SB 1956—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehen-

sive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required and state-required levels of proficiency; providing reporting requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

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

By Senator Lee—

SB 1958—A bill to be entitled An act relating to the municipal public service tax; providing legislative intent; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from the tax; providing that religious institutions that possess sales tax exemption certificates are exempt from the tax; providing that religious institutions that possess sales tax exemption certificates are exempt from the tax on telecommunication services; providing for the liability of sellers for taxes that are not remitted; requiring purchasers claiming exemptions to certify that they are qualified therefor; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address; creating s. 166.234, F.S.; providing procedures for audits by municipalities of sellers of services; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; providing requirements with respect to a determination by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing rights and duties of municipalities and sellers; providing that public service tax payment dates and return filing dates must conform to due dates established under ch. 212, F.S.; providing a schedule for application of the requirements of the act; providing an appropriation; providing for severability; providing an effective date.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senators Horne, Myers, Diaz-Balart, Campbell, Klein, Clary, Ostalkiewicz, Bronson, Harris, Dudley, Holzendorf, Kurth, Casas, Childers, Williams, Meadows, Hargrett, Burt, Gutman, Kirkpatrick, Sullivan and Jones—

CS for SB 134—A bill to be entitled An act relating to ad valorem tax administration; creating s. 194.301, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value; providing for a loss of the presumption under certain conditions; providing the taxpayer's burden of proof; providing for the establishment of the assessment if the property appraiser's assessment is determined to be erroneous; providing for a remand of the assessment to the property appraiser under certain conditions; providing an effective date.

By the Committee on Education and Senator Latvala—

CS for SB 178—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing school personnel duties; amending s. 232.2462, F.S.; providing for conversion of college credit hours to high school credit according to certain requirements; providing an effective date.

By the Committee on Judiciary and Senator Harris—

CS for SJR 298—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

By the Committee on Executive Business, Ethics and Elections; and Senator Crist—

CS for SB 330—A bill to be entitled An act relating to confirmation of executive appointments; amending s. 114.05, F.S.; prohibiting executive appointees under certain circumstances from assuming office prior to confirmation by the Senate; providing an effective date.

By the Committee on Education—

CS for SB 398—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing for rulemaking by the Florida Prepaid Postsecondary Education Expense Board; providing technical revisions; authorizing the board to construct contracts for dormitory residence; deleting the requirement that the board construct contracts for dormitory residence; providing for exemption from securities transactions laws; providing for refunds associated with the conversion of registration plans; reviving and readopting s. 240.552, F.S., relating to the Florida Prepaid Tuition Scholarship Program; providing an effective date.

By the Committee on Judiciary and Senator Crist—

CS for SB 444—A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Latvala—

CS for SJR 482—A joint resolution proposing the creation of Section 26 of Article I of the State Constitution, to provide for amendment or revision of statutory law by citizen initiative.

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

CS for SB 508—A bill to be entitled An act relating to Medicaid provider agreements; amending s. 409.907, F.S.; requiring state and national criminal-history checks of those who apply to be providers; defining the term "applicant"; allowing the Agency for Health Care Administration to permit an applicant to become a provider pending the results of such checks, and to revoke permission in specified circumstances; providing exemptions from the background-screening requirements for certain providers and under certain circumstances; amending s. 409.920, F.S.; increasing the penalty for knowingly submitting false or misleading information to Medicaid for purposes of being accepted as a Medicaid provider; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 550—A bill to be entitled An act relating to oil and gas drilling; amending s. 377.2425, F.S.; revising surety requirements for drilling permittees; providing an effective date.

By the Committee on Regulated Industries and Senators Cowin, Latvala, Clary, Lee, Dudley, Diaz-Balart, Forman, Kurth, Silver, Brown-Waite, Myers and Bankhead—

CS for SB 558—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; requiring the Public Service Commission to extend time periods and reschedule events by the number of days a utility is late in providing discovery; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Rossin and McKay—

CS for SB's 628 and 978—A bill to be entitled An act relating to assisted living facilities; amending s. 400.402, F.S.; defining the term "special care unit" for purposes of part III, ch. 400, F.S., relating to assisted living facilities; amending s. 400.4177, F.S.; requiring certain assisted living facilities to provide special care units for the care of persons who have Alzheimer's disease or related disorders; amending s. 400.441, F.S.; providing direction with respect to rules; amending s. 400.452, F.S.; providing additional training requirements for staff and for direct caregivers who work in special care units; specifying topics to be included in level I and level II curricula; requiring continuing education for direct caregivers; providing for certification upon completion of training; providing for employees of certain facilities to receive training at no charge; providing requirements for providers of initial and continuing education courses; requiring the Department of Elderly Affairs to approve courses and providers; amending s. 400.407, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Community Affairs and Senator Holzendorf—

CS for SB 658—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing for distribution of penalty revenue; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Crist—

CS for SB 752—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; revising the deadline for mailing absentee ballots to absent qualified electors overseas; amending ss. 99.061, 103.091, 105.031, 106.07, F.S.; revising qualifying dates; requiring a special campaign financing report; providing an effective date.

By the Committee on Natural Resources and Senators Thomas, Williams, Childers, Dantzler and Clary—

CS for SB 788—A bill to be entitled An act relating to water resources; creating the Apalachicola-Chattahoochee-Flint River Basin Compact; providing for enactment by certain state legislatures and the United States Congress; providing purposes; providing scope; providing parties; providing definitions; providing for legal viability; creating the Apalachicola-Chattahoochee-Flint River Basin Commission; providing for appointments, organization, powers, and duties; providing for development of an allocation formula for the equitable apportionment of surface waters; providing for termination of the compact; providing for completion of certain water resource studies; providing for relationship of the compact to other laws; providing for public participation; providing for funding of the commission's operations; providing procedures for resolution of disputes; providing for enforcement actions; providing for inapplicability to other stream systems; preserving certain water-use rights within a member state; providing agreements regarding water quality; providing for effect of underuse of a state's water allocation; providing severability; providing for notice of ratifications; requiring signatures to and recording of compact; providing an effective date.

By the Committee on Banking and Insurance—

CS for SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of surplus; providing for participation in regular assessments by member insurers; authorizing credits from assessments for taking policies out of the Residential Property and Casualty Joint Underwriting Association; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; requiring the Department of Insurance to verify calculations of emergency assessments; specifying purpose of financing mechanisms; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; revising the notice requirements for cancellation of association policies; providing for a notice to be placed in the association policy; providing legislative intent that the rate and premium structure of the association be actuarially sound and noncompetitive; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; authorizing issuance of bonds and other indebtedness in the absence of a hurricane; providing legislative intent; providing for the protection of creditors; providing immunity from liability; applying such prohibition to pending applications; providing standards for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; requiring the Department of Insurance to verify the calculations of emergency assessments; specifying purpose of financing mechanisms; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; revising notice requirement for cancellation of association policies; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; revising the mobile home rate requirements for the association; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; revising the standards and scope of the immunity from causes of action provided to board members and others; providing for protection of creditors; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; creating s. 627.3513, F.S.; establishing requirements for the sale of bonds and the selection of financial services providers and underwriters by the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; prohibiting the engagement of the services of certain persons; requiring the disclosure of certain information; providing that failure to comply does not affect validity of bond issue but is a violation of the Insurance Code; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; conforming cross-references; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Forman, Myers, Grant, Turner and Casas—

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

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 888—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing for the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult, elderly person, or child as a result of abuse, neglect, exploitation, or abandonment; authorizing any person or organization, or the Department of Children and Family Services, to petition the court to prohibit public disclosure of such records; providing for a presumption that disclosure is in the public interest; revising provisions to reflect the creation of the Department of Children and Family Services; amending s. 415.107, F.S.; providing for records involving the death of a disabled adult or an elderly person to be released pursuant to s. 119.07, F.S.; amending s. 415.51, F.S.; providing for records involving the death of a child to be released pursuant to s. 119.07, F.S.; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Forman—

CS for SB 962—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; deleting a requirement that certain parties participate in the application for such a grant; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Architecture and Interior Design		
Appointee:	Laramore, Charlotte P., Marianna	10/31/2000
Regulatory Council of Community Association Managers		
Appointee:	Billups, Reginald D., Ft. Myers	10/31/2000
State Board of Community Colleges		
Appointees:	Belohlavek, John Milan, Tampa	09/30/2001
	Lang, Joseph Hagedorn, St. Petersburg	09/30/1997
Board of Trustees of Pensacola Junior College		
Appointee:	Baker, Richard Robert, Gulf Breeze	05/31/1997
Board of Trustees of St. Petersburg Junior College		
Appointee:	Harwell, Lacy Rankin, St. Petersburg	05/31/1998
Construction Industry Licensing Board		
Appointee:	Stokes, Susan C., Jupiter	10/31/1997
Board of Cosmetology		
Appointee:	Roy, Emily D., Tampa	10/31/2000
Florida Development Finance Corporation		
Appointees:	Brooks, Theodore H., Jr., Jacksonville	05/02/2000
	Hill, Joseph D., Jr., West Palm Beach	05/02/1999
Education Practices Commission		
Appointee:	Davis, James Edward, Zephyrhills	09/30/1998
Education Standards Commission		
Appointee:	Sharpe, Barbara Jean, Gainsville	09/30/1999
Board of Directors, Capital Development Board		
Appointees:	Hill, Joseph D., Jr., West Palm Beach	03/09/2000
	Masferrer, Eduardo A., Miami	03/09/2000
Board of Directors, Florida International Trade and Economic Development Board		
Appointees:	Milton, Teala A., Jacksonville	11/21/2000
	Steiner, Robert Newton, Valrico	11/21/2000
	Watermeier, Janet L., Ft. Myers	11/21/1998
Board of Directors, Workforce Development Board		
Appointees:	Brody, Sue Gourley, St. Petersburg	06/05/1999
	Daly, John Joseph, Jacksonville	06/05/1999
Board of Funeral and Cemetery Services		
Appointee:	Ray, David Preston, Lakeland	09/08/1997
Florida Housing Finance Agency		
Appointee:	Baldwin, Stephanie Williams, Miami	11/13/2000
Board of Medicine		
Appointee:	El-Bahri, Georges A., Jacksonville	10/31/2000
Board of Nursing		
Appointees:	Edwards, Willie, Gainesville	10/31/2000
	Woolfork, Betty Bacon, Tallahassee	10/31/1999
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Hoover, Robin C., Tampa	09/30/1998
	May, Randall Lee, Merritt Island	09/30/2000
Board of Psychology		
Appointees:	Perry, Nathan W., Jr., Archer	10/31/2000
	Weitz, William Alan, Boca Raton	10/31/1999
East Central Florida Regional Planning Council, Region 6		
Appointee:	Clegg, Barbara A., Winter Park	10/01/1998
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Barnett, James Samuel, Bradenton	11/05/2000
	Labasky, Beth K., Tallahassee	11/05/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

Environmental Regulation Commission		
Appointee:	Krant, Elizabeth Howard, Ft. Lauderdale	07/01/1999

Office and Appointment		*For Term Ending*
Governing Board of the St. Johns River Water Management District		
Appointee:	Segal, William Martin, Maitland	03/01/2001
Governing Board of the South Florida Water Management District		
Appointees:	Berger, Mitchell Wayne, Parkland	03/01/2001
	Carter, Vera M., Windermere	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 6 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 354; Bronson—SB 836; Campbell—SB 72; Cowin—SB 354; Diaz-Balart—SB 546; Forman—SB 72; Grant—SB 648, SB 722; Gutman—SB 648, SB 836; Harris—SB 648; Horne—SB 648; Jenne—SB 588, SB 648; Lee—SB 648; Meadows—SB 72, SB 648; Ostalkiewicz—SB 778; Silver—SB 836; Sullivan—SB 872

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:10 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, March 13.

SENATE PAGES

March 10-14

Brittany Bass, Winter Springs; Kareem Bradshaw, Opa-Locka; Michelle Bronson, Satellite Beach; Joseph Campbell, Destin; Joanna Clary, Destin; John P. Fosgate, Orlando; Michael A. Greene, Fort Lauderdale; William (Cory) Haller, Bunnell; Joseph (Joe) Hilton, Orlando; Tanya Jones, Rockledge; Jenni Maki, Melbourne; Umang Talati, Eustis; Leslie (Leigh) Thompson, Fernandina Beach

Journal of the Senate

Number 5—Regular Session **Thursday, March 13, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Excused: Senator Casas; Senator Silver at 2:57 p.m.

PRAYER

The following prayer was offered by the Rev. Steven Davies, Village Baptist Church, Destin:

Almighty God, we come before you this afternoon in recognition of the need of your divine presence and guidance in our lives. Lord, as we bow our heads and bow our hearts today, I personally come before you in the name of my Lord and Savior, Jesus Christ, to pray on behalf of this congregation of ladies and gentlemen that represent the people of this state.

Lord, we are grateful for the many blessings of our past. We are grateful for the destiny that you have given us as Americans. We are grateful for the blessings that you have given us as a nation. And Lord, we bow in your presence with a word of praise acknowledging your tender hand that guides and leads us each day, as well as your mercy and grace so freely given.

Father, this afternoon as we are gathered here, we come with problems that we face as a people. Lord, the morality of our country seems to be on a downhill swing. Lord, there are problems that our children face not only in their homes but upon the schoolyards. Places of learning at times have become a battlefield. Father, the problems are great and oftentimes we look to our government leaders to solve the problems, but your word says that unless the Lord builds a house, they labor in vain who build it. So Lord, really our greatest need is the need to know your heart and, Lord, we know that your heart is for the good and the best of all people.

So Father, this afternoon as we bow and lift up this request unto you, Lord, I would pray that you would bestow understanding upon those who are gathered in this Chamber. Lord, I would ask that you would fill their hearts with wisdom, even as you did King Solomon in days of old. Father, I pray that your hand would guide and lead them as they try to steer a course for this state and, Lord, in turn as this state sets a standard for the nation which we are a part.

Lord, we are grateful for your hand of blessing and we ask your continued protection and guidance and, Lord, we bring these things before you asking your help and, Lord, I pray these things through your Son and my Savior, Jesus Christ. Amen.

PLEDGE

Senate Pages, Kareem Bradshaw of Opa Locka and Tanya Jones of Rockledge, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **SB 164**, **SB 182**, **SB 198**, **CS for SB 232**, **SB 268**, **CS for CS for SB 286**, **CS for CS for SB 384**, **SB 656** and **CS for SB 658** were withdrawn from the Committee on Ways and Means.

On motion by Senator Grant, by two-thirds vote **SB 1928** and **SB 488** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bronson, by two-thirds vote **SB 6** was withdrawn from the committee of reference and further consideration.

On motion by Senator Forman, by two-thirds vote **SB 102** was withdrawn from the committee of reference and further consideration.

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Sullivan, by two-thirds vote **CS for HB 91** was withdrawn from the Committee on Criminal Justice.

On motions by Senator Sullivan, by two-thirds vote—

CS for HB 91—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding flunitrazepam, alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2, 5-dimethoxyphenethylamine, and methcathinone to the list of Schedule I controlled substances; adding gamma-hydroxy-butyrate to the list of Schedule II controlled substances; adding fenfluramine to Schedule IV; eliminating flunitrazepam from the list of Schedule IV controlled substances; amending s. 893.13, F.S.; eliminating language with respect to penalties for the use of flunitrazepam; revising language with respect to combinations of certain controlled substances; amending s. 893.135, F.S.; providing penalties for trafficking in flunitrazepam; amending s. 921.0012, F.S.; conforming the sentencing guidelines to the act; repealing s. 893.03(4)(w), F.S.; providing for the removal of fenfluramine from the schedule of controlled substances; providing a conditional effective date and an effective date.

—a companion measure, was substituted for **SB 92** as amended and by two-thirds vote read the second time by title. On motions by Senator Sullivan, by two-thirds vote **CS for HB 91** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Childers
Bankhead	Brown-Waite	Campbell	Clary

Cowin	Gutman	Kurth	Scott
Crist	Hargrett	Latvala	Silver
Dantzler	Harris	Lee	Sullivan
Diaz-Balart	Holzendorf	McKay	Thomas
Dudley	Horne	Meadows	Turner
Dyer	Jenne	Myers	Williams
Forman	Jones	Ostalkiewicz	
Grant	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 156—A bill to be entitled An act relating to the Violent Crime Emergency Account; amending ss. 943.031, 943.042, F.S.; changing terminology to conform to the renaming of the Violent Crime Investigative Emergency Account as the Violent Crime Emergency Account by ch. 94-215, Laws of Florida; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **SB 156** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 316—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.18, F.S.; authorizing accused persons to be witnesses in their own behalf; providing for the examination of such persons in the same manner as other witnesses; providing limitations; providing responsibility of prosecuting attorneys; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury; providing a contingent effective date.

—as amended March 12 was read the third time by title.

On motions by Senator Gutman, **SB 316** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 288—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; redefining terms; amending s. 560.111, F.S.; providing that violations of certain statutes of other jurisdictions by money transmitters and money transmitter-affiliated parties are unlawful in this state; providing penalties; amending s. 560.114, F.S.; prescribing additional grounds for disciplinary action against persons registered as money transmitters or money transmitter-affiliated parties; amending s. 560.118, F.S.; revising standards for examinations and audits of money transmitters and authorized vendors; amending s. 560.128, F.S.; authorizing the Department of Banking and Finance to require money transmitters to display their registration; amending s. 560.205, F.S.; requiring additional information from applicants for registration; providing an effective date.

—as amended March 12 was read the third time by title.

On motions by Senator Bronson, **CS for SB 288** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **SB 258** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for member-

ship in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of surplus; providing for participation in regular assessments by member insurers; authorizing credits from assessments for taking policies out of the Residential Property and Casualty Joint Underwriting Association; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; requiring the Department of Insurance to verify calculations of emergency assessments; specifying purpose of financing mechanisms; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; revising the notice requirements for cancellation of association policies; providing for a notice to be placed in the association policy; providing legislative intent that the rate and premium structure of the association be actuarially sound and noncompetitive; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; authorizing issuance of bonds and other indebtedness in the absence of a hurricane; providing legislative intent; providing for the protection of creditors; providing immunity from liability; applying such prohibition to pending applications; prohibiting expansion of the geographical boundaries of the association after the effective date of this act; applying such prohibition to pending applications; providing standards for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; requiring the Department of Insurance to verify the calculations of emergency assessments; specifying purpose of financing mechanisms; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; revising notice requirement for cancellation of association policies; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; revising the mobile home rate requirements for the association; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; revising the standards and scope of the immunity from causes of action provided to board members and others; providing for protection of creditors; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; creating s. 627.3513, F.S.; establishing requirements for the sale of bonds and the selection of financial services providers and underwriters by the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; prohibiting the engagement of the services of certain persons; requiring the disclosure of certain information; providing that failure to comply does not affect validity of bond issue but is a violation of the Insurance Code; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; prescribing additional guidelines with respect to deductibles offered on hurricane coverage; conforming cross-references; providing an effective date.

—as amended March 12 was read the third time by title.

Senator Williams moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 15, line 29, after "*or*" insert: *, if consistent with the insurer's underwriting rules as filed with the department,*

Amendment 2—On page 30, line 23, after "or" insert: *, if consistent with the insurer's underwriting rules as filed with the department,*

Senator Williams moved the following amendment:

Amendment 3 (with title amendment)—On page 52, line 28, after the period (.) insert: *The requirement of this subsection that the producing agent of record is entitled to retain the unearned commission on an association policy does not apply to a policy for which coverage has been provided in the association under a binder of 30 days or less or for which a cancellation notice has been issued pursuant to s. 627.351(6)(c)11. during the first 30 days of coverage.*

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: providing that the required payment of unearned commission to an agent does not apply under certain circumstances;

Senator Dudley moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3A—On page 1, lines 19 and 20, delete "*under a binder of*" and insert: *for*

Amendment 3 as amended was adopted by two-thirds vote.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 53, line 3, after "or" insert: *, if consistent with the insurer's underwriting rules with the department,*

On motions by Senator Diaz-Balart, **CS for SB 794** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 788—A bill to be entitled An act relating to water resources; creating the Apalachicola-Chattahoochee-Flint River Basin Compact; providing for enactment by certain state legislatures and the United States Congress; providing purposes; providing scope; providing parties; providing definitions; providing for legal viability; creating the Apalachicola-Chattahoochee-Flint River Basin Commission; providing for appointments, organization, powers, and duties; providing for development of an allocation formula for the equitable apportionment of surface waters; providing for termination of the compact; providing for completion of certain water resource studies; providing for relationship of the compact to other laws; providing for public participation; providing for funding of the commission's operations; providing procedures for resolution of disputes; providing for enforcement actions; providing for inapplicability to other stream systems; preserving certain water-use rights within a member state; providing agreements regarding water quality; providing for effect of underuse of a state's water allocation;

providing severability; providing for notice of ratifications; requiring signatures to and recording of compact; providing an effective date.

—as amended March 12 was read the third time by title.

On motions by Senator Thomas, **CS for SB 788** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 40

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Education recommends the following pass: SB 128

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 988 with 1 amendment

The Committee on Education recommends the following pass: SB 76

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 650 with 6 amendments, SB 652 with 1 amendment

The bills were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 542, SB 588, SB 624

The Committee on Natural Resources recommends the following pass: SB 150, SB 206, SB 292 with 1 amendment, SB 406

The Committee on Regulated Industries recommends the following pass: SB 334 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 350 with 1 amendment

The Committee on Education recommends the following pass: SB 28, SB 664

The Committee on Health Care recommends the following pass: SB 100

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health Care recommends a committee substitute for the following: SB 1058

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 690, SB 786, SB 868

The bills with committee substitutes attached were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 968

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: CS for SB 286, SB 410, SB 770

The Committee on Criminal Justice recommends committee substitutes for the following: SB 232, CS for SB 278, Senate Bills 312 and 478, SB 396, SB 850

The Committee on Education recommends committee substitutes for the following: SJR 294, SB 442, SB 586, SB 798

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 384

The Committee on Health Care recommends committee substitutes for the following: SB 270, SB 490

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 852, SB 1012

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Myers—

SB 1960—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; transferring certain powers, duties, functions, and assets of the Agency for Health Care Administration with respect to rural health networks and local health councils to the Department of Health; transferring certain powers, duties, functions, and assets of the Correctional Medical Authority to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; renaming certain divisions in the Department of Health; creating the Division of Local Health Planning, Education, and Workforce

Development; providing the department with budget flexibility; amending ss. 20.19, 39.4031, 39.4032, 39.408, 110.131, 119.07, 154.067, 216.341, 232.50, 381.0405, 381.0406, 381.04065, 391.051, 395.1023, 408.033, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, 945.602, 945.603, 945.6031, 945.6032, F.S.; conforming provisions to the changes made by the act; providing for the continued effect of rules; providing for continuation of judicial and administrative proceedings; providing an effective date.

—was referred to the Committees on Health Care; Children, Families and Seniors; Criminal Justice; and Ways and Means.

By Senator Dudley—

SB 1962—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.7001, F.S.; providing that it is the intent of the Legislature to abolish the statewide office of the capital collateral representative on a specified date and to establish a capital collateral representative in each judicial circuit; amending s. 27.701, F.S.; providing for the circuit capital collateral representative to be appointed by the chief judge of the circuit; providing that the capital collateral representative may be appointed to a full-time or part-time position; providing for the appointment of a temporary capital collateral representative; deleting a provision that prevents the capital collateral representative from running for or accepting appointment to any state office for a specified period after leaving office; amending s. 27.702, F.S.; providing for the statewide office of capital collateral representative to continue to represent certain persons sentenced to death until a specified date; providing for the circuit capital collateral representative to represent persons sentenced to death after a specified date; amending s. 27.703, F.S.; providing for the capital collateral representative to appoint substitute counsel to resolve any conflict of interest; amending s. 27.704, F.S.; providing for the appointment of part-time assistant capital collateral representatives; amending s. 27.705, F.S.; providing for compensation of circuit capital collateral representatives; requiring the circuit capital collateral representatives to develop an annual classification and pay plan to be submitted to the Justice Administrative Commission; requiring an annual review of policies for the purpose of eliminating inequities based on gender or race in the position of assistant capital collateral representative; amending s. 27.706, F.S.; prohibiting the circuit capital collateral representative from engaging in private law practice; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Senator Lee—

SB 1964—A bill to be entitled An act relating to tobacco products; retitling chapter 569, F.S., "Tobacco Products"; amending and renumbering s. 859.06, F.S., to clarify provisions; amending s. 569.002, F.S.; excluding certain classes of persons from the definition of the term "under age 18"; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to misrepresent age or military service to acquire, purchase, or knowingly possess any tobacco product and providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for enforcement and local tobacco product enforcement officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, and 569.006, F.S.; clarifying provisions; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify provisions; repealing s. 859.058, F.S., relating to clove cigarettes; amending s. 569.007, F.S.; providing an additional exemption from the prohibition against sale or delivery of tobacco products through vending machines; amending s. 569.008, F.S.; conforming and clarifying provisions relating to responsible tobacco product dealers; amending s. 569.009, F.S.; conforming and clarifying provisions relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, driver's licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; creating s. 569.010, F.S.; providing for an annual report; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

By Senator Hargrett—

SB 1966—A bill to be entitled An act relating to child care programs; creating a pilot project to be known as the "ASCENT Project" for the purpose of training participants in the WAGES Program for careers as child care providers; providing for the pilot project to be implemented in a single county by the Department of Children and Family Services or a contract provider; providing goals of the project; providing for participant selection; requiring a background investigation of project participants; providing components of the pilot project; providing for training participants and mentors; providing for a mentor who is an operator of a family day care home or a child care center to host a project participant; providing for assistance to be provided to a project participant in establishing a business; providing for support services; requiring the department to provide certain incentives to encourage the development of family day care homes; requiring the department to adopt rules for evening child care; requiring the department to establish a grievance procedure for child care providers who violate licensing standards; requiring the department to secure certain federal waivers; providing an appropriation; requiring the department to evaluate the pilot project; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

By Senator McKay—

SB 1968—A bill to be entitled An act relating to enforcement of compulsory school attendance; amending s. 232.19, F.S.; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or a learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for an additional fine to be imposed against a parent who fails to comply with the compulsory school-attendance requirements; providing that proceeds of the fine be used to fund truancy prevention programs; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home-education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school-attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school-attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; providing an effective date.

—was referred to the Committees on Education; Transportation; and Ways and Means.

By Senator Gutman—

SB 1970—A bill to be entitled An act relating to residential condominiums; amending s. 718.616, F.S.; prescribing contents of a municipality's acknowledgment relating to its notification by a developer of a conversion of existing property into a condominium; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

SR 1972—Not referenced.

By Senator McKay—

SB 1974—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; limiting the interest on overdue personal injury benefit payments by insurers; limiting medical fees; requiring a notice of treatment and services; requiring itemized statement of services and charges; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Campbell—

SB 1976—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.315, F.S.; prohibiting certain provisions in contracts with health care providers; providing a penalty; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Hargrett—

SB 1978—A bill to be entitled An act relating to the Department of Banking and Finance; amending s. 655.033, F.S.; authorizing the department to issue to a financial institution or affiliate an order to cease and desist from the use of data-processing software that determines credit-worthiness based solely upon place of residence and that results in unlawful discrimination; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Jones—

SB 1980—A bill to be entitled An act relating to social and economic assistance; amending s. 409.908, F.S.; deleting a provision relating to the reimbursement for midwives who provide services to Medicaid recipients; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Jones—

SB 1982—A bill to be entitled An act relating to victim assistance; amending s. 960.003, F.S.; revising legislative intent and guidelines with respect to human immunodeficiency virus testing in connection with a criminal episode; revising criteria for persons subject to such testing to provide for testing under certain circumstances when probable cause exists that a person has committed an offense enumerated under specified provisions relating to criminal transmission of HIV; providing conforming language with respect to disclosures of results to the alleged offender and victim; reenacting s. 381.004(3)(g) and (i), F.S., relating to HIV testing, s. 775.0877(2), F.S., relating to criminal transmission of HIV, and s. 951.27(2), F.S., relating to blood tests of inmates, to incorporate the amendments to s. 960.003, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice and Health Care.

By Senator Williams—

SB 1984—A bill to be entitled An act relating to the Suwannee River Heritage Region; directing the Suwannee River Water Management District to pursue national designation for the Suwannee River Heritage Region; providing for a boundary for the region; providing for legislative findings; providing for limitations on the designation; directing the district to provide reports; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Reform and Oversight.

By Senator Forman—

SB 1986—A bill to be entitled An act relating to health care; amending ss. 458.320, 459.0085, F.S.; requiring maintenance of financial responsibility as a condition of licensure of physicians and osteopathic physicians; providing for payment of any outstanding judgments or settlements pending at the time a physician or osteopathic physician is suspended by the Department of Business and Professional Regulation; repealing an alternative method of establishing financial responsibility; amending s. 455.245, F.S.; requiring the Agency for Health Care Administration to issue an emergency order suspending the license of a physician or osteopathic physician whom the agency has probable cause to believe has violated s. 458.320 or s. 459.0085, F.S.; requiring the Department of Insurance to review the effect of changes made by the act and annually report to the Governor and Legislature; requiring the Agency for Health Care Administration to review the effect of changes made by the act and annually report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By Senator Jones—

SB 1988—A bill to be entitled An act relating to Monroe County; specifying rights of members of the classified service of the Monroe County Sheriff's Office; providing procedures for appeal of disciplinary actions against members; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing a procedure for transition upon the expiration of a sheriff's term; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 1990—A bill to be entitled An act relating to explosive materials; requiring that the State Fire Marshal propose legislation and rules to require the tagging of explosive material manufactured or offered for sale in this state for purposes of detection and identification; providing definitions; requiring the State Fire Marshal to consult with experts; requiring that the State Fire Marshal consider specified interests in proposing methods for tagging; exempting certain explosive materials from regulation; requiring the State Fire Marshal to submit proposed legislation to the President of the Senate and the Speaker of the House of Representatives; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By Senators Jenne and Dyer—

SB 1992—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; prescribing guidelines for expenditure of lottery funds allocated to public schools; amending s. 229.58, F.S.; revising provisions relating to the establishment of school advisory councils; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; and Ways and Means.

By Senator Holzendorf—

SB 1994—A bill to be entitled An act relating to education; establishing a study commission to determine the need for creating a statewide residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Rules and Calendar.

By Senator Rossin—

SB 1996—A bill to be entitled An act relating to appropriations; providing for an annual appropriation to be made in the General Appropriations Act to compensate Glades County for ad valorem taxes lost due to the construction of a private correctional facility in that county; providing for repeal of the act; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By Senator Kurth—

SB 1998—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.0571, F.S.; requiring the Department of Juvenile Justice to establish a certification process for juvenile sexual offender commitment programs; prohibiting uncertified programs from holding themselves out as juvenile sex offender day treatment or residential treatment programs as of January 1, 1999; amending s. 212.02, F.S.; revising the definition of "admissions" to include admissions to establishments that offer, advertise, or engage in adult entertainment services, for purposes of imposition of tax thereon; amending s. 212.05, F.S.; providing for imposition of sales tax on charges for personal escort services; amending s. 212.20, F.S.; providing for deposit of the proceeds of said taxes in the Grants and Donations Trust Fund under the Office of the Attorney General to fund grants under the Sexual Abuse Intervention Network; amending s. 490.012, F.S., relating to violations, penalties, and injunction; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 490.0145, F.S.; providing that only persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; prescribing qualifications for licensure under ch. 490, F.S., as a juvenile sexual offender therapist; providing for adoption of rules by the Board of Psychology relating to such qualifications; amending s. 491.003, F.S.; redefining "practice of clinical social work," "practice of marriage and family therapy," and "practice of mental health counseling" with respect to ch. 491, F.S., to include juvenile sexual offender therapy; reenacting s. 491.012(1)(i)-(k), F.S., relating to violations and penalties, and s. 491.014(7), F.S., relating to exemptions, to incorporate said amendment in references; amending s. 491.012, F.S.; defining the offenses of unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; defining the offense of unlawful description of services using the term, or derivative thereof, "juvenile sexual offender therapy," and providing penalties therefor; providing for injunctive relief with respect to such offenses; creating s. 491.0144, F.S.; prescribing qualifications for licensure of a juvenile sexual offender therapist under ch. 491, F.S.; providing for adoption of rules with respect to such licensure by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; creating s. 943.17291, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate certain instruction into certain law enforcement officer course curriculum; creating s. 943.17295, F.S.; requiring the commission to incorporate certain subjects into certain law enforcement officer continuous employment or appointment curricula; creating s. 39.0251, F.S.; requiring the department to establish the Sexual Abuse Intervention Network; providing for use of the proceeds of the tax on admissions to establishments offering, advertising, or engaging in adult entertainment services and of the tax on personal escort services to fund grants under the network; delineating procedures for grant awards; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Care; and Ways and Means.

By Senator Kirkpatrick—

SB 2000—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S.; restricting the authority of a medical examiner to perform autopsies or laboratory examinations; prohibiting the sale, donation, or contribution of a deceased's body parts without the consent of the deceased's next of kin; providing a penalty; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Gutman—

SB 2002—A bill to be entitled An act relating to gain-time awards; amending s. 775.084, F.S.; providing that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Williams—

SB 2004—A bill to be entitled An act expressing legislative intent to reorganize the Department of Management Services and to revise the laws relating to the Career Service and Select Exempt Service Systems, the Innovation Investment Program, public property and publicly owned buildings, and the Correctional Privatization Commission.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Dudley—

SB 2006—A bill to be entitled An act relating to Lee County; excluding certain lands from the San Carlos Park Fire and Protection Rescue Service District as created by ch. 76-411, Laws of Florida, as amended; amending s. 5, ch. 76-411, Laws of Florida, as amended; increasing the maximum permissible ad valorem tax that may be levied by the board of the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2008—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the abolition or restructuring of certain community redevelopment agencies currently existing within the city and providing for the redistribution of their powers, functions, duties, liabilities, property and personnel; amending chapter 92-341, Laws of Florida, as amended; creating the Jacksonville Economic Development Commission to exist as an autonomous body within the executive branch of the consolidated government; providing for designation as an industrial development authority and as a community redevelopment agency; providing for powers, duties, functions, personnel, and obligations of the Jacksonville Sports Development Authority, the Jacksonville Downtown Development Authority, the Jacksonville International Airport Community Redevelopment Authority, the Cecil Field Development Commission and the Economic Development Division of the Planning and Development Department of the city; excluding officials and employees of the commission from civil service; transferring all existing

powers, duties, responsibilities and authorities of the Jacksonville Downtown Development Authority to the commission and restructuring the authority as an advisory body to the commission; amending chapter 89-509, Laws of Florida, as amended; transferring to the commission all powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority; restructuring the authority as an advisory body to the commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Childers—

SB 2010—A bill to be entitled An act relating to ignition interlock devices; amending s. 316.1937, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to require persons who are convicted of driving under the influence or who refuse to submit to a breath, blood, or urine test to install a functioning ignition interlock device in any vehicle the person operates; requiring compliance with operating and maintenance instructions for department-certified breath alcohol ignition interlock devices; providing penalties; providing penalties for driving a motor vehicle that is not equipped with a required device under certain circumstances; revising provisions with respect to penalties; providing a penalty for preventing or attempting to prevent any person legally authorized by the court or the department from installing, monitoring, or repairing a department-certified breath alcohol ignition interlock device; providing an exception for certain persons to operate a vehicle while conducting the employer's business under certain circumstances; amending s. 316.1938, F.S.; requiring that the department adopt specifications for service providers; amending s. 322.27, F.S.; providing an exception with respect to the revocation of the driving privilege; amending s. 322.271, F.S.; decreasing the time period to petition for restoration of the driving privilege; reducing time periods for reinstatement; providing for enrollment in the statewide interlock supervision program; authorizing the department to require that persons convicted of certain offenses of driving under the influence install an ignition interlock device; requiring the department to adopt rules for a statewide interlock supervision program in conjunction with the DUI programs; amending s. 322.28, F.S.; providing for restricted driving privileges for business or employment if the person installs a certified breath alcohol ignition interlock device; amending s. 322.292, F.S.; directing the department to regulate a statewide interlock program; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Jenne—

SB 2012—A bill to be entitled An act relating to hurricane preparedness and mitigation; amending s. 215.555, F.S.; authorizing a program administered by the Department of Community Affairs to assist homeowners in retrofitting certain homes to withstand certain hurricane force winds; providing for an advisory committee; providing rulemaking authority; providing for approval of the program by the State Board of Administration; providing for program evaluation; providing rulemaking authority for the department; providing for funding from moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund; establishing a project to be administered by the Florida Windstorm Underwriting Association for the purpose of providing grants to homeowners for structural evaluations of their homes for the purpose of determining the homes' ability to withstand certain hurricane force winds and to make recommendations for retrofitting the homes to withstand such winds; providing for the department to adopt standards; requiring the association to identify high-risk areas; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Ways and Means.

By Senator Kirkpatrick—

SB 2014—A bill to be entitled An act relating to education; directing the Department of Education to develop a plan for use of electronic media to facilitate student access to educational opportunities; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Forman—

SB 2016—A bill to be entitled An act relating to the City of North Lauderdale, Broward County; extending and enlarging the corporate limits of the City of North Lauderdale to include specified unincorporated lands within said corporate limits; providing for compliance with ch. 96-542, Laws of Florida, relating to Broward County and annexations conducted in accordance with s. 171.0413, F.S.; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2018—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2020—A bill to be entitled An act relating to the City of Lauderdale-by-the-Sea, Broward County; extending and enlarging the corporate limits of the City of Lauderdale-by-the-Sea to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Grant—

SB 2022—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.01, F.S.; revising the age at which students must begin school; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senators Gutman, Casas, Childers, Diaz-Balart, Grant, Turner and Bronson—

SB 2024—A bill to be entitled An act relating to alcoholic beverages; creating s. 561.545, F.S.; providing legislative findings; prohibiting direct shipments of alcoholic beverages to certain state residents; providing penalties; providing exceptions and applicability; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

By Senator Latvala—

SB 2026—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.531, F.S.; adding part-time employees to the definitions of the terms "law enforcement officer" and "correctional officer" and defining the term "willful and knowing"; amending s. 112.532, F.S.; authorizing an officer under interrogation to record the interrogation and keep the recording; prohibiting the use of specified information in any administrative proceeding against an officer; providing that the communication between an officer under investigation and his or her representative is confidential; amending s. 112.533, F.S.; authorizing an officer to review recorded statements of complainants and nonincarcerated witnesses; requiring written or recorded statements by complainants and nonincarcerated witnesses to be under oath; prohibiting a law enforcement or correctional agency from placing certain material in an officer's personnel file; amending s. 112.534, F.S.; providing that an officer may apply to the circuit court for a determination of a willful and knowing violation of his or her rights; amending s. 901.15, F.S.; providing additional arrest powers for certain state law enforcement officers; amending s. 491.0147, F.S.; providing for confidentiality of communications in certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Senator Hargrett—

SB 2028—A bill to be entitled An act relating to motor vehicle records; amending s. 119.07, F.S.; providing an exemption from public inspection for certain information contained in motor vehicle records; providing a definition of motor vehicle records; subjecting the exemption to review; providing for access by certain entities to such exempt information in motor vehicle records; amending ss. 319.17, 319.25, F.S.; limiting access to indexes and records of motor vehicle titles; amending s. 320.05, F.S.; limiting access to motor vehicle registration records; amending s. 322.20, F.S.; limiting access to driver's license records; authorizing the department to perform activities to implement the act; providing an effective date.

—was referred to the Committees on Transportation; Governmental Reform and Oversight; and Ways and Means.

By Senator Crist—

SJR 2030—A joint resolution proposing an amendment to Section 8, Article IV of the State Constitution, relating to clemency.

—was referred to the Committees on Criminal Justice; Ways and Means; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Commerce and Economic Opportunities; and Senator Bronson—

CS for SB 64—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may impose an additional tax by referendum; providing for tax revenue use; providing for severability; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 232—A bill to be entitled An act relating to police and fire animals; amending s. 843.19, F.S.; defining the term "SAR dog"; prohibiting the injuring or killing of an SAR dog under specified circumstances; providing penalties for inflicting bodily harm upon specified animals; providing penalties; providing an effective date.

By the Committee on Health Care and Senator Gutman—

CS for SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to personnel of such laboratories; amending s. 483.061, F.S.; authorizing the agency to perform on-site or off-site inspections; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senators Burt, Rossin and Gutman—

CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor

who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing appropriations; providing an effective date.

By the Committees on Banking and Insurance; Governmental Reform and Oversight; and Senators Thomas, Childers, Forman and Williams—

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

By the Committee on Education and Senator Klein—

CS for SJR 294—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

By the Committee on Criminal Justice and Senators Gutman and Dyer—

CS for SB's 312 and 478—A bill to be entitled An act relating to the human immunodeficiency virus; amending ss. 384.24, 384.34, F.S.; increasing the penalty in cases in which a person who has the human immunodeficiency virus has sexual intercourse without informing his or her partner of the presence of the disease; amending s. 796.08, F.S.; specifying the elements of the offense of offering to commit prostitution when infected with the human immunodeficiency virus; providing a penalty; providing an effective date.

By the Committees on Governmental Reform and Oversight; and Children, Families and Seniors—

CS for CS for SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; allowing a phase-in period for competitive procurement of certain client services; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that certain provisions be included in specified contracts entered into by the department; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 396—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

By the Committee on Banking and Insurance; and Senator Scott—

CS for SB 410—A bill to be entitled An act relating to the management and regulation of financial institutions; amending s. 280.02, F.S.; revising a definition; amending s. 655.005, F.S.; revising definitions; amending s. 655.0322, F.S.; applying prohibited acts and practices provisions to state or federal savings banks; providing penalties; amending s. 655.045, F.S.; deleting a report requirement; amending s. 655.41, F.S.; revising a definition; amending s. 655.414, F.S.; requiring approval by the Department of Banking and Finance for a financial entity to acquire certain financial entities; providing for a nonrefundable filing fee; deleting a requirement to file a separate application for each branch office; amending s. 658.21, F.S.; revising criteria for approval of applications;

amending s. 658.23, F.S.; clarifying information required in articles of incorporation; amending s. 658.26, F.S.; providing for approval of a branch application under certain circumstances; revising provisions providing for relocation of certain offices in this state; providing a definition; amending s. 658.295, F.S.; revising certain acquisition criteria; deleting an obsolete provision; amending s. 658.2953, F.S.; correcting a threshold date reference; deleting certain requirements for notice of establishment and maintenance of a branch in this state by an out-of-state bank; revising certain filing requirements and trust powers; amending s. 658.73, F.S.; revising application fee provisions; providing for partial refund under certain circumstances; amending s. 663.06, F.S.; providing for indefinite operation of an international banking corporation; deleting temporary operation provisions; amending s. 663.12, F.S.; clarifying certain filing fee provisions; creating ss. 667.001-667.013, F.S.; providing a short title; providing definitions; providing applicability; providing for a name; providing for reorganization, merger, or consolidation; providing for conversion of certain banks or associations to capital stock savings banks; providing requirements; imposing a fee; providing powers and duties of the department under certain circumstances; providing for acquisition of assets or control of savings banks; providing criteria and requirements; specifying powers of savings banks; providing for loans and loan expenses; providing for dealing with successors in interest; providing for foreign savings banks; amending s. 737.101, F.S.; clarifying application of principal place of administration provisions to certain trusts; exempting certain financial institutions resulting from an interstate merger transaction from certain prohibitions; providing for future repeal; repealing s. 658.295(6)(e), F.S., relating to certain notice of acquisitions; providing effective dates.

By the Committee on Education and Senator Turner—

CS for SB 442—A bill to be entitled An act relating to education; creating a pilot project to promote school readiness for preschool children; requiring a report; providing an effective date.

By the Committee on Health Care and Senators Latvala and Myers—

CS for SB 490—A bill to be entitled An act relating to mental health services; amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references; providing effective dates.

By the Committee on Education and Senator Meadows—

CS for SB 586—A bill to be entitled An act relating to education; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over the age of 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 232.17, F.S.; revising procedures relating to habitual truancy; amending s. 232.19, F.S.; revising procedures relating to habitual truancy; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SB 614—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing that a business may deduct from any such taxes that it owes to the state the cost of certain software; limiting the amount of the deduction; providing a condition under which a business will not be required to file such tax information electronically; providing an effective date.

By the Committee on Education and Senator Dudley—

CS for SB 690—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 770—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, and 626.112, F.S.; requiring agents to be appointed; amending s. 624.426, F.S.; exempting United States Customs surety bonds from the resident agent and countersignature law; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising a definition; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, and 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; applying administrative fine provisions to certain approved persons; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.;

specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792 and 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437 and 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising a definition; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending ss. 626.927, 626.9271, 626.929, 626.935, and 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; revising administration of the auto mediation program; amending s. 634.011, F.S.; revising a definition; amending ss. 634.171 and 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Holzendorf, Hargrett, McKay, Turner, Casas, Diaz-Balart, Thomas, Dudley, Harris, Jenne, Kurth and Klein—

CS for SB's 780, 520 and 692—A bill to be entitled An act relating to economic development; creating ss. 212.097, 212.098, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

By the Committee on Education and Senators Sullivan, Kirkpatrick, Grant, Horne, Williams, Ostalkiewicz, Bronson and Turner—

CS for SB 786—A bill to be entitled An act relating to high school athletics; directing the public schools to operate a nonprofit organization to govern high school athletic programs; providing for the structure, duties, and responsibilities of the organization; providing an effective date

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By the Committee on Education and Senator Clary—

CS for SB 798—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; prescribing power of the Commissioner of Education; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; providing a definition; amending s. 233.09, F.S.; requiring state instructional materials committees to adhere to procedures prescribed by the commissioner; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; providing procedures for evaluating instructional materials; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.17, F.S.; providing for the commissioner to approve terms of adoption for instructional material; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending s. 233.34, F.S.; providing for use of certain materials; amending ss. 233.46 and 233.47, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; amending s. 233.061, F.S.; providing required instruction; providing an effective date.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 850—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability, or advanced age; providing definitions; providing an effective date.

By the Committee on Health Care and Senator Childers—

CS for SB 852—A bill to be entitled An act relating to building designations; designating and naming the Children's Medical Services facility currently under construction at 5192 Bayou Boulevard in the City of Pensacola, Escambia County, as the "Dr. Reed Bell and Dr. John H. Whitcomb Building"; directing the Department of Management Services to erect suitable markers; naming buildings at the University of Central Florida; authorizing the University of Central Florida to erect markers; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 868—A bill to be entitled An act relating to education; transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 11.42, F.S., relating to the Auditor General; conforming a cross-reference; amending s. 20.15, F.S.; revising duties of the State Board of Education; providing for the Commissioner of Education rather than the State Board of Education to head the Department of Education; providing for the appointment of a Deputy Commissioner for Educational Programs; providing for the appointment of a Deputy Commissioner for Planning, Budgeting, and Management; providing for the Commissioner of Education rather than the State Board of Education to appoint the councils and committees within the Department of Education; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; granting the Commissioner of Education rulemaking authority for certain programs; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education program; amending s. 228.081, F.S.; requiring the State Board of Education and the department to provide certain assistance for educational programs of the Department of Juvenile Justice; amending s. 228.086, F.S., relating to regional centers of excellence in mathematics, science, computers, technology, and global awareness; deleting certain requirements; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.092, F.S., relating to retention of records of nonpublic school students; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.011, F.S.; revising certain functions of the state with respect to public education; amending s. 229.053, F.S.; revising the powers and duties of the State Board of Education; requiring the State Board of Education to establish a clearinghouse for information on economic development; amending s. 229.085, F.S., relating to the custody of educational funds; amending s. 229.111, F.S.; providing for the Commissioner of Education to assume the duties of the State Board of Education with respect to the acceptance of gifts; amending s. 229.512, F.S.; revising the

duties of the Commissioner of Education; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.559, F.S., relating to the use of student's social security numbers; deleting obsolete provisions; amending s. 229.565, F.S.; deleting a requirement that the State Board of Education approve standards of excellence; deleting requirements for an evaluation of the Florida Primary Education Program; amending s. 229.57, F.S.; revising requirements of the student assessment program; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects; amending s. 229.591, F.S.; deleting the name "Blueprint 2000"; amending s. 229.592, F.S., relating to school improvement and education accountability; deleting obsolete provisions; amending s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.594, F.S.; deleting obsolete provisions; providing the commissioner's role in reviewing components of school improvement and accountability; amending s. 229.602, F.S.; replacing the term "career education" with the term "vocational education"; amending ss. 229.75, 229.76, F.S.; revising duties of the State Board of Education to conform to changes made by the act; amending s. 229.771, F.S.; providing for removal from office by the State Board of Education; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 230.03, F.S.; providing commissioner's rulemaking authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.; requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; conforming a cross-reference; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.; requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.014, F.S.; requiring the commissioner to review and approve surveys and priority rankings for recommended educational facilities; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.15, F.S.; providing for rules of the commissioner governing educational plant surveys and providing for approval of projects; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 235.435, F.S.; providing for rules of the commissioner relating to educational plant needs; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, minimum term of operation of schools, employment of personnel, salary schedules, and budgets; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; providing that certain rules of the state board in effect June 30, 1997, shall remain in effect until amended or revoked; amending s. 228.121, F.S.; conforming a cross-reference; repealing s. 228.0617, F.S., relating to the school age childcare incentives program; repealing s. 228.085, F.S., relating to the state comprehensive plan for mathematics, science, and computer education; providing an effective date.

By the Committee on Banking and Insurance; and Senators Rossin, Harris, Thomas, Holzendorf, Grant, Bronson, Cowin and Lee—

CS for SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 1012—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certifi-

cation to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 1058—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; modifying the regulatory requirements of certain entities that provide health services under Medicaid; deleting a rule-making requirement for the Department of Insurance; deleting duplicative provisions relating to Medicaid recipient selection of provider entities; creating s. 636.0145, F.S.; exempting from certain regulatory requirements prepaid limited health service organizations that serve only Medicaid clients; amending s. 409.906, F.S.; revising the criteria for providing community mental health services under the Medicaid program; authorizing the agency to seek certain federal waivers; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 91 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Crime and Punishment; and Representative Stafford and others—

CS for HB 91—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding flunitrazepam, alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2, 5-dimethoxyphenethylamine, and methcathinone to the list of Schedule I controlled substances; adding gamma-hydroxy-butyrate to the list of Schedule II controlled substances; adding fenfluramine to Schedule IV; eliminating flunitrazepam from the list of Schedule IV controlled substances; amending s. 893.13, F.S.; eliminating language with respect to penalties for the use of flunitrazepam; revising language with respect to combinations of certain controlled substances; amending s. 893.135, F.S.; providing penalties for trafficking in flunitrazepam; amending s. 921.0012, F.S.; conforming the sentencing guidelines to the act; repealing s. 893.03(4)(w), F.S.; providing for the removal of fenfluramine from the schedule of controlled substances; providing a conditional effective date and an effective date.

—was referred to the Committee on Criminal Justice.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 12 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, March 19.

Journal of the Senate

Number 6—Regular Session **Wednesday, March 19, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Dr. Len Turner, Pastor, East Hill Baptist Church, Tallahassee:

Almighty, loving, caring and ever-present God, we pause in these few moments, before the business of the day begins to consume us, as thirsty desert wanderers before an oasis watering hole. We know that this day's journey is necessary, even though it will exact from us our best energy intellectually, emotionally and physically. At times, we know, we will grow extremely thirsty from the toil of the day. So we pause for just a little while to quickly drink of the water of stillness, quietness, peace and the sense of your presence, Father, in and among us all.

As we drink from your cool waters and our thirst is being satisfied, help each of us—legislators, staff and citizens—to lift our eyes and see that we all are drinking from the same cool spring. There is a oneness about us all as we experience the same thirst and as we come to the same spring of cool water to be refreshed. Father, help us this day to have your eyes to see not how we are different, but how we as your children are alike in our need to have our thirst satisfied. Give us your ears to hear the sound of others as they drink. Most of all, give us your heart that will cause us to care for everyone who has met at the spring.

Heavenly Father, may we hear your words which say, "If a person is thirsty, let him come to me and drink." And may we also hear the Heavenly Father's words which say, "If your enemy is hungry, feed him; if he is thirsty, give him something to drink." God, help us on this day truly to see all who have gathered at your spring to drink. Amen.

PLEDGE

Senate Pages, Michael Kiser of Winter Park and Christy Paul of Lakeland, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of President Jennings—

By Senators Jennings, Dyer, Ostalkiewicz and Bronson—

SR 2212—A resolution honoring the Walt Disney World upon the happy occasion of its 25th Anniversary.

WHEREAS, tourism is the largest industry in the State of Florida, employing more than 732,000 people and generating in excess of $35 billion in annual revenues, and

WHEREAS, tourism is a crucial part of the state's economy, generating over $2.1 billion in sales taxes and resort taxes, and

WHEREAS, more than 43 million visitors come to Florida, significantly boosting the state's economy, and

WHEREAS, Walt Disney World has led the way in tourism growth since the opening of the Magic Kingdom in 1971, and is a significant reason for the growth in tourism in central Florida, and

WHEREAS, Walt Disney World brings joy and happiness to people all around the world and contributes to the needs of the community through educational, environmental, and children and family programs, and

WHEREAS, Walt Disney World is sharing its 25th Anniversary in a year-long celebration with the people of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate of the State of Florida pause in its deliberations to honor and celebrate Walt Disney World's 25th Anniversary and to express its gratitude for all the joy and happiness Walt Disney World has brought to the world.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be presented to Al Weiss, President of Walt Disney World, as a tangible token of the sentiments of the Florida Senate.

—**SR 2212** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Ostalkiewicz, by two-thirds vote **SB 1738**, **SB 374** and **SB 1656** were withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 216**, **SB 672** and **SB 1222** were withdrawn from the committees of reference and further consideration; and **SB 2216** was withdrawn from further consideration.

On motion by Senator Rossin, by two-thirds vote **SJR 110** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 1374** was withdrawn from the committees of reference and further consideration.

On motion by Senator Kurth, by two-thirds vote **SB 1596** and **SB 66** were withdrawn from the committees of reference and further consideration.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1588** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 1284** was withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Regulated Industries.

On motion by Senator Bankhead, by two-thirds vote **SB 292**, **CS for SB 396**, **CS for SB 586**, **CS for SB 770**, **SB 796**, **SB 820** and **SB 882** were withdrawn from the Committee on Ways and Means.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committees on Natural Resources, Judiciary and Regulated Industries were granted permission to meet from 2:30 p.m. until 5:30 p.m. in lieu of 2:00 p.m. until 5:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 20.

SPECIAL ORDER CALENDAR

On motion by Senator Latvala, by two-thirds vote **CS for HB's 461, 281 and 75** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Ways and Means.

On motions by Senator Latvala—

CS for HB's 461, 281 and 75—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the

commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

—a companion measure, was substituted for **CS for SB 568** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(5) "Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee, *or which expenditure is not controlled by, coordinated with, made in consultation with, or made through the national, state, or county executive committee, including any subordinate committee of a national, state, or county committee of a political party*. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

Section 2. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) *A* ~~No~~ person, political committee, or committee of continuous existence *may not, in any election,* ~~shall~~ make contributions *in excess of $500* to any candidate *for election to or retention in office* or *to any* political committee *supporting or opposing one or more candidates.* ~~in this state, for any election, in excess of the following amounts:~~

~~1. To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $500.~~

~~2. To a candidate for legislative or multicounty office, $500.~~

~~3. To a candidate for statewide office, $500.~~ Candidates for the offices of Governor and Lieutenant Governor on the same ticket *are* ~~shall be~~ considered a single candidate for the purpose of this section.

~~4. To a political committee supporting or opposing one or more candidates, $500.~~

~~5. To a candidate for county court judge or circuit judge, $500.~~

~~6. To a candidate for retention as a judge of a district court of appeal, $500.~~

~~7. To a candidate for retention as a justice of the Supreme Court, $500.~~

(b)*1.* The contribution limits provided in this subsection *do* ~~shall~~ not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, *an* ~~no~~ unemancipated child under the age of 18 years of age may *not* make a contribution *in excess of $100* to any candidate or to any political committee supporting one or more candidates~~, in excess of $100. The limitations provided by this subsection shall apply to each election~~.

(c) *The contribution limits of this subsection apply to each election.* For purposes of this subsection, the first primary, second primary, and general election *are* ~~shall be deemed~~ separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there *is* ~~shall be~~ only one election, which *is* ~~shall be~~ the general election, and with respect to candidates for circuit judge or county court judge, there *are* ~~shall be~~ only two elections, which *are* ~~shall be~~ the first primary election and general election.

(2)(a) A candidate may not accept contributions from national, state, and county executive committees of a political party, which contributions in the aggregate exceed $50,000~~, no more than $25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election~~.

(b) ~~For the purposes of this subsection:~~

~~1. Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.~~

~~2.~~ Polling services, research services, *costs for campaign staff, professional consulting services* ~~technical assistance~~, and *telephone calls* ~~voter mobilization efforts~~ are not contributions to be counted toward the contribution limits of *paragraph (a)* ~~this subsection~~. *Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the $50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.*

(3)*(a)* Any contribution received by a candidate with opposition in an election or *by* the campaign treasurer or a deputy *campaign* treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election *must* ~~shall~~ be returned by him or her to the person or committee contributing it and *may* ~~shall~~ not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or *by* the campaign treasurer or a deputy *campaign* treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office *must* ~~shall~~ be returned to the person or ~~political~~ committee contributing it and *may* ~~shall~~ not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or oppos-

ing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election *may* ~~shall~~ not be obligated or expended by the committee until after the date of the election.

(5) *A* ~~No~~ person *may not* ~~shall~~ make any contribution ~~in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee,~~ through or in the name of another, directly or indirectly, in any election. ~~The solicitation from, and contributions by,~~ Candidates, political committees, and *political parties may not solicit contributions from or make contributions* ~~party executive committees~~ to any religious, charitable, civic, or other causes or organizations established primarily for the public good ~~are expressly prohibited~~. However, it *is* ~~shall~~ not ~~be construed as~~ a violation of this subsection for a candidate, political committee, or *political* party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or *make* regular *donations* ~~contributions paid~~ from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which *the candidate* ~~he or she~~ has been a regular *donor* ~~contributor~~ for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(7)(a)~~(6)~~ Any person who knowingly and willfully makes *no more than one* ~~a~~ contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any *political party,* political committee, or committee of continuous existence is convicted of knowingly and willfully violating *any provision punishable under* this *paragraph* ~~section~~, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a *political party,* political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of *any provision punishable under* this *paragraph commits* ~~section is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $10,000 and not more than $50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)~~(7)~~ *Except when otherwise provided in subsection (7),* any person who knowingly and willfully violates *any provision* ~~the provisions~~ of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9)~~(8)~~ ~~The provisions of~~ This section *does* ~~shall~~ not apply to the transfer of funds between a primary *campaign* depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 3. Section 106.085, Florida Statutes, is amended to read:

106.085 Independent expenditures; unfair surprise prohibited; *notice requirements;* penalty.—

(1) Any individual, group, organization, *political party,* or committee making an independent expenditure in excess of $1,000 on behalf of or in opposition to a candidate shall deliver notice in writing of such independent expenditure, *a general description of the subject and content of such expenditure,* ~~as well as~~ the amount of such expenditure and a detailed description of the media type or use of such expenditure, within 24 hours after obligating any funds for such expenditure. *However, the notice of the obligation of the expenditure must be made at least 2 days prior to an election.* An expenditure is obligated upon the purchase of any political advertising or the entering into any agreement, either oral or written, to purchase any political advertising. Such notice shall be delivered to all of the candidates in the affected race and to the qualifying officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure is designed to support or oppose. For purposes of this subsection, notice shall include, but is not limited to, personal hand delivery or overnight mail. Each new expenditure shall require the delivery or filing of an additional new notice. *This subsection does not apply to a primary election if the candidate is unopposed in the primary election.*

(2)(a) If the political advertisement required to be noticed under subsection (1) is to be broadcast over any television station, including a cable television station, or a radio station, a copy of the actual advertisement must be provided with the notification, along with a listing of the stations airing the advertisement.

(b) If the political advertisement required to be noticed under subsection (1) is to be communicated through means other than the spoken word, a duplicate reproduced from the original advertisement to be used must be provided with the notification. The duplicate must clearly depict a copy of the pictures, artwork, and text used in the advertisement.

(c) If the political advertisement required to be noticed under subsection (1) is to be a telephone solicitation, a copy of the script of the telephone solicitation must be provided with the notification, along with the number of intended recipients.

(3)~~(2)~~ A person who violates any provision of this section shall be liable for a civil fine of up to $5,000 to be determined by the Florida Elections Commission or *the entire* ~~an~~ amount ~~equal to 10 percent~~ of the expenditure not noticed, whichever is greater.

(4) This section does not prohibit a person from making an independent expenditure in support of or in opposition to any candidate or issue, unless otherwise prohibited by law, from expressing his or her opinion on any issue, or from purchasing any political advertisement or campaign material.

Section 4. Effective October 1, 1997, section 106.087, Florida Statutes, is created to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida
County of . . . .

Before me, an officer authorized to administer oaths, personally appeared __(name)__*, to me well known, who, being sworn, says that he or she is the* __(title)__ *of the* __(name of party)__ __(state or specified county)__ *executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that*

the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)
(Address)

Sworn to and subscribed before me this . . . . day of . . . . , 19 . . . . , at . . . . County, Florida.

(Signature and title of officer administering oath)

(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for producing and mailing communications to its members for the purpose of jointly endorsing six or more candidates.

(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to $5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

Section 5. Paragraph (c) of subsection (4) and subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(4)

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and *primary* occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions *and, if available, the additional information requested in s. 106.077. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation.* However, if the contribution is $100 or less, ~~the occupation of the contributor need not be listed, and~~ only the name and address *of the contributor* are necessary. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be *$500* ~~$50~~ per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Elections Commission* ~~Election Campaign Financing~~ Trust Fund. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of a committee shall not be personally liable for such fine.

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include committees of continuous existence which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The committee of continuous existence must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for waiver must be accompanied by a sworn oath by the treasurer of the committee stating that the committee has not previously been fined for the late filing of a report and that there was no activity during the reporting period. No activity shall mean that no funds were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in s. 106.07.~~

Section 6. Paragraph (a) of subsection (4) and subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and *primary* occupation~~, if any~~ of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions *and, if available, the additional information requested in s. 106.077. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted*

by the corporation. However, if the contribution is $100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(8)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the *Elections Commission* ~~Election Campaign Financing~~ Trust Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be *$100 per day for the first 3 days late and, thereafter, $500* ~~$50~~ per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report, *provided that for a candidate whose final report before a primary or general election, in which the candidate's name appears on the ballot, is late, the fine shall be $500 per day for each late day*. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include candidates or political committees which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The candidate or political committee must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for the waiver must be accompanied by a sworn oath by the candidate or the treasurer of the committee stating that the candidate or committee has not previously been fined for the late filing of a report as a candidate for public office or as a committee and that there was no activity during the reporting period. No activity shall mean that no contributions were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in this section.~~

Section 7. Section 106.077, Florida Statutes, is created to read:

106.077 Written solicitations for contributions; requirements.—Any written request or solicitation for contributions by or on behalf of any candidate, political committee, committee of continuous existence, or the state or county executive committee of a political party, including any solicitation requesting paid attendance at a fundraising event, must contain a request for the following information:

(1) For individual contributors of more than $100, their primary occupation and the full name of the governmental agency, firm, association, foundation, organization, corporation, partnership, company, or other public or private entity by, for, or through which the person is principally employed.

(2) For all other persons, including corporations and other business entities, as clear a description as practicable of the principal type of business conducted by the corporation or organization.

Section 8. Section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; *restrictions on contributions and expenditures; penalties* ~~assessment on contributions~~.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any *state or county executive committee* ~~political party~~ failing to file a report on the designated due date shall be subject to a fine as provided in *subsection (3)* ~~s. 106.07 for submitting late reports~~. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each *state or county executive* committee shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer and the moneys collected shall be deposited in the Elections Commission Trust Fund.

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $1,000 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be $10,000 per day for each late day. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.

(c) The chair of an executive committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an executive committee, the failure of an executive committee to file a report after notice, or the failure to pay the fine imposed.

(4)~~(3)~~ Any contribution received by a state or county *executive* committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.

(5)~~(4)~~ No state or county executive committee, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditure prohibited by this chapter. However, the contribution of funds by one executive committee to another~~,~~ *or* to established party organizations for legitimate party or campaign purposes~~, or to individual candidates of that party in general elections in amounts exceeding those set forth in s. 106.08~~ is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

(6)(a) The national, state, and county executive committees of a political party may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.

(b) A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to five times the amount involved in the illegal contribution shall be assessed against any executive committee found in violation thereof.

Section 9. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing *three* ~~six~~ or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 10. Section 106.1405, Florida Statutes, is amended to read:

106.1405 Use of campaign funds by candidates.—If a candidate or spouse of a candidate intends to ~~draw a salary from the campaign account of such candidate or~~ use funds on deposit in a campaign account to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign, the candidate shall, at the same time he or she appoints a treasurer and designates his or her campaign depository, file with the officer before whom he or she qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used. *A candidate or spouse of a candidate may not draw a salary from funds on deposit in a campaign account.*

Section 11. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is *3* ~~4.5~~ percent of the annual salary of the office. ~~The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust~~

~~Fund. The remainder shall be distributed pursuant to s. 99.103.~~ The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

Section 12. Subsection (1) of section 99.093, Florida Statutes, is amended to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to *1* ~~1.5~~ percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward *all assessments* ~~two-thirds of the amount~~ collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund ~~and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund~~.

Section 13. Subsection (3) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is *3* ~~4.5~~ percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The qualifying officer shall forward all filing fees to the Department of Revenue for deposit in the General Revenue Fund. ~~One-third of all filing fees deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund.~~ The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

Section 14. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less ~~the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and~~ an amount equal to 15 percent of the filing fees ~~after such transfer~~, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less ~~the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and~~ the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. *However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.*

(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, *becomes* ~~who has been eliminated as a candidate, who has become~~ unopposed, or *is eliminated as a candidate or* ~~who has been~~ elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days *after* ~~of~~ the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and *the* accumulated interest earned thereon to the campaign account of the candidate for disposal *under* ~~in accordance with the provisions of~~ this section. However, *if the* ~~when~~ funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and *the* accumulated interest *earned thereon* as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds *that* ~~which~~ have not been spent~~,~~ or ~~have not been~~ obligated ~~to be spent, with respect to a campaign which has been conducted~~.

2. Donate the funds *that* ~~which~~ have not been spent or ~~have not been~~ obligated ~~to be spent~~ to a *charitable* ~~charity~~ organization or organizations *that* ~~which~~ meet the qualifications of s. 501(c)(3) of the Internal Revenue Code~~, with respect to a campaign which has been conducted~~.

3. *If a candidate is in the general election,* give the funds *up to the amount of allocable contributions contributed to the candidate by the political party of which the candidate is a member and* which have not been spent or have not been obligated to be spent*, not to exceed $50,000,* to the political party ~~of which such candidate is a registered member~~. *If a candidate does not run in the general election or if the political party of which the candidate is a registered member has not make any allocable contributions to the candidate, give not more than $10,000 of the funds which have not been spent or obligated to be spent to the political party.*

4. Give the funds *that* ~~which~~ have not been spent~~,~~ or ~~have not been~~ obligated ~~to be spent, with respect to a campaign which has been conducted~~:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, *personal taxes payable on office account funds by the candidate or elected public official,* or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the Elections Commission Trust Fund.

(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(9) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall:

(a) Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

(b) Identify the persons or organizations sponsoring the advertisement.

(c)1.a. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

b. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

2. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

This subsection does not apply to campaign messages used by a candidate and *the candidate's* ~~his or her~~ supporters *if those* ~~which~~ messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for partisan office ~~in any election~~ shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate. ~~Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.~~

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing *to the candidate* to make such representation. However, this *subsection* ~~section~~ does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(4)(a) Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

(c) This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(5)~~(4)~~ No political advertisement of a candidate who is not an incumbent of the office for which *the candidate* ~~he or she~~ is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which *the candidate* ~~he or she~~ is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(6)~~(5)~~ This section *does* ~~shall~~ not apply to novelty items *having a retail* ~~of nominal~~ value *of $10 or less* which support, but do not oppose, a candidate or issue.

(7)~~(6)~~ Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(8)~~(7)~~ Any person who willfully violates *any provision* ~~the provisions~~ of this section is subject to the civil penalties prescribed in s. 106.265.

Section 17. Section 106.147, Florida Statutes, is created to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: "This call is paid for by..." (insert name of persons or organizations sponsoring the call) or "This call is paid for on behalf of..." (insert name of persons or organizations authorizing call). If the expenditure for the telephone call is a contribution to a candidate, the name of the candidate and the office sought must also be identified. This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

(c) No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(d) No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(2)(a) Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For purposes of paragraph (a), the term "person" includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, political party executive committee, or corporation, partnership, or other business entity.

Section 18. Section 106.1475, Florida Statutes, is created to read:

106.1475 Telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.

(3)(a) The division shall create and maintain forms for the notice required by subsection (1), which, at a minimum, must elicit all of the following information:

1. The name, address, and telephone number of the registered agent.

2. The name, address, and telephone number of the person or organization conducting business in this state as specified in subsection (1).

(b) The person or organization conducting business in this state as specified in subsection (1) must immediately notify the division of any changes in the information required in paragraph (a).

(4) Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Section 106.148, Florida Statutes, is created to read:

106.148 Disclosure of online computer solicitation.—A message placed on an information system accessible by computer by a candidate, political party, political committee, or committee of continuous existence, or an agent of any such candidate, party, or committee, which message is accessible by more than one person, other than an internal communication of the party, committee, or campaign, must include a statement disclosing all information required of political advertisements under s. 106.143.

Section 20. Section 106.295, Florida Statutes, is amended to read:

106.295 Leadership *funds; prohibition* ~~fund~~.—

(1) For purposes of this section:

(a) "Leadership fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by a political caucus of members of either house to succeed to any such position.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

(3) A leader may not directly or indirectly control the expenditure of any funds held by a political party.

(4)~~(3)~~ This section applies to leadership funds in existence on or after January 1, 1990.

Section 21. Section 99.097, Florida Statutes, is amended to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3)*(a)* A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the *division* ~~Department of State~~, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the *division* ~~Department of State~~.

(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(4) The supervisor shall be paid *in advance* the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

Section 22. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1)(a) The sponsor of a constitutional amendment proposed by initiative must register as a political committee under s. 106.03 prior to taking or initiating any action with respect to that amendment.

(b)~~(3)~~ *After registering as a political committee,* the sponsor of *a constitutional* ~~an initiative~~ amendment *proposed by initiative* shall~~, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and~~ submit the text of the proposed *initiative* amendment *and the petition format* to the *division for* ~~Secretary of State, with the form on which the signatures will be affixed, and shall obtain the~~ approval ~~of the Secretary of State of such form~~. The *division* ~~Secretary of State~~ shall promulgate rules pursuant to s. 120.54 prescribing the style and requirements of *petition formats* ~~such form~~.

(2)(a) If the sponsor of a proposed initiative amendment intends to employ or contract with any person to gather voter signatures, the sponsor must, before employing or contracting with such person, file an affidavit with the division, the form of which shall be prepared by the division, giving notice of the intended use of paid petition circulators.

(b) A sponsor of a proposed initiative amendment who uses paid petition circulators shall provide to the division the name and address of each individual paid to gather petition signatures. Such information shall be filed at the time reports are filed pursuant to s. 106.07.

(c) Each paid petition circulator must place his or her name and address on each petition form for which he or she is gathering signatures on behalf of the sponsor of the proposed initiative amendment. The sponsor of a proposed initiative amendment is responsible for ensuring that the name and address of the paid circulator appear on the petition form prior to its submission to the supervisor for verification.

(d) A sponsor of a proposed initiative amendment who uses paid petition circulators may not file an oath of undue burden in lieu of paying the fee required by s. 99.097 for the verification of signatures gathered.

(3)~~(4)~~ *No later than 5 p.m. on the 151st day prior to the general election at which the proposed initiative amendment is to be voted on for a name-by-name, signature-by-signature verification and no later than*

5 p.m. on the 121st day prior to the general election at which the proposed initiative amendment is to be voted on for a random-sampling verification, the sponsor shall submit signed and dated *petition* forms *for that petition* to *each* ~~the~~ appropriate supervisor ~~of elections~~ for verification as to the number of *voters* ~~registered electors~~ whose valid signatures appear thereon. *Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.* The supervisor shall promptly verify the signatures upon payment of the fee *or filing of the oath of undue burden* required by s. 99.097. Upon completion of verification, *which shall occur no later than the 91st day prior to the general election,* the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid ~~and as being of registered electors~~, and the distribution *of signatures* by congressional district. This certificate shall be immediately transmitted to the *division* ~~Secretary of State~~. The supervisor shall retain the *signed and dated petition* ~~signature~~ forms for at least 1 year following the election in which the *proposed initiative amendment* ~~issue~~ appeared on the ballot or until the division ~~of Elections~~ notifies the supervisors ~~of elections~~ that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)~~(5)~~ The *division* ~~Secretary of State~~ shall determine from the ~~verification~~ certificates received from *the* supervisors ~~of elections~~ the total number of ~~verified~~ valid signatures and the distribution of such signatures by congressional *district* ~~districts~~. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the *division* ~~secretary~~ shall issue a certificate of ballot position for that proposed *initiative* amendment and shall assign a designating number pursuant to s. 101.161. A petition *is considered* ~~shall be deemed to be~~ filed with the Secretary of State upon the date of the receipt by the *division* ~~secretary~~ of a certificate or certificates from *the* supervisors ~~of elections~~ indicating *that* the petition has been signed by the constitutionally required number of *voters* ~~electors~~.

(5)~~(1)~~ Constitutional amendments proposed by initiative shall be placed on the ballot for the *next* general election *held more than* ~~occurring in excess of~~ 90 days *after* ~~from~~ the certification of ballot position by the *division* ~~Secretary of State~~.

(6) The *division may* ~~Department of State shall have the authority to~~ promulgate rules ~~in accordance with s. 120.54~~ to carry out the provisions of this section.

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

Section 23. Section 104.185, Florida Statutes, is amended to read:

104.185 *Petitions;* knowingly signing ~~a petition~~ more than once*; signing another person's name or a fictitious name.*—

(1) A ~~It is unlawful for any~~ person *who* knowingly *signs* ~~to sign~~ a petition or petitions for a ~~particular issue or~~ candidate*, a minor political party, or an issue* more than one time *commits.* ~~Any person violating the provisions of this section shall, upon conviction, be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (3) is added to section 106.19, Florida Statutes, to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

Section 25. *Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the name and address of the paid petition circulator, nor is any such signature affected by the prohibition against filing an undue burden oath in lieu of paying the fee to have signatures verified, as provided by this act. However, any signature gathered on or after the effective date of this act is subject to the provisions of this act and, if payment is made to any person to solicit signatures after the effective date of this act, an undue burden oath may not be filed in lieu of paying the fee to have signatures verified. In addition, any initiative petition form approved by the Secretary of State prior to the effective date of this act may continue to be circulated.*

Section 26. Subsection (3) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters.—

(3)(a)*1.* No person may enter any polling room or polling place where the polling place is also a polling room, during voting hours except the following:

a.~~1.~~ Official poll watchers;

b.~~2.~~ Inspectors;

c.~~3.~~ Election clerks;

d.~~4.~~ The supervisor of elections or his deputy;

e.~~5.~~ Persons there to vote, persons in the care of a voter, or persons caring for such voter;

f.~~6.~~ Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or

g.~~7.~~ A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.

2.~~(b)~~ The restriction in this *paragraph* ~~subsection~~ does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.

(b)1.~~(c)~~ No person, political committee, committee of continuous existence, or other group or organization may solicit voters within *100* ~~50~~ feet of the entrance to any polling place, or polling room where the polling place is also a polling room, on the day of any election.

~~1. Solicitation shall not be restricted if:~~

~~a. Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance; and~~

~~b. The solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or~~

~~c. Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.~~

~~2. Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the pollworkers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.~~

2.~~(d)~~ For the purpose of this *paragraph* ~~subsection~~, the term "solicit" *includes* ~~shall include~~, but *is* not ~~be~~ limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout;

conducting a poll; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item.

3. Notwithstanding any other provision of this paragraph, if in the opinion of the supervisor of elections, because of the location of the polling place, the health or safety of solicitors will be adversely affected, solicitation may be conducted within the 100-foot zone from a reasonably located, separately marked area, which must be designated by the supervisor of elections so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance. Solicitors must conduct their activities and display their subject matter so that it is clearly and easily identifiable by the voters as an activity in which they may voluntarily participate.

(c)~~(e)~~ *Pursuant to their authority under this section, the election board may have* ~~Each supervisor of elections shall inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places which shall include:~~

~~1. Designating a specific area for soliciting pursuant to paragraph (c) of this subsection, or~~

~~2. Having~~ disruptive and unruly persons removed by law enforcement officers from the polling room or *polling* place or from the *100-foot* ~~50-foot~~ zone surrounding the polling place. *The law enforcement officer assigned to the precinct shall inform solicitors of the 100-foot zone and, when authorized by the election board, shall remove those who are not lawfully within the 100-foot zone and are disruptive and unruly.*

Section 27. Subsections (1) and (2) of section 97.052, Florida Statutes, 1996 Supplement, are amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.

2. Change of address.

3. Change of party affiliation.

4. Change of name.

5. Replacement of voter registration identification card.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.

2. Individuals or groups conducting voter registration programs. *A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.*

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may not be reproduced by any private individual or group.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not ~~of~~ Hispanic ~~origin~~.

4. White, not ~~of~~ Hispanic ~~origin~~.

5. Hispanic.

(g) Sex.

(h) Party affiliation.

(i) Whether the applicant needs assistance in voting.

(j) Name and address where last registered.

(k) Social security number (optional).

(l) Telephone number (optional).

(m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(n) Date of signature.~~

(n)~~(o)~~ Whether the application is being used for initial registration, ~~or~~ to update a voter registration record, *or to request a replacement registration identification card.*

(o)~~(p)~~ Whether the applicant is a citizen of the United States.

(p) That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(q) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form shall be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 28. Subsection (1) and paragraph (a) of subsection (5) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, ~~and~~ changes in registration, *and requests for a replacement registration identification card* must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(5)(a) A voter registration application is complete if it contains*:*

1. The applicant's name.~~,~~

2. The applicant's legal residence address.~~,~~

3. The applicant's date of birth.~~, and~~

4. An indication that the applicant is a citizen of the United States.

5. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

6. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

7. Signature *of the applicant* swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 29. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

(f) Race or ethnicity*, if provided by the applicant.*

(g) Sex*, if provided by the applicant.*

(h) Address of legal residence.

(i) Precinct number.

(j) Signature of supervisor.

(k) Place for voter's signature.

(l) Other information deemed necessary by the department.

(2) A voter may receive a replacement of a registration identification card by *providing a signed, written request for a replacement card to* ~~informing~~ the supervisor~~, in writing, that the card was defaced, lost, or stolen~~. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 30. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must *provide a signed, written notification of such move to* ~~notify~~ the supervisor ~~in writing of such change~~ and obtain a registration identification card reflecting the new address of legal residence.

(2) When the name of an elector is changed by marriage or other legal process, the elector must *provide a signed, written notification of such change to* ~~notify~~ the supervisor ~~in writing of the change~~ and obtain a registration identification card reflecting the *new* name ~~change~~.

(3) When an elector seeks to change party affiliation, the elector must *provide a signed, written notification of such intent to* ~~notify~~ the supervisor ~~in writing~~ and obtain a ~~new~~ registration identification card *reflecting the new party affiliation, subject* ~~pursuant~~ to *the issuance restriction in* s. 97.071*(3).*

(4) The supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation *and shall issue the new registration identification card as required by s. 97.071(3).*

Section 31. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex*, if provided*; race*, if provided*; ~~state or country of birth;~~ whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 32. Subsection (2) of section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; submission of false voter registration information.—

(2) A person who willfully submits any false voter registration information commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Subsection (4) is added to section 104.012, Florida Statutes, to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation.—

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 34. *Sections 98.391, 98.412, 98.431, and 98.441, Florida Statutes, and sections 98.401 and 98.421, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are repealed.*

Section 35. Subsection (11) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(11) Create and maintain a central voter file.

Section 36. Present subsections (4) through (29) of section 97.021, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (30), respectively, and a new subsection (4) is added to that section to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(4) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.

Section 37. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of *ss.* ~~s.~~ 98.095 *and 98.097*, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 38. Section 98.095, Florida Statutes, as amended by chapters 91-235 and 91-424, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(1)(a)*1.* The registration books *of each county in this state* are public records. *Any* ~~Every~~ citizen *of the state* is allowed to examine the registration books *of any county* while they are in the custody of the supervisor *of that county*, but is not allowed to make copies or extracts therefrom except as provided by this section.

2. Within 15 days of a request *for voter registration information*, the supervisor shall furnish any requested information, excluding *only* a voter's signature *and social security number and such other information that is by statute specifically made confidential or is exempt from public records requirements*, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding ~~the provision of~~ paragraph (a), *if* after *the most recent* ~~an~~ election~~, if~~ there is a request for information relating to electors who voted in *that* ~~the most recent~~ election, within 15 days of the request the supervisor shall either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication *of information authorized by this section for release to the public* shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided *by the supervisor* pursuant to this section shall be furnished only to:

(a) The courts for the purpose of jury selection;

(b) Municipalities;

(c) Other governmental agencies;

(d) Candidates, to further their candidacy;

(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(f) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, law enforcement, or jury selection.

(3) Any person who acquires a ~~precinct~~ list *of registered voters* from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.095, Florida Statutes, to acquire information on registered voters of . . . . County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn to and subscribed before me this . . . . day of . . . . , 19 . . . . .

(Signature and title of person administering oath)

Section 39. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, as amended by chapter 91-235, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(2) The information provided *by the supervisor* pursuant to this section shall be furnished only to:

(a) Municipalities;

(b) Other governmental agencies;

(c) Candidates, to further their candidacy;

(d) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

Section 40. Section 98.097, Florida Statutes, is created to read:

98.097 Central voter file; administration by division; public access.—

(1) There is hereby established a central voter file, to be administered by the division, which shall be a statewide, centrally maintained database containing the voter registration information of all counties in this state.

(2) All voter registration records and other information in the central voter file, excluding any information that is confidential or exempt from public records requirements, shall be considered public records for the purposes of chapter 119.

(3) The central voter file shall be self-sustaining.

Section 41. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1)*(a)* Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees~~,~~ statistical information for the purpose of analyzing election returns and results.

(b)~~(2)~~ Supervisors may require reimbursement for any *part* or all *of the* actual *expenses* ~~expense~~ of supplying *any* ~~such~~ information *requested under paragraph (a). For the purposes of this subsection,* supervisors may use the services of *any* research and statistical personnel that may be supplied.

(c)~~(3)~~ Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2)~~(4)~~ The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Elec-

tion Commission pursuant to the National Voter Registration Act of 1993.

(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.

Section 42. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(1) The *Legislature, upon specific appropriation and directive, may provide for an independent* ~~Department of State shall~~ audit *of* ~~, at least every 5 years,~~ the voting system in *any* ~~each~~ county. Within 30 days after completing the audit, the *person conducting the audit* ~~Department of State~~ shall furnish a copy of the audit to the supervisor of elections and the board of county commissioners.

(2) *An* ~~The~~ audit *conducted pursuant to subsection (1)* shall consist of a study and evaluation of the voting system used during any primary, general, municipal, or presidential preference primary election to provide reasonable assurance that the system is properly controlled, can accurately count votes, provides adequate safeguards against unauthorized manipulation and fraud, and complies with the requirements of law and rules of the Department of State.

Section 43. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1996 Supplement, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021*(9)*~~(8)~~, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 44. *Effective July 1, 1997, the Florida Elections Commission and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including those in the possession of or provided by the Division of Elections of the Department of State as administrative support and services to the Florida Elections Commission pursuant to section 106.24(4), Florida Statutes (1995), are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of State to a newly created Florida Elections Commission within the Department of Legal Affairs, Office of the Attorney General. The administrative rules of the commission, and the rules of the Division of Elections governing records, personnel, property, and funds related to the commission, which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 45. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the *Florida Elections Commission* ~~Division of Elections~~ pursuant to s. 106.25. The *commission* ~~division~~ shall adopt rules to provide an expedited hearing ~~before the Florida Elections Commission~~ of complaints filed under this subsection. Notwithstanding any other provision of law, the ~~Florida Elections~~ commission shall assess a civil penalty of up to $5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

Section 46. Subsection (2) of section 106.19, Florida Statutes, is amended to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (a), paragraph (b), or paragraph (d) of subsection (1) shall be subject to a civil penalty equal to *three* ~~3~~ times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state. ~~The Division of Elections shall have authority to bring a civil action in circuit court to recover such civil penalty.~~

Section 47. Subsection (7) of section 106.22, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(7) *Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter.* ~~Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25.~~

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted.

(12) Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

Section 48. Subsection (1) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by *s. 106.22* ~~this chapter~~, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 49. Section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(1)*(a)* There is created within the Department of *Legal Affairs, Office of the Attorney General,* ~~State~~ a Florida Elections Commission, hereinafter referred to as the commission. *The commission shall be a separate budget entity, and its director shall be the agency head for all purposes.*

The commission shall not be subject to control, supervision, or direction by the Department of *Legal Affairs or the Attorney General* ~~State~~ in the performance of its duties*, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.*

(b) The commission ~~It~~ shall be composed of *nine* ~~seven~~ members. *The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list*~~, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate~~. *The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other* members of the commission ~~appointed by the Governor~~ shall serve for 4-year terms *and until their successors are appointed*. ~~The chair of the commission shall be designated by the Governor.~~

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall *expeditiously* be filled for the unexpired terms in the *same* manner ~~of the original appointment to the vacated position~~.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment, and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member ~~Members~~ of the commission ~~may not~~ serve more than two *full* terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the *nine* ~~seven~~ members of the commission, no more than *five* ~~four~~ members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of *five* ~~four~~ members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) *The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 110.* ~~The Division of Elections shall provide administrative support and services to the commission to carry out its duties pursuant to this chapter. The division shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations.~~

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report.

(6) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28. *The trust fund may also be used by the division, pursuant to its authority under s. 106.22(11), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.*

(7) ~~The department, in consultation with~~ The commission~~,~~ shall develop a budget request *pursuant to chapter 216* annually. *The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it* ~~which~~ shall be submitted by the Department *of Legal Affairs* to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

Section 50. Section 106.25, Florida Statutes, 1996 Supplement, is amended to read:

106.25 Reports of alleged violations to *Florida Elections Commission* ~~Department of State~~; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter is vested in ~~the Division of Elections and~~ the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The *commission* ~~Division of Elections~~ shall investigate ~~and report to the Florida Elections Commission~~ all violations of this chapter*, but only after* ~~with or without~~ having received *either* a sworn complaint *or information reported to it by the Division of Elections*~~, and may conduct random audits and investigations with respect to reports and statements filed under this chapter and with respect to the alleged failure to file any reports and statements required under this chapter. However,~~ Any person, other than the division, having information of any violation of this chapter shall file a sworn complaint with the *commission* ~~Division of Elections~~. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. *Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator.*

(3) For the purposes of ~~Florida Elections~~ commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or the willful failure to perform an act required by this chapter.

(4) The *commission* ~~Division of Elections~~ shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the *commission* ~~division~~ shall, by written report, find probable cause or no probable cause to believe that this chapter or s. 104.271 has been violated.

(a) If no probable cause is found, the *commission shall* ~~division may~~ dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the *commission* ~~division~~ shall send to the complainant and the alleged violator.

(b) If probable cause is found, the *commission* ~~division~~ shall so notify the complainant and the alleged violator in writing ~~and shall refer the case to the commission~~. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found ~~by the commission~~, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of the Florida Election Code may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6)~~(5)~~ It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7)~~(6)~~ Every sworn complaint filed pursuant to this chapter with the ~~Division of Elections or the Florida Elections~~ commission, every ~~division~~ investigation and investigative report or other paper of the ~~division or~~ commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection *(6)* ~~(5)~~;

(b) Upon a determination of probable cause or no probable cause by the commission; *or*

~~(c) After a finding of no probable cause is made by the division and the case is not appealed; or~~

(c)~~(d)~~ For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the *commission* ~~division~~ with respect to an alleged violation of this chapter, ~~the division or~~ the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(7) Dismissal of a case by the division, based on a finding of no probable cause, may be appealed to the commission by the complainant. Any complainant intending to appeal such dismissal must, within 30 days after the dismissal, file a request for a hearing before the commission with the division.~~

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 51. Section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider *all sworn complaints filed with it and* all matters reported to it by the Division of Elections ~~or otherwise coming to its attention, including appeals of division dismissals of cases based on no probable cause~~. *In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.* ~~In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chair thereof shall issue said process on behalf of the commission. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it.~~ The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

~~(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his or her possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.~~

(2)~~(3)~~ All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(3)~~(4)~~ Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chair or, in the chair's absence, the vice chair shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chair or, in the chair's absence, the vice chair not to discuss his or her testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him or her after receiving such instructions the witness shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent

to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

(4)~~(5)~~ The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a hearing, upon his or her advance request and at his or her own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

(5)~~(6)~~ Before or during a hearing, any person noticed to appear before the commission, or the person's counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(6)~~(7)~~ Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his or her request or upon the request of any member of the commission, appear personally before the commission and testify on his or her own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(7)~~(8)~~ Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8)~~(9)~~ Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(9)~~(10)~~ If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(10)~~(11)~~ Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony of the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(11)~~(12)~~ At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

(12) The commission by rule may determine violations which constitute minor offenses that can be resolved without further investigation by means of a plea of nolo contendere and payment of a fine.

(13) The commission may not issue advisory opinions and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.

Section 52. Subsection (2) of section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *State Comptroller shall be responsible for collecting the civil penalties resulting from such action* ~~commission may bring an action in any circuit court of this state to enforce such penalty~~.

Section 53. *Transition provisions.—*

(1)(a) The terms of all current members of the Florida Elections Commission shall expire at the end of the day, December 31, 1997, and new members shall be appointed to the commission prior to that date pursuant to the provisions of s. 106.24, Florida Statutes, as amended by this act, except that, in order to provide for staggered terms, the initial appointments shall be for terms beginning January 1, 1998, as follows:

1. Appointed nominees of the President of the Senate and the minority leader of the Senate shall each serve for a term of 3 years.

2. Appointed nominees of the Speaker of the House of Representatives and the minority leader of the House of Representatives shall each serve for a term of 2 years.

(b) Any current member of the commission may be appointed to the newly constituted commission established by this act.

(2) All complaints and other business pending before the commission at the close of business on December 31, 1997, shall be continued on January 1, 1998, by the newly constituted commission established by this act.

(3) In order to ease the transition to the newly constituted commission established by this act:

(a) The current members of the commission shall:

1. Initiate the adoption of rules, in accordance with chapter 120, Florida Statutes, necessary to carry out the expanded powers and duties of the commission required by this act.

2. Secure office space and do all things necessary to permit the members and staff of the commission to begin operating as provided by this act on July 1, 1997.

(b) The Director of the Division of Elections shall act as an advisor to the members of the new commission established by this act and shall provide assistance, as needed, in the adoption of rules and the assumption of duties from the division and former commission.

(4) This section shall take effect upon this act becoming a law.

Section 54. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any *person* ~~candidate~~ who, in *any* ~~a primary election or other~~ election, *knowingly* ~~with actual malice~~ makes or causes to be made any statement about *a* ~~an opposing~~ candidate which is false *commits* ~~is guilty of~~ a violation of this code. An aggrieved candidate may file a complaint with the Division of Elections pursuant to s. 106.25. The division shall adopt rules to provide an expedited hearing before the Florida Elections Commission of complaints filed under this subsection. Notwithstanding any other provision of law, the Florida Elections Commission shall assess a civil penalty of up to $5,000 against any *person* ~~candidate~~ found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state. *In addition, any person knowingly making or causing to be made any statement about a candidate which is false shall be personally liable for damages.*

Section 55. Effective upon this act becoming a law, subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, *personal taxes payable on office account funds by the candidate or elected public official,* or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 56. Section 101.001, Florida Statutes, is amended to read:

101.001 ~~Registration and election districts,~~ Precincts~~,~~ and polling places; boundaries.—

(1) ~~Subject to the provisions of s. 101.002, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (3)(a),~~ The board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create ~~new districts or~~ precincts *for voting in the county*. Each precinct *shall be numbered and,* as nearly as practicable, ~~shall be~~ composed of contiguous and compact areas ~~and shall be numbered~~. The supervisor shall designate a polling place at a suitable location within each precinct. The ~~district or~~ precinct shall not be changed thereafter except with the consent of *the supervisor and a majority of the* ~~four~~ members of the board of county commissioners ~~and the supervisor~~. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. 101.002, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts ~~into one election district~~ upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts ~~into election districts~~ shall be given in the same manner as provided in s. 101.71(2).

~~(3)(a)1. No election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed, during the period between January 1 of any year the last digit of which is 7 and December 1 of any year the last digit of which is 0.~~

~~2. In addition to those periods of time during which change of precinct or district boundaries is not prohibited pursuant to subparagraph 1., the boundaries of election precincts and districts may be changed during the period between January 1 of any year the last digit of which is 7 and January 1 of any year the last digit of which is 0, when such change is due to the subdivision of an existing precinct or district or to municipal annexation, detachment, or consolidation or other such action.~~

~~(b) The Secretary of State may, upon the request of a county, waive compliance with paragraph (a) if such county has met the requirements of the United States Bureau of the Census as set forth in its guidelines.~~

(3)~~(4)(a)~~ Each supervisor of elections shall ~~provide and~~ maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, ~~election district,~~ representative district, and senatorial district, *and other type of district* in the county *subject to the elections process in this code.* ~~A word description of the geographical boundaries shall be attached to each map.~~

~~(b) Each supervisor of elections shall send a copy of each map with attached description to the Secretary of State no later than March 1 of any year the last digit of which is 7. No later than April 1 in any such year, the Secretary of State shall transmit an appropriate copy or facsimile of each map to the United States Bureau of the Census.~~

~~(c)~~ The supervisor of elections shall notify the Secretary of State in writing within 30 days of any reorganization of precincts ~~or election districts~~ and shall furnish a copy of the map showing the current geographical boundaries *and*~~,~~ designation~~, and word description~~ of each new precinct ~~or election district~~.

(4)~~(5)~~ Within 10 days after there is any change in the division, number, or boundaries of the ~~election~~ precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered ~~election~~ precincts, setting forth the boundary lines *and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office.* ~~thereof, so as to designate accurately the limits of each precinct. The supervisor of elections shall at the same time name, clearly define, and describe in writing the polling place which he or she has established in each new or altered election precinct or in any precinct in which he or she may have changed the polling place. Such changes shall be recorded in the office of the clerk of the circuit court for such county. Upon the recording of the changes, the supervisor of elections shall post a plainly written or printed copy at the courthouse in a conspicuous place.~~

Section 57. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 58. Except as otherwise provided in this act, this act shall take effect January 1, 1998; however, the amendment of section 100.371, Florida Statutes, by this act, relating to signature verification periods and random sampling for proposed initiative amendments, shall take effect on the effective date of amendments to the State Constitution approved by the electors at the general election to be held in November 1998 which authorize, or remove impediment to, enactment by the Legislature of the provisions of that section.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "independent expenditure" to exclude expenditures made by or through the national, state, or county executive committee; amending s. 106.08, F.S., relating to limitations on campaign contributions;

revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; creating s. 106.077, F.S.; establishing requirements for written solicitations for contributions; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 106.295, F.S.; expanding the prohibition against leadership funds; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a specified distance of any polling place or polling room; specifying acts of solicitation that may not be restricted; authorizing a supervisor of elections to permit solicitation within a specified zone under prescribed conditions; authorizing an election board to have disruptive persons removed by law enforcement officers; requiring the law enforcement officer assigned to an election precinct to inform solicitors of zone surrounding the polling place and to remove disruptive solicitors; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 104.271, F.S.; making any person personally liable for damages for knowingly making a false statement about a candidate; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Section 106.37, Florida Statutes, is created to read:

106.37 Willful violations.—A person willfully violates a provision of this chapter if the person commits an act while knowing that, or showing reckless disregard for whether, the act is prohibited under this chapter, or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this chapter. A person knows that an act is prohibited or required if the person is aware of the provision of this chapter which prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. A person shows reckless disregard for whether an act is prohibited or required under this chapter if the person wholly disregards the law without making any reasonable effort to determine whether the act would constitute a violation of this chapter.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 91, line 21, after the semicolon (;) insert: creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 2, line 8, delete that line and insert:

(1)(a) *Except for political parties,* no person, political committee, or committee

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 1, line 17 through page 2, line 4, delete those lines and insert:

Section 1. Subsections (5) and (8) of section 106.011, Florida Statutes, are amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(5) "Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee, *or which expenditure is not controlled by, coordinated with, made in consultation with, or made through the national, state, or county executive committee, including any subordinate committee of a national, state, or county committee of a political party.* An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. *The term includes a political party, political committee, or committee of continuous existence.*

And the title is amended as follows:

On page 91, line 25, following the semicolon (;) insert: redefining the term "person";

Senator Jenne moved the following amendment to **Amendment 1**:

Amendment 1D (with title amendment)—On page 2, line 8 through page 3, line 22, delete those lines and insert:

(1)(a) *For purposes of contributions to candidates, a person who is ineligible to vote in this state pursuant to s. 97.041, may not make a contribution to a candidate for any public office in this state. Contributions may be made to candidates only by those persons who are eligible to vote in this state pursuant to s. 97.041. A candidate listed on the ballot for any primary election, second primary election, general election, or special election may not accept a contribution from any person who is ineligible to vote in this state pursuant to s. 97.041. However, this section does not apply to any candidate for President of the United States, Vice President of the United States, United States Senate, or United States House of Representatives.*

(b) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

1. To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $500.

2. To a candidate for legislative or multicounty office, $500.

3. To a candidate for statewide office, $500. Candidates for the offices of Governor and Lieutenant Governor on the same ticket shall be considered a single candidate for the purpose of this section.

4. To a political committee supporting or opposing one or more candidates, $500.

5. To a candidate for county court judge or circuit judge, $500.

6. To a candidate for retention as a judge of a district court of appeal, $500.

7. To a candidate for retention as a justice of the Supreme Court, $500.

(c)~~(b)~~ The contribution limits provided in this subsection shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign. Notwithstanding the limits provided in this subsection, no unemancipated child under the age of 18 years of age may make a contribution to any candidate or to any political committee supporting one or more candidates, in excess of $100. The limitations provided by this subsection shall apply to each election.

(d)~~(c)~~ For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

And the title is amended as follows:

On page 91, line 26, after the semicolon (;) insert: prohibiting a person who is ineligible to vote in this state from making a contribution to a candidate for public office in this state; prohibiting a candidate for public office in this state from accepting a contribution for a person who is ineligible to vote in this state;

Senator Jenne moved the following substitute amendment for **Amendment 1D** which failed:

Amendment 1E (with title amendment)—On page 2, line 8 through page 3, line 22, delete those lines and insert:

(1)(a) *Notwithstanding any other provision of law, for purposes of contributions to candidates, a person who is ineligible to register to vote in this state pursuant to s. 97.041, may not make a contribution to a candidate for any public office in this state in excess of $100. Contributions in excess of $100 may be made to candidates only by those persons who are eligible to register to vote in this state pursuant to s. 97.041. A candidate listed on the ballot for any primary election, second primary election, general election, or special election may not accept a contribution from any person who is ineligible to register to vote in this state pursuant to s. 97.041 in excess of $100. However, this section does not apply to any candidate for President of the United States, Vice President of the United States, United States Senate, or United States House of Representatives.*

(b) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

1. To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $500.

2. To a candidate for legislative or multicounty office, $500.

3. To a candidate for statewide office, $500. Candidates for the offices of Governor and Lieutenant Governor on the same ticket shall be considered a single candidate for the purpose of this section.

4. To a political committee supporting or opposing one or more candidates, $500.

5. To a candidate for county court judge or circuit judge, $500.

6. To a candidate for retention as a judge of a district court of appeal, $500.

7. To a candidate for retention as a justice of the Supreme Court, $500.

(c)~~(b)~~ The contribution limits provided in this subsection shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign. Notwithstanding the limits provided in this subsection, no unemancipated child under the age of 18 years of age may make a contribution to any candidate or to any political committee supporting one or more candidates, in excess of $100. The limitations provided by this subsection shall apply to each election.

(d)~~(c)~~ For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

And the title is amended as follows:

On page 91, line 26, after the semicolon (;) insert: prohibiting a person who is ineligible to register to vote in this state from making a contribution to a candidate for public office in this state in excess of a specified amount; prohibiting a candidate for public office in this state from accepting a contribution for a person who is ineligible to register to vote in this state in excess of a specified amount;

The question recurred on **Amendment 1D** which was withdrawn.

Senators Klein and Rossin offered the following amendment to **Amendment 1** which was moved by Senator Klein and failed:

Amendment 1F (with title amendment)—On page 3, line 23 through page 4, line 13, delete those lines and insert:

(2)(a) A candidate may not accept contributions from national, state, and county executive committees of a political party, which contributions in the aggregate exceed *$150,000 for a candidate for Governor, Lieutenant Governor, or a Cabinet officer; $100,000 for a candidate for the Florida Senate; or* $50,000 *for a candidate for the Florida House of Representatives*~~, no more than $25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election~~.

~~(b) For the purposes of this subsection:~~

~~1. Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.~~

~~2. Polling services, research services, technical assistance, and voter mobilization efforts are not contributions to be counted toward the contribution limits of this subsection.~~

And the title is amended as follows:

On page 91, line 28, after the semicolon (;) insert: providing limitations on the amount of contributions that a candidate may accept from national, state, and county executive committees;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G—On page 3, line 25, after the comma (,) insert: *including any subordinate committee of a national, state, or county committee of a political party,*

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1H (with title amendment)—On page 6, line 21 through page 8, line 1, delete those lines and insert:

(7)~~(6)~~ Any person, *political committee, or committee of continuous existence that* ~~who~~ knowingly and willfully makes a contribution in violation of subsection (1) or subsection (5), *any executive committee of a political party which knowingly and willfully makes a contribution in violation of subsection (2),* or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*. If any corporation, partnership, ~~or other~~ business entity, ~~or any~~ political committee, ~~or~~ committee of continuous existence, *or executive committee of a political party* is convicted of knowingly and willfully violating this section, it shall be fined not less than $1,000 and not more than *$50,000* ~~$10,000~~. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political committee or committee of continuous existence who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On page 91, line 27, following the semicolon (;) insert: providing limitations on contributions; providing penalties;

Senator Meadows moved the following amendment to **Amendment 1** which was adopted:

Amendment 1I—On page 8, line 27, delete *2* and insert: *5*

Senator Lee moved the following amendment to **Amendment 1** which was adopted:

Amendment 1J—On page 31, line 6, after the period (.) insert: *Pro rata returns to political parties are subject to the limitations in subparagraph (4)(a)3.*

Senator Hargrett moved the following amendment to **Amendment 1** which failed:

Amendment 1K (with title amendment)—On page 70, line 29 through page 72, line 27, delete those lines and insert:

(b) The commission ~~It~~ be composed of seven members, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. Members of the commission appointed by the Governor shall serve for 4-year terms. The chair of the commission shall be designated by the Governor. Vacancies on the commission shall be filled for the unexpired terms in the manner of the original appointment to the vacated position. Members of the commission may not serve more than two terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the seven members of the commission, no more than four members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of four members is required to

And the title is amended as follows:

On page 98, lines 11-16, delete those lines and insert: duties; amending s. 106.24, F.S.; providing for appointment of an

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for HB's 461, 281 and 75** and **CS for SB 1366**.

Senator Jenne moved the following amendment to **Amendment 1** which failed:

Amendment 1L (with title amendment)—On page 90, between lines 26 and 27, insert:

Section 57. *Campaign expenditure limitations.—Total expenditures by candidates shall be limited as follows:*

(1) A candidate for the House of Representatives may not spend more than $100,000 in the aggregate prior to the general election.

(2) A candidate for the Senate may not spend more than $200,000 in the aggregate prior to the general election.

(3) A candidate for Commissioner of Agriculture, Attorney General, Comptroller, Commissioner of Education, Commissioner of Insurance, or Secretary of State may not spend more than $2 million in the aggregate prior to the general election.

(4) A candidate for Governor or Lieutenant Governor may not spend more than $5 million in the aggregate prior to the general election.

Section 58. Section 57 of this act shall take effect only upon a ruling by the United States Supreme Court that allows limitations to be imposed on campaign expenditures.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 99, line 22, after the semicolon (;) insert: providing limitations on campaign expenditures for candidates for certain offices, contingent upon a decision by the United States Supreme Court;

Senator Dantzler moved the following amendment to **Amendment 1** which was adopted:

Amendment 1M—On page 7, line 15, delete "*second*" and insert: *third*

Senator Klein moved the following amendment to **Amendment 1** which was adopted:

Amendment 1N (with title amendment)—On page 50, line 11 through page 53, line 1, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 95, lines 17-29, delete those lines.

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1O—On page 3, lines 26-28, delete those lines and insert: $50,000, no more than $25,000 of which may be accepted *during* ~~prior to~~ the 28-day period immediately preceding the date of the general election.

Senators Hargrett and Dantzler offered the following amendment to **Amendment 1** which was moved by Senator Dantzler and adopted:

Amendment 1P—On page 71, line 14, after the period (.) insert: *Each member of the commission is subject to confirmation by the Senate.*

Senator Klein moved the following amendment to **Amendment 1**:

Amendment 1Q (with title amendment)—On page 91, between lines 1 and 2, insert:

Section 58. Section 100.051, Florida Statutes, is amended to read:

100.051 Candidate's name on general election ballot.—The supervisor of elections of each county shall print on ballots to be used in the county at the next general election the names of candidates who have been nominated by a political party, other than a minor political party, and the candidates who have otherwise obtained a position on the general election ballot in compliance with the requirements of this code. *A candidate who is unopposed in the general election must have the candidate's name printed on the general election ballot.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 99, line 23, after the semicolon (;) insert: amending s. 100.051, F.S.; requiring the name of an unopposed candidate to be printed on the general election ballot;

Senator Klein moved the following substitute amendment for **Amendment 1Q** which was adopted:

Amendment 1R (with title amendment)—On page 91, between lines 1 and 2, insert:

Section 58. Section 100.051, Florida Statutes, is amended to read:

100.051 Candidate's name on general election ballot.—The supervisor of elections of each county shall print on ballots to be used in the county at the next general election the names of candidates who have been nominated by a political party, other than a minor political party, and the candidates who have otherwise obtained a position on the general election ballot in compliance with the requirements of this code. *A candidate who is unopposed in the general election must have the supervisor of elections print the candidate's name on the general election ballot.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 99, line 23, after the semicolon (;) insert: amending s. 100.051, F.S.; requiring the name of an unopposed candidate to be printed on the general election ballot;

Senator McKay moved the following amendment to **Amendment 1**:

Amendment 1S (with title amendment)—On page 45, between lines 20 and 21, insert:

Section 22. Section 100.061, Florida Statutes, is amended to read:

100.061 First primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of political parties shall be held on the Tuesday 9 weeks prior to the general election. Each candidate receiving *the highest number* ~~a majority~~ of the votes cast in each contest in the first primary election shall be declared nominated for such office. ~~A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.~~

Section 23. *Sections 100.091 and 100.096, Florida Statutes, are repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 94, line 14, after the first semicolon (;) insert: amending s. 100.061, F.S.; providing for the candidate that receives the highest number of the votes cast in the first primary election to be declared nominated for the office; repealing ss. 100.091, 100.096, F.S., relating to the second primary election and special elections held at the second primary election;

Senator Cowin moved the following substitute amendment for **Amendment 1S** which failed:

Amendment 1T (with title amendment)—On page 45, between lines 20 and 21, insert:

Section 22. Section 100.061, Florida Statutes, is amended to read:

100.061 First primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of political parties shall be held on the Tuesday 9 weeks prior to the general election. *Any* ~~Each~~ candidate receiving *at least 40 percent and the largest number* ~~a majority~~ of the votes cast in each contest in the first primary election shall be declared nominated for such office. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive *at least 40 percent of the votes cast in the primary election* ~~a majority~~.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 94, line 14, after the first semicolon (;) insert: amending s. 100.061, F.S.; providing for the candidate that receives at least 40 percent of the votes cast in the first primary election to be declared nominated for the office;

The question recurred on **Amendment 1S** which failed.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB's 461, 281 and 75** as amended was placed on the calendar of Bills on Third Reading.

On motions by Senator Clary, by unanimous consent—

CS for SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1366** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, March 20.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 19, 1997: CS for SB 568, CS for CS for SB 384, SB 356, SB 144, CS for SB 1366, CS for SB 290, CS for SB 186, CS for SB 8, CS for SB 284, SB 416, SB 418, SB 420, SB 422, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 424

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Governmental Reform and Oversight recommends the following pass: SJR 1266

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1438 with 2 amendments

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1862

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1282

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 174 with 1 amendment, SB 966

The Committee on Education recommends the following pass: SB 408

The Committee on Health Care recommends the following pass: SB 884 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1804 with 2 amendments

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 468

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1496

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 776

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Community Affairs recommends the following pass: SB 906 with 3 amendments, SB 970

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 126, SB 1512

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 648 with 1 amendment, SB 684, SB 1502

The Committee on Community Affairs recommends the following pass: SB 676 with 2 amendments, SB 678, SJR 844, SB 1174

The Committee on Criminal Justice recommends the following pass: SB 260, SB 346, SB 464, SB 1028

The Committee on Education recommends the following pass: SB 2, SB 824, SB 826

The Committee on Governmental Reform and Oversight recommends the following pass: SB 76, SB 596, CS for SB 868, SB 1498 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass: SB 1580 with 1 amendment

The Committee on Banking and Insurance recommends the following pass: SB 358 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 328

The Committee on Education recommends the following pass: SB 1528, SB 1922

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1086

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 756

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 566 and 626

The Committee on Judiciary recommends a committee substitute for the following: SB 272

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1860

The Committee on Natural Resources recommends a committee substitute for the following: SB 576

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1228

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 412, 140 and 804

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 630

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 948

The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 170, SB 724

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1288

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1686

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1360

The Committee on Community Affairs recommends a committee substitute for the following: SB 956

The Committee on Criminal Justice recommends committee substitutes for the following: SB 176, SB 310

The Committee on Education recommends committee substitutes for the following: SB 1546, SB 1956

The Committee on Health Care recommends a committee substitute for the following: SB 238

The Committee on Judiciary recommends a committee substitute for the following: SB 892

The Committee on Regulated Industries recommends a committee substitute for the following: SB 526

The Committee on Transportation recommends a committee substitute for the following: SB 1002

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 800

The Committee on Community Affairs recommends a committee substitute for the following: SB 360

The Committee on Criminal Justice recommends a committee substitute for the following: SB 96

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 568

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1148

The Committee on Judiciary recommends committee substitutes for the following: Senate Bills 764 and 474, SB 842

The Committee on Transportation recommends committee substitutes for the following: SB 778, SB 984, SB 1366

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the appointments made by the Governor to the **Board of Regents** of James F. Heekin, Jr. and Jon C. Moyle for terms ending January 1, 2003; Philip D. Lewis for a term ending January 1, 2002; and James R. Harding, for a term ending September 1, 1997.

[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Silver—

SB 2032—A bill to be entitled An act relating to used watches; amending s. 501.925, F.S.; redefining what constitutes a used watch, for purposes of the regulation of their sale; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Kurth—

SB 2034—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.045, F.S.; revising provisions relating to notice and the issuance of and amendment to certificates of authorization by the Florida Public Service Commission; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Myers—

SB 2036—A bill to be entitled An act relating to financial responsibility; amending ss. 458.320, 459.0085, F.S.; providing that, for certain physicians and osteopathic physicians, respectively, the waiver of sovereign immunity in s. 768.28, F.S., is conclusive proof that such persons have met the financial responsibility requirements for staff privileges at hospitals and similar health care facilities; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By Senator Latvala—

SB 2038—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 283.31, F.S., relating to records of executive agency publications; removing requirement for financial and performance audits of the corporation by the Auditor General; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; prohibiting the department from producing commodities or services utilizing inmate labor which are substantially similar to those produced in correctional work programs of the corporation without the corporation's written consent; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts; defining the term "revenue-generating contracts"; amending s. 946.512, F.S., relating to inmate compensation plan; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S.; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; amending s. 946.516, F.S.; requiring a performance audit in 1999 of the corporation by the Office of Program Policy Analysis and Government Accountability instead of financial and performance audits by the Auditor General; repealing s. 945.04(4), F.S., relating to certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 2040—A bill to be entitled An act relating to mergers of business entities or corporations; amending s. 48.101, F.S.; specifying service of process on certain dissolved corporations; amending s. 607.0732, F.S.; providing an additional criterion of shareholder agreements; providing limitations; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By Senator Silver—

SB 2042—A bill to be entitled An act relating to unlawful solicitations; amending s. 321.03, F.S.; prohibiting solicitation of funds or in-kind contributions while using the name, symbols, colors, or initials of the Florida Highway Patrol without written permission of the Department of Highway Safety and Motor Vehicles; authorizing the department to develop procedures for applying for permission; providing a penalty; providing that the department's decision is final agency action subject to review; specifying unfair or deceptive acts or practices; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Bronson—

SB 2044—A bill to be entitled An act relating to agriculture; amending s. 215.20, F.S., relating to certain income and trust funds to contribute to the General Revenue Fund; deleting an incorrect reference; deleting a service charge on income deposited in a specified trust fund; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; provid-

ing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 570.20, F.S.; eliminating a requirement that a percentage of the General Inspection Trust Fund revenue go to the General Revenue Fund; amending s. 585.105, F.S.; providing for the distribution of a brucella vaccine; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to refuse to issue a citrus fruit dealer's license under certain conditions; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By Senator Brown-Waite—

SB 2046—A bill to be entitled An act relating to unlawful activity on school property; requiring a school principal, school official, or school employee who has knowledge or information of criminal or delinquent activity committed on school property or at a school-sponsored function to report such activity to a law enforcement agency; requiring the district school board to enter into an agreement with local law enforcement agencies to specify misdemeanor incidents to be reported to a law enforcement agency; requiring annual review of the agreement; providing an effective date.

—was referred to the Committee on Education.

By Senator Harris—

SB 2048—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Clary—

SB 2050—A bill to be entitled An act relating to the Advanced International Certificate of Secondary Education Program; amending s. 236.081, F.S.; establishing student full-time equivalent membership in the program; amending s. 240.116, F.S.; directing the Department of Education to create a pilot of the Advanced International Certificate of Secondary Education Program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Gutman—

SB 2052—A bill to be entitled An act relating to retail sales; defining the term "transient retailer" to mean a merchant who sells or offers merchandise for sale at a location other than at an established retail store; defining the term "transient retail operator" to mean a person who rents space to a transient retailer; prohibiting a transient retail operator from renting space to a transient retailer who does not have a current state sales tax registration number; requiring a transient retail operator to retain certain records; requiring that a transient retailer obtain a state sales tax registration number before offering merchandise for sale; requiring a transient retailer to retain an invoice or receipt for any new merchandise that the retailer sells or offers for sale; specifying the information that must be contained in the invoice or receipt; authorizing a law enforcement officer to confiscate new merchandise sold or offered for sale without an invoice or receipt that shows the source of the merchandise; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Criminal Justice; and Ways and Means.

By Senator Dantzler—

SB 2054—A bill to be entitled An act relating to citizen support organizations; amending s. 212.08, F.S.; clarifying a sales and use tax exemption for certain citizen support organizations; amending s. 370.0205, F.S.; providing for partnerships between the state and private entities for certain purposes; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 2056—A bill to be entitled An act relating to administrative fines; providing for deposit of fines collected by executive-branch agencies to be deposited into the General Revenue Fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Campbell—

SB 2058—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Hargrett—

SB 2060—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing motor fuel tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising language with respect to governmental transportation entities; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed;

authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising language with respect to aid and contributions by governmental entities for department projects; amending s. 479.261, F.S.; revising language with respect to the logo sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Brown-Waite—

SB 2062—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising provisions with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising provisions with respect to dealer liability; amending s. 681.114, F.S.; revising provisions with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Ways and Means.

By Senator Grant—

SB 2064—A bill to be entitled An act relating to consumer finance loans; amending s. 516.031, F.S.; increasing the loan limits upon which specified interest rates may be charged; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

By Senator Brown-Waite—

SB 2066—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; amending s. 641.47, F.S.; defining terms; amending s. 641.495, F.S.; requiring designation of a state-licensed physician or osteopath as medical director; amending s. 641.51, F.S.; requiring out-of-network referrals to specialists, under certain circumstances; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring adoption of certain recommendations for preventive pediatric health care; amending s. 641.511, F.S.; requiring a grievance procedure and an expedited grievance procedure for reviewing the denial of urgently needed health care services; establishing procedural requirements; providing a time limit; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice and Senator Bronson—

CS for SB 96—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 170—A bill to be entitled An act relating to offenses involving intent to defraud persons who hire or lease personal property or equipment; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; providing an effective date.

By the Committee on Criminal Justice and Senator Rossin—

CS for SB 176—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for "victim or witness at risk of harm" and "serious felony offense"; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an appropriation; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 238—A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms "health maintenance organization" and "major medical equipment" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a home health agency, hospice, and long-term-care hospital; defining the terms "home health agency," "long-term-care hospital," and "respite care"; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance

organizations; adding replacement of facilities as reviewable activity; deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, termination of health care services, and contracts for shared services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; eliminating expedited review of increases in nursing home beds at a specified facility; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies contingent upon specified future actions, inmate health care facilities, delicensure of beds, the termination of a health care service, inpatient diagnostic cardiac catheterization services, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe with respect to administrative hearings; providing timeframes for submitting recommended orders and a final order; amending s. 408.040, F.S., expanding the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; revising the effective date for certain statutory provisions; providing for continued applicability of certain statutes pending administrative or judicial action on a specified date; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross-references to changes made by the act; amending ss. 400.602, 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365, 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

By the Committee on Judiciary and Senators Grant, Williams, Bronson, Dudley, Horne, Casas, Ostalkiewicz, Bankhead, Burt, Sullivan, Holzendorf, Myers, Brown-Waite, Cowin, Clary, Crist, Kirkpatrick, Childers, Latvala, Lee and Diaz-Balart—

CS for SB 272—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in other jurisdictions are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

By the Committee on Criminal Justice and Senators Gutman and Crist—

CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an appropriation to the Department of Corrections; providing an effective date.

By the Committee on Community Affairs and Senators Brown-Waite and Latvala—

CS for SB 360—A bill to be entitled An act relating to the Coastal Zone Protection Act of 1985; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

By the Committee on Natural Resources and Senators Latvala, Crist and Clary—

CS for SB's 412, 140 and 804—A bill to be entitled An act relating to marine fisheries; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; for purposes of ch. 370, F.S., defining the term "conviction"; providing for judicial notice of Marine Fisheries Commission rules; providing for license suspension for nonpayment of civil penalties; amending s. 370.025, F.S.; deleting a requirement that Marine Fisheries Commission rules be approved by the Board of Trustees; amending s. 370.026, F.S.; placing the Marine Fisheries Commission within the Department of Environmental Protection; amending s. 370.027, F.S.; deleting a limitation on the power of the Marine Fisheries Commission to regulate fishing gear; providing procedures for filing rules with the Department of State; conforming provisions; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.092, F.S.; deleting provisions relating to the carriage of proscribed nets across Florida waters, major violations, and fines and penalties; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of any net not approved by the Marine Fisheries Commission; defining the terms "net" or "netting" and "miles"; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries Commission to adopt rules implementing the constitutional net ban; authorizing the Department of Environmental Protection to adopt specified rules; amending s. 370.14, F.S.; deleting a requirement that a marine patrol officer be present at the weighing of crawfish during the closed season; creating s. 370.1401, F.S.; providing procedures for the sale of crawfish during the closed season; providing penalties; amending s. 370.142, F.S.; providing additional penalties for violation of crawfish laws; amending s. 370.15, F.S.; revising shrimp trawling regulations; amending s. 370.25, F.S.; providing

criteria for grants and grant eligibility; establishing requirements for reef placement; providing the department with discretionary rulemaking authority relating to grant programs for construction of artificial fishing reefs; prescribing unlawful activities; providing criminal and civil penalties; providing for revocation of licenses and permits of violators; creating a baitfish experimental pilot program; providing program procedures and requirements; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; providing an effective date.

By the Committee on Regulated Industries and Senators Dyer, Forman, Childers, Thomas, Gutman, Lee and Clary—

CS for SB 526—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Rossin and Campbell—

CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Latvala—

CS for SB 568—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "independent expenditure" to exclude expenditures made by or through the national, state, or county executive committee; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; creating s. 106.077, F.S.; establishing requirements for written solicitations for contributions; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf

of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 106.295, F.S.; expanding the prohibition against leadership funds; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a specified distance of any polling place or polling room; specifying acts of solicitation that may not be restricted; authorizing a supervisor of elections to permit solicitation within a specified zone under prescribed conditions; authorizing an election board to have disruptive persons removed by law enforcement officers; requiring the law enforcement officer assigned to an election precinct to inform solicitors of zone surrounding the polling place and to remove disruptive solicitors; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 104.271, F.S.; making any person personally liable for damages for knowingly making a false statement about a candidate; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

By the Committee on Natural Resources and Senator Clary—

CS for SB 576—A bill to be entitled An act relating to sewage treatment facilities; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from loan surcharges and federal funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 630—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms "evening child care" and "weekend child care"; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

By the Committee on Criminal Justice and Senator Horne—

CS for SB 724—A bill to be entitled An act relating to tests for alcohol, chemical substances or controlled substances; amending ss. 316.1932, 316.1933, F.S.; amending the implied consent law and laws prescribing testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such reporting is not a violation of any ethical or moral duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in making such report; providing immunity from civil or criminal liability and from any professional disciplinary action; providing immunity in any judicial proceeding resulting from the report; providing an effective date.

By the Committee on Regulated Industries and Senator Holzendorf—

CS for SB 756—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; redefining the term "legally authorized person"; amending s. 470.0085, F.S.; requiring certain students to register with the Department of Business and Professional Regulation; amending s. 470.009, F.S.; revising licensure requirements; amending s. 470.015, F.S.; revising education requirements for license renewal; amending s. 470.018, F.S.; revising continuing education requirements; amending s. 470.024, F.S.; prohibiting certain colocated funeral establishments; providing exceptions; requiring relicensure of establishments following ownership changes; providing for the operation of visitation chapels; amending s. 470.029, F.S.; setting deadlines for reports; amending s. 470.0294, F.S.; providing for reliance on certain representations by legally authorized persons; amending s. 470.0301, F.S.; providing registration requirements for central embalming facilities; providing fees; creating ss. 470.0315, 470.0325, F.S.; providing for the storage, preservation, and shipment of human remains; establishing criteria; creating s. 470.0355, F.S.; providing for the identification of human remains; providing an effective date.

By the Committee on Judiciary and Senators Crist, Gutman, Burt, Jenne and Campbell—

CS for SB's 764 and 474—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Drug Dealer Liability Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

By the Committee on Transportation and Senators Lee and Ostalkiewicz—

CS for SB 778—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Latvala—

CS for SB 800—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S.; specifying conditions under which retail revolving accounts are considered to be signed or accepted; specifying that the seller has the burden of proving authorized use; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 842—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising provisions with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that an owner may not record a notice of termination except after completion of construction; amending s. 713.135, F.S.; requiring certain applicants for building permits to file certain information with the issuing authority; providing for issuance of permits and for inspections for certain temporary or preliminary work; providing an effective date.

By the Committee on Judiciary and Senators Dudley, Grant, Horne, Campbell, Burt and Rossin—

CS for SB 892—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; directing the Judicial Management Council to study the feasibility of establishing a unified trial court system; providing duties and responsibilities; providing for staffing of the commission; providing per diem for members; requiring the submission of a report to the Legislature; providing for expiration of the commission; providing effective dates.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of

Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; providing an effective date.

By the Committee on Community Affairs and Senator Forman—

CS for SB 956—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

By the Committee on Transportation and Senators Ostalkiewicz and Bronson—

CS for SB 984—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; requiring personal injury protection and property insurance for persons over age 21 who operate or ride motorcycles without a helmet; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 1002—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S, with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Dudley—

CS for SB 1148—A bill to be entitled An act relating to legal holidays; creating s. 683.22, F.S.; designating May 1 of each year as "Law Day" and the days starting with the Sunday of or before May 1 and ending with the Saturday following May 1 as "Law Week"; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Lee—

CS for SB 1228—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising provisions with respect to inapplicability of ch. 493, F.S.; exempting certain local, state, and federal officers; exempting a person or firm that conducts genealogical research; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising provisions with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

By the Committee on Community Affairs and Senator Rossin—

CS for SB 1288—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites and ports; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s.

189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; amending s. 196.199, F.S.; providing that all nonalienated or reversionary interests in governmental property which is subject to a leasehold or other possessory interest of a nongovernmental lessee shall be deemed to be used for a governmental, municipal, or public purpose or function; providing effective dates.

By the Committee on Children, Families and Seniors; and Senators Holzendorf and Brown-Waite—

CS for SB 1360—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; providing an appropriation; providing an effective date.

By the Committee on Transportation and Senator Clary—

CS for SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 1546—A bill to be entitled An act relating to public school financial reporting; amending s. 236.685, F.S., the Education Funding Accountability Act; requiring annual school financial reports; specifying reporting requirements; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Meadows—

CS for SB 1686—A bill to be entitled An act relating to state government; creating s. 11.1471, F.S.; creating the Science Advisory Board assigned for administrative purposes to the Division of Economic and Demographic Research of the Joint Legislative Management Committee; providing for qualifications and appointment of board members; providing for reimbursement of expenses; requiring the board to provide advice and guidance to state agencies in preparing risk impact statements and on risk assessment issues; providing an appropriation; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Lee—

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

By the Committee on Education and Senator Lee—

CS for SB 1956—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required and state-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Regulatory Council of Community Association Managers		
Appointee:	Grosskoph, John E., West Palm Beach	10/31/1997
Construction Industry Licensing Board		
Appointee:	Laird, Robert D., Naples	10/31/1997
State of Florida Correctional Medical Authority		
Appointee:	Russell, Barbara S., Miramar	07/01/2000
Board of Cosmetology		
Appointee:	Reddick, Nesper LaKay, Orlando	10/31/2000
Education Standards Commission		
Appointee:	Lafferty, Gerald F., Boca Raton	09/30/1997
Board of Directors, Capital Development Board		
Appointees:	Lyons, Clayton Thaddeus, Lakeland	03/09/2000
	Mitchell, John Adam, Jacksonville	03/09/1998
Board of Hearing Aid Specialists		
Appointee:	Dingler, Denson Powell II, Inverness	10/31/2000
Board of Landscape Architecture		
Appointee:	Gilchrist, Hilda Gomez, Tallahassee	10/31/2000
Board of Opticianry		
Appointee:	Mathews, Caroline Walton, Jacksonville	10/31/1997
Board of Pilot Commissioners		
Appointee:	Sisselman, Ludmila Saposhkov, Miami	10/31/2000
Board of Podiatric Medicine		
Appointee:	Simmonds, Warren L., Ft. Lauderdale	10/31/2000
Historic Pensacola Preservation Board of Trustees		
Appointee:	Currin, Beverly Madison (Matt), Pensacola	06/30/1999
Board of Psychology		
Appointee:	Rivas-Vazquez, Ana Albarran, Coral Gables	10/31/2000
East Central Florida Regional Planning Council, Region 6		
Appointees:	Hattaway, James Allen, Sanford	10/01/1997
	Poe, Bob, Sanford	10/01/1998

Office and Appointment		*For Term Ending*
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Horton, Sam James, Tampa	10/01/1998
	Kennedy, Thomas Francis, Clearwater	10/01/1998

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the South Florida Water Management District		
Appointee:	Minton, Michael David, Ft. Pierce	03/01/2001
Governing Board of the Southwest Florida Water Management District		
Appointees:	Harllee, John Pope, Bradenton	03/01/2001
	Johnson, Ronald Craig, Lake Wales	03/01/2001
	Thompson, Sarah Ann (Sally), Tampa	03/01/2001
Governing Board of the Suwannee River Water Management District		
Appointees:	Carver, John David, Jr., Archer	03/01/2001
	Waring, Malachi Howell, Madison	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 461, 281 and 75 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Election Reform and Representative Thrasher and others—

CS for HB's 461, 281 and 75—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division

to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 13 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 984; Brown-Waite—SB 126, SJR 1266, CS for SB 1360, SB 1986; Campbell—SB 834, SJR 1266; Casas—SJR 1266; Childers—SJR 1266, SB 1598; Clary—SB 130; Cowin—SJR 1266, SJR 1570; Crist—SB 310; Dantzler—SB 648; Diaz-Balart—SB 648; Dudley—SB 1070; Forman—SB 626, SB 1602; Grant—SJR 1266; Gutman—SB 1598; Harris—SJR 1266; Holzendorf—SB 648; Horne—SJR 1266; Kirkpatrick—SJR 1266, SB 1726; Klein—SB 648; Kurth—SB 354; Latvala—SJR 1266; Lee—SJR 1266; Meadows—SB 1598; McKay—SJR 1266; Myers—SB 1070, SJR 1266; Ostalkiewicz—SJR 1266, SJR 1570; Silver—SJR 844, SB 1174, SB 1176; Turner—SJR 1266; Williams—SJR 1266

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:14 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 20.

SENATE PAGES

March 17-21

Adam Bachman, South Daytona; Paul Bachman, South Daytona; Tristesia Bellamy, Fort Pierce; Jennifer Gourley, Bonita Springs; Kendall Heebner, Ormond Beach; Anne House, Winter Park; Michael S. Kiser, Winter Park; David McNelley, Starke; Eugene Merritt, Tampa; Daniel Montilla, Weston; Christy Paul, Lakeland; Timothy (Michael) Quarles, Brandon; Alex Rudloff, Indialantic; Monica Mahesh Shah, Satellite Beach; Frederica Young, Havana

Journal of the Senate

Number 7—Regular Session **Thursday, March 20, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Lieutenant Colonel Jon Wuerffel, father of University of Florida Heisman Trophy winner, Danny Wuerffel, Destin:

Lord God, Heavenly Father, we thank you for this day. We thank you for this opportunity to serve you with who we are, where we are, and what we are.

We are the elected elect, chosen twice to make decisions governing vast numbers and resources.

You have strategically placed us in this office and this building, and we desire to do your will because we are people of courage and justice, striving to maintain and distribute good will and peace throughout this region of our great land.

Guide us with wisdom and vision. Amen.

PLEDGE

Senate Pages, Paul Bachman of South Daytona and Alex Rudloff of Indialantic, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Kirkpatrick—

By Senators Kirkpatrick, Dyer, Williams, Silver, Forman, Holzendorf, Cowin, Jenne, Thomas, Jones, Jennings, Dantzler, Childers, Latvala, Sullivan, Bankhead, Scott, Campbell, Bronson, Diaz-Balart, Crist, Burt, Harris, Myers, Rossin, Hargrett, Kurth, Clary, Meadows, McKay, Lee, Dudley, Grant, Casas, Klein, Ostalkiewicz, Gutman, Brown-Waite, Horne and Turner—

SR 1972—A resolution commending the University of Florida Gator football team for its first national championship and for its 1996 football season.

WHEREAS, the University of Florida Gator football team captured the university's first national championship with a number one ranking in the Associated Press and the USA Today-CNN coaches' poll, and

WHEREAS, the Gators won the 1997 Nokia Sugar Bowl Game in a decisive victory over arch rival FSU, defeating the Seminoles 52-20, and

WHEREAS, the 52 points scored by the Gators in the Sugar Bowl are the most points ever scored in one game in Sugar Bowl history, and

WHEREAS, the Gator football team won the University's fourth straight SEC title, becoming only the second team in conference history to do so, and

WHEREAS, the Gators were ranked number one for eleven weeks of the regular football season, longer than any University of Florida football team in the school's history, and

WHEREAS, the 1996 Gator team and the 1995 Gator team are the only teams in the University's history with a twelve win season, and

WHEREAS, the 1996 Gator football team is the only team in the nation to win at least twelve games in each of the last two seasons, and

WHEREAS, the 1996 Gators are the second team in school history to post a perfect 9-0 SEC conference record, and

WHEREAS, this year's Gator team stretched the University of Florida's unbeaten mark in the SEC to twenty-two games, the third longest streak in conference history, and

WHEREAS, with this year's ranking, the University of Florida remains one of only two football teams in the nation to finish in the Top Ten in each of the last six years, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the University of Florida Gator football team, Head Coach Steve Spurrier, and the coaching staff are commended for their outstanding accomplishments in bringing the University of Florida to national prominence and excellence in intercollegiate football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the University of Florida Gator football team and to Coach Steve Spurrier as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Kirkpatrick, **SR 1972** was read the second time in full and adopted.

SPECIAL GUEST

Senator Kirkpatrick recognized A. P. "Pete" Tully, seated in the gallery, who at ninety years of age is the oldest living Gator football player.

On motion by Senator Kirkpatrick—

By Senators Kirkpatrick, Diaz-Balart, Horne, Sullivan, Scott, Thomas, McKay, Rossin, Hargrett, Childers, Jones, Dudley, Meadows, Myers, Cowin, Grant, Jennings, Harris, Bankhead, Silver, Dyer, Williams, Bronson, Burt, Jenne, Crist, Clary, Lee, Latvala, Brown-Waite, Dantzler, Forman, Ostalkiewicz, Turner, Holzendorf, Klein, Kurth, Campbell, Casas, and Gutman—

SR 556—A resolution honoring University of Florida Quarterback Danny Wuerffel.

WHEREAS, Danny Wuerffel led the University of Florida Fighting Gators to their first National College Football Championship and in so doing was named the 1997 Sugar Bowl Most Valuable Player and set a bowl record for most points scored, and

WHEREAS, Danny Wuerffel led the Gators to a second consecutive 12-win season and a fourth consecutive Southeastern Conference title, and

WHEREAS, during his career Danny Wuerffel set numerous records including the best passing percentage in NCAA Division I-A history and holds the Southeastern Conference record for passes completed, and

WHEREAS, Danny Wuerffel received the 1995 and 1996 Davey O'Brien Award as the nation's best college quarterback, and

WHEREAS, Danny Wuerffel received the 1996 Heisman Trophy, and

WHEREAS, Danny Wuerffel received numerous awards and accolades for both his athletic and academic accomplishments, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, Danny Wuerffel has represented both the University of Florida and the State of Florida so admirably, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pause in its deliberations to honor Danny Wuerffel for his many superlative accomplishments and express its appreciation for the honor that Danny Wuerffel has bestowed upon the State of Florida and the University of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Danny Wuerffel, to Dr. John Lombardi, President of the University of Florida, to Steve Spurrier, Head Football Coach of the University of Florida, and to Jeremy Foley, Athletic Director of the University of Florida as tangible tokens of the sentiment of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Kirkpatrick, **SR 556** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Kirkpatrick introduced the following guests who were present in the chamber: Danny Wuerffel, team quarterback and Heisman Trophy recipient; Lieutenant Colonel Jon Wuerffel, father of Danny Wuerffel; Lawrence Wright, team captain and recipient of the Jim Thorpe Award; Steve Spurrier, Head Coach; Jeremy Foley, Athletic Director; Dr. John Lombardi, University President; and James Salt as the Gator mascot, Albert the Alligator.

Upon request of the President, Senators Kirkpatrick, Bankhead, Campbell, Dantzler, Dyer, Grant and Thomas escorted the guests to the rostrum where they were presented copies of the resolutions.

At the request of Senator Childers—

By Senator Childers—

SR 2198—A resolution recognizing the Escambia Chapter of the Order of DeMolay.

WHEREAS, DeMolay was started more than 70 years ago in Kansas City, Missouri, and

WHEREAS, the first DeMolay chapter in Florida was organized in Escambia County, Florida, in 1922, and

WHEREAS, the Escambia Chapter of the Order of DeMolay was chartered in 1954, and

WHEREAS, there are currently 21 DeMolay chapters in Florida, and

WHEREAS, the Order of DeMolay is an association of young men thirteen to twenty-one years of age who are seeking to better themselves by learning leadership skills and practicing civic responsibility, and

WHEREAS, the seven basic principles taught by DeMolay are love of parents, respect for the religious beliefs and opinions of others, courtesy, friendship, faithfulness, cleanness in thought and action, and patriotism, and

WHEREAS, DeMolay International is the largest fraternity of young men in the world, and

WHEREAS, there are approximately 1,000 chapters in the United States, as well as those chapters located in seven foreign countries, and

WHEREAS, DeMolay alumni include President Bill Clinton, United States senators, state governors, U.S. astronauts, professional athletes, chairmen of major U.S. corporations, John Wayne, Dan Rather, Willard Scott, Walt Disney, and countless others who have gone on to greatness, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Escambia Chapter of the Order of DeMolay is recognized and commended for its positive influence on the lives of young men in Escambia County and for its service to the residents of Escambia County.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Escambia Chapter of the Order of DeMolay as a tangible token of the sentiments of the Florida Senate.

—**SR 2198** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 1688** was withdrawn from the Committee on Ways and Means and referred to the Committees on Education; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 1002**, **CS for SB 1238** and **CS for SB 1546** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 1306** was withdrawn from the Committees on Community Affairs; and Ways and Means and referred to the Committee on Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Tuesday, March 25, was set for filing amendments to Bills on Third Reading to be considered Wednesday, March 26.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 1366** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for HB's 461, 281 and 75—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the

current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

—as amended March 19 was read the third time by title.

Senator Holzendorf moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 89, lines 9-20, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 97, line 31 through page 98, line 3, delete those lines and insert: providing severability; providing effective dates, including

On motions by Senator Latvala, **CS for HB's 461, 281 and 75** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Cowin	Jenne	Ostalkiewicz	

Nays—2

Crist	Hargrett

SPECIAL ORDER CALENDAR

On motion by Senator Rossin—

CS for CS for SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; allowing a phase-in period for competitive procurement of certain client services; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that certain provisions be included in specified contracts entered into by the department; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 9, between lines 21 and 22, insert:

(c) The competitive requirements of paragraph (a) of this act must be initiated for each contract that meets the criteria of this subsection within the time limits set forth in paragraph (b), unless the secretary makes a written determination that particular facts and circumstances require deferral of the competitive process. Facts and circumstances must be specifically described for each individual contract proposed for deferral and must include one or more of the following:

1. An immediate threat to health, safety, or welfare of the department clients;

2. A threat to appropriate use or disposition of facilities that have been financed in whole, or substantially in part, through contracts or agreements with a state agency; or

3. A threat to the service infrastructure of a community which could endanger the well-being of the department's clients.

Under no circumstances may competition be deferred for longer than 3 years beyond the time limits set forth in paragraph (b), nor shall deferral be used to circumvent the intent of paragraph (b).

(Reletter subsequent paragraphs.)

And the title is amended as follows:

On page 1, line 20, following the semicolon (;) insert: authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals;

Amendment 2—On page 10, lines 14-16, delete those lines and insert: *the provider, dependability of the provider's services, the experience of the provider in serving target populations or client groups substantially identical to members of the target population for the contract in question, and the ability of the provider to secure local funds to support the delivery of services, including, but not limited to, funds derived from county governments. These alternative procedures need not conform to the*

Amendment 3—On page 10, line 23 through page 11, line 5, delete those lines and insert:

(e) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute local match to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and shall take such information as is received from those funding entities into account in the selection process. The department may also involve nongovernmental funding entities in the procurement process when appropriate.

Amendment 4—On page 11, line 6, delete that line and insert:

(f) The department may contract

Senator Hargrett moved the following amendment which was adopted:

Amendment 5—On page 13, line 8, delete "*12*" and insert: *24*

Senator Rossin moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 13, between lines 9 and 10, insert:

Section 2. Section 394.74, Florida Statutes, is amended to read:

394.74 Contracts for provision of local alcohol, drug abuse, and mental health programs.—

(2) Contracts for service shall be *performance-based and* consistent with the approved district plan and the service priorities established in s. 394.75(4).

(3) Contracts shall include, but are not limited to:

(a) A provision that, within the limits of available resources, primary care alcohol, drug abuse, and mental health services shall be available to any individual residing or employed within the service area, regardless of ability to pay for such services, current or past health condition, or any other factor;

(b) A provision that such services be available with priority of attention being given to individuals who exhibit symptoms of chronic or acute alcoholism, drug abuse, or mental illness and who are unable to pay the cost of receiving such services;

(c) A provision that every reasonable effort to collect appropriate reimbursement for the cost of providing alcohol, drug abuse, and mental health services to persons able to pay for services, including first-party payments and third-party payments, shall be made by facilities providing services pursuant to this act;

~~(d) A program description and line-item operating budget by program service component for alcohol, drug abuse, and mental health services, provided the entire proposed operating budget for the service provider will be displayed;~~ and

(e) A requirement that the contractor must conform to department rules and the priorities established thereunder.

Section 3. Subsection (3) of section 394.76, Florida Statutes, is amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(3) The state share of financial participation shall be determined by the following formula:

(a) *For performance based contracts and purchase-of-service contracts, the state must purchase units of services or outcomes at a per-unit rate. The state rate must be a negotiated rate not to exceed the state model rate and model rates must be reevaluated biennially. At a minimum, financial rules must address a chart of accounts for state reporting and auditing and programmatic rules must address performance outcomes, including client satisfaction and functional assessments, service protocols, quality assurance standards, and service standards.*

(b) For start-up contracts, the state shall reimburse actual expenditures made in accordance with contract specifications that include a description of services to be provided and a detailed line-item budget.

All contracts for client services must provide for an evaluation of the contractor's performance. The evaluation must be based on contractually agreed-upon outcome performance standards that measure the effectiveness of the services provided. ~~The state share of approved program costs shall be a percentage of the net balance determined by deducting from the total operating cost of services and programs, as specified in s. 394.675(1), those expenditures which are ineligible for state participation as provided in subsection (7) and those ineligible expenditures established by rule of the department pursuant to s. 394.78.~~

(c)~~(b)~~ Residential and case management services which are funded as part of a deinstitutionalization project shall not require local matching funds and shall not be used as local matching funds. The state and federal financial participation portions of Medicaid earnings pursuant to Title XIX of the Social Security Act, except for the amount of general revenue equal to the amount appropriated in 1985-1986 plus all other general revenue that is shifted from any other alcohol, drug abuse, and mental health appropriation category after fiscal year 1986-1987, shall not require local matching funds and shall not be used as local matching funds. Local matching funds are not required for general revenue transferred by the department into alcohol, drug abuse, and mental health appropriations categories during a fiscal year to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated. Funds for children's services which were provided through the Children, Youth, and Families Services budget which did not require local match prior to being transferred to the Alcohol, Drug Abuse, and Mental Health Services budget shall be exempt from local matching requirements. All other contracted community alcohol and mental health services and programs, except as identified in s. 394.457(3), shall require local participation on a 75-to-25 state-to-local ratio.

(d)~~(c)~~ The expenditure of 100 percent of all third-party payments and fees shall be considered as eligible for state financial participation if such expenditures are in accordance with subsection (7) and the approved district plan.

(e)~~(d)~~ Fees generated by residential and case management services which are funded as part of a deinstitutionalization program and do not require local matching funds shall be used to support program costs approved in the district plan.

(f)~~(e)~~ Any earnings pursuant to Title XIX of the Social Security Act in excess of the amount appropriated shall be used to support program costs approved in the district plan.

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: amending 394.74, F.S.; adding a provision that contracts for services must be performance-based, removing an obsolete requirement associated with cost reimbursement contracts; amending s. 394.76, F.S.; authorizing performance-based contracts, purchase-of-service contracts, and start-up contracts; adding provisions for all types of contracts; requiring an evaluation of the contractor's performance;

Senator Bankhead moved the following amendment which was adopted:

Amendment 7—On page 15, lines 1-10, delete those lines and renumber subsequent subsection.

Senator Rossin moved the following amendment:

Amendment 8 (with title amendment)—On page 13, between lines 9 and 10, insert:

(k) The department shall file a lien against the property where facilities are located that have been constructed or substantially renovated, in whole or in part, through the use of state funds. The lien must be filed upon the execution of the contract authorizing such construction or renovation. The lien must specify that the department has a financial interest in the property equal to the pro rata portion of the state's original investment of the then-fair-market value for renovations, or the proportionate share of the cost of the construction. The lien must also specify that the department's interest is proportionately reduced and subsequently vacated over a 20-year period of depreciation. The contract must include a provision that, as a condition of receipt of state funding for this purpose, the provider agrees that, if it disposes of the property before the department's interest is vacated, the provider will refund the proportionate share of the state initial investment, as adjusted by depreciation.

And the title is amended as follows:

On page 2, line 4, following the semicolon (;) insert: providing for department liens against certain property constructed or renovated using state funds;

Senator Dudley moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A—On page 1, line 20, delete "*filed*" and insert: *recorded in the county where the property is located*

Amendment 8 as amended was adopted.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **CS for CS for SB 384**.

Senator Hargrett moved the following amendment:

Amendment 9 (with title amendment)—On page 8, between lines 22 and 23, insert:

(9) DISTRICT ADMINISTRATOR.—

(a) The secretary shall appoint a district administrator for each of the service districts. Each district administrator *shall be appointed to a term of 4 years and is subject to confirmation by the Senate. A district administrator shall serve* ~~serves~~ at the pleasure of the secretary and has the same standing within the department as an assistant secretary. Except as otherwise provided in this section, each district administrator has direct line authority over all departmental programs assigned to the district. In addition to those responsibilities assigned by law, the district administrator shall carry out those duties delegated by the secretary.

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing for district administrators to be appointed to terms of appointment and be confirmed by the Senate;

Senator Hargrett moved the following amendments to **Amendment 9** which were adopted:

Amendment 9A—On page 1, line 21, after the period (.) insert: *Each district administrator serving in a service district on the effective date of this act must be reappointed by the secretary.*

Amendment 9B—On page 1, line 20, delete "*of*" and insert: *not to exceed*

POINT OF ORDER

Senator Rossin raised a point of order that pursuant to Rule 7.1 **Amendment 9** as amended was not germane to the bill.

RULING ON POINT OF ORDER

On recommendation of Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Hargrett, the Senate reconsidered the vote by which **Amendment 9A** and **Amendment 9B** were adopted. **Amendment 9B**, **Amendment 9A** and **Amendment 9** were withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 384** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass: SB 1268

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Agriculture recommends the following pass: SB 1088, SB 1090, SB 1104, SB 1152, SB 1344

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1778

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Transportation recommends a committee substitute for the following: Senate Bills 2028 and 394

The bills with committee substitute attached were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1682

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 250

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 38, SB 74, SB 112, SB 318, SB 858, SB 894, SB 1084, SB 1128, SB 1250, SB 1384

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1824

The Committee on Transportation recommends committee substitutes for the following: SB 1238, SB 2060

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Lee—

SB 2068—A bill to be entitled An act relating to emergency medical services; amending ss. 365.171, 395.1027, F.S.; requiring a local governmental entity that operates a "911" emergency telephone system to enter into an agreement with the regional poison control center; requiring that the agreement outline a protocol under which the poison control center is consulted with respect to each emergency call that involves exposure to a potentially toxic substance; requiring the poison control center to assess the emergency and recommend an appropriate response; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Senators Gutman, Meadows, Holzendorf, Jones and Forman—

SB 2070—A bill to be entitled An act relating to regulation of wrecker operators and persons immobilizing vehicles; amending s. 1.01, F.S.; defining the term "wrecker operator"; providing for a law enforcement officer to place a hold order on a motor vehicle in a wrecker operator's storage facility; prescribing conditions on such acts; authorizing county and municipal wrecker operator systems; prohibiting certain acts in contravention of such systems; providing penalties; amending ss. 125.0103, 166.043, F.S.; authorizing county and municipal regulation of the practice of immobilizing vehicles; amending s. 316.193, F.S.; providing for payment of charges when a vehicle is impounded or immobilized as a result of a charge of driving under the influence; amending s. 321.051, F.S.; revising provisions authorizing the Florida Highway Patrol to establish a wrecker operator system; prohibiting certain acts in contravention of such system; providing penalties; amending s. 322.34, F.S.; revising provisions relating to impoundment or immobilization of vehicles being operated while the operator's license is suspended, revoked, canceled, or disqualified; providing for payment of accrued charges; amending s. 713.78, F.S.; providing that law allowing a lien for recovering, towing, or storing a vehicle does not authorize a lien for immobilizing a vehicle; providing liability for damages or theft in connection with a towed vehicle; amending s. 715.07, F.S.; regulating the practice of immobilizing vehicles parked on private property; prohibiting

certain practices and acts; providing penalties; amending s. 319.30, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Transportation; and Commerce and Economic Opportunities.

By Senator Grant—

SB 2072—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; excluding benefits for disability or death covered by the Defense Base Act; amending s. 440.15, F.S.; providing for termination of certain payments under certain circumstances; providing for offsets against certain payments under certain circumstances; amending s. 440.34, F.S.; providing limits on attorneys' fees; providing that certain reimbursable amounts are not included in benefits secured; prohibiting interest on attorney's fees; repealing s. 440.02(34)(f), F.S., relating to the definition of catastrophic injury; repealing s. 440.15(6), F.S., relating to the obligation to rehire an employee after maximum medical improvement; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator McKay—

SB 2074—A bill to be entitled An act relating to accessibility for persons with disabilities; amending s. 316.1955, F.S.; revising standards for number, size, layout, and marking of parking spaces for persons with disabilities; amending s. 553.504, F.S.; revising certain guidelines relating to ramps and curb ramps; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Klein—

SB 2076—A bill to be entitled An act relating to sexually violent predators; providing a short title; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; defining terms; creating s. 916.32, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause, hearings, taking such person into custody; creating s. 916.35, F.S.; providing for trial on issue of whether person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; requiring certain findings before conditional release to a less-restrictive form of treatment; creating s. 916.41, F.S.; authorizing conditional release to a less-restrictive form of treatment; creating s. 916.42, F.S.; requiring certain findings before conditional release; providing for conditions and annual review; creating s. 916.43, F.S.; providing for revocation or modification of less-restrictive treatment; creating s. 916.44, F.S.; providing that the Department of Children and Family Services is responsible for costs; creating s. 916.45, F.S.; providing for notice to victims; creating s. 916.46, F.S.; providing severability; creating s. 916.47, F.S.; providing for access to certain records; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Kirkpatrick—

SB 2078—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.225, F.S., relating to disciplinary proceedings for boards within the Department of Business and Professional Regulation and the Department of Health; providing for confidentiality while an investigation is active; authorizing disclosure of an active investigation under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Regulated Industries; and Health Care.

By Senators Rossin and Gutman—

SB 2080—A bill to be entitled An act relating to the storage of firearms; creating the "Safe Storage of Firearms for the Protection of Children Act"; amending s. 790.001, F.S.; redefining the term "securely encased" to mean a firearm that is secured with an activated safety lock; defining the term "safety lock"; providing that it is a third-degree felony to knowingly alter or remove a safety lock from a firearm without authorization of the owner; providing that it is a third-degree felony to knowingly sell, deliver, or possess a firearm if the firearm's safety lock has been altered or removed without authorization of the owner; amending s. 784.05, F.S.; providing that it is not culpable negligence to store or leave a loaded firearm within the reach of a person under a specified age, which firearm is used to inflict injury or death, if the firearm was locked with a safety lock; amending s. 790.174, F.S.; providing that a safety lock may be used for the purpose of lawfully storing a firearm within access of a person under a specified age; amending s. 790.175, F.S.; requiring a licensed dealer to advise a potential buyer of a handgun of the availability of a safety lock that renders the handgun inoperable; requiring that the dealer provide the potential buyer the opportunity to purchase a safety lock at the time of the sale; prohibiting an insurer from increasing the premium for homeowner's insurance or property and casualty insurance if each firearm on the insured property is stored with a safety lock; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Campbell—

SB 2082—A bill to be entitled An act relating to juveniles; amending s. 39.044, F.S.; requiring arraignment of a juvenile ordered into or held in secure, nonsecure, or home detention care within a specified time; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senators Jenne and Dyer—

SB 2084—A bill to be entitled An act relating to construction of school facilities; providing matching grants to certain school districts; providing legislative intent; providing funding; specifying eligible facilities; providing for allocation and use of matching grants from the Florida Lottery School Construction Trust Fund; authorizing school districts to pledge discretionary lottery funds designated for school facilities and any matching grants for the payment of bonds; creating the Florida School Construction Commission to maintain oversight of public school construction; providing membership; providing duties; requiring school boards to provide information on construction projects to the commission for review; amending s. 236.39, F.S.; providing that no election is required to pledge lottery funds from the Educational Enhancement Trust Fund for bonds; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Bankhead—

SB 2086—A bill to be entitled An act relating to juvenile justice; creating chapter 985, F.S., relating to certain juvenile proceedings; creating s. 985.01, F.S.; providing purposes and intent; creating s. 985.02, F.S.; providing legislative intent for the juvenile justice system; creating s. 985.03, F.S.; providing definitions; renumbering and amending s. 39.045, F.S., relating to oaths, records, and confidential information; creating s. 985.05, F.S.; providing for court records; renumbering and

amending s. 39.0573, F.S., relating to statewide information sharing; renumbering s. 39.0574, F.S., relating to school district and law enforcement information sharing; renumbering and amending s. 39.0585, F.S., relating to information systems; renumbering and amending s. 39.022, F.S., relating to court jurisdiction; renumbering and amending s. 39.014, F.S., relating to legal representation for delinquency cases; renumbering and amending s. 39.041, F.S., relating to the right to counsel; renumbering s. 39.0476, F.S., relating to powers with respect to certain children; creating s. 985.205, F.S.; providing that hearings are open to the public; renumbering and amending s. 39.0515, F.S., relating to rights of victims; renumbering and amending s. 39.037, F.S., relating to taking a child into custody; renumbering and amending s. 39.064, F.S., relating to detention of furloughed children or escapees; renumbering s. 39.0471, F.S., relating to juvenile justice assessment centers; renumbering and amending s. 39.047, F.S., relating to intake and case management; renumbering and amending s. 39.038, F.S., relating to release or delivery from custody; renumbering and amending s. 39.039, F.S., relating to fingerprinting and photographing a minor; renumbering and amending s. 39.042, F.S., relating to the use of detention; renumbering s. 39.043, F.S., relating to prohibited uses of detention; renumbering and amending s. 39.044, F.S., relating to detention; transferring and renumbering s. 39.0145, F.S., relating to punishment for contempt of court; renumbering and amending s. 39.0445, F.S., relating to juvenile domestic violence offenders; renumbering s. 39.048, F.S., relating to petitions for delinquency; renumbering and amending s. 39.049, F.S., relating to process and service; renumbering and amending s. 39.0495, F.S., relating to threatening or dismissing employees; renumbering s. 39.073, F.S., relating to court and witness fees; renumbering s. 39.051, F.S., relating to answers to petitions; renumbering and amending s. 39.0517, F.S., relating to incompetency in juvenile delinquency cases; renumbering and amending s. 39.046, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examinations and treatment; creating s. 985.225, F.S.; providing for indictment of a juvenile; providing for sentencing; creating s. 985.226, F.S.; providing criteria for waiver of juvenile court jurisdiction; creating s. 985.227, F.S.; providing for prosecution of juveniles as adults; creating s. 985.228, F.S.; providing for adjudicatory hearings, withheld adjudications, and orders of adjudication; creating s. 985.229, F.S.; providing for predisposition reports; creating s. 985.23, F.S.; providing for disposition hearings in delinquency cases; creating s. 985.231, F.S.; providing powers of disposition in delinquency cases; renumbering s. 39.078, F.S., relating to commitment forms; creating s. 985.233, F.S.; providing dispositional powers and procedures and alternatives for juveniles prosecuted as adults; renumbering s. 39.069, F.S., relating to appeals; renumbering s. 39.0711, F.S., relating to additional grounds for appeals by the state; renumbering s. 39.072, F.S., relating to orders or decisions when the state appeals; renumbering and amending s. 39.0255, F.S., relating to civil citations; renumbering s. 39.019, F.S., relating to teen courts; renumbering and amending s. 39.0361, F.S., relating to the Neighborhood Restorative Justice Act; renumbering and amending s. 39.026, F.S., relating to community arbitration; renumbering and amending s. 39.055, F.S., relating to early delinquency intervention; renumbering s. 39.0475, F.S., relating to delinquency pretrial intervention; renumbering s. 39.0551, F.S., relating to juvenile assignment centers; renumbering s. 39.0571, F.S., relating to juvenile sexual offender commitment programs; renumbering and amending s. 39.057, F.S., relating to boot camps for children; renumbering and amending s. 39.058, F.S., relating to serious or habitual juvenile offenders; renumbering and amending s. 39.0582, F.S., relating to intensive residential treatment; renumbering and amending s. 39.0583, F.S., relating to intensive residential treatment programs; renumbering s. 39.0581, F.S., relating to maximum-risk residential programs; renumbering and amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; renumbering and amending s. 39.05841, F.S., relating to vocational work training programs; renumbering s. 39.067, F.S., relating to furlough and intensive aftercare; renumbering and amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; renumbering s. 39.085, F.S., relating to the Alternative Education Institute; renumbering s. 39.0572, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering and amending s. 39.021, F.S., relating to administering the juvenile justice continuum; creating s. 985.405, F.S.; requiring the Department of Juvenile Justice to adopt rules; renumbering s. 39.024, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Training Trust Fund; renumbering s. 39.076, F.S., relating to contracting and personnel; renumbering s. 39.075, F.S., relating to consultants; creating s. 985.409, F.S.; providing for participation in the Florida Casualty Insurance Risk Management Trust Fund; renumbering s. 39.074, F.S., relating to facilities siting; renumbering and amending s. 39.0215, F.S., relating to county and municipal delinquency programs and facilities; creating s. 985.412, F.S.; providing for quality assurance; renumbering and amending s. 39.025, F.S., relating to district juvenile justice boards; creating s. 985.414, F.S.; providing for county juvenile justice councils; creating s. 985.415, F.S.; providing for county juvenile justice partnership grants; creating s. 985.416, F.S.; providing for innovation zones; renumbering s. 39.062, F.S., relating to transferring children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 39.063, F.S., relating to transferring children to other treatment services; renumbering s. 39.065, F.S., relating to contracts for the transfer of children under federal custody; renumbering s. 39.51, F.S., relating to the Interstate Compact on Juveniles; renumbering s. 39.511, F.S., relating to execution of the compact; renumbering s. 39.512, F.S., relating to the juvenile compact administrator; renumbering s. 39.513, F.S., relating to supplementary agreements; renumbering s. 39.514, F.S., relating to financial arrangements; renumbering s. 39.515, F.S., relating to responsibility of state departments, agencies, and officers; renumbering s. 39.516, F.S., relating to additional procedures with respect to the compact; creating s. 984.01, F.S.; providing purposes and intent with respect to children and families in need of services; creating s. 984.02, F.S.; providing legislative intent; creating s. 984.03, F.S.; providing definitions; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; renumbering and amending s. 39.015, F.S., relating to rules relating to habitual truants; renumbering and amending s. 39.4451, F.S., relating to oaths, records, and confidential information; renumbering s. 39.447, F.S., relating to appointed counsel; renumbering and amending s. 39.017, F.S., relating to attorney's fees; creating s. 984.09, F.S.; providing for punishment for contempt of court; renumbering and amending s. 39.423, F.S., relating to intake of children; renumbering and amending s. 39.424, F.S., relating to services to families in need of services; renumbering s. 39.426, F.S., relating to staffing for treatment and services to families in need of services; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; renumbering and amending s. 39.422, F.S., relating to shelter placement of certain children; renumbering and amending s. 39.436, F.S., relating to petitions for children in need of services; renumbering s. 39.437, F.S., relating to process and service; renumbering s. 39.438, F.S., relating to response to petition and representation of parties; renumbering s. 39.4431, F.S., relating to referral of children-in-need-of-services cases to mediation; renumbering and amending s. 39.446, F.S., relating to examination and treatment of certain children; renumbering s. 39.44, F.S., relating to hearings for children-in-need-of-services cases; renumbering s. 39.441, F.S., relating to orders of adjudication; renumbering and amending s. 39.442, F.S., relating to powers of disposition; renumbering s. 39.4375, F.S., relating to court and witness fees; renumbering s. 39.4441, F.S., relating to appeals; amending s. 39.01, F.S.; revising definitions applicable to ch. 39, F.S.; repealing ss. 39.0205, 39.0206, F.S., relating to a short title and a definition; renumbering s. 39.061, F.S., relating to escapes from detention or residential commitment facilities; repealing s. 39.419, F.S., relating to a definition; repealing ss. 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, 39.036, F.S., relating to community arbitration, which provisions are otherwise incorporated into this act; repealing ss. 39.052, 39.053, 39.054, 39.059, F.S., relating to adjudicatory hearings, adjudication, powers of disposition, and community control or commitment of children prosecuted as adults, which provisions are otherwise incorporated into this act; repealing ss. 39.05842, 39.05843, 39.05844, 39.05845, F.S., relating to vocational/work programs, which provisions are otherwise incorporated into this act; repealing s. 39.056, F.S., relating to early delinquency intervention, which provision is otherwise incorporated into this act; amending s. 39.002, F.S.; providing legislative intent for the juvenile justice system; amending s. 39.012, F.S.; providing for the Department of Children and Family Services to adopt rules; designating and naming parts of ch. 985, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Childers—

SB 2088—A bill to be entitled An act relating to the re-creation of the Operating Trust Fund of the Department of Management Services without modification; re-creating the Operating Trust Fund; carrying for-

ward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2090—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the State Game Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2092—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the Dedicated License Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2094—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the Florida Panther Research and Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2096—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund of the Game and Fresh Water Fish Commission without modification; re-creating the Land Acquisition Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2098—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the Lifetime Fish and Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2100—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the Nongame Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2102—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2104—A bill to be entitled An act relating to the re-creation of the Armory Board Trust Fund without modification; re-creating the Armory Board Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2106—A bill to be entitled An act relating to the re-creation of the Camp Blanding Management Trust Fund without modification; re-creating the Camp Blanding Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2108—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Management Services without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2110—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2112—A bill to be entitled An act relating to the re-creation of the State Agency Law Enforcement Radio System Trust Fund without modification; re-creating the State Agency Law Enforcement Radio System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2114—A bill to be entitled An act relating to the re-creation of the Pretax Benefits Trust Fund without modification; re-creating the Pretax Benefits Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2116—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Game and Fresh Water Fish Commission and the Department of Management Services are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2118—A bill to be entitled An act relating to the re-creation of the State Employee Child Care Revolving Trust Fund without modification; re-creating the State Employee Child Care Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2120—A bill to be entitled An act relating to the re-creation of the State Personnel System Trust Fund without modification; re-creating the State Personnel System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2122—A bill to be entitled An act relating to the re-creation of the Architects Incidental Trust Fund without modification; re-creating the Architects Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2124—A bill to be entitled An act relating to the re-creation of the Bureau of Aircraft Trust Fund without modification; re-creating the Bureau of Aircraft Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2126—A bill to be entitled An act relating to the re-creation of the Communications Working Capital Trust Fund without modification; re-creating the Communications Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2128—A bill to be entitled An act relating to the re-creation of the Motor Vehicle Operating Trust Fund without modification; re-creating the Motor Vehicle Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2130—A bill to be entitled An act relating to the re-creation of the Supervision Trust Fund without modification; re-creating the Supervision Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2132—A bill to be entitled An act relating to the re-creation of the Surplus Property Revolving Trust Fund without modification; re-creating the Surplus Property Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2134—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund of the Department of Management Services without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Childers—

SB 2136—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Myers—

SB 2138—A bill to be entitled An act relating to bond validation; creating s. 75.012, F.S.; defining the terms “general obligation bond,” “revenue bond,” “special assessment bond,” and “governmental unit”; amending s. 75.02, F.S.; prescribing venue for actions to validate bonds; amending s. 75.05, F.S.; providing for orders and service in actions to validate bonds; amending s. 75.06, F.S.; providing effect of publishing notice of action to validate bonds; amending s. 75.07, F.S.; defining the term “interested person” and providing for intervention by such persons; amending s. 75.08, F.S.; prescribing those parties entitled to appeal an action to validate bonds; amending s. 75.09, F.S.; prescribing the effect of final judgment in an action to validate bonds; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Judiciary; and Ways and Means.

By Senators Kirkpatrick, Latvala, Dyer, Williams, Meadows and Grant—

SB 2140—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; authorizing certain scholars to be classified as residents for tuition purposes; amending s. 240.235, F.S.; authorizing each state university to establish a technology fee; limiting the amount of the fee; prescribing uses for the fee revenue; requiring an oversight committee; providing for approval by the Board of Regents; amending s. 240.4069, F.S.; changing the name and administration pro-

cedures of the Virgil Hawkins Fellows Scholarships; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Forman—

SB 2142—A bill to be entitled An act relating to health quality assurance; amending ss. 112.0455, 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 391.207, 391.210, 393.063, 393.065, 394.67, 394.875, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.471, 400.474, 400.484, 400.506, 400.509, 400.555, 400.606, 400.607, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for laboratories that perform tests relating to the Drug-Free Workplace Act, organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; expanding the applicability of the act to emergency care and outpatient care providers; adding a requirement to provide information about teaching hospitals and about the types of practitioners who are treating the patients; allowing administrative fines to be imposed on facilities that do not inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing for funding for such positions to be appropriated from the Health Care Trust Fund; providing effective dates.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Senator Kurth—

SB 2144—A bill to be entitled An act relating to community collaboration grants; creating the community collaboration grant program; providing for administration of the program by the Department of Children and Family Services; establishing criteria for selection; providing application procedures; providing for renewal; providing for an evaluation of grants; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Silver—

SB 2146—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; providing an exemption from the requirement of filing for a certificate of need for the conversion of certain hospital beds; requiring the Agency for Health Care Administration to adopt by rule methodology that provides for the separate evaluation of applications for skilled nursing beds in facilities licensed under ch. 395, F.S.; providing criteria for the methodology; providing an exemption from review for conversion of certain hospitals if the agency fails to adopt a rule; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator McKay—

SB 2148—A bill to be entitled An act relating to civil actions; amending s. 95.031, F.S.; providing a limitation period for actions for product liability; amending s. 768.72, F.S.; providing conditions for claiming punitive damages; providing applicability; providing for payment into the Court Article V Trust Fund and to the Public Medical Assistance Trust Fund of certain punitive damages; amending s. 768.73, F.S.; providing restrictions on the awarding of punitive damages; providing applicability; amending s. 768.77, F.S.; providing for itemized verdicts in civil actions; amending s. 768.78, F.S.; providing alternative methods of payment of damage awards in civil actions in which the trier of fact makes an award to compensate the claimant for certain future noneconomic losses; providing that liability of the defendant to pay noneconomic damages and claimant's attorney's fees in periodic payments ceases upon the death of the claimant; providing for periodic payment of attorney's fees in certain actions; repealing s. 768.81(5), F.S., which provides for joint and several liability in certain actions; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; and Ways and Means.

By Senator Dyer—

SB 2150—A bill to be entitled An act relating to taxation; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Senator Horne—

SB 2152—A bill to be entitled An act relating to certified capital companies; providing a short title; providing a purpose; providing definitions; providing for a credit against the insurance premium tax; providing for certification of certified capital companies; requiring an application fee; requiring an annual certification fee; providing procedures; providing requirements; providing requirements for continuing certification; providing for distributions from certified capital companies; providing for decertification; providing procedures; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies for certain purposes; providing for recapture or forfeiture of premium tax credits under certain circumstances; providing exceptions; providing for immunity from regulation and certification for certain companies under certain certain circumstances; providing for transferability of certain credits; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

By Senator Ostalkiewicz—

SB 2154—A bill to be entitled An act relating to state government; providing initiatives for efficiency in state government; requiring a reduction in levels of management; requiring a reduction in the number of state job classifications; providing duties of the Department of Management Services and the Office of Program Policy Analysis and Government Accountability; requiring a report; providing for incentives for

state employees to increase knowledge and skills; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By Senator Forman—

SB 2156—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; providing an alternative base period to be used in calculating benefits in specified circumstances; providing that in certain circumstances involving a recalculation of benefits, benefits previously received do not constitute an overpayment; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Ostalkiewicz—

SB 2158—A bill to be entitled An act relating to taxation; amending s. 199.023, F.S.; defining the term "account receivable"; repealing s. 199.103(5), F.S.; repealing a reference to valuation of accounts receivable; amending s. 199.185, F.S.; providing an exemption from the tax on intangible personal property for accounts receivable; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Williams—

SB 2160—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S.; providing that committees advisory to specified public bodies or officers may meet in private and without public notice under certain conditions; providing legislative findings; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Rules and Calendar.

By Senator Silver—

SB 2162—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.01215, F.S.; revising certain application requirements for permitholders who broadcast out-of-state races; deleting obsolete provisions; amending s. 550.0951, F.S.; exempting certain passes and complimentary tickets from admission taxes; amending s. 550.5251, F.S.; revising provisions related to the rebroadcast of out-of-state races; amending s. 550.615, F.S.; providing for thoroughbred permitholders to accept intertrack wagers on live races conducted by certain harness permitholders; deleting a requirement that certain thoroughbred permitholders make available certain live pari-mutuel events; amending s. 550.6305, F.S.; deleting provisions relating to the distribution of proceeds by certain guest tracks; revising provisions related to the rebroadcast of thoroughbred races; amending s. 550.6305, F.S.; providing remedies for tracks when other tracks default on certain intertrack and interstate wagering payments; creating s. 550.715, F.S.; providing for a percentage of the purse from thoroughbred horse races to be distributed to a horseman's association to promote the horseracing industry; repealing s. 550.2425, F.S., relating to authorization to build a racing laboratory; repealing s. 550.2614, F.S., relating to the distribution of certain funds to a horseman's association; repealing s. 550.655, F.S., which requires the funding of a medical plan for certain persons; repealing s. 550.2633(3), (4), F.S.; deleting obsolete provisions relating to the disposition of certain funds; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Ostalkiewicz—

SB 2164—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.03, F.S.; providing that certain persons who provide food, drinks, or other tangible personal property as part of a packaged room rate without separately stating a charge for such items are not considered consumers of the items; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Myers—

SB 2166—A bill to be entitled An act relating to medical negligence actions; amending s. 766.101, F.S.; defining the term "medical review committee"; amending s. 766.102, F.S.; prescribing qualifications for expert witnesses in medical malpractice actions; amending s. 766.205, F.S.; providing for discovery of medical information and records; providing an exception to s. 455.241, F.S.; amending s. 766.207, F.S.; providing for routine rotation among administrative law judges serving as arbiters; providing for calculation of economic damages awardable in a medical negligence arbitration proceeding; clarifying the limitation of noneconomic damages in a medical negligence arbitration proceeding; eliminating the doctrine of joint and several liability in medical negligence arbitration proceedings; amending s. 766.208, F.S.; eliminating the doctrine of joint and several liability in medical negligence arbitration proceedings; amending s. 766.209, F.S.; prescribing economic damages awardable upon a rejection to arbitrate a medical negligence claim; amending s. 766.211, F.S.; providing that interest on a medical negligence arbitration award must be calculated in compliance with s. 55.03, F.S.; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Latvala—

SB 2168—A bill to be entitled An act relating to education; creating the Florida School Recognition Program; providing findings; providing for an incentive program of financial awards for teachers and staff in high quality schools; providing criteria for determining eligibility for awards; prescribing duties of the Commissioner of Education; providing conditions for participation in the program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Harris—

SB 2170—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; specifying uses for the investment income of the fund; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; and Ways and Means.

By Senator Jones—

SB 2172—A bill to be entitled An act relating to personal injury protection insurance coverage; amending s. 627.736, F.S.; providing for creation of a panel of physicians who are available to perform examinations and write reports of examinations of persons covered by personal injury protection; providing duties of the Department of Insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

By Senator Rossin—

SB 2174—A bill to be entitled An act relating to state property; transferring certain described property from the state to Palm Beach County; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By Senator Dyer—

SB 2176—A bill to be entitled An act relating to public school instructional staff; amending s. 231.36, F.S.; requiring district school boards to give notice of nomination status to certain members of the instructional staff; providing an effective date.

—was referred to the Committee on Education.

By Senator Childers—

SB 2178—A bill to be entitled An act relating to fiscal matters of government; authorizing entities of state or local government to accept a credit card, charge card, or debit card in payment of any amount due the entity; providing guidelines and conditions on such acceptance; authorizing agreements with card issuers; authorizing certain fees, discounts, and surcharges; providing for rules; providing continuing duty of payors; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By Senator Turner—

SB 2180—A bill to be entitled An act relating to welfare reform; amending s. 414.065, F.S.; revising the maximum number of hours that a participant in the WAGES Program may be required to participate in community service activities; providing protections for participants; providing that a participant may not be assigned to a work experience activity or a community service activity that involves unreasonable risk or is otherwise inappropriate; requiring that the Department of Children and Family Services consider certain factors in assigning a participant to an activity; providing certain protections for current employees; providing limitations on assigning a WAGES participant to an activity that displaces a current employee, impairs an existing contract for services or a collective bargaining agreement, causes a current employee to be laid off, or infringes on the promotional opportunities of a current employee; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Williams—

SB 2182—A bill to be entitled An act relating to Nassau County; providing for the payment of moneys from the General Revenue Fund to compensate the county for the loss of revenue due to the delay in implementing the imposition of a specified tax; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Senator Silver—

SB 2184—A bill to be entitled An act relating to trust funds; creating the Municipal Clerk's Capital Equipment Modernization Trust Fund within each municipality; providing for the trust fund to be administered by the municipal officer who is responsible for municipal records; specifying purposes for which moneys in the trust fund may be used; providing for the trust fund to be funded from the proceeds of a surcharge imposed on instruments filed with the clerk of the circuit court; specifying the amount of the surcharge; providing for revenues in the trust fund to be apportioned to municipalities within the county based on a municipality's population; providing for a portion of the proceeds of the surcharge to be deposited into the Public Records Modernization Trust Fund; providing for the governing body of a municipality to appropriate funds in the Municipal Clerk's Capital Equipment Modernization Trust Fund; providing for annual audits; providing a contingent effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Ways and Means.

By Senator Silver—

SB 2186—A bill to be entitled An act relating to criminal history background checks; authorizing a religious, charitable, scientific, educational, athletic, or service institution or organization that provides care, treatment, or other services to children, elderly persons, or disabled individuals to require a prospective volunteer or employee to undergo certain background checks; providing for the release of investigative records; providing for a check of fingerprint records; providing that the prospective volunteer or employee may be required to attend a training program; providing for the fees for record checks to be set as provided in the National Child Protection Act; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Campbell—

SB 2188—A bill to be entitled An act relating to the tax on tobacco products; amending s. 210.02, F.S.; increasing the excise tax on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes; amending s. 210.20, F.S.; revising the distribution of proceeds from the cigarette tax; amending s. 210.30, F.S.; increasing the tax on tobacco products; amending s. 210.55, F.S.; specifying the amount of the distributors' collection allowance; amending s. 210.70, F.S.; revising the distribution of proceeds of the tax on tobacco products; providing for a tax on the inventory of cigarettes and tobacco products which manufacturers, distributors, wholesalers, and vendors have on hand on the effective date of this act; providing for penalties and interest for delinquent payments; providing for the distribution of proceeds of the tax on inventory; providing an effective date.

—was referred to the Committees on Regulated Industries; Health Care; and Ways and Means.

By Senator Dyer—

SB 2190—A bill to be entitled An act relating to fuel tax; amending s. 206.41, F.S.; providing for a Federal Replacement Fuel Tax on motor fuel; amending s. 206.606, F.S.; conforming references; amending s. 206.87, F.S.; providing for a Federal Replacement Fuel Tax on diesel fuel; providing an effective date.

—was referred to the Committees on Transportation; Natural Resources; and Ways and Means.

By Senator Dyer—

SB 2192—A bill to be entitled An act relating to sales tax exemptions; amending s. 212.08, F.S.; providing an exemption from the tax on sales, use, and other transactions for building materials used in constructing the facilities of an expanding major employer; providing for the exemption to inure to the employer through a refund of previously paid taxes; specifying requirements for qualifying for the tax refund; providing for an amount equal to a specified percent of the refund to be deducted from the Local Government Half-cent Sales Tax Clearing Trust Fund and transferred to the General Revenue Fund; authorizing the Department of Revenue to adopt rules to administer the tax refunds; providing definitions; providing for application of the refund; requiring that an employer

contract with the Department of Labor and Employment Security to employ participants in the WAGES Program as a condition of receiving the tax refund; requiring that the employer repay the tax refund upon failure to employ the required number of WAGES Program participants; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Horne—

SB 2194—A bill to be entitled An act relating to Medicaid; amending s. 236.0812, F.S.; revising the school-based services that are eligible for Medicaid funds under the certified school match program; excluding certain services from the program; limiting the amount of funds that may be allocated for consulting services; amending s. 409.9071, F.S.; revising eligibility requirements for the certified school match program; requiring the Agency for Health Care Administration to review a school district before it enrolls in the program; amending s. 409.908, F.S.; revising requirements for the Agency for Health Care Administration in reimbursing school districts for services provided under the program; amending s. 409.9122, F.S.; providing requirements for managed-care plans with respect to executing agreements with school districts and county health departments; requiring the Agency for Health Care Administration and the Department of Education to develop certain procedures for providing services under the certified school match program; providing an effective date.

—was referred to the Committees on Education; Health Care; and Ways and Means.

By Senator Childers—

SB 2196—A bill to be entitled An act relating to insurance; amending s. 626.572, F.S.; authorizing certain rebates to insureds; amending ss. 626.611, 626.9541, F.S.; revising prohibitions against rebating; amending s. 627.776, F.S.; providing that s. 626.572, F.S., relating to rebating, applies to title insurers; providing an effective date.

—was referred to the Committee on Banking and Insurance.

SR 2198—Not referenced.

By Senator Casas—

SB 2200—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 26, ch. 96-364, Laws of Florida; providing that certain temporary amendments to ss. 550.0951, 550.09511, F.S., relating to license fees and taxes paid by certain pari-mutuel operators, will not expire but will remain in effect indefinitely; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

SR 2202—Not referenced.

By Senator Burt—

SB 2204—A bill to be entitled An act relating to pharmacies; amending s. 465.003, F.S.; providing definitions; amending s. 465.014, F.S.; authorizing pharmacy technicians to communicate with practitioners regarding refill authorization requests; amending s. 465.017, F.S.; extending access to patients' prescription records to certain persons; providing guidelines relating to such access; amending s. 426.026, F.S.; revising provisions relating to the transfer of prescriptions by electronic means; amending s. 465.035, F.S.; authorizing the dispensing of controlled substances upon receipt of electronically transmitted prescriptions; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By Senator Silver—

SB 2206—A bill to be entitled An act relating to the circuit courts; authorizing the chief judge of the circuit to establish a separate division of judges to hear cases brought against career criminals; providing for a defendant to be tried in the career-criminal court if the defendant is eligible, if convicted, to be sentenced as a violent career criminal, a habitual felony offender, or a habitual violent felony offender; providing for the Office of the State Courts Administrator to assist in establishing career-criminal courts; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Ways and Means.

By Senator Harris—

SB 2208—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; conforming statutory cross-references; creating s. 288.108, F.S.; providing definitions; establishing eligibility for performance grants; authorizing the Office of Tourism, Trade, and Economic Development in conjunction with Enterprise Florida, Inc., to approve and award performance grants; establishing an application, certification, and grant agreement process; specifying the selection and designation process; requiring a report; authorizing rulemaking; amending s. 288.772, F.S.; redefining the term "board"; amending s. 288.776, F.S.; providing for the membership, powers, and duties of the board of directors of the Florida Export Finance Corporation; amending s. 288.9603, F.S.; redefining the terms "amortization payments," "applicant," and "guaranty agreement"; amending s. 288.9604, F.S.; revising the form of the Florida Development Finance Corporation; authorizing the Governor rather than the board to remove directors; amending s. 288.9606, F.S.; revising the process for issuance of revenue bonds; amending s. 288.9607, F.S.; revising provisions for the guaranty of bond issues; extending a cutoff date; amending s. 288.9608, F.S.; providing for funding of the Guaranty Fund; amending s. 403.973, F.S.; revising expedited permitting for economic development projects; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Clary—

SB 2210—A bill to be entitled An act relating to educational facilities; expressing legislative intent with respect to the construction of educational facilities.

—was referred to the Committees on Education; and Ways and Means.

SR 2212—Not referenced.

By Senator Forman—

SB 2214—A bill to be entitled An act relating to Medicaid; creating a work group to advise the Governor and Legislature on matters relating to Medicaid; providing for appointment of members; providing duties; authorizing staff; requiring a report to specified officers; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

SB 2216 was withdrawn prior to introduction.

By Senator Kurth—

SB 2218—A bill to be entitled An act relating to conveyances of property; amending s. 695.26, F.S.; requiring certain instruments conveying real property to contain an acknowledgement that the property is or is not consistent with local plans and zoning ordinances; providing for fees; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Ways and Means.

By Senator Grant—

SB 2220—A bill to be entitled An act relating to driver's licenses; amending s. 316.646, F.S.; requiring attendance at a department-approved course for reinstatement of a driver's license or registration suspended for failure to comply with financial responsibility requirements; providing an effective date.

—was referred to the Committees on Transportation; Governmental Reform and Oversight; and Ways and Means.

By Senator Jones—

SB 2222—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising provisions governing the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Grant—

SB 2224—A bill to be entitled An act relating to education; amending s. 240.36, F.S.; revising provisions relating to the Florida Academic Improvement Trust Fund for Community Colleges; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Horne—

SB 2226—A bill to be entitled An act relating to children's health care; requiring the Division of Children's Medical Services of the Department of Health to develop recommendations regarding the medical delivery system for children; creating the Medical Services for Children Advisory Council; requiring reports; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Lee—

SB 2228—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Kirkpatrick—

SB 2230—A bill to be entitled An act relating to education and training; amending s. 239.117, F.S.; authorizing payment for costs incurred due to an exemption from certain fees; amending s. 239.301, F.S.; authorizing a contract for certain adult education services; amending s. 240.35, F.S.; authorizing payment for costs incurred due to an exemption from certain fees; amending s. 414.065, F.S.; adding activities related to education and training to certain requirements for WAGES participants; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Brown-Waite—

SB 2232—A bill to be entitled An act relating to the licensure of home medical equipment suppliers; creating the Home Medical Equipment Supplier Licensure Act; providing legislative intent; providing definitions; requiring licensure; providing for license expiration; providing for exemptions; providing that certain acts are unlawful; providing penalties; providing application procedures; providing for fees; providing for provisional licenses; providing insurance requirements; providing for administrative penalties, injunctions, emergency orders, and moratoria; providing for licensure inspections by the Agency for Health Care Administration; providing for rulemaking; requiring clinical records to be kept; requiring notice of the toll-free number for the central abuse registry; providing for background screening of home medical equipment supplier personnel; providing an exemption from liability for terminating the employment of a person in specified circumstances; restricting the use of information obtained for background screening; providing violations; providing penalties; providing procedures for background screening; providing for injunctive proceedings; prohibiting certain referrals; providing for administrative fines; providing for disciplinary proceedings; prohibiting rebates; providing penalties; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Senator Brown-Waite—

SB 2234—A bill to be entitled An act relating to confidentiality; providing that information about patients of home medical equipment suppliers which is obtained by employees or service providers is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution; providing that specified information obtained by the Agency for Health Care Administration or a home medical equipment supplier in connection with background screening of prospective employees of the supplier is confidential; providing justifications for these exemptions from the public records law; providing a conditional effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Senator Lee—

SB 2236—A bill to be entitled An act relating to medical procedures; amending s. 240.215, F.S.; revising the requirements for providing notice to a patient who receives medical care or treatment at any hospital or health care facility affiliated with the Board of Regents; requiring that the patient be advised that some or all of the care may be provided by a doctor-in-training; requiring that the patient be advised of certain limitations on payments for liability; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; deleting a provision that prohibits the use of the patient's bill of rights in any civil or administrative action; amending s. 766.103, F.S., relating to the Florida Medical Consent Law; revising the requirements for providing notice to a patient before the patient receives treatment by a physician, osteopath, chiropractor, podiatrist, or dentist; requiring a consent form that describes the nature of the treatment, the risks, and any alternative

treatments; requiring that the form be signed and witnessed; providing penalties; providing an effective date.

—was referred to the Committees on Health Care, Judiciary and Criminal Justice.

By Senator Turner—

SB 2238—A bill to be entitled An act relating to physician assistants; providing for the certification of persons meeting specified education standards as physician assistants; providing an effective date.

—was referred to the Committee on Health Care.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education and Senator Meadows—

CS for SB 38—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 74—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 237.34, F.S.; providing restrictions on the allocation of funds appropriated for advanced placement instruction; providing an effective date.

By the Committee on Education and Senators Kirkpatrick, Diaz-Balart, Casas, Sullivan, Silver, Horne, Williams, Dudley, Burt, Jones, Meadows, Latvala and McKay—

CS for SB 112—A bill to be entitled An act relating to education; creating the Grant Program for Economically Disadvantaged Students; providing eligibility requirements; providing a time limitation for grant renewals; requiring transfer of funds by a date certain; requiring an annual report; providing for deposit of appropriations in the State Student Assistance Trust Fund; authorizing certain funds as sources for use by the program for certain purposes; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.115, F.S.; authorizing national accreditation as a criterion for public technical centers to participate in the common course numbering system; amending s. 240.40, F.S.; reducing the portion of allocated funds that may remain in a trust fund at the end of a fiscal year; amending s. 240.404, F.S.; deleting a requirement for participation in a testing program; requiring achievement of certain academic requirements as a condition for receiving state student financial aid; deleting a requirement; amending s. 240.412, F.S.; deleting a CLAST requirement; amending s. 240.424, F.S.; requiring the Department of Education to develop an integrated student financial aid database; requiring a progress report; amending s. 240.437, F.S.; authorizing the Department of Education to use the Student Loan Guaranty Reserve Trust Fund for planning and developing student financial aid; deleting a CLAST requirement; amending s. 240.551, F.S.; authorizing the Board of Directors of the Florida Prepaid Postsecondary Education Expense Program to include certain fees in contracts for participants in the prepayment plans offered for universities and community colleges; amending s. 240.606, F.S.; deleting a requirement that a certain portion of funds for the Florida Work Experience Program be used for contracts with public schools; repealing s. 240.4045, F.S., which requires male applicants and recipients of financial aid services to comply with Selective Service System registration requirements; repealing s. 240.4093, F.S., which created the Vocational Student Assistance Grant Fund; providing effective dates.

By the Committee on Transportation and Senators Kurth and Bronson—

CS for SB 250—A bill to be entitled An act relating to Challenger license plates; amending s. 320.08058, F.S.; providing for the distribution of funds to the Astronauts Memorial Foundation, Inc., and the Technological Research and Development Authority; providing for the use of funds; revising fee amounts on certain purchases of license plates; providing an expiration date; providing an effective date.

By the Committee on Education and Senator Forman—

CS for SB 318—A bill to be entitled An act relating to standards for teachers; providing an appropriation to pay for the participation of public-school teachers in this state in the certification procedure conducted by the National Board for Professional Teaching Standards; providing qualifications for participation; requiring school districts to apply for funding and provide staff-development activities; amending s. 231.173, F.S., relating to certification of out-of-state teachers; providing that certification by the National Board for Professional Teaching Standards satisfies certain requirements; providing an effective date.

By the Committee on Education and Senators Sullivan and Cowin—

CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 894—A bill to be entitled An act relating to community colleges; providing an appropriation to the Florida Education Fund to support the Community College Faculty Diversity Program to increase the number of minority personnel holding faculty and executive-level positions in the State Community College System; amending s. 240.498, F.S.; establishing the program; providing for scholarships; requiring service or repayment; providing an effective date.

By the Committee on Education and Senator Rossin—

CS for SB 1084—A bill to be entitled An act relating to postsecondary student fees; amending ss. 239.117, 240.235, 240.35, F.S.; exempting children adopted from the Department of Children and Family Services from certain postsecondary student fees; providing an effective date.

By the Committee on Education and Senator Jenne—

CS for SB 1128—A bill to be entitled An act relating to superintendents of schools; providing limitations upon benefits that a superintendent of schools may receive upon termination of employment; providing an effective date.

By the Committee on Transportation and Senator Lee—

CS for SB 1238—A bill to be entitled An act relating to motor vehicle license plates; amending s. 316.515, F.S.; changing exemptions from maximum width, height, and length requirements for wreckers; amending s. 316.550, F.S.; providing special-use permits for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word "wrecker" to be printed on certain license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers; creating s. 320.0821, F.S.; providing requirements for wrecker license plates; amending s. 206.877, F.S., to conform a cross-reference; providing an effective date.

By the Committee on Education and Senator Dudley—

CS for SB 1250—A bill to be entitled An act relating to postsecondary education; creating s. 240.4027, F.S.; establishing the Florida Supplemental Student Grant and Loan Program; providing for administration and rules; providing for student eligibility; providing for amount of awards; providing for student charges to fund the program; providing for deposit and investment of funds; authorizing refund of student charges; requiring the adoption of loan repayment schedules; providing an effective date.

By the Committee on Education and Senator Diaz-Balart—

CS for SB 1384—A bill to be entitled An act relating to education; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; creating s. 627.94075, F.S.; authorizing the issuance of federally qualified long-term care insurance contracts; requiring policies and applications to disclose whether a policy is or is not federally qualified for favorable tax treatment; providing rulemaking authority to the department for this purpose; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

By the Committee on Transportation and Senator Burt—

CS for SB 1778—A bill to be entitled An act relating to rental car companies; creating s. 768.092, F.S.; limiting liability for certain damages and injuries; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Thomas—

CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected

officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.091, F.S.; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer's payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional participation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

By the Committee on Transportation and Senators Hargrett, Grant and Horne—

CS for SB's 2028 and 394—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver's license records, to conform; providing a finding of public necessity; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 2060—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; providing responsibilities for the Fort Myers Urban Office; amending s. 206.46, F.S.; authorizing the department to use State Transportation Trust Fund moneys to pay for the operation and maintenance of existing or future department-owned toll facilities and reimburse the trust fund from turnpike revenues; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing petroleum tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; exempting drivers who are subject to alcohol and drug test programs related to employment from drug and alcohol testing when operating a bus owned by a church under certain circumstances; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; deleting an axle restriction for straight trucks; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising provisions with respect to governmental transportation entities; creating s. 334.351, F.S., relating to youth work experience program within the Department of Transportation; providing for the awarding of program contracts; amending s. 335.0415; providing responsibility for operation and maintenance within the right-of-way of public roads; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed; authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising provisions with respect to aid and contributions by governmental entities for department projects; amending s. 339.175, F.S.; revising the membership of certain Metropolitan Planning Organization; amending s. 348.0003, F.S.; revising the membership of certain expressway authorities; amending s. 348.0004, F.S.; revising provisions with respect to the type of facilities under the jurisdiction of certain expressway authorities; amending s. 348.754, F.S.; providing for additional powers of the Orlando-Orange County Expressway Authority in certain counties; amending s. 479.261, F.S.; revising provisions with respect to the logo-sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 7, HB 11, HB 65, CS for HB 69, HB 99, CS for HB 107, HB 115, HB 131, CS for HB 249, HB 359; has passed as amended HB 53, HB 253, HB 255; has passed by the required Constitutional three-fifths vote of the membership HJR 293; has passed as amended by the required Constitutional three-fifths vote of the membership HJR 125 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health Care Services and Representative Morse—

CS for HB 7—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Saunders and others—

HB 11—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; providing that the victim of a crime and the state attorney, upon the victim's consent, have standing to assert the rights of the victim; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Representative Constantine—

HB 65—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 775.0836 and 939.015, F.S., to conform; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Valdes—

CS for HB 69—A bill to be entitled An act relating to the Department of Health; creating s. 381.0075, F.S.; providing for regulation of body piercing by the department; providing definitions; providing exemptions; requiring a license to operate a body-piercing salon; providing licensing procedures and fees; prohibiting body piercing of a minor without consent of a parent or legal guardian; prohibiting other acts; providing penalties; providing for injunction; providing for enforcement; providing rulemaking authority; providing specific requirements for body-piercing salons; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Representative Miller—

HB 99—A bill to be entitled An act relating to public records; creating s. 315.18, F.S.; providing an exemption from public records requirements for certain proposals and counterproposals exchanged between certain deepwater ports and nongovernmental entities for a specified period; providing an exemption from public records requirements for certain financial records submitted by such entities to such ports; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By the Committee on Environmental Protection and Representative Ogles and others—

CS for HB 107—A bill to be entitled An act relating to environmental control; repealing s. 403.708(3) and (10)(b), F.S., relating to the sale of containers connected to other containers by a separate holding device composed of plastic rings and to the prohibition on the sale of certain biodegradable products used in conjunction with food for human consumption; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Representative Brown and others—

HB 115—A bill to be entitled An act relating to veterans; amending s. 295.17, F.S.; eliminating the requirement of renewing identification cards; eliminating a service charge; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Lacasa and others—

HB 131—A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Regulated Services and Representative Fasano and others—

CS for HB 249—A bill to be entitled An act relating to gambling; amending s. 849.0935, F.S.; providing additional tax-exempt organizations which are authorized to conduct drawings by chance under said section, including civic organizations, employees' associations, clubs, fraternal benefit societies, fraternal lodges, and armed forces and veterans' organizations; amending s. 849.094, F.S., which regulates game promotions in connection with the sale of products or services; providing that specified provisions of said section do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Representative Harrington and others—

HB 359—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—was referred to the Committee on Natural Resources.

By Representative Warner and others—

HB 53—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Smith and others—

HB 253—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing for distribution of penalty revenue; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Smith—

HB 255—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Representative Livingston—

HJR 293—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution relating to initiatives.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Representative Gay and others—

HJR 125—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

—was referred to the Committees on Judiciary; Community Affairs; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 19 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 1726; Campbell—SB 126, SB 546; Casas—SJR 1570; Childers—SB 546; Cowin—SB 126; Dudley—SB 142; Forman—SB 1598; Harris—SJR 1570; Holzendorf—SB 904, SB 908, SB 1978; Kurth—SB 274, CS for SB 778, CS for SB 888; Kirkpatrick—CS for SB 458; Latvala—SB 546; Meadows—SB 1978; Myers—SB 1598; Sullivan—SB 1726; Williams—SB 648

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:38 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, March 26.

Journal of the Senate

Number 8—Regular Session **Wednesday, March 26, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by the Reverend James C. Vaughn, Jr., Pastor, Providence Missionary Baptist Church, Thomasville, Georgia:

Shema Yisrael Adonai Elohanu echod. Hear, O Israel, our Lord our God is one in presence and purpose.

Omnipotent God, as the men and women of this august body prepare to tackle the issues before them this day, we pause now to beg you to cleanse our hearts and minds by the inspiration of your Holy Spirit. Please come now, O Holy One, upon these noble servants—come as holy light and lead them; come as holy truth and teach them; come as holy forgiveness and free them; come as holy love and engulf and engross them; come as holy power and enable them, convict them, convert them and consecrate them unto thy self and service.

In the strong and imperturbable spirit of grace and mercy, Shalom.

PLEDGE

Senate Pages, Carolyn Barringer of Lake Wales and Bayard Bavetta of Leesburg, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senator Forman—

SR 846—A resolution commending the osteopathic physicians of this state and recognizing March 26, 1997, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians offer health care services to more than 10 percent of the population, primarily in the area of primary care, and

WHEREAS, osteopathic physicians provide primary care services to their patients in more than 84 million patient visits in this country each year, and

WHEREAS, this state has 10 accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes March 26, 1997, as Osteopathic Medicine Day.

—**SR 846** was introduced, read and adopted by publication.

At the request of Senator Grant—

By Senator Grant—

SR 2326—A resolution commending Phoebe Irby, recipient of the 1996 Outstanding Teacher Award.

WHEREAS, Phoebe Irby, a special education teacher at Dover Exceptional Center in Hillsborough County, has been named Outstanding Teacher of 1996 by McDonald's and Walt Disney Co., and

WHEREAS, Phoebe Irby has also received recognition as the Outstanding Early Childhood Teacher of 1996 after being named Hillsborough County's Teacher of the Year in 1995 and becoming a finalist for the Florida Teacher of the Year award, and

WHEREAS, in being selected as the nation's top educator, Phoebe Irby defeated 11 other finalists who were selected from 1,500 applicants nationwide, and

WHEREAS, Phoebe Irby, who works with children who are hearing and sight impaired, was chosen for her commitment to teaching real-life skills and challenging her students to become more independent through field trips into the community, and

WHEREAS, Phoebe Irby receives praise for keeping parents closely informed of their children's progress through individual journals that go home with each child, and

WHEREAS, it is only fitting that Phoebe Irby, a special-needs teacher for 19 years, be recognized for her outstanding accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Phoebe Irby is commended as the recipient of the 1996 Outstanding Teacher Award.

BE IT FURTHER RESOLVED that a copy of this resolution, with Seal of the Senate affixed, be presented to Phoebe Irby as a tangible token of the sentiments of the Florida Senate.

—**SR 2326** was introduced, read and adopted by publication.

At the request of Senator Bronson—

By Senator Bronson—

SR 1342—A resolution recognizing and commending the United States Search and Rescue Response Force.

WHEREAS, the United States Search and Rescue Response Force (U.S. SARRF) is an all-volunteer, nonprofit organization with its national headquarters in Melbourne, having operated in Brevard County since 1989 and throughout the state since 1994, and

WHEREAS, the primary functions of U.S. SARRF include such important functions as searching for missing persons, recovering evidence from crime scenes, and providing disaster assistance, such as emergency relief to victims of Hurricane Erin in August 1995, and

WHEREAS, U.S. SARRF has performed numerous missions at the request of law enforcement agencies or local government, thereby reducing overtime costs and facilitating the efforts of these entities, and

WHEREAS, U.S. SARRF has expended thousands of volunteer hours in these and other significant volunteer programs, including conducting a very successful juvenile fingerprinting program in Brevard, Orange, Seminole, and Osceola Counties, providing training and support to explorers programs in cooperation with the Boy Scouts of America, providing first aid and pro-rescuer training in cooperation with the American Red Cross, and assisting with the Toys for Tots program at the request of the United States Marine Corps Reserve, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby recognizes and commends the dedicated volunteers of the U.S. SARRF for the many outstanding contributions they have made to promote the health, safety, and general welfare of the citizens of this state and of the nation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the United States Search and Rescue Response Force as a tangible token of the sentiments of the Florida Senate.

—**SR 1342** was introduced, read and adopted by publication.

At the request of Senator Meadows—

By Senator Meadows—

SR 2246—A resolution recognizing June 1997 as Scleroderma Awareness Month.

WHEREAS, the health of the citizens in our communities is the foundation for a caring and productive society, and

WHEREAS, our future depends, in great measure, upon our ability to find cures for and adequately treat individuals who are afflicted with a variety of illnesses, and

WHEREAS, hundreds of thousands of Americans are afflicted with scleroderma, a disfiguring and debilitating connective tissue disorder that affects the vascular and immune systems, resulting in a hardening of the skin and organs, and

WHEREAS, this painful condition can strike at any age, regardless of gender or ethnicity, although women between the ages of 25 and 55 are more likely to be afflicted than are men, and

WHEREAS, the noble work of the United Scleroderma Foundation has provided us all with hope that someday this disease will be eradicated, and that their efforts to educate and comfort those touched by scleroderma will be justly rewarded with a cure, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That in order to provide an opportunity to educate the public about this often life-threatening disease and the more than 700,000 Americans who suffer from it, the Florida Senate recognizes the month of June 1997 to be Scleroderma Awareness Month.

—**SR 2246** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senators Gutman, Silver, Jones, Diaz-Balart, Forman and Turner—

SR 2294—A resolution recognizing March 25th and 26th as "Dade County Days" in Tallahassee.

WHEREAS, in 1836, the Florida Legislative Council created Dade County, naming it after Major Francis Langhorn Dade, who had recently been killed by Seminole Indians, and

WHEREAS, by 1896, Henry Flagler had extended his railroad south to Miami and built the Royal Palm Hotel at the mouth of the Miami River, and the City of Miami was incorporated with 368 voters, and

WHEREAS, in 1957, the voters of Dade County approved the Home Rule Charter, which allowed the formation of a form of government for Dade County as it exists today, and

WHEREAS, Dade County encompasses more than 2,000 square miles and currently has a population that exceeds 2 million, and

WHEREAS, the Legislature recognizes Dade County for its history of cultural richness and diversity and for its contribution to the state's economy, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 25th and 26th are recognized as "Dade County Days."

—**SR 2294** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB's 780, 520 and 692** and **SB 854** were withdrawn from the Committee on Community Affairs; **CS for SB 1154** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 1354** was withdrawn from the Committees on Rules and Calendar; Health Care; Natural Resources; and Ways and Means; and referred to the Committees on Governmental Reform and Oversight; Health Care; Natural Resources; and Ways and Means; and **SB 1598** and **SB 1646** were withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Regulated Industries.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 74**, **SB 76**, **SB 206**, **CS for SB's 312 and 478**, **SB 406**, **CS for SB 410**, **SB 464**, **SB 596**, **SB 678**, **CS for SB 798**, **CS for SB 850**, **CS for SB 956**, **SB 1104**, **SB 1152**, **SB 1498** and **CS for SB 442** were withdrawn from the Committee on Ways and Means; and **SB 806** and **CS for SB 984** were also referred to the Committee on Ways and Means.

On motion by Senator Grant, by two-thirds vote **SB 1690** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 576** was withdrawn from the Committee on Community Affairs.

MOTIONS

On motion by Senator Bankhead, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 27.

CONSIDERATION OF BILLS ON THIRD READING

CS for CS for SB 384—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing the department to develop rules relating to an alternative competitive procurement process; allowing a phase-in period for competitive procurement of certain client services; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that certain provisions be included in specified contracts entered into by the department; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; amending 394.74, F.S.; adding a provision that contracts for services must be performance-based, removing an obsolete requirement associated with cost reimbursement contracts; amending s. 394.76, F.S.; authorizing performance-based contracts, purchase-of-service contracts, and start-up contracts; adding provisions for all types of contracts; requiring an evaluation of the contractor's performance; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—as amended March 20 was read the third time by title.

Senator Ostalkiewicz moved the following amendment:

Amendment 1—On page 13, line 30, delete "*appropriate district administrator*" and insert: *Assistant Secretary for Administration*

Senator Ostalkiewicz moved the following substitute amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 19, line 17, delete "*appropriate district administrator*" and insert: *Assistant Secretary for Administration*

The question recurred on **Amendment 1** which was withdrawn.

On motion by Senator Rossin, **CS for CS for SB 384** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Dantzler	Harris	Lee
Burt	Diaz-Balart	Holzendorf	McKay
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz
Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Bronson—

CS for SB 186—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; reenacting ss. 576.041, 576.055, 576.085, 576.087, 576.111, 576.122, 576.132, 576.141, 576.161, 576.171, 576.191, F.S., relating to fertilizers and scheduled for repeal October 1, 1997; reenacting s. 576.045, F.S., relating to nitrates in fertilizers; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 186** to **HB 1181**.

Pending further consideration of **CS for SB 186** as amended, on motion by Senator Bronson, by two-thirds vote **HB 1181** was withdrawn from the Committee on Agriculture.

On motions by Senator Bronson, by two-thirds vote—

HB 1181—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 186** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1181** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 284—A bill to be entitled An act relating to trust funds; amending s. 112.215, F.S.; creating the Government Employees Deferred Compensation Trust Fund in the State Treasury and providing for its assets and purpose; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 284** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

CS for SB 290—A bill to be entitled An act relating to regulation of lobbyists; amending s. 112.3215, F.S.; extending regulation of lobbying to lobbyists before the Constitution Revision Commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 290** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott, by two-thirds vote—

CS for SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 160** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

CS for SB 8—A bill to be entitled An act relating to settlement of claims by or on behalf of a minor; amending s. 744.301, F.S.; increasing the amount of a settlement to a minor that may be authorized by a natural guardian without appointment, authority, or bond; increasing the amount of certain settlements on behalf of a minor for which the court may appoint a guardian ad litem; amending s. 744.387, F.S.; increasing the amount of a net settlement to a minor ward that will require a legal guardianship; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, between lines 15 and 16, insert:

Section 3. Paragraph (a) of subsection (4) of section 744.3215, Florida Statutes, is amended to read:

744.3215 Rights of persons determined incapacitated.—

(4) Without first obtaining specific authority from the court, as described in s. 744.3725, a guardian may not:

(a) Commit the ward to a facility, institution, or licensed service provider *unless* ~~without~~ formal placement *proceedings* ~~proceeding~~, pursuant to chapter 393, chapter 394, or chapter 397 *have been initiated*.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 744.3215, F.S.; clarifying the type of hearing necessary to commit a ward to a facility;

Pursuant to Rule 4.19, **CS for SB 8** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

SB 144—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 144** to **HB 53**.

Pending further consideration of **SB 144** as amended, on motion by Senator Myers, by two-thirds vote **HB 53** was withdrawn from the Committee on Health Care.

On motion by Senator Myers—

HB 53—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—a companion measure, was substituted for **SB 144** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 53** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 356—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 30, line 9, delete "85" and insert: *100* ~~85~~

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: revising the definition of "rural hospital" to increase the allowable number of licensed beds;

Amendment 2 (with title amendment)—On page 51, between lines 9 and 10, insert:

Section 23. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, with *100* ~~85~~ licensed beds or less, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile; or

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county; or

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

Section 24. Subsection (7) is added to s. 409.9116, Florida Statutes, 1996 Supplement, to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(7) This section only applies to hospitals that were defined as statutory rural hospitals prior to July 1, 1997, unless additional funds are provided for such hospitals by the General Appropriations Act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: amending s. 395.602, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; exempting certain rural hospitals from the disproportionate share/financial assistance program for rural hospitals;

Pursuant to Rule 4.19, **SB 356** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 232—A bill to be entitled An act relating to police and fire animals; amending s. 843.19, F.S.; defining the term "SAR dog"; prohibiting the injuring or killing of an SAR dog under specified circumstances; providing penalties for inflicting bodily harm upon specified animals; providing penalties; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 12, insert:

Section 1. This act may be cited as the "Aspen Search and Rescue Dog Protection Act" in honor of "Aspen" who is an invaluable search and rescue dog in the state, whose handler actively pursued the protection of all search and rescue dogs through legislation.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing a short title;

Pursuant to Rule 4.19, **CS for SB 232** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote—

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the

minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 278** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Sherman Winn who was present in the chamber.

On motion by Senator Gutman, by two-thirds vote—

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 14, line 16, insert:

Section 9. Effective October 1, 1997, subsections (3) and (4) of section 921.0014, Florida Statutes, as amended by section 22 of chapter 96-388, Laws of Florida, are amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. *Either the office of the state attorney or* the Department of Corrections, *or both where appropriate,* shall prepare the scoresheet or scoresheets, which must be presented to ~~the state attorney and~~ the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

~~(4) The Department of Corrections shall develop and submit the revised sentencing guidelines scoresheet to the Sentencing Commission by June 15 of each year, as necessary. Following the Supreme Court's approval of the revised procedures, the Department of Corrections shall produce the revised scoresheets by no later than December 31 of each year, as necessary. To facilitate the purposes of this subsection, all legislation that affects the sentencing guidelines scoresheet shall have an effective date of January 1.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission;

Amendment 2—On page 15, line 13, delete that line and insert: *sentences includes*

Pursuant to Rule 4.19, **CS for CS for SB 310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB's 764 and 474—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Drug Dealer Liability Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 20 and 21, delete "*Drug Dealer Liability*" and insert: *Hugh O'Connor Memorial*

And the title is amended as follows:

On page 1, line 4, delete "Drug Dealer Liability" and insert: Hugh O'Connor Memorial

Senator Campbell moved the following amendments which were adopted:

Amendment 2—On page 1, line 22, delete "*plaintiff*" and insert: *person, including any governmental entity,*

Amendment 3—On page 1, lines 26 and 27 and on page 2, lines 2, 10 and 14, delete "*plaintiff*" and insert: *person*

Pursuant to Rule 4.19, **CS for SB's 764 and 474** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

SB 198—A bill to be entitled An act relating to stalking; creating the "Jennifer Act"; amending s. 784.048, F.S.; defining the offense of aggravated stalking of a minor under age 16; providing penalties; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 28 and 29, insert:

Section 3. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	*3rd*	*Aggravated stalking of person under 16.*
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at $100 or more, but less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 5, following the second semicolon (;) insert: amending s. 921.0012, F.S.; providing for classification of such offense within the offense severity ranking chart;

Pursuant to Rule 4.19, **SB 198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 778—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the

vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing a termination date for the pilot project; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 236** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 350—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 350** to **CS for HB 7**.

Pending further consideration of **SB 350** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 7** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Sullivan—

CS for HB 7—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—a companion measure, was substituted for **SB 350** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

CS for SB 82—A bill to be entitled An act relating to real estate transactions; amending s. 475.01, F.S.; defining the terms "customer," "first contact," and "principal"; redefining the term "transaction broker"; deleting the definitions of the terms "buyer," "disclosed dual agent," and "seller"; amending s. 475.25, F.S.; modifying grounds for the imposition of discipline by the Florida Real Estate Commission; conforming a statutory cross-reference; creating ss. 475.2701, 475.272, 475.274, 475.276, 475.278, 475.2801, F.S.; establishing the "Brokerage Relationship Disclosure Act"; providing for notice of nonrepresentation; providing for disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; authorizing rulemaking by the Florida Real Estate Commission; amending s. 475.5015, F.S.; adding disclosure documents to items to be retained as brokerage business records; amending s. 468.383, F.S.; conforming a statutory cross-reference; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 12, lines 7-9, delete "*or in situations where the real estate licensee and the potential seller or buyer enter into a signed brokerage relationship contract at that time*"

Amendment 2—On page 14, line 25 and on page 16, line 7, delete the semicolon (;) and insert: *, unless a party has previously directed the licensee otherwise in writing;*

Amendment 3—On page 17, lines 3-24, delete those lines and insert:

(3) SINGLE AGENT RELATIONSHIP.—

(a) Single agent - duties.—The duties of a real estate licensee owed to a buyer or seller who engages the real estate licensee as a single agent include the following:

1. Dealing honestly and fairly;

2. Loyalty;

3. Confidentiality;

4. Obedience;

5. Full disclosure;

6. Accounting for all funds;

7. Skill, care, and diligence in the transaction; and

8. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing.

Amendment 4—On page 19, line 13, before the period (.) insert: *, unless a party has previously directed the licensee otherwise in writing*

Amendment 5—On page 20, lines 4 and 5, delete those lines and insert:

(4) NO BROKERAGE RELATIONSHIP - DUTIES.—A real estate licensee owes to a customer with whom the licensee has no brokerage relationship the following

Pursuant to Rule 4.19, **CS for SB 82** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

—was read the second time by title.

Senators Horne and Thomas offered the following amendments which were moved by Senator Horne and adopted:

Amendment 1—On page 16, line 19, after "dental care," insert: *long-term care,*

Amendment 2—On page 16, line 26, delete "department" and insert: *division* ~~department~~

Amendment 3—On page 21, line 25, after "programs" insert: *of the type it proposes to administer*

Amendment 4—On page 22, after line 31 insert:

(h) Have authority to establish a voluntary group long-term care program or other programs to be funded on a pre-tax contribution basis or on a post-tax contribution basis, as the division determines.

Amendment 5—On page 24, line 23, after "to" insert: *the extent possible to*

Senator Thomas moved the following amendment which was adopted:

Amendment 6—On page 26, line 24, delete "Department of Management Services" and insert: *Division of State Group Insurance* ~~Department of Management Services~~

Pursuant to Rule 4.19, **CS for CS for SB 286** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 332—A bill to be entitled An act relating to investment of public funds; amending s. 218.403, F.S.; defining the terms "current expenses" and "short term" for purposes of investment of local government surplus funds; amending s. 218.415, F.S.; prescribing applicability of provisions that require a unit of local government to make its investment activity consistent with an adopted, written investment plan; revising a list of authorized investments; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, line 29 through page 8, line 1, delete those lines and insert:

(f) Federal agencies and instrumentalities.

The securities listed in paragraphs (c), (d), (e), and (f)

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: written investment plan; providing an effective

Pursuant to Rule 4.19, **SB 332** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

SB 68—A bill to be entitled An act relating to mobile home park recreation districts; amending s. 418.304, F.S.; providing alternatives to district boards of trustees for collecting a district assessment and for enforcing a lien for a district assessment; providing penalties; providing for delinquent fees; providing for a claim of lien for delinquent assessments; providing for awarding attorney's fees in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Kurth and failed:

Amendment 1—On page 2, lines 8 and 9, delete those lines and insert: *remedies provided for the enforcement and collection of county taxes.*

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—On page 2, line 4 through page 3, line 1, delete those lines and insert: *However, before the board elects to collect assessments monthly, it must provide notice and an opportunity for public comment to all affected property owners.*

1. If the board of trustees elects to collect the district assessment in a single annual installment, the district assessment must be considered part of the county tax and is subject to the same penalties, charges, fees, and remedies for enforcement and collection provided for the collection of county taxes.

2. If the board of trustees elects to collect the district assessment in equal monthly installments, it must provide to all affected property owners notice that includes a clear and conspicuous statement of the change in the property owner's rights with regard to foreclosure proceedings. If the district assessment is collected in equal monthly installments, the district assessment must not be considered part of the county tax and must not be collected as part of the county tax collection. Each monthly installment must be billed by the district to the owner of each improved residential parcel at the address of the owner shown on the county tax roll. Each installment is due and payable on the first day of each month and is delinquent if not paid within 1 month after its due date. This subparagraph does not prohibit any owner from paying multiple monthly installments in advance of the due dates of such installments. The district may collect a delinquent fee of not more than $10 per month or fraction thereof on any delinquent installment. The district may enforce a lien with respect to any delinquent installment. The lien must be perfected by recording in the public records of the county a claim of lien with respect to any delinquent installment, and the claim of lien has a priority as of the date of the recording. The claim of lien must be recorded no earlier than 30 days after an installment becomes delinquent, and the district may foreclose a lien for which a claim has been recorded. With respect to each such lien that the board records, the board must provide to the property owner, no later than 5 days after the lien is recorded, notice that includes a clear and conspicuous statement of the board's right to foreclose. The foreclosure proceeding may be brought no sooner than 60 days after recording a claim of lien or 1 year after the first installment became delinquent, whichever is later, and may

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing notice requirements relating to the effects that such alternative collection method may have on property owners' rights;

Senator Rossin moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, lines 24 and 25, delete those lines and insert: *remedies provided for the enforcement and collection of county taxes.*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **SB 68** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, March 27.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 26, 1997: CS for SB 186, CS for SB 284, CS for SB 290, CS for SB 160, CS for SB 8, SB 144, SB 356, CS for SB 232, CS for CS for CS for SB 278, CS for CS for SB 310, CS for SB's 764 and 474, SB 198, CS for SB 778, CS for SB 236, SB 350, CS for SB 82, CS for CS for SB 286, SB 332, SB 68, CS for CS for SB 188, SB 416, SB 418, SB 420, SB 422, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 424

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Health Care recommends the following pass: SB 1244

The Committee on Natural Resources recommends the following pass: SB 1370

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1848

The Committee on Natural Resources recommends the following pass: SB 854

The Committee on Regulated Industries recommends the following pass: SB 1794 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Natural Resources recommends the following pass: SB 1652 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1728

The Committee on Regulated Industries recommends the following pass: SB 1992

The bills contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 476

The Committee on Health Care recommends the following pass: SB 1462

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 380 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Agriculture recommends the following pass: SB 1562

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 532

The Committee on Health Care recommends the following pass: SB 1116, SB 1118, SB 1120 with 1 amendment, SB 1122, SB 1124

The Committee on Natural Resources recommends the following pass: SB 686

The Committee on Regulated Industries recommends the following pass: SB 1130

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 128 with 3 amendments

The Committee on Criminal Justice recommends the following pass: SB 958

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 72 with 1 amendment, SB 1008 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 354, SB 660 with 1 amendment, CS for SB 888, SB 966

The Committee on Health Care recommends the following pass: SB 810 with 1 amendment, SB 1270

The Committee on Natural Resources recommends the following pass: SB 1430

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Community Affairs recommends the following not pass: SB 306

The bill was laid on the table.

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 1306 and 1934

The bills with committee substitute attached were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1990

The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 964

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: CS for SB's 566 and 626, SB 1520

The Committee on Community Affairs recommends a committee substitute for the following: SB 1154

The Committee on Natural Resources recommends committee substitutes for the following: SB 484, SB 1486

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1920

The Committee on Natural Resources recommends a committee substitute for the following: SB 680

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1310, SB 1726

The Committee on Ways and Means recommends committee substitutes for the following: SB 160, CS for SB 188, CS for CS for SB 278, CS for SB 310

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Ostalkiewicz—

SR 2202—A resolution urging the President and the Congress of the United States to support the petition of the Republic of Poland for admission to the North Atlantic Treaty Organization.

—was referred to the Committee on Rules and Calendar.

Senate Bills 2204—2238 were previously referenced.

By Senator Silver—

SB 2240—A bill to be entitled An act relating to the practice of psychology; amending s. 490.003, F.S.; redefining the practice of psychology to include the prescription of psychotropic drugs; creating s. 490.0145, F.S.; prescribing conditions on prescription and administration of psychotropic drugs by psychologists; amending ss. 464.003, 464.012, F.S., relating to nursing, to conform; amending s. 893.02, F.S., relating to controlled substances, to conform; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Diaz-Balart—

SB 2242—A bill to be entitled An act relating to Miami-Dade Community College, Dade County; providing for the district board of trustees of the college to levy up to 1 mill tax per year for 10 years; providing for a referendum; providing for assessment and collection; providing legislative intent with respect to state funding for Miami-Dade Community College; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Education; Community Affairs; and Ways and Means.

By Senator Forman—

SB 2244—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2246—Not referenced.

By Senator Jones—

SB 2248—A bill to be entitled An act relating to offenses by driver of vehicle in accident involving death or personal injury; amending s. 316.027, F.S.; redefining the offense of unlawful failure to stop or remain at the scene of such accident; providing circumstances under which a person who knew or should have known the accident occurred commits such offense, regardless of whether the person knew at the time of the accident that injury or death resulted; reenacting s. 921.0012(3)(e) and (f), F.S., relating to the sentencing guidelines offense severity ranking chart, to incorporate said amendment in references; amending s. 775.089, F.S., relating to restitution; providing that the court may order a person who commits such offense to make restitution for certain damages or loss related to, or occurring directly or indirectly as a result of, the underlying accident resulting in injury or death; amending s. 921.0011, F.S.; redefining the term "victim injury," for purposes of sentencing a person who commits such offense, to include physical injury or death suffered by a person as a direct or indirect result of the underlying accident; amending ss. 316.066 and 960.03, F.S., relating to written reports of accidents and definitions with respect to the Florida Crimes Compensation Act, respectively, to correct a cross reference; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Bankhead—

SB 2250—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By Senator Rossin—

SB 2252—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for a county to levy an additional tax for the purpose of paying the operating deficit of a convention center located in a community redevelopment area; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Kirkpatrick—

SB 2254—A bill to be entitled An act relating to education; authorizing the creation of charter technical institutes; prescribing powers and duties of the Commissioner of Education, the Department of Education, the district school boards, and the Workforce Development Board of Enterprise Florida, Inc., with respect to charter technical institutes; prescribing powers and duties of charter technical institutes and their boards of trustees; providing for funding charter technical institutes; prescribing rights and duties of employees of charter technical institutes and of district school board employees working at charter technical institutes; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical institute; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; and Ways and Means.

By Senator Kirkpatrick—

SB 2256—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an eval-

uation of student academic progress; providing conditions that require a funding shift; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Harris—

SB 2258—A bill to be entitled An act relating to vessel taxes; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, and testing purposes from the tax on sales, use, and other transactions; providing a definition; providing for application; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Diaz-Balart—

SB 2260—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., and its boards to identify programs and develop performance measures for use in performance-based program budgeting; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to submit a performance-based program budget for Enterprise Florida, Inc., and its boards; revising requirements for review by the Office of Program Policy Analysis and Government Accountability of the Office of the Auditor General; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Rules and Calendar; and Ways and Means.

By Senator Williams—

SB 2262—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.57, F.S.; providing an exemption from this section for certain proceedings involving State University System employees; providing an effective date.

—was referred to the Committees on Education and Judiciary.

By Senator Turner—

SB 2264—A bill to be entitled An act relating to funds for operating schools; amending s. 236.081, F.S.; providing for calculating weighted enrollment ceilings for each school district; providing for adjusting the ceilings in specified circumstances; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Dyer—

SB 2266—A bill to be entitled An act relating to civil justice reform; creating s. 240.385, F.S.; creating the Public Perspective Study Unit for Civil Justice Reform within the Division of Community Colleges of the Department of Education; providing for appointment of an executive director for the study unit; prescribing responsibilities of community colleges and the study unit and guidelines with respect to public forums on civil justice reform; requiring a report to the Legislature; providing for a Senior Management position; providing an appropriation; providing an effective date.

—was referred to the Committees on Judiciary; Education; and Ways and Means.

By Senator Crist—

SM 2268—A memorial to the Congress of the United States, urging Congress to adopt and submit to the states for ratification an amendment to the Constitution of the United States to provide term limits for United States Senators and Representatives.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2270—A bill to be entitled An act relating to candidates for Congress; requiring certain information to be placed on the ballot informing electors of the candidates' acts with respect to the proposal to limit Congressional terms; providing duties of the Department of State; providing for appeal of department determinations; providing a repealer; providing legislative intent; amending ss. 101.181, 101.191, F.S., to conform; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator McKay—

SB 2272—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Jenne—

SB 2274—A bill to be entitled An act relating to postsecondary education; creating s. 240.3205, F.S.; providing legislative intent relating to student readiness for postsecondary education; amending s. 240.321, F.S.; revising rules of community college district boards of trustees for the admission of students; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Jones—

SB 2276—A bill to be entitled An act relating to veterans; creating s. 320.08405, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop, in cooperation with the Department of Veterans' Affairs, taglets honoring each military branch; providing for a fee; providing for applications; providing for the disposition of fees; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By Senator Williams—

SB 2278—A bill to be entitled An act relating to insurance receivership; creating the "Interstate Insurance Receivership Compact"; providing purposes; providing definitions; establishing the Interstate Insurance Receivership Commission; providing powers of the commission; providing for membership of the commission; providing for an executive director and staff; providing for immunity from liability for the commission and staff; providing for meetings of the commission; providing for rulemaking functions of the commission; providing for oversight and dispute resolution; providing procedures; providing receivership functions of the commission; providing for financing of commission expenses; authorizing the commission to levy and collect an annual assessment from member states and insurers; specifying a rate of assessment; providing limitations; exempting the commission from all taxation; providing for effect of the compact; providing for amendment of the compact;

providing for withdrawal from the compact; providing consequences for default by a state that is party to the compact; providing for dissolution of the compact; providing severability and construction; providing for binding effect of the compact; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

By Senator Childers—

SB 2280—A bill to be entitled An act relating to gambling equipment; creating s. 849.2315, F.S.; directing the Department of Business and Professional Regulation to make certain rules; requiring manufacturers to be bonded and to place a registration number on equipment manufactured; providing for administrative and criminal penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Holzendorf—

SB 2282—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming provisions to the act; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Community Affairs; and Ways and Means.

By Senator Grant—

SB 2284—A bill to be entitled An act relating to motor vehicle financial responsibility; amending s. 316.646, F.S.; conforming provisions; amending s. 324.021, F.S.; redefining the term "motor vehicle"; increasing financial responsibility requirements; creating s. 324.023, F.S.; establishing mandatory financial responsibility requirements; amending s. 324.031, F.S.; increasing financial responsibility requirements for certain commercial vehicles for hire; amending s. 324.161, F.S.; increasing surety bond or deposit requirements; amending s. 324.171, F.S.; increasing limits for self-insurers; amending s. 627.733, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Transportation.

By Senator Childers—

SJR 2286—A joint resolution proposing amendments to Section 10 of Article V and Section 4 of Article VI of the State Constitution relating to judicial terms and term limitations.

—was referred to the Committees on Judiciary; Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator Burt—

SB 2288—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; providing applicability; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By Senator Grant—

SB 2290—A bill to be entitled An act relating to license plates; amending s. 320.08058, F.S.; providing for the distribution and use of annual use fees for manatee license plates; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 2292—A bill to be entitled An act relating to specialty license plates; amending s. 320.08053, F.S.; providing requirements for governmental agencies seeking to establish specialty plates; amending s. 320.08056, F.S.; providing that only governmental agencies may request the creation of specialty plates; discontinuing all existing specialty plates if funds are not appropriated to a governmental agency; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

SR 2294—Not referenced.

By Senator Harris—

SB 2296—A bill to be entitled An act relating to child custody; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; providing guidelines; providing for a reduction in child support in court-ordered rotating custody; requiring shared parental responsibility in rotating custody cases; prohibiting the consideration of certain matters as a justification for not ordering rotating custody; amending s. 61.046, F.S.; providing a definition; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Lee—

SB 2298—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Campbell—

SB 2300—A bill to be entitled An act relating to protection against domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent's conviction of a felony involving domestic violence; providing for evidence of spousal or child abuse to be considered by the court as evidence of detriment to the child; amending s. 741.28, F.S.; redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another, regardless of whether the perpetrator was or is residing in

the same dwelling unit; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for indication of specified information on the face of a temporary or final judgment for protection against domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross references; providing certain immunity from civil liability to law enforcement officer; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Ways and Means.

By Senator Turner—

SB 2302—A bill to be entitled An act relating to dropout prevention; amending s. 230.2316, F.S., the Dropout Prevention Act; amending the definition of the term "educational alternatives programs"; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Grant—

SB 2304—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; defining the term "medically necessary"; prohibiting coverage for certain abortions and related procedures; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Crist—

SB 2306—A bill to be entitled An act relating to pretrial release; creating the "Citizen's Right-to-Know Act"; requiring each chief county judge and chief circuit judge to prepare a register that contains information regarding the cases and criminal defendants who are released on pretrial release; requiring the register to be available to the public; providing requirements for updating the register; specifying information to be contained in the register; requiring each chief county judge and chief circuit judge to file an annual report with the Office of the State Courts Administrator; requiring that such report be available to the public; specifying information to be contained in the report regarding the number of defendants who are released on pretrial release under specified circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Senator Dudley—

SCR 2308—A concurrent resolution expressing the sentiment of the Legislature that the balanced budget amendment to the United States Constitution should be ratified.

—was referred to the Committee on Rules and Calendar.

By Senator Hargrett—

SB 2310—A bill to be entitled An act relating to traffic control; creating s. 316.0752, F.S.; authorizing traffic speed photo-monitoring device demonstration projects; providing for repeal; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By Senator Forman—

SB 2312—A bill to be entitled An act relating to health care for low-income persons; providing legislative intent with respect to access to health care services for low-income employees of small employers and self-employed individuals; providing definitions; authorizing community health purchasing alliances in a specified county to contract, under a pilot project, with provider networks for clinic-based health care services for low-income employees of small employers, self-employed individuals, and dependents of low-income employees and self-employed individuals; requiring the Agency for Health Care Administration to adopt rules for eligibility requirements and for administrative and accounting standards; requiring the Department of Insurance to adopt by rule requirements for licensure, financial reserves, and financial solvency; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Senator Dantzler—

SB 2314—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 316.193, F.S.; increasing the penalty for driving while under the influence; amending s. 320.07, F.S.; revising penalties for operating a motor vehicle, or having a mobile home, with an expired registration; amending s. 320.131, F.S.; revising penalties for using an expired temporary tag; amending s. 320.261, F.S.; redefining the offense of attaching an unassigned registration license plate to a motor vehicle or mobile home; providing penalties; providing an effective date.

—was referred to the Committees on Transportation and Criminal Justice.

By Senator Silver—

SB 2316—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative

purpose; providing definitions; providing qualifications of trustees and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee's certificate of compliance; providing for the manner of sale; providing for the effect of the trustee's sale; providing for the issuance of a trustee's deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee's deed; providing for the application of the part; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

By Senator Forman—

SB 2318—A bill to be entitled An act relating to Broward County; providing for the election of school board members of Broward County from single-member residential areas within the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Childers—

SB 2320—A bill to be entitled An act relating to pharmacists; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy"; amending s. 465.186, F.S.; authorizing pharmacists to initiate or modify drug therapy under certain circumstances; providing an effective date.

—was referred to the Committee on Health Care.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Scott, Dudley and Jenne—

CS for SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators McKay and Williams—

CS for CS for SB 188—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing effective dates.

By the Committees on Ways and Means; Criminal Justice; Children, Families and Seniors; and Senators Burt, Rossin and Gutman—

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

By the Committees on Ways and Means; Criminal Justice; and Senators Gutman and Crist—

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss.

16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 484—A bill to be entitled An act relating to the lead-acid battery fee; amending ss. 403.717 and 403.7185, F.S.; specifying that the fee applies to new or remanufactured lead-acid batteries sold at retail; providing an effective date.

By the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Senators Rossin, Campbell and Forman—

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 680—A bill to be entitled An act relating to pollution control; creating s. 403.0882, F.S.; providing definitions; specifying conditions and limitations for the discharge of demineralization concentrate; specifying conditions for discharge of concentrate from small water utility businesses; limiting departmental regulation of such businesses; providing a permitting schedule for demineralization facilities; providing an effective date.

By the Committee on Community Affairs and Senator Brown-Waite—

CS for SB 964—A bill to be entitled An act relating to fuel taxes; amending ss. 336.021, 336.025, F.S.; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; providing an effective date.

By the Committee on Community Affairs and Senator Williams—

CS for SB 1154—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

By the Committee on Natural Resources and Senators Latvala and Hargrett—

CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a

brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

By the Committee on Regulated Industries and Senator Horne—

CS for SB 1310—A bill to be entitled An act relating to firesafety; amending s. 633.511, F.S.; providing for the State Fire Marshal rather than the Governor to appoint members to the Florida Fire Safety Board; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

By the Committee on Natural Resources and Senator Dyer—

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Commission to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Grant—

CS for SB 1520—A bill to be entitled An act relating to education; providing legislative intent; creating s. 232.2715, F.S.; requiring students in community control programs or commitment programs authorized by the Department of Juvenile Justice who have committed a felony to attend a public adult-education program or alternative or second chance schools if available; requiring disclosure of certain information if a student attends day school; amending s. 232.271, F.S.; relating to removal by teachers; allowing certain students under supervision by the Department of Juvenile Justice or the Department of Corrections to be removed from the classroom; amending s. 39.045, F.S.; relating to confidential information, to authorize disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in community control program to attend a public adult education program or alternative or second-chance school if available unless an exception is made by the principal; requiring disclosure of certain information if a student attends day school; providing an effective date.

By the Committee on Regulated Industries and Senators Crist, Harris, Campbell, Thomas, Kirkpatrick, Bronson, Sullivan and Brown-Waite—

CS for SB 1726—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S.; revising an exemption from the definition of investment adviser for certified public accountants; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Myers—

CS for SB 1920—A bill to be entitled An act relating to corporations; amending s. 48.101, F.S.; providing for service on certain dissolved corporations; amending s. 607.032, F.S.; providing a condition for an agreement among shareholders of certain corporations; amending s. 607.1002, F.S.; providing a condition for amending articles of incorporation; defining the term "treasury shares"; amending s. 617.0808, F.S.; deleting provisions providing for the removal of directors of certain charitable organizations; amending s. 617.2103, F.S.; providing that such organizations are exempt from the provisions of s. 617.0808, F.S.; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Forman—

CS for SB 1990—A bill to be entitled An act relating to explosive materials; requiring that the State Fire Marshal propose legislation to recommend to what extent explosive material manufactured or offered for sale in this state should be tagged for purposes of detection and identification; providing definitions; requiring the State Fire Marshal to consult with experts; requiring that the State Fire Marshal consider specified interests in proposing methods for tagging; requiring the State Fire Marshal to submit proposed legislation to the President of the Senate and the Speaker of the House of Representatives; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 129, CS for HB 703, HB 1181 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Education Innovation and Representative Gay and others—

CS for HB 129—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Education/K-12 and Representative Constantine—

CS for HB 703—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s.

230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Agriculture and Representative Bronson—

HB 1181—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—was referred to the Committee on Agriculture.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 20 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 1016; Casas—CS for SB 442, SB 1598; Clary—SB 304, SB 1558; Diaz-Balart—SB 1598; Dyer—CS for SB 442, CS for SB 858; Forman—CS for SB 442, SB 736; Grant—CS for SB 442; Harris—SB 1600; Holzendorf—CS for SB 442; Jenne—CS for SB 442; Jones—CS for SB 442; Kirkpatrick—CS for SB 858, SB 1540; Klein—CS for SB 442; Kurth—CS for SB 442; Lee—CS for SB's 764 and 474, SB 1600; McKay—SB 906; Meadows—CS for SB 442, SB 546, SB 1044, SB 1410; Ostalkiewicz—SB 546; Silver—CS for SB 442; Sullivan—SB 546, SB 1552; Turner—SB 354, SB 546, CS for SB 1360; Williams—CS for SB 442

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:01 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 27.

SENATE PAGES

March 24-28

Maranda Almy, Sarasota; Marla Antunez, Miami; Carolyn Barringer, Lake Wales; Bayard Bavetta, Leesburg; David Bierly, Coral Springs; Kimberlee Hamilton, Clearwater; Traci Hanlon, St. Petersburg; Alan Christopher Jimal Henry, Winter Haven; Leslie Kane, Lakeland; Melissa Kuipers, Largo; Anthony (Tony) Moreland, Sarasota; Marc Rivera, Sunrise; Christopher Robinson, Palmetto; Scott Smothers, Apopka; Caitlin Louise Town, St. Augustine Beach; Michelle Utterback, Polk City; Jacob Wilson, Frostproof

Journal of the Senate

Number 9—Regular Session **Thursday, March 27, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Excused: Senator Dyer; Senator Sullivan at 10:47 a.m.

PRAYER

The following prayer was offered by Rabbi Kurt F. Stone, Coral Springs Jewish Center, Coral Springs:

Master of the universe, we call you by so many names—God Almighty, Ha-shem, Jesus, Allah, Vishnu and Adonai. We pray to you in all manner of tongue, speech and offering. We see proof of your existence in the rising of the sun and the flowering of the petal; in the crashing of the waves and the enormity of the universe. We feel your presence in the very miracle of love.

You are both omnipresent and totally beneficent. You bring light, joy and hope into our lives. You hearken to our prayers in whatever language they may be uttered, by whatever name we may call you. For we are all your children—all creatures of your ineffable divine plan.

Dear God, grant to these, the assembled men and women of this Florida State Senate, wisdom, comprehension and discernment. Place within their minds, their hearts and their souls, the spirit of equanimity, charity and fair play. May they ever understand that none, save you, possesses the keys to the kingdom of heaven; that none, save you, has the right to dispossess another from life eternal.

May they recognize that all your children are equal in your sight; that all have an equal right to the ear of heaven; and that, in the words of your sage, "One hour of good deeds and repentance in this world is better than the whole life of the world to come; yet better is one hour of blissfulness of spirit in the world to come than the whole life of this world."

May these legislators use their power for the betterment of all the people of this great state. May they ever be concerned with educating our children, feeding and housing our poor, protecting the rights of the powerless and exercising noble stewardship over this patch of earth called Florida. Crown their efforts with success so that we all may live healthy, happy and prosperous lives.

May we, together, come to learn the great truth as set forth by the illustrious Emerson, that "The truest test of a civilized community is not the census, nor the size of cities, nor the crops; no, but the kind of people the community turns out."

All these things we ask in your name. Amen.

PLEDGE

Senate Pages, Leslie Kane of Lakeland and Jacob Wilson of Frostproof, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

SR 536—A resolution proclaiming the week of May 18-24, 1997, "Antique Automobile Week" in Florida.

WHEREAS, the Antique Automobile Club of America, founded in 1935, is the country's oldest and largest automotive historical society, and

WHEREAS, the membership has grown to over 55,000 members from all parts of the world who own many thousands of historic automobiles, rare collections of literature, books, films, pictures, and other materials significant to automotive history, and

WHEREAS, there are more than 400 Regions and Chapters in nearly every state in the Union, including Florida, and more than 50 foreign countries, and

WHEREAS, Tallahassee is one of these member Regions, with over 60 local members, and

WHEREAS, these members have a genuine interest in antique automobiles and demonstrate their interest by restoring, preserving, and showing their vehicles for their own enjoyment and knowledge, as well as that of the general public, and

WHEREAS, one such national show, the Founders Tour, will take place in Tallahassee during the week of May 18-24, 1997, bringing over 200 vintage vehicles and 400 people to North Florida, where these automobiles will be displayed for the pleasure of all, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the week of May 18-24, 1997, be proclaimed "Antique Automobile Week" throughout the State of Florida, and

BE IT FURTHER RESOLVED that the members of the Tallahassee Region of the Antique Automobile Club of America be congratulated for their endeavors connected with sponsoring the Founders Tour during Antique Automobile Week in Florida.

—**SR 536** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2324—A resolution commending the Florida Dental Association and recognizing April 2, 1997, as "Dentists Day on the Hill."

WHEREAS, the Florida Dental Association is a state professional association which was founded in 1884 by 12 dentists and which now represents over 6,500 member dentists in this state and maintains permanent offices in Tallahassee, and

WHEREAS, the Florida Dental Association was formed to encourage the improvement of the public's dental health, to promote the art and science of dentistry, and to address the concerns of the members of the dental profession and the public they serve, and

WHEREAS, the Florida Dental Association is sponsoring its second annual "Dentists Day on the Hill," scheduled for Wednesday, April 2, 1997, for the purpose of meeting with legislators to discuss the concerns of its members about the future of the dental profession and particularly the impact of legislative issues on the practice of dentistry and the public served by that practice, and

WHEREAS, the members of the Florida Senate find that dentists perform a valuable public health service and that the Florida Dental Association is the primary association representing the dentists of this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Florida Dental Association and its members for their contributions to the health and welfare of the residents of this state and recognizes April 2, 1997, as "Dentists Day on the Hill."

—**SR 2324** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 1208** was withdrawn from the committee of reference and further consideration.

On motion by Senator Klein, by two-thirds vote **SB 1440** and **SB 1034** were withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 1294** was withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 492** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 150**, **SB 260**, **SB 346**, **SB 392** and **SB 1130** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB's 566 and 626** was withdrawn from the Committee on Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 458, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (3) of section 11.42, Florida Statutes, 1996 Supplement, is amended to read:

11.42 The Auditor General.—

(3)

(b)1. No person shall be employed as a financial auditor who does not possess the qualifications to take the examination for a certificate as certified public accountant under the laws of this state, and no person shall be employed or retained as legal adviser, on either a full-time or a part-time basis, who is not a member of The Florida Bar.

2. Notwithstanding the provisions of subparagraph 1., employees in the positions associated with the Florida Education Finance Program full-time enrollment verification function that is assigned to the Auditor General pursuant to s. 229.565*(2)*~~(3)~~ may continue to meet the job qualifications that existed prior to such transfer for a period of 3 years after such transfer. Thereafter, they shall meet the requirements of subparagraph 1. This subparagraph is repealed on July 1, 1998.

Section 2. Section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system. The standards must apply, without limitation, to *language arts, mathematics, science, social studies, the arts, health and physical education, and foreign language* ~~reading, writing, mathematics, science, history, government, geography, economics, and computer literacy~~. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

~~(c) Section 3, chapter 83-327, Laws of Florida, shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

~~(2) STANDARDS OF EXCELLENCE.—The State Board of Education shall approve performance standards of excellence in, but not lim-~~

~~ited to, mathematics and science, which the Commissioner of Education determines shall best indicate the status of the state system of public education. This provision shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

(2)~~(3)~~ EDUCATION EVALUATION.—The Commissioner of Education, or the Auditor General as provided in paragraph (a), shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board, *or by the Commissioner of Education,* and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Department of Corrections for the Correctional Education Program pursuant to s. 944.801. Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category. This evaluation shall be conducted by the Auditor General for the Florida Education Finance Program full-time enrollment verification function.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. 230.23(4)(m).

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board *and by the Commissioner of Education*.

~~(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.~~

(d)~~(e)~~ An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(e)~~(f)~~ Determination of the ratio of administrators to teachers in each school district.

(f)~~(g)~~ Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(g)~~(h)~~ Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and explained well in advance of the actual audit date.

(h)~~(i)~~ Determination of school district achievement in meeting the performance standards specified in s. 232.2454~~(1)~~.

(3)~~(4)~~ ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education shall provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies. Priority for such assistance shall be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives shall be systematically drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in the full-time equivalent student count for that district shall be made, and any excess funds shall be deducted from subsequent allocations of state funds to that district. As provided for by rules ~~of the State Board of Education~~, if errors in a specific program of a district recur in consecutive years due to lack of corrective action by the district, adjustments may be made based upon statistical estimates of error projected to the overall district program.

(4)~~(5)~~ PREKINDERGARTEN EARLY INTERVENTION PROGRAM.—The commissioner shall annually examine and evaluate the procedures, records, and programs of each district which has established a prekindergarten early intervention program to determine the district's compliance with s. 230.2305 and with the approved district plan for the prekindergarten early intervention program.

Section 3. Subsections (3), (4), (5), and (6) of section 229.57, Florida Statutes, are amended to read:

229.57 Student assessment program.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. ~~Such skills and competencies must include, without limitation, those which comprise minimum standards of student performance.~~ The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered *at designated times at the elementary, middle, and high school levels to measure* ~~each spring, of grades 4, 7, and 10 in~~ reading, writing, and mathematics. The testing program must be designed *so that* ~~as follows~~:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The tests are criterion-referenced and include, to the extent determined by the commissioner, items that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

~~1. For grades 4 and 7, the testing program must use nationally normed achievement tests that are administered by school districts in accordance with subsection (4). The State Board of Education shall adopt rules specifying the procedures to be used in reviewing available tests and rules designating a list of tests that are acceptable for this purpose. Each school district must administer one of the designated tests to fulfill the requirements of this section. The commissioner shall take steps to assure that the designated tests are administered in a uniform and acceptable manner and shall designate the dates of administration of these tests.~~

~~2. For grade 10, the testing program must use a nationally normed student achievement test selected through an appropriate bidding process. The commissioner shall designate the criteria to be considered in the bidding process, including, without limitation, the degree to which the nationally normed test is compatible with college-level communication and computation skills defined pursuant to s. 229.551(3)(f), the degree~~

~~of relationship with the skills measured by the college-level communication and computation skills examination prescribed by s. 240.107, the technical quality of the test, the adequacy of normative data, and the security of the test forms to be used in this state. The content of the tests must include testing of problem-solving and higher-order skills to the extent possible. Participation in the 10th grade testing program is mandatory for all students in public schools except as may be otherwise prescribed by the commissioner for students not pursuing regular high school diplomas.~~

3. *Each* ~~The~~ testing *program, whether at the elementary, middle, or high school level, includes* ~~programs for grades 4, 7, and 10 must include~~ a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. ~~For the tests for grades 4 and 7,~~ A score *is* ~~must be~~ designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. All 11th grade students ~~shall be required to~~ take *a* high school competency *test* ~~tests~~ developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. *The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a).* Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the *test* ~~tests~~ on minority students. A student must earn a passing score on each part taken to qualify for a regular high school diploma. ~~The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.~~ The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

7.~~6.~~ A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

The commissioner may design and implement student testing programs for *any* ~~other~~ grade *level* ~~levels~~ and subject *area* ~~areas~~, based on *procedures designated by the commissioner to monitor educational achievement in the state* ~~a census or sampling~~.

(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment ~~as a free service to schools~~.

(e) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(f) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(g) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. *The* ~~Such~~ assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. In grades 4 and *8* ~~7~~, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.

(5) SCHOOL TESTING PROGRAMS.—Each public school administering an achievement test, *whether* at *the elementary, middle, or high school level, and each public school administering* ~~grades 4, 7, and 10 as well as~~ the high school competency test, shall prepare an analysis of the resultant data after each administration. The analysis must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 229.555 and the development of the programs of remediation described in s. 233.051.

(6) ANNUAL REPORTS.—The commissioner shall prepare annual reports of the results of the statewide assessment program ~~in grades 4, 7, and 10~~ which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports which must include, without limitation, descriptions of the performance of students at both low levels and exemplary levels, *as well as the performance of students scoring in the middle 50 percent of the test population.*

Section 4. Subsection (8) of section 230.2305, Florida Statutes, 1996 Supplement, is amended to read:

230.2305 Prekindergarten early intervention program.—

(8) MONITORING AND TECHNICAL ASSISTANCE.—Pursuant to s. 229.565*(4)*~~(5)~~, the Commissioner of Education shall monitor each district prekindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a program is not brought into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its prekindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.

Section 5. Subsection (3) of section 232.245, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

232.245 Pupil progression.—

(3) Each district comprehensive program for pupil progression shall *attempt* ~~reflect an effort~~ to identify *those* students at each grade level in grades 9 through 12 who have attained a cumulative grade point average *at* ~~of 1.5~~ or below *the minimum cumulative grade point average required for graduation pursuant to s. 232.246(5).* The program *must* ~~shall further~~ include provisions for assisting such students to achieve *the required* ~~the 1.5~~ cumulative grade point average ~~required for graduation pursuant to s. 232.246~~.

(4) Beginning with the 1997-1998 school year, any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted at the beginning of grade 2, grade 3, and grade 4, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency is not remedied by the end of grade 5, the student may be retained.

Section 6. Subsection (2) of section 232.2454, Florida Statutes, is amended to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

(2) Each district school board shall adopt student performance standards for each *course* ~~academic program~~ in grades 9 through 12 for which credit toward high school graduation is awarded. The board shall

also establish policies *that require* ~~as to~~ student mastery of performance standards before credit for a *course* ~~program~~ may be awarded. Teacher observations, classroom assignments, and examinations may be considered appropriate methods of assessing student mastery.

Section 7. Subsections (1), (5), (9), and (10) of section 232.246, Florida Statutes, are amended, and paragraph (d) is added to subsection (7) of said section, to read:

232.246 General requirements for high school graduation.—

(1) *Graduation requires* successful completion of *either* a minimum of 24 academic credits in grades 9 through 12 *or* ~~shall be required for graduation, provided that student completion of~~ an International Baccalaureate curriculum ~~shall be deemed to meet the curricular requirements of this subsection~~. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. *Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.*

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, *including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.*

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness. *Participation in an interscholastic sport, whether at the freshman, junior-varsity, or varsity level, for a full season, shall satisfy the one-half credit requirement in physical education.*

(k) Nine elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option *must* ~~shall~~ complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of *the* ~~such~~ credit and school principals *are* ~~shall be~~ responsible for approving specific volunteer activities. *A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.*

(5) Each district school board shall establish standards for graduation from its schools, *and these standards must* ~~which shall~~ include:

(a) Earning passing scores on the high school competency test defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(c) *Achievement of* ~~Effective for the 1988-1989 school year and each year thereafter,~~ a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for *students entering 9th grade before the 1997-1998 school year; however, these students must earn a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by subsection (1) that are taken after July 1, 1997 or have an overall cumulative grade point average of 2.0 or above.*

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by subsection (1), for students entering 9th grade in the 1997-1998 school year and thereafter ~~required courses for graduation~~.

(e) For purposes of paragraphs (c) and (d):

1. Each district shall adopt policies ~~which are~~ designed to assist students in meeting *these requirements* ~~this requirement~~. *These* ~~Such~~ policies may include, but *are* ~~shall~~ not ~~be~~ limited to: forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes.

2. At the end of each semester, the parent or guardian of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than *0.5 above the cumulative grade point average required for graduation* ~~2.0~~ shall be notified that the student is at risk of not meeting the requirements for graduation. The notice shall contain an explanation of the policies the district has ~~put~~ in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 *may* ~~shall~~ be given only *when* ~~in such cases where~~ the student has completed all requirements for graduation except the attainment of *the required* ~~a 1.5~~ cumulative grade point average.

The standards required in this subsection, and any subsequent modifications ~~thereto~~, shall be reprinted in the Florida Administrative Code even though ~~such standards are~~ not defined as "rules."

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(d) Any Level I course unless the student's assessment indicates that a more rigorous course of study would be inappropriate, in which case a written assessment of the need must be included in the student's individual educational plan or in a student performance plan, signed by the

principal, the guidance counselor, and the parent or guardian of the student, or the student if the student is 18 years of age or older.

(9) A student who meets all requirements prescribed in subsections (1), *(4)*~~(5)~~, and *(5)*~~(6)~~ shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma pursuant to s. 239.217 or, *instead* ~~in lieu~~ of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and *(4)*~~(5)~~, but who is unable to meet the standards of paragraph *(5)*~~(6)~~(a), paragraph *(5)*~~(6)~~(b), or paragraph *(5)(c)*~~(6)(d)~~, shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. This special instruction shall be funded from the state compensatory education funds of the district.

(10) The public hearing and consideration required in ~~paragraphs (a) and (b) of subsection (6) and in~~ subsection *(8)*~~(9)~~ shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

Section 8. Paragraph (a) of subsection (1) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 150 hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454. Six semester credit hours of instruction earned through enrollment pursuant to s. 240.116, *which satisfy the requirement of a district's interinstitutional articulation agreement under s. 240.1161,* shall also equal one full credit.

Section 9. Section 232.2463, Florida Statutes, is amended to read:

232.2463 High school grading system.—The grading system and interpretation of letter grades used in public high schools shall be as follows:

(1) Grade "A" equals 94 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 85 percent through 93 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) *Before the 1997-1998 school year,* grade "C" equals 75 percent through 84 percent, has a grade point average value of 2, and is defined as "average progress." *For the 1997-1998 school year and each year thereafter, grade "C" equals 77 percent through 84 percent, has a grade point average value of 2, and is defined as "average progress."*

(4) *Before the 1997-1998 school year,* grade "D" equals 65 percent through 74 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress." *For the 1997-1998 school year and each year thereafter, grade "D" equals 70 percent through 76 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."*

(5) *Before the 1997-1998 school year,* grade "F" equals zero percent through 64 percent, has a grade point average value of zero, and is defined as "failure." *For the 1997-1998 school year and each year thereafter, grade "F" equals zero percent through 69 percent, has a grade point average value of zero, and is defined as "failure."*

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

For the purposes of class ranking, school districts may exercise a weighted grading system.

Section 10. Subsection (3) of section 232.425, Florida Statutes, 1996 Supplement, is amended to read:

232.425 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(3)(a) To be eligible to participate in interscholastic extracurricular student activities, a student *entering the 9th grade during the 1997-1998 school year and thereafter* must maintain a *cumulative* grade point average of *2.0 or above* ~~1.5~~ on a 4.0 scale, or its equivalent, *in the courses required by s. 232.246(1). In order to be eligible under this section, students who entered the 9th grade prior to the 1997-1998 school year must maintain a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 232.246(1) that are taken after July 1, 1997 or have an overall cumulative grade point average of 2.0 or above. Eligibility for the first semester of the 1997-1998 school year for those students who entered the 9th grade prior to the 1997-1998 school year shall be based on the school board's policy in effect for the 1996-1997 school year. Additionally, a student must maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon established and published school board policy.* ~~and must pass five subjects for the grading period immediately preceding participation; except that student eligibility for the first grading period of each new school year shall be based on passing five subjects and maintaining the required grade point average the previous school year, including subjects completed during the interim summer school session.~~

(b) Any student who is exempt from attending a full school day under s. 228.041(13) must maintain *the* ~~a 1.5~~ grade point average *required by this section* and pass each class for which he or she is enrolled.

(c) An individual home education student *is* ~~shall be~~ eligible to participate at a public school, and may develop an agreement to participate at a nonpublic school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 232.02(4).

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 232.02(4).

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school *before* ~~prior to~~ the beginning date of the season for the activity in which he or she wishes to participate.

6. A student who transfers from a home education program to a public school *before* ~~prior to~~ or during the first grading period of the school year *is* ~~shall be~~ academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities *is* ~~shall be~~ ineligible to participate in such activities as a home education student until ~~such time as~~ the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

Section 11. Paragraph (a) of subsection (2) of section 233.011, Florida Statutes, is amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(2)(a) Subject to State Board of Education review and approval, the Department of Education shall *provide* ~~develop, by April 1, 1985,~~ guidelines for the identification or development, evaluation, oversight, and revision of:

1. Curriculum frameworks as specified in subsection (3).

2. Student performance standards as specified in ss. 232.2454~~(1)~~ and 229.565(1) ~~and (2)~~.

3. Model standards and procedures for the adoption of state and district instructional materials and software consistent with curriculum frameworks and student performance standards as specified in this paragraph. Such models shall provide the diverse student populations of the state with the highest quality instructional materials and software in the most cost-effective manner possible. Such models shall include a component to ensure the production of instructional materials and software by the state, or a consortium of states, when economical or superior quality instructional materials or software are unavailable from commercial sources by special contract.

4. Model standards and procedures for state and district adoption, analyses, and use of nationally normed student achievement tests or other nationally normed assessment instruments, as specified in subsection (4).

5. Criteria and procedures to determine *which* ~~the~~ individual school programs ~~which~~ are most deficient in student performance. Such criteria and procedures shall take into account testing results under the provisions of ss. 229.565 and 232.2454, and subsection (4).

6. Model training procedures for state-level and district-level personnel assigned responsibilities for evaluating and selecting instructional materials, software, and norm-referenced achievement measures.

7. Standards for effective evaluation and comparable evaluation and testing procedures among districts.

Section 12. Section 233.065, Florida Statutes, is amended to read:

233.065 Patriotic programs, rules and regulations.—

(1) The school board of any district is hereby authorized to adopt rules and regulations pertaining to and requiring to be used in all of the schools of the district any program of a patriotic nature to encourage greater respect for the Government of the United States, its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state; provided, that when the national anthem is played, students and all civilians shall always stand at attention, men removing the headdress; and provided, further, that the pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," be rendered by standing with the right hand over the heart. The pledge of allegiance to the flag, as stated herein, shall be required to be said at the beginning of the day in every elementary and secondary public school in the state. Further, upon written request by a parent or guardian, a student may be excused from reciting the pledge. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress, as provided by s. 7 of U.S. Pub. L. No. 623, approved June 22, 1942, as amended by U.S. Pub. L. No. 829, approved December 22, 1942.

(2) Each district school board may allow any teacher or administrator to read, or to post in a public school building or classroom or at any school-related event, any excerpt or portion of the following historic material: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the presidents of the United States, the signers of the Constitution of the United States and the Declaration of Independence, and civil rights leaders; and decisions of the United States Supreme Court. However, any material that is read, posted, or taught pursuant to this provision may be presented only from a historical perspective and in a nonproselytizing manner. When less than an entire document is used, the excerpt or portion must include as much material as is reasonably necessary to reflect the sentiment of the entire document and avoid expressing statements out of the context in which they were originally made. If the material refers to laws or judicial decisions that have been superseded, the material must be accompanied by a statement indicating that such law or decision is no longer the law of the land. No material shall be selected to advance a particular religious, political, or sectarian purpose. The Department of Education shall distribute a copy of this subsection to each school district, whereupon each school superintendent shall distribute a copy to all teachers and administrators.

Section 13. Paragraph (a) of subsection (2) of section 240.116, Florida Statutes, 1996 Supplement, is amended to read:

240.116 Articulated acceleration.—

(2)(a)*1.* The dual enrollment program *is* ~~shall be~~ the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. For the purpose of this *subparagraph* ~~paragraph~~, an eligible secondary student is ~~defined as~~ a student who is enrolled in a Florida public secondary school or in a Florida nonpublic secondary school which is in compliance with s. 229.808 and conducts a secondary curriculum pursuant to s. 232.246. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma *may* ~~shall~~ not be classified as dual enrollments. Students *who are* ~~shall be~~ permitted to enroll in dual enrollment courses *may take courses* conducted during school hours, after school hours, and during the summer term. Any student so enrolled *is* ~~shall be~~ exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational-preparatory instruction, college-preparatory instruction~~,~~ and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, *are* ~~shall be~~ ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

2. The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for vocational-level coursework if the student is to be enrolled in vocational courses. In addition to the common placement examination, student qualifications for college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for vocational certificate dual enrollment courses must include a 2.0 unweighted grade point average.

Section 14. Section 240.1161, Florida Statutes, is amended to read:

240.1161 District interinstitutional articulation agreements.—

(1) *Superintendents* ~~Each superintendent~~ of schools and community college *presidents are* ~~president shall be~~ responsible for the development and implementation of a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, *each* ~~the~~ superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president are encouraged to establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for *each* ~~any~~ school year *must* ~~shall~~ be completed *before* ~~prior to~~ high school registration for the fall term of the following school year. ~~The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1988.~~ The initial agreement and each subsequent agreement *must* ~~shall~~ include, but *is* not ~~be~~ limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b) A delineation of courses and programs composed of dual enrollment students.

(c) An identification of eligibility criteria for student participation in dual enrollment courses and programs.

(d) A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

(e) An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

(f) A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

(g) An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

(h) A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes.

(3) The superintendent of schools *is* ~~shall be~~ responsible for incorporating, either directly or by reference, all dual enrollment courses contained within the district interinstitutional articulation agreement within the district pupil progression plan.

(4) Courses and programs may be added to or deleted from the district interinstitutional articulation agreement at any time. Such additions and deletions *must* ~~shall~~ be mutually approved by the superintendent of schools and community college president *before* ~~prior to~~ incorporation into the agreement.

(5) School districts and community colleges may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into interinstitutional articulation agreements with eligible independent colleges and universities pursuant to s. 236.081(1)(j). State universities and community colleges may enter into interinstitutional articulation agreements with nonpublic secondary schools~~,~~ pursuant to s. 240.116.

(6) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the common course designation and numbering system. However, college-preparatory and other forms of precollegiate instruction, and physical education *and other* courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, *may* ~~shall~~ not be so approved, *but must*~~. Recreation and leisure studies courses shall~~ be evaluated individually ~~in the same manner as physical education courses~~ for potential inclusion in the dual enrollment program.

Section 15. Subsection (5) of section 240.117, Florida Statutes, is amended to read:

240.117 Common placement testing for public postsecondary education.—

(5) *A* ~~No~~ student *may not* ~~shall~~ be enrolled in a college credit ~~mathematics or English~~ course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the ~~section of the~~ basic computation and communication skills assessment required pursuant to *subsections* ~~subsection~~ (1) *and (2)* ~~that is appropriate for successful student participation in the course~~.

Section 16. Subsection (5) is added to section 240.118, Florida Statutes, to read:

240.118 Postsecondary feedback of information to high schools.—

(5) The Commissioner of Education shall annually recommend to the Legislature statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first-time enrolled recent high school graduates.

Section 17. Subsection (2) and paragraph (a) of subsection (3) of section 240.529, Florida Statutes, are amended, and paragraph (d) is added to subsection (4) of said section, to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system ~~shall be~~ developed by the Department of Education in collaboration with institutions of higher education *shall* ~~to~~ assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system *must be designed to* ~~shall~~ assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission *has* ~~shall have~~ primary responsibility for recommending these standards to the State Board of Education for adoption. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies, effective classroom practices, and the outcomes of the state system of school improvement and education accountability and "Blueprint 2000," as well as performance measures. Departments and colleges of education shall ensure that teacher preparation programs and courses emphasizing "Blueprint 2000" concepts and standards receive priority funding.

(3) INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process~~,~~ based on standards adopted pursuant to subsection (2) *must*~~, shall~~ be established for postsecondary teacher preparation programs,~~. This program approval process shall be~~ phased in according to timelines determined by the Department of Education, and~~, by July 1, 1995, shall be~~ fully implemented for all teacher preparation programs in the state. Each program shall choose one of the following options:

1. An approval process that incorporates those provisions and requirements necessary for recognition by the National Council for the Accreditation of Teacher Education and that provides for joint accreditation and program approval review by the state and the National Council for the Accreditation of Teacher Education for those units seeking initial or continuing accreditation. The approval process *must* ~~shall~~ be consistent with the intent set forth in subsection (1); or

2. An alternative program approval process developed by the department. This alternative approval process *must* ~~shall~~ be consistent with the intent set forth in subsection (1) and ~~shall be~~ based primarily upon significant, objective, and quantifiable graduate performance measures. This approval process *may* ~~shall~~ not be based on National Council for the Accreditation of Teacher Education provisions and requirements.

For purposes of this section, the term "unit" is defined by the National Association for the Accreditation of Teacher Education and means the college, school, department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel. The term "program" is defined by the State Board of Education and means a set of courses, activities, or other experiences designed to help individuals develop the competencies required for a specified type of certification coverage.

(4) CONTINUED PROGRAM APPROVAL.—Beginning July 1, 1995, and notwithstanding the provisions of subsection (3), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education in collaboration with the departments and colleges of education shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(d) Beginning July 1, 1997, continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in higher-level mathematics concepts at the appropriate grade level.

Section 18. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 1, remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to student standards; amending s. 11.42, F.S.; correcting a cross reference; amending s. 229.565, F.S., relating to educational evaluation procedures; revising provisions relating to student performance standards; providing for the Commissioner of Education to adopt rules; deleting obsolete language; correcting a cross reference; amending s. 229.57, F.S.; revising provisions relating to the student assessment program in the public schools; revising the statewide student achievement testing program and providing test requirements; revising requirements of the school district testing programs; amending s. 230.2305, F.S.; correcting a cross reference; amending s. 232.245, F.S., relating to pupil progression; conforming provisions relating to the cumulative grade point average required for graduation; requiring intensive reading instruction under certain circumstances; authorizing retention under certain circumstances; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S., relating to requirements for high school graduation; revising certain credit requirements; providing for satisfaction of certain requirements; raising the required cumulative grade point average for 9th graders entering during the 1997-1998 school year and thereafter; raising the required cumulative grade point average that must be earned prospectively by students who entered the 9th grade before the 1997-1998 school year; restricting credit for certain courses; correcting cross references; amending s. 232.2462, F.S.; providing requirements for receipt of high school credit through articulated acceleration; amending s. 232.2463, F.S.; revising provisions relating to the high school grading system; amending s. 232.425, F.S.; raising the grade point average required for participation in interscholastic extracurricular student activities; providing for participation based on conduct and on school board policy under certain circumstances; amending s. 233.011, F.S.; deleting obsolete language; correcting cross references; amending s. 233.065, F.S.; allowing the posting and reading of historic documents subject to certain restrictions; amending s. 240.116, F.S.; requiring the adoption of guidelines relating to dual enrollment; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; adding a component; deleting obsolete language; clarifying language; amending s. 240.117, F.S., relating to the common placement test for postsecondary education; revising a dual enrollment requirement; amending s. 240.118, F.S.; requiring the recommendation of statutory changes to reduce postsecondary remediation; amending s. 240.529, F.S.; requiring standards for preparation of teachers to instruct students in higher-level mathematics concepts; providing an effective date.

On motion by Senator Harris, the Senate concurred in the House amendment.

CS for SB 458 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Jones, Silver

COMMUNICATION

The Honorable Toni Jennings March 27, 1997
President, The Florida Senate

Dear Senator Jennings:

I wanted to take this opportunity to thank you and the Florida Senate for making the so-called "higher graduation standards" legislation a priority this year. As you know, the 1996 Legislature approved a similar measure sponsored by Senator William "Bill" Turner. Senator Turner is an active advocate of education and fought hard for the passage of this legislation last year. Due to a controversial amendment, the Governor vetoed the bill.

Again, thank you for embracing Senator Turner's initiative and your commitment for improving Florida's system of public education.

Sincerely,
Senator Kenneth C. Jenne II
Democratic Leader

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 462, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 231.17, Florida Statutes, 1996 Supplement, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(1) *APPLICATION* ~~REQUIREMENTS~~.—

~~(a)~~ Each person seeking certification pursuant to this chapter shall submit a completed application to the Department of Education and remit the fee required pursuant to s. 231.30.

~~(b)~~ Pursuant to ~~the provisions in~~ s. 120.60, the Department of Education shall issue within 90 calendar days *after* ~~of~~ the stamped receipted date of the completed application an official statement of eligibility for certification or a certificate covering the classification, level, and area for which the applicant is deemed qualified.

(2) STATEMENT OF ELIGIBILITY.—

~~1.~~ The statement of eligibility *must* ~~shall be issued to~~ advise the applicant of *the* qualifications that must be completed to qualify for the temporary or professional certificate sought. Each statement of eligibility *is* ~~shall be~~ valid for 2 years *after its* ~~from the~~ date of issuance and may be reissued for one additional 2-year period if application is made while the initial statement of eligibility is valid or within 1 year after the initial statement expires.

(3) TEMPORARY CERTIFICATE.—

(a)~~2.~~ The department shall issue a temporary certificate to any applicant who submits satisfactory evidence of possessing the qualifications for such a certificate as prescribed by this chapter and by rules of the state board. *Each temporary certificate is valid for 2 years after the date of its issuance and is nonrenewable, except as otherwise provided in subsection (6).*

(b) Issuance of the temporary certificate shall occur when the department:

~~a. Receives notification from a district superintendent or the governing authority of a developmental research school, state-supported school, or nonpublic school that the applicant has been issued a valid statement of eligibility by the Department of Education and is employed by the school district or developmental research school, state-supported school, or nonpublic school with an approved professional orientation program;~~

1.~~b.~~ Receives the applicant's fingerprint reports from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to *s. 231.02,* ~~s. 231.1712;~~ and

2.~~c.~~ Determines that the applicant is qualified for the *temporary* certificate.

(c) To *qualify* ~~be deemed qualified~~ for a *temporary* ~~professional~~ certificate, the applicant *must* ~~for certification shall~~:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.~~;~~

2. Be at least 18 years of age.~~;~~

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning. The bachelor's or higher degree *may* ~~shall~~ not be required in areas approved in rule by the State Board of Education as nondegreed areas. Each applicant seeking initial certification *must* ~~shall~~ have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. ~~At least 30 of the total number of semester hours required for the initial secondary certificate area on a professional certificate shall be earned in courses in the field of specialization no more than nine of which shall be earned in a college of education unless the applicant's courses in the specialization field were offered only in the college of education.~~ The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems.~~;~~

4. Meet such academic and professional requirements based on credentials certified by standard institutions of higher learning, including any institutions of higher learning in this state ~~which are~~ accredited by an accrediting association *that* ~~which~~ is a member of the Commission on Recognition of Postsecondary Accreditation, as ~~may be~~ prescribed by the state board.~~;~~

5. Be competent and capable of performing the duties, functions, and responsibilities of a teacher.~~;~~

6. Be of good moral character.~~;~~

~~7. Demonstrate mastery of the minimum competencies required by subsection (2); and~~

~~8. Complete the professional orientation program required by subsection (3).~~

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(4) PROFESSIONAL CERTIFICATE.—The department shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements for a temporary certificate and documents mastery of the minimum competencies required by subsection (5). Mastery of the minimum competencies must be documented on a comprehensive written examination or through other criteria as specified by rules of the state board. Mastery of minimum competencies required under subsection (5) must be demonstrated in the following areas:

(a) General knowledge, including the ability to read, write, and compute.

(b) Professional skills and knowledge of the standards of professional practice.

(c) The subject matter in each area for which certification is sought.

(5)~~(2)~~ MINIMUM COMPETENCIES *FOR PROFESSIONAL CERTIFICATE.*—

(a) *The state board must specify, by rule, the minimum essential competencies that educators must possess and demonstrate in order to qualify to teach students the standards of student performance adopted by the state board. The minimum competencies must include* ~~Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including,~~ but *are* not limited to~~,~~ the ability to:

1. Write in a logical and understandable style with appropriate grammar and sentence structure.~~;~~

2. Read, comprehend, and interpret professional and other written material.~~;~~

3. Comprehend and work with fundamental mathematical concepts.~~;~~

4. Recognize signs of severe emotional distress in students and ~~to~~ apply techniques of crisis intervention with *an* emphasis on suicide prevention and positive emotional development.~~;~~

5. Recognize signs of alcohol and drug abuse in students and ~~to~~ apply counseling techniques with emphasis on intervention and prevention of future abuse.~~;~~

6. Recognize the physical and behavioral indicators of child abuse and neglect, ~~to~~ know rights and responsibilities regarding reporting, ~~to~~ know how to care for a child's needs after a report is made, and ~~to~~ know recognition, intervention, and prevention strategies pertaining to child abuse and neglect *which* ~~that~~ can be related to children in a classroom setting in a nonthreatening, positive manner.~~;~~

7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and ~~to~~ counsel *these* ~~the same~~ students concerning their needs in these areas.~~;~~

8. Recognize and be aware of the instructional needs of exceptional students.~~;~~

9. *Comprehend patterns of normal* ~~Recognize disorders of~~ development in students and employ appropriate intervention strategies *for disorders of development.*~~;~~

10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.~~; and~~

11. Recognize and demonstrate awareness of the educational needs of students *who have* ~~having~~ limited proficiency in English and employ appropriate teaching strategies.

12. Use appropriate technology in teaching and learning processes.

13. Use assessment strategies to assist the continuous development of the learner.

14. Use teaching and learning strategies that include considering each student's culture, learning styles, special needs, and socioeconomic background.

15. Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills specified in the student performance standards approved by the state board.

~~(b) The state board shall adopt rules that specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. Any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures may take the written examination prior to graduation. The examination shall require a candidate to demonstrate the following:~~

~~1. Mastery of general knowledge, including the ability to read, write, and compute;~~

~~2. Mastery of professional skills and knowledge of the standards of professional practice; and~~

~~3. Mastery of the subject matter in each area for which certification is being sought.~~

(b) The state board shall designate the certification areas for ~~which~~ subject area tests ~~shall be developed~~. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or, beginning January 1, 1996, the National Teachers Examination *must* ~~shall~~ be used by degreed personnel to demonstrate mastery of general knowledge as required in *paragraph (4)(a)* ~~subparagraph 1~~. The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the *former* ~~old~~ Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.

~~(c) Each person seeking initial certification shall have earned credits in courses related to normal child development and the disorders of development.~~

(6) EXCEPTIONS FOR ISSUANCE OF CERTIFICATES.—

(a)~~(d)~~ *The department shall issue a temporary certificate to an applicant* ~~A person~~ who meets all requirements established by law *and* ~~or~~ rule for issuance of a professional certificate, other than passing the examination~~, successfully completing the first year of the professional orientation program,~~ or completing the professional education courses in which the applicant is deficient~~, shall be issued a nonrenewable, 2-year temporary certificate~~.

(b) The department shall issue ~~However, the State Board of Education shall adopt rules to allow for the issuance of:~~

~~1.~~ one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to *a qualified applicant* ~~an individual~~ who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

(c) The state board shall adopt rules to allow the department to reissue temporary certificates as follows:

1.~~2.~~ One additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant.

2.~~3.~~ A 1-year extension of the temporary certificate for an applicant who was employed less than 99 days during the first year of teaching.

3.~~4.~~ Two additional 2-year temporary certificates to an applicant who is completing the *training and* professional *education course* ~~certification~~ requirements for an English or language arts teacher of ~~limited English proficient~~ students *with limited proficiency in English.*

4.~~5.~~ A 1-year extension of the temporary certificate to a foreign educated applicant who is completing professional certification requirements, or to a bilingual curriculum content teacher of ~~limited English proficient~~ students *with limited proficiency in English.*

5. One additional 2-year temporary certificate to an applicant who is completing college credits to satisfy the professional education requirements for certification.

The department shall reissue~~, pursuant to this paragraph,~~ a *temporary* certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a state-supported school or nonpublic school ~~with an approved professional orientation program~~.

(7) DEMONSTRATION OF PROFESSIONAL EDUCATION COMPETENCE.—

(a) Each school district may develop and maintain an alternative certification program by which members of the district's instructional staff may satisfy the professional education course requirements specified in rules of the state board for issuance of a professional certificate. The state board must adopt, by rule, standards and guidelines for the approval of alternative certification programs. Each approved program must include methods for identifying each applicant's entry-level teaching competencies and must require each applicant to:

1. Have expertise in the subject and meet requirements for specialization in a subject area for which a professional certificate may be issued under this chapter and rules of the state board.

2. Complete training in only those competency areas in which deficiencies are identified.

3. Complete the program and demonstrate professional education competence within 2 years after initial employment as a member of the district's instructional staff.

(b) Each school district must develop and maintain a system by which members of the district's instructional staff may demonstrate the professional education competence required by this section for issuance of a professional certificate. Each district's system must be based on classroom application and instructional performance and must include a performance evaluation plan for documenting the demonstration of required professional education competence. Each individual employed as a member of the district's instructional staff on or after July 1, 1997, must demonstrate mastery of the required professional education competence within the first year of employment, unless the individual:

1. Has completed an approved teacher preparation program at a postsecondary institution within this state;

2. Has completed a teacher education training program and has had at least 2 years of successful full-time teaching experience in another state; or

3. Is participating in the district's alternate certification program.

(c) Each district school board may expend educational training funds provided under ss. 236.081 and 236.0811 to implement this subsection.

(d) The department must approve programs and systems developed to demonstrate professional education competence.

(8) EXAMINATIONS.—

(a)~~(e)~~ The commissioner, with the approval of the state board, may *contract* ~~assign to a university in the state system the responsibility~~ for *developing,* printing, administering, scoring, and ~~providing~~ appropriate analysis of the written tests required.

(b)~~(f)~~ The state board shall, by rule, specify the examination scores *that are* ~~the achievement of which shall be~~ required for the issuance of a professional certificate and certain temporary certificates. *When the College Level Academic Skills Test is used to demonstrate general knowledge,* such rules *must* ~~shall~~ provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute, *must* ~~shall~~ define generic subject area competencies, and *must* ~~shall~~ establish uniform evaluation guidelines. The alternative *method must* ~~shall~~:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental

research school, or the governing authority of the employing state-supported school or nonpublic school ~~with an approved professional orientation program~~ that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest~~. Such mastery shall be demonstrated~~ through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area. The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(c)~~(g)~~ *If an applicant takes an examination developed by this state and* ~~Provision shall be made for a person who~~ does not achieve the score necessary for certification, *the applicant may* ~~to~~ review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(d)~~(h)~~ The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers *are* ~~shall be~~ exempt from ~~the provisions of~~ s. 119.07(1). ~~The board shall adopt such rules as may be necessary to accomplish this purpose.~~

~~(3) PROFESSIONAL ORIENTATION PROGRAM.—Each school district and developmental research school shall develop and maintain a plan for a professional orientation program for beginning teachers, teachers employed in the state for the first time, and teachers whose professional certificates are inactive. A state-supported school or nonpublic school may develop a plan for a professional orientation program and submit it to the commissioner for initial approval.~~

~~(a) The professional orientation program is a 3-year program for developing professional skills and competencies. The first year of the program shall be mandatory for beginning teachers and shall offer individualized mentoring and assistance. The goal of the first year shall be to provide an orientation to professional responsibilities and the training and support activities required to enable the beginning teacher to successfully demonstrate the competencies required by this section. Other professional competencies identified by the State Board of Education or local school board may be required. The program for the first year may include a reduced teaching load. The optional second and third years may offer continued development for successful beginning teachers or for any teacher with identified skill development needs, may involve decreasing levels of assistance, and may include peer mentoring and professional orientation teams. The professional orientation program for experienced teachers shall be a 90-day program of orientation to state and district policies and practices.~~

~~(b) No teacher who has less than 1 full year of successful teaching experience as defined in s. 228.041(16) shall be issued the professional educator's certificate until the individual has successfully completed the first year of the professional orientation program. The teacher employed in the state for the first time or whose professional certificate is inactive and who has at least 1 full year of successful teaching experience may, during the first 90 days of employment, demonstrate successful instructional performance on an instructional performance evaluation system that has been approved for use in the professional orientation program in the employing district of the teacher. This performance evaluation system shall measure demonstration of the competencies described in subsection (2). The experienced teacher who fails to document successful demonstration of the essential competencies during the first 90 days of employment shall complete 1 year of the professional orientation program.~~

~~(c) A teacher participating in the professional orientation program shall be a member of the bargaining unit with the same rights as any other first-year teacher and shall receive full pay according to the adopted salary schedule of the district. The requirement for participation in a professional orientation program may be met by a contract employee while teaching full-time or on an equivalent part-time basis in a school district or in a nonpublic school, state-supported school, or developmental research school with an approved professional orientation program.~~

~~(d) The professional orientation program shall include, but is not limited to, the following conditions:~~

~~1. Each school district and each developmental research school, state-supported school, or nonpublic school with an approved professional orientation program plan shall annually submit evaluation data on its professional orientation program to the Commissioner of Education. The commissioner shall develop criteria for continued approval after consultation with the Education Standards Commission.~~

~~2. Professional orientation activities during the first year shall be based on classroom application of the competencies described in subsection (2), in appropriate instructional settings. Emphasis shall be given to application of those competencies which are directly related to effective performance of the instructional services for which the participant is seeking certification coverage. The orientation activities shall also develop school improvement skills.~~

~~3. Successful completion of that portion of the professional orientation program required for a professional certificate means that the superintendent or chief administrator has verified to the Department of Education that the teacher has successfully completed the first year of the program.~~

~~4. A teacher who has successfully completed the professional orientation program shall have the same reemployment rights as any other teacher on probationary service.~~

~~(e) The state board shall adopt the rules necessary to provide for the professional orientation program. Such rules shall include opportunities for school districts to work with teacher preparation institutions to devise, and submit for approval, performance appraisal systems and other professional development mechanisms tailored to meet local situations. The rules shall provide for a procedure by which the applicant for a professional certificate may appeal the judgment of the superintendent or chief administrator regarding successful completion of the program. The appeals procedures shall involve the Education Practices Commission and shall not apply to continued employment or reemployment. The involvement of the Education Practices Commission in such appeals procedures shall be pursuant to rules of the State Board of Education.~~

~~(f) District school boards may expend educational training funds as provided for in ss. 236.081 and 236.0811 for professional orientation program activities.~~

(9)~~(4)~~ NONCITIZENS.—

(a) The state board *may adopt* ~~shall have authority to prescribe~~ rules *for issuing* ~~under which~~ certificates ~~may be issued~~ to noncitizens who may be needed to teach and who are legally admitted to the United States through the United States Immigration and Naturalization Service. The filing of a written oath to uphold the principles of the Constitutions of the United States and of the State of Florida, *required under subparagraph (3)(c)1., does* ~~referred to above shall~~ not apply to individuals assigned to teach on an exchange basis.

(b) *A* ~~No~~ certificate *may not* ~~shall~~ be issued to a citizen of a nation controlled by forces *that* ~~which~~ are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the Immigration and Naturalization Service.

(10)~~(5)~~ DENIAL OF CERTIFICATE.—

(a) The Department of Education *may* ~~is authorized to~~ deny an applicant a certificate if *the department* ~~it~~ possesses evidence satisfactory to it that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to revoke a teaching certificate.

(b) The decision of the Department of Education is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days *after* ~~from~~ receipt of the notice of denial.

(11)~~(6)~~ STATE BOARD RULES.~~—By January 1, 1991,~~ The State Board of Education shall *adopt* ~~promulgate~~ rules *as necessary to implement this section* ~~for initial certification specifically covering ages birth through 4 years and grade spans prekindergarten or age 3 through grade 3, grades 5 through 9, and others as designated by the State Board of Education~~.

(12)~~(7)~~ PRIOR APPLICATION.~~—Those~~ Persons who apply for initial professional or temporary certification *are* ~~shall be~~ governed by the law

and rules in effect at the time of application for issuance of the initial certificate.

(13)~~(8)~~ PERSONNEL RECORDS.—The Department of Education shall maintain a complete statement of the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued. The applicant or the superintendent shall furnish the information using a format or forms provided by the department.

Section 2. Section 231.24, Florida Statutes, is amended to read:

231.24 Process for renewal of professional certificates.—

(1)(a) School districts in this state shall *renew* ~~be responsible for renewal of~~ state-issued professional certificates as follows:

1. Each school district shall renew state-issued professional certificates for individuals who hold a professional certificate by this state and are employed *by* ~~in~~ that district~~. Renewals shall be granted~~ pursuant to criteria established in subsections (2), (3), and (4) and requirements specified in rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each school board shall transmit monthly to the department $20 for each renewed certificate to cover the costs for maintenance and operation of the statewide certification database and for costs incurred in printing and mailing such renewed certificates. As defined in current rules of the State Board of Education, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network ~~as~~ established in s. 231.263. *The department shall deposit* all funds ~~shall be deposited by the department~~ into the Educational Certification Trust Fund *for use as* ~~and used for purposes~~ specified in s. 231.30.

(b) The department *shall renew* ~~is responsible for renewal of~~ state-issued professional certificates for individuals who are not employed by a school board of this state~~. Renewals shall be granted~~ pursuant to criteria established in subsections (2), (3), and (4) and requirements specified in rules of the State Board of Education.

(2) All professional certificates, except a nonrenewable professional certificate, ~~issued to school personnel~~ shall be renewable for successive periods not to exceed 5 years *after* ~~from~~ the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate. However, if the renewal application form is not received by the department or *by* the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee *must* ~~shall~~ be submitted *before* ~~prior to~~ July 1 of the year following expiration of the certificate in order to renew the professional certificate. The state board shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request *by the applicant or by* ~~of~~ the superintendent of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that *employs the applicant* ~~has an approved professional orientation program~~.

(3) For the renewal of a professional certificate, the following requirements *must* ~~shall~~ be met:

(a)~~1.~~ The applicant *must* ~~shall~~ earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant *must* ~~shall~~ earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 240.529(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. ~~Until June 30, 2000,~~ Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching ~~limited English proficient~~ students *having limited proficiency in English,* or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

(b)~~2.~~ In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

(c)~~3.~~ *If* ~~In the event~~ an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas, *but must earn*~~. However, at~~ no ~~time shall~~ fewer than 6 college course credit hours or the equivalent ~~be earned~~ in any one validity period.

~~(b) A candidate who holds an active certificate and has not been employed in an instructional position by a public school district or a nonpublic school requiring state certification having a Department of Education approved professional orientation program plan at any time during the validity period of such current certificate may renew the certificate by receiving a passing score on the subject area examination or completing the college course credits as provided in paragraph (a); however, if the candidate becomes employed in an instructional position by a public school district or a nonpublic school requiring state certification having a Department of Education approved professional orientation program plan, he or she shall undergo a performance evaluation by a performance measurement system approved by the department for such purpose during the first 90 days of employment. A candidate who fails to demonstrate satisfactory performance shall continue in the program pursuant to s. 231.17. For the purposes of this paragraph, "instructional position" includes those positions held by certificateholders who are district-level personnel, district-level personnel on special assignment, nonpublic school area administrators and supervisors, school principals, assistant school principals, school board members, instructional personnel on special assignment, and instructional personnel on leave through collective bargaining regarding contracts or school board rule, and other positions held by certificateholders as specified by necessary State Board of Education rules.~~

(4) When any person who holds a valid *temporary certificate or professional* ~~Florida teacher's~~ certificate is called into or volunteers for actual wartime service or required peacetime military service training, the certificate shall be renewed for a period of time equal to the time spent in military service *if the*~~, provided such~~ person makes proper application and presents substantiating evidence to the department or the employing school district regarding such military service.

(5) The state board shall adopt rules to allow the reinstatement of expired professional certificates. The department may reinstate an expired professional certificate within 3 years after the date of expiration if the certificateholder:

(a) Submits an application for reinstatement of the expired certificate.

(b) Documents completion of 6 college credits during the 5 years immediately preceding reinstatement of the expired certificate, completion of 120 inservice points, or a combination thereof, in an area specified in subsection (3)(a).

(c) During the 5 years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area test for each subject to be shown on the reinstated certificate.

The requirements of this subsection may not be satisfied by subject-area tests or college credits completed for issuance of the certificate that has expired.

Section 3. Subsection (3) of section 231.29, Florida Statutes, is amended to read:

231.29 Assessment procedures and criteria.—

(3) A complete statement of the assessment criteria shall include, but *is* ~~shall~~ not ~~be~~ limited to, observable indicators that relate to the following:

(a) Ability to use appropriate classroom management techniques, including ability to maintain appropriate discipline.

(b) Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

(c) Ability to plan and deliver instruction.

(d) Ability to evaluate instructional needs.

(e) Ability to communicate verbally.

(f)~~(e)~~ Other professional competencies, responsibilities, and requirements as determined by the local district.

Section 4. Subsections (2), (4), (5), and (6), and paragraph (b) of subsection (9) of section 240.529, Florida Statutes, are amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system shall be developed by the Department of Education in collaboration with institutions of higher education to assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system shall assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission shall have primary responsibility for recommending these standards to the State Board of Education for adoption. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies *and educator-accomplished practices*, effective classroom practices, and the outcomes of the state system of school improvement and education accountability, ~~and "Blueprint 2000,"~~ as well as performance measures. Departments and colleges of education shall *make every attempt to secure priority funding for* ~~ensure that~~ teacher preparation programs and courses emphasizing *the state system of school improvement and education-accountability* ~~"Blueprint 2000"~~ concepts and standards ~~receive priority funding~~.

(4) CONTINUED PROGRAM APPROVAL.~~—Beginning July 1, 1995, and~~ Notwithstanding ~~the provisions of~~ subsection (3), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval *which* ~~that~~ document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education within the state *is* ~~shall be~~ contingent upon the passing of the ~~state~~ written examination required by *s. 231.17* ~~s. 231.17(2)~~ by at least 80 percent of the graduates of the program who take the examination ~~and the successful completion of an approved professional orientation program by at least 90 percent of the graduates who enter such programs~~. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria *must* ~~shall~~ emphasize outcome measures and may include, but *need* not be limited to, program graduates' satisfaction with training and the unit's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria *must* ~~shall~~ be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by *the institutions of higher education*, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. ~~In addition to graduates of approved programs, data shall be collected on alternate preparation program completers and a representative sample of recent out-of-state graduates teaching in Florida. Beginning January 1, 1995, and~~ By January 1 of each ~~succeeding~~ year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each ~~Florida~~ postsecondary institution *that has* ~~having~~ state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the ~~general~~ public. This report *must* ~~shall~~ analyze the data and make recommendations for *improving* ~~improvement of~~ teacher preparation programs in the state.

(c) Beginning July 1, 1997, continued approval for a teacher preparation program *is* ~~shall be~~ contingent upon the results of annual reviews of the program conducted by the institution of higher education, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan *must* ~~shall~~ incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(5) PRESERVICE FIELD EXPERIENCE.~~—Beginning July 1, 1995,~~ All postsecondary instructors, school district *personnel and instructional personnel* ~~teachers~~, and school sites preparing *instructional personnel* ~~teachers~~ through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 231.17 and 231.24; at least 3 years of successful teaching experience in prekindergarten through grade 12; or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.

(b) All school district personnel and *instructional personnel* ~~teachers~~ who supervise or direct teacher preparation students during field experience courses or internships *must* ~~shall~~ have evidence of "clinical educator" training. The Education Standards Commission shall recommend, and the state board shall approve, the training requirements.

(c) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. These sites *must* ~~shall~~ represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites *must* ~~shall~~ demonstrate commitment to the education of public school students and to the preparation of future teachers. A nonpublic school association, in order to be approved, *must* ~~shall~~ have a state-approved master inservice program plan in accordance with s. 236.0811 ~~and a state-approved professional orientation program plan in accordance with s. 231.17~~.

(6) STANDARDS OF EXCELLENCE.—The Education Standards Commission shall recommend, and the State Board of Education shall approve, standards of excellence for teacher preparation. These standards *must* ~~shall~~ exceed the requirements for program approval pursuant to subsection (3) and *must* ~~shall~~ incorporate state and national recommendations for exemplary teacher preparation programs. ~~Beginning July 1, 1995,~~ Approved teacher preparation programs *that* ~~which~~ meet these standards of excellence shall receive public recognition as programs of excellence and may be eligible to receive teaching profession enhancement grants pursuant to s. 240.5291.

(9) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—Universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but

who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs *that* ~~which~~ are jointly submitted by community colleges and universities.

(b) Universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged~~, under s. 231.172,~~ to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

Section 5. Subsection (5) of section 231.28, Florida Statutes, is amended to read:

231.28 Education Practices Commission; authority to discipline.—

(5) Each district superintendent and the governing authority of each developmental research school, state-supported school, or nonpublic school ~~with an approved professional orientation program~~ shall report to the department the name of any person certified pursuant to this chapter or employed and qualified pursuant to s. 231.1725:

(a) Who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;

(b) Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension under subsection (1); or

(c) Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Section 6. Paragraph (a) of subsection (3) of section 231.291, Florida Statutes, 1996 Supplements, is amended to read:

231.291 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(3)(a) Public school system employee personnel files are subject to the provisions of s. 119.07(1), except as follows:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made.

2. An employee evaluation prepared pursuant to s. 231.17~~(3)~~, s. 231.29, or s. 231.36 or rules adopted by the State Board of Education or local school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); provided, however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

Section 7. Subsection (3) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing $6 by the 1990-1991 base student allocation. ~~If a district has an approved teacher education center,~~ At least two-thirds of the funds so determined shall be expended as provided in *s.231.600* ~~ss. 231.600-231.609~~, and such funds *may* ~~shall~~ *be used for implementation of the demonstration of professional education competence program as provided in* ~~to provide the professional orientation program, pursuant to~~ s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

Section 8. Paragraph (c) of subsection (2) of section 240.5291, Florida Statutes, is amended to read:

240.5291 Teaching profession enhancement grants.—

(2) To be eligible for funding, proposals shall include innovative programs designed to achieve one or more of the following objectives:

(c) Improvement of the preservice clinical component ~~and the professional orientation program~~. Priority for funding shall be given to proposals addressing the training, credentials, and compensation of classroom teachers and university faculty involved in the supervision of interns and beginning teachers and alternate funding mechanisms to support field experiences, including joint school district and teacher preparation institution appointments and faculty exchange programs.

Section 9. *Section 231.172, Florida Statutes, is repealed.*

Section 10. This act shall take effect on July 1, 1997.

And the title is amended as follows:

On page 1, line(s) 1, remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to certification and preparation of educators; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competence; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competence within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 231.29, F.S., relating to assessment procedures and criteria; requiring the inclusion of a new assessment criterion based on ability to verbally communicate; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; providing technical changes; amending ss. 231.28, 231.291, 236.081, and 240.5291, F.S., relating to the Education Practices Commission, personnel files, funds for school operation, and teaching profession enhancement grants, to conform references; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

On motion by Senator Diaz-Balart, the Senate concurred in the House amendment.

CS for SB 462 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Dantzler	Horne	Myers
Brown-Waite	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Rossin
Campbell	Forman	Klein	Scott
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Jones, Silver, Sullivan

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB's 461, 281 and 75 and requests that the Senate recede, or failing to recede, requests that a conference committee be appointed.

John B. Phelps, Clerk

CS for HB's 461, 281 and 75—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on

petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

On motion by Senator Latvala, the Senate refused to recede from the Senate amendment and acceded to the request for a conference committee.

CONFEREES ON CS FOR HB'S 461, 281 AND 75 APPOINTED

The President appointed Senator Latvala, Chairman; Senators Burt and Dyer; and alternate, Senator Dantzler as conferees on **CS for HB's 461, 281 and 75**.

The action of the Senate was certified to the House.

CONSIDERATION OF BILLS ON THIRD READING

HB 1181—A bill to be entitled An act relating to fertilizers; amending s. 576.011, F.S.; defining "compost," "investigational allowance," "manipulated manure," "manure," "pelletized fertilizer," "soil amendment," "soil conditioner," "soil additive," and "unmanipulated animal and vegetable manure"; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department's authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **HB 1181** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jenne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Hargrett, Holzendorf, Lee, Silver

CS for SB 284—A bill to be entitled An act relating to trust funds; amending s. 112.215, F.S.; creating the Government Employees De-

ferred Compensation Trust Fund in the State Treasury and providing for its assets and purpose; providing an effective date.

—was read the third time by title.

On motions by Senator Thomas, **CS for SB 284** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 290—A bill to be entitled An act relating to regulation of lobbyists; amending s. 112.3215, F.S.; extending regulation of lobbying to lobbyists before the Constitution Revision Commission; providing an effective date.

—was read the third time by title.

On motions by Senator Scott, **CS for SB 290** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 160—A bill to be entitled An act relating to the Constitution Revision Commission; prescribing duties of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

—was read the third time by title.

On motions by Senator Scott, **CS for SB 160** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Turner
Casas	Gutman	Latvala	Williams
Childers	Hargrett	Lee	
Clary	Harris	McKay	
Cowin	Holzendorf	Myers	

Nays—None

CS for SB 8—A bill to be entitled An act relating to settlement of claims by or on behalf of a minor; amending s. 744.301, F.S.; increasing the amount of a settlement to a minor that may be authorized by a natural guardian without appointment, authority, or bond; increasing the amount of certain settlements on behalf of a minor for which the court may appoint a guardian ad litem; amending s. 744.387, F.S.; increasing the amount of a net settlement to a minor ward that will require a legal guardianship; amending s. 744.3215, F.S.; clarifying the type of hearing necessary to commit a ward to a facility; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Meadows, **CS for SB 8** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

HB 53—A bill to be entitled An act relating to limited licensure of physicians; amending ss. 458.317 and 459.0075, F.S.; eliminating the requirement that a physician or osteopathic physician be retired as a condition of being issued a limited license; providing an effective date.

—was read the third time by title.

On motions by Senator Myers, **HB 53** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Williams

SB 356—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising

definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; amending s. 395.602, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; exempting certain rural hospitals from the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Brown-Waite, **SB 356** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 232—A bill to be entitled An act relating to police and fire animals; providing a short title; amending s. 843.19, F.S.; defining the term "SAR dog"; prohibiting the injuring or killing of an SAR dog under specified circumstances; providing penalties for inflicting bodily harm upon specified animals; providing penalties; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Gutman, **CS for SB 232** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Gutman	Klein	Scott
Cowin	Hargrett	Kurth	Silver
Crist	Harris	Latvala	Sullivan
Dantzler	Holzendorf	Lee	Thomas
Diaz-Balart	Horne	McKay	Turner
Dudley	Jenne	Myers	Williams
Forman	Jones	Ostalkiewicz	
Grant	Kirkpatrick	Rossin	

Nays—None

Vote after roll call:

Yea—Meadows

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without

notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for CS for CS for SB 278** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Gutman, **CS for CS for SB 310** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB's 764 and 474—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Hugh O'Connor Memorial Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Gutman, **CS for SB's 764 and 474** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

SB 198—A bill to be entitled An act relating to stalking; creating the "Jennifer Act"; amending s. 784.048, F.S.; defining the offense of aggravated stalking of a minor under age 16; providing penalties; amending s. 921.0012, F.S.; providing for classification of such offense within the offense severity ranking chart; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Diaz-Balart, **SB 198** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 778—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for SB 778** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Horne	Meadows
Bankhead	Diaz-Balart	Jenne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Burt	Forman	Kirkpatrick	Rossin
Campbell	Grant	Klein	Scott
Casas	Gutman	Kurth	Silver
Childers	Hargrett	Latvala	Thomas
Clary	Harris	Lee	Turner
Cowin	Holzendorf	McKay	Williams

Nays—None

Vote after roll call:

Yea—Brown-Waite

Consideration of **CS for SB 236** was deferred.

CS for HB 7—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including physician assistants within certain benefits or services payment provisions; limiting application; providing an effective date.

—was read the third time by title.

On motions by Senator Sullivan, **CS for HB 7** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 82—A bill to be entitled An act relating to real estate transactions; amending s. 475.01, F.S.; defining the terms "customer," "first contact," and "principal"; redefining the term "transaction broker"; deleting the definitions of the terms "buyer," "disclosed dual agent," and "seller"; amending s. 475.25, F.S.; modifying grounds for the imposition of discipline by the Florida Real Estate Commission; conforming a statutory cross-reference; creating ss. 475.2701, 475.272, 475.274, 475.276, 475.278, 475.2801, F.S.; establishing the "Brokerage Relationship Disclosure Act"; providing for notice of nonrepresentation; providing for disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; authorizing rulemaking by the Florida Real Estate Commission; amending s. 475.5015, F.S.; adding disclosure documents to items to be retained as brokerage business records; amending s. 468.383, F.S.; conforming a statutory cross-reference; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Dudley, **CS for SB 82** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Burt

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Thomas, **CS for CS for SB 286** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Campbell	Childers
Bankhead	Brown-Waite	Casas	Clary

Cowin	Hargrett	Kurth	Scott
Crist	Harris	Latvala	Silver
Dantzler	Holzendorf	Lee	Sullivan
Diaz-Balart	Horne	McKay	Thomas
Dudley	Jenne	Meadows	Turner
Forman	Jones	Myers	Williams
Grant	Kirkpatrick	Ostalkiewicz	
Gutman	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Burt

SB 332—A bill to be entitled An act relating to investment of public funds; amending s. 218.403, F.S.; defining the terms "current expenses" and "short term" for purposes of investment of local government surplus funds; amending s. 218.415, F.S.; prescribing applicability of provisions that require a unit of local government to make its investment activity consistent with an adopted, written investment plan; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Rossin, **SB 332** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Burt

SB 68—A bill to be entitled An act relating to mobile home park recreation districts; amending s. 418.304, F.S.; providing alternatives to district boards of trustees for collecting a district assessment and for enforcing a lien for a district assessment; providing penalties; providing for delinquent fees; providing for a claim of lien for delinquent assessments; providing for awarding attorney's fees in certain circumstances; providing notice requirements relating to the effects that such alternative collection method may have on property owners' rights; providing an effective date.

—as amended March 26 was read the third time by title.

On motions by Senator Kurth, **SB 68** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Cowin	Hargrett	Kurth
Bankhead	Crist	Harris	Latvala
Bronson	Dantzler	Holzendorf	Lee
Brown-Waite	Diaz-Balart	Horne	McKay
Campbell	Dudley	Jenne	Meadows
Casas	Forman	Jones	Myers
Childers	Grant	Kirkpatrick	Ostalkiewicz
Clary	Gutman	Klein	Rossin
Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Burt

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 188** was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of the Special Order Calendar and consideration of **CS for SB 236**.

SB 416—A bill to be entitled An act relating to the Florida Statutes; amending ss. 607.10025(4), 616.21(2)(a), 617.1507(2), 617.1533(1)(a), 617.1604(3), 627.092, 627.311(4)(b), 627.429(4)(a), (g), (5)(d), 627.659(8), 631.965, 636.053(2), 697.07(5), 721.301(1)(c), 721.55(8)(a), 721.553(4), 744.639, 790.08(1), 914.17(2)(c), 945.04(4), (5), and 945.35(3), (5), Florida Statutes, and ss. 641.22(6)(c), 626.9911(4), 626.9916(7)(d), 627.3511(5)(c), 627.481(1), 627.701(5)(d), 627.7013(2)(b), 627.7014(2)(a), 648.44(9)(a), 648.45(3)(e), 717.124(3), 718.112(2)(k), 766.105(3)(b), 768.28(19), 796.08(1)(b), 944.801(3)(c), 946.509(2), and 951.27(1), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 416** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 418—A bill to be entitled An act relating to the Florida Statutes; repealing ss. 159.811(2), 206.065, 206.425, 206.426, 212.60, 212.61, 212.62, 212.6201, 212.635, 212.637, 212.64, 212.65, 212.655, 212.66, 212.67, 232.165, 258.024, 366.84, 403.709(3)(f), 409.7015, 461.006(1)(d), 468.385(9)-(13), 468.387(2), (3), 468.389(2)(d), 491.0055, 617.0122(24), 617.01225, 627.837, 768.73(2)-(7), 790.06(13)(b), 946.40(5), and 946.508, Florida Statutes, and ss. 212.05(1)(g), 216.292(11), 255.25(4)(c), 259.032(11)(d)2., 288.1065, 373.59(15), 403.7197, 550.01215(9)(b), 627.351(5)(a)1.d.(II), 790.065(1)(b)2., 950.002(10), (11), and 958.04(4), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 1997 only through a reviser's bill duly enacted by the Legislature.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 418** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 420—A bill to be entitled An act relating to the Florida Statutes; amending ss. 11.39(2)(c), 13.01(2), 25.388(1)(a), 27.38(3), 27.60(3), 39.4105, 39.455(1), (2), 83.51(2)(b), 112.153, 125.485, 154.304(4), 205.033(5), 206.60(1)(a), 216.0152(1), 216.023(7)(b), 231.614(2)(a), 235.15(1), and 235.199(1)(c), (d), (f), (2), Florida Statutes, and ss. 14.2015(2)(k), 14.22(5)(a), 20.255(4), 39.058(4)(e), 39.0582(4)(e), 61.13(6), 112.181(1)(a), (2)(a), 159.8081(1), and 216.0445(2), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 420** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 422—A bill to be entitled An act relating to the Florida Statutes; amending ss. 17.03(2), 17.08, 39.402(6), 39.41(2)(a), 48.27(2), 61.13016(1)(c), 175.091(1)(b), 233.0664, 240.2995(4), 250.34(2), 253.787(4)(a), 320.0807(1), 322.264(1)(d), (f), 337.409, 364.509(3)(f), (k), 370.0805(1)(a), 375.314(3), 400.407(3)(b), 402.37(1), and 402.61(6)(g), Florida Statutes, and ss. 11.45(3)(a), 30.49(11), 39.01(59)(c), 39.0361(4)(a), 70.51(2)(e), (3), (15)(a), 112.181(1)(d), (2), (3), (5), 193.625(2), 212.05(1)(j), 218.503(3), 231.261(4), 250.482(2), 250.5204(2), 250.5205(3), 282.404(4), 320.771(1)(b), (4), 322.18(8)(c), 322.245(2), 322.2615(10), 322.2616(1)(b), (2)(b), (8)(b), (14), (15), (16), 327.25(6), 327.30(4), 327.54(4), 337.14(7), 370.0605(7)(b), 370.153(3)(f), 373.4211(10), 374.986(1), 376.306(1)(f), 377.075(4)(a), and 394.4598(1), (3), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volumes 1 and 2 of the Florida Statutes without substantive changes in legal effect.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 422** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 428—A bill to be entitled An act relating to the Florida Statutes; repealing ss. 106.32, 232.246(6)(c), 253.7821(2), 322.292(5), 344.29, 372.025(2)(b), 373.1965, 374.9785, 381.81, 403.08735(2), 403.7061(5), 407.61, 411.222(3)(b), 440.151(1)(e), 626.8414(2), 627.311(4)(p), 636.005(4), 636.013, 636.014, 679.111, 721.301(2), 760.85(5), and 796.02, Florida Statutes, and ss. 61.181(2)(b)3. and 741.31(6), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions that have become obsolete, have had their effect, have served their purpose, or have become impliedly repealed or superseded.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 428** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 430—A bill to be entitled An act relating to the Florida Statutes; amending ss. 403.088(1), 403.7186(3), 403.7238(1)(b), 408.0455(2), 409.212(3)(a), 411.221(5), 411.222(1), (2), (4)(c), 413.033(3)(d), (4)(d), 415.102(4), (23), 415.1034(1)(a), 415.1051(3)(b), 415.1055(1)(f), (2)(c), 415.50171(2)(c), 440.106(2), 443.175(2), 446.011(2), 446.041(8), 446.052(2), (3), 446.25(2), 482.2267(1)(b), (7), 483.308(2), 489.521(7)(b), 499.028(2), 501.203(3)(c), 513.065(4), 518.11(1)(c), 550.054(1), 550.105(9), 550.1815(1)(b), 550.235(1), 550.2614(3), (4), 559.809(12), 559.916(1), 561.42(7), 570.07(16)(i), 570.15(1)(b), Florida Statutes, and ss. 403.7895(5)(d), 403.9328(5), 403.9615(4), 408.061(4)(a), 409.25645, 409.906, 409.912(16), 414.027(1), 414.028, 414.065(1)(f), 414.105, 414.36(3), 414.37, 458.3145(3), 489.131(11), 489.555(4), 497.129(5), 597.004(3)(a), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 430** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Gutman	Klein	Rossin
Cowin	Hargrett	Kurth	Scott
Crist	Harris	Latvala	Silver
Dantzler	Holzendorf	Lee	Thomas
Diaz-Balart	Horne	McKay	Turner
Dudley	Jenne	Meadows	Williams
Forman	Jones	Myers	
Grant	Kirkpatrick	Ostalkiewicz	

Nays—None

SB 432—A bill to be entitled An act relating to the Florida Statutes; amending ss. 125.0108(2)(a), 212.0506(3), (4), (9), (10), 212.0596(1), (2), (3), (4), 212.0598(1), (3), (5), 212.06(1)(a), (b), (2)(k), (l), (5)(a), (11)(a), (c), 212.0601(2), 212.0606(1), (3), 212.07(9), 212.095(1), (2)(a), (b), (d), (3)(c), (10), 212.14(7)(a), 212.15(2), 403.718(1), 403.7185(1), and 681.117(2), Florida Statutes, and ss. 125.0104(3)(m), (10), 163.3184(11)(a), 212.02(2), (14)(a), (c), 212.0305(3)(c), (l), (5), 212.04(1)(c), 212.05(1)(e), (j), (k), (l), (4), 212.0515(4)(a), (b), (5)(c), (7), 212.054(2)(a), 212.08, 212.084(6)(a), 212.11(1)(a), (4), 212.12(1)(c), (3), (5)(b), (6)(b), 212.18(3), (5), 212.20(1), (6), 213.053(1), (7)(m), 288.1045(2)(f), (3)(b), (c), (d), 288.106(3)(c), (4)(a), 288.1162(4)(e), 288.1168(2)(e), 376.75(9)(a), and 538.11, Florida Statutes (1996 Supplement), pursuant to the directive of the Legislature in s. 30, ch. 96-323, Laws of Florida, to conform the Florida Statutes to the repeal of part II of chapter 212, Florida Statutes, by chapter 95-417, Laws of Florida.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 432** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 434—A bill to be entitled An act relating to the Florida Statutes; amending ss. 240.117(3), 240.118(1), 240.2098(2), 240.268(6), 240.3215(2), 240.38(6), 242.3305(1), 250.10(1), (2), (3), (5), 253.033(1), (4)(a), 255.29(3), 282.322, 324.202(2)(b), 334.14(1)(a), 339.135(4)(g), 341.052(5), 348.753(2), 348.967(2)(a), 364.025(2), 370.154, 373.0693(1)(b), 373.605(1), 377.709(6), 381.0101(2)(a), 381.0301(1), 397.411(2)(b), 400.191(1)(c), 400.441(1)(a), 400.4415(1), (2)(a), (b), (9), 400.452(3), 400.471(3), and 400.6255, Florida Statutes, and ss. 240.253(1)(a), (b), 240.61(13), 250.5205(1), 252.85(1), 282.3061(8), 287.042(2)(a), 287.055(10)(b), 287.0947(1)(f), 288.1221(2), 288.1226(5)(c), 288.905(3)(c), 288.9604(2), 288.973(1)(f), 288.975(11), 290.0065(10), 290.009(1), 316.193(3)(c), 320.08056(4)(j), 320.08058(10)(c), 320.0848(1)(d), (2)(c), 320.27(2), 320.827, 322.2616(18), 338.155(2), 341.501, 370.021(2)(d), 370.0615(9), 370.092(2), 370.1111(1)(c), 376.30711(1)(b), 378.101(4)(b), 381.00315, 381.004(2)(c), 394.90(5)(b), 400.4075(5), (6), and 402.33(10)(b), Florida Statutes (1996 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 434** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 436—A bill to be entitled An act relating to the Florida Statutes; amending ss. 39.012, 39.014, 39.046(1), (2), 39.055(1), 39.0573(2), 39.059(7)(c), 39.39, 39.41(2)(a), 39.449, 39.459, 63.032(1), 63.202(1), 63.212(1)(c), (d), (g), (h), 63.301(1), (2)(c), (4), 153.19(2), 154.001, 154.01, 154.011(1), (3), 154.013(1), 154.03, 154.05, 154.06, 154.304(5), 216.341, 232.032(1), (7), (8), 240.4075(7)(a), 240.4076(4)(a), 381.001(1), (4), 381.0011, 381.0019, 381.0034(1), 381.0035(1), 381.0036, 381.0038, 381.0039, 381.0042, 381.0051(4), (5)(a), 381.0063, 381.0072, 381.008(2), 381.0084(2), 381.009, 381.0101(2)(b), 381.0201, 381.0203(2)(a), (d), 381.0302(2)(a), (c), (e), 381.0402(1)(d), 381.0406(8), (13), 381.045, 381.0602(1), (3), 381.698(2)(l), (3)(a), (b), (6), (8), 382.002(5), 382.0135, 383.011, 383.013, 383.016, 383.04, 383.05, 383.11, 383.13, 383.16(1), 383.216(1), (2), (4), (5)(b), (6), (7), (10), 383.2161, 383.302(4), 383.3362(5)(a), (6)(a), (7)(h), 384.23(1), (2), 384.27(2), 385.103(1)(d), (2)(a), 385.203(1), (2), 385.204(1), 385.205(1), 385.206(1)(a), 385.207(2), (3), 385.209(2), 386.02, 386.03(1), 386.041(2), 386.203(7), 386.205(2)(a), 387.02, 387.03(1), 387.05, 387.08, 387.10(1), 388.45, 388.46(2)(a), 391.021(1), 391.091(1)(a), 391.214(1), 391.304, 391.305, 391.306, 391.307(1), 392.51, 392.52(2), (4), 392.55(2), 392.62(3)(e), 395.603(1), 400.441(1)(d), 400.464(4), 402.32(3)(d), (5), (6)(a), 402.321(4), (5)(b), 403.853(6), 403.860(4), (5), (6), 403.862(1), (6), (7), 404.056(6), 408.601(2), 408.701(13), 408.901(9), 409.016(1), (2), 409.141(1), (4), 409.146(1), (5), (6), (9), 409.166(2)(b), 409.167(1), 409.1685, 409.1755(3)(a), (b), (4)(a), 409.2599, 409.2675, 409.285, 409.403(1), (2), 409.404(1), 409.9112(3)(g), 410.032(1), 410.602, 410.603(1), 415.102(9), 415.501(2)(b), (3), 415.5015(5)(a), 415.5016(1), 415.50165(1), (2), (5), 415.502, 415.507(4), 415.5075, 415.5095(2), 415.515, 415.602(1), 415.604, 419.002(1), 420.623(1)(b), 458.315, 458.317(1)(c), (2), 459.0075(2), (4), 467.019(2), 509.232, 513.01(1), 513.045(2), (3), as amended by s. 16, ch. 93-120, Laws of Florida, 513.045(3), as amended by s. 6, ch. 93-150, Laws of Florida, 513.055(2)(a), as amended by s. 17, ch. 93-120, Laws of Florida, 513.055(2)(a), as amended by s. 12, ch. 93-150, Laws of Florida, 514.025, 514.028(1)(b), 514.05(4), 514.06, and 743.0645(5), Florida Statutes, and ss. 39.001(2), 39.003(5), 39.01(7), (8), (12), (14)(b), (c), (20), (30), (38), (39), (54), (55), (56), (57), (66), (67), 39.021(5), 39.025(2), (4)(d), (f), (5)(a), (c), (6)(d), (7), (8)(a), (b), 39.0361(5)(c), 39.039(3), 39.047(1)(a), 39.0517(1)(b), (c), (2), (3), (5), (7), 39.052(2)(c), (4)(d), 39.0585(1)(b), 39.418, 39.423(1), 39.442(3), (4), 39.446(3), 39.457, 63.022(2)(d), 110.205(2)(p), 230.2305(11)(b), 381.0031(1), 381.004(4), (5), (8), (10), (11)(a), (b), 381.0041(1), (3), (4), (8), (10), 381.0055, 381.0062(2)(b), (5)(c), 381.0064(1), 381.0065(3), (4), (5)(b), 381.0068, 381.0087(7), 381.0098(1), (2)(c), 381.0407(3)(b), (5), (7), 381.815, 382.356, 383.14(1), (3), (5), 384.25(7), 385.202(1), 390.002(1), (4), 402.45(3), (10), 409.1671(1), (4)(a), (5), 409.175(5)(e), (14)(a), 409.178(6), 409.2355, 409.2572(3), 409.2673(4)(b), (8)(c), (9)(a), (10)(c), 409.441(2)(a), 409.803(2), 409.9116(5)(c), 409.912(3)(a), 409.9122(7)(b), 411.232(4)(a), 411.242(4)(a), 414.0252(3), 414.026(2)(a), 414.028(4)(e), 414.095(4)(a), 414.13, 414.175(1), 414.25, 414.27(1), 414.28(8), 414.36(1), 414.37, 414.38(1), (9), (10)(a), (c), (11), (12), 414.39(6), (9), 414.40(2)(d), 414.42, 415.503(6), 419.001(1)(a), (b), 458.347(4)(d), 459.022(4)(d), 514.033(1), (4), and 817.505(2)(a), Florida Statutes (1996 Supplement), pursuant to the directive of the Legislature in s. 26, ch. 96-403, Laws of Florida, to conform the Florida Statutes to the organizational changes made by ch. 96-403, Laws of Florida. References to the

"Department of Children and Family Services" are substituted for references to the "Department of Health and Rehabilitative Services," and the title of the secretary of the department is conformed to the change in provisions within chapters 39, 63, 410, 411, 414, 415, and 419, and ss. 409.016-409.803, Florida Statutes. References to the "Department of Health" are substituted for references to the "Department of Health and Rehabilitative Services," and the title of the secretary of the department is conformed to the change in provisions within chapters 153, 154, 381, 382, 383, 384, 385, 386, 387, 388, 390, 391, and 392, Florida Statutes. The term "county health department" is substituted for the term "county public health unit" and for references to "public health unit" or "unit" where clearly in reference to county public health units. References to the "County Health Department Trust Fund" are substituted for references to the "County Public Health Unit Trust Fund" to reflect the change of name of the fund.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 436** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 438—A bill to be entitled An act relating to the Florida Statutes; amending ss. 607.0120(6)(a), (7), 607.0129, 607.0130(1), 607.01401(9), 607.0302(16), 607.0501(3), 607.0504(2), 607.0620(5), 607.0622(4), 607.0630(2)(b), 607.0705(1), (5), 607.0707(2), 607.0720(2), (3), (5), 607.0721(5), (6), (7), (8)(a), 607.0722(2), (4), (7), (9), 607.0728(2), 607.0730(1), 607.0731(3), 607.07401(7), 607.0805(5), 607.0807(1), 607.0808(2), (3), 607.0820(3), 607.0824(4), 607.0825(4), 607.0830, 607.0831(1), 607.0832(1), 607.0834(1), 607.0850(1), (2), (3), (4), (6), (7), (10), (11)(g), (12), 607.1302(1), (2), (3), (5), 607.1320(1), (2), (3), (4), (6), (7), 607.1406(5), 607.1421(4), 607.1432(3)(a), (5), 607.1436(2), 607.14401, 607.1507(2), 607.1508(2), 607.1509(1), 607.1530(5), 607.1602(1), (2), (3), (4), (6), (8), 607.1603(1), (4), 607.1604(3), 607.1620(2), (3), 607.1904, 608.404(10), 608.407(1)(d), 608.416(2), (3), 608.4211(3), (5), 608.4225, 608.426(3), 608.427(1), (2), (4), 608.428, 608.432(1)(d), 608.433(2), (3), (4), 608.434, 608.4362(1), 608.4363(1), (2), (3), (4), (6), (7), (10)(g), (11), 608.4421(5), 608.4481(4), 608.4492(3)(a), (5), 608.4494, 608.463(1)(b), 608.508(2), 608.509(1), 608.512(6), 609.02, 609.08(8), 610.021(2), 610.041(1), 610.061(2), 610.081(1), 616.121, 616.21(2)(a), 617.01201(6)(a), (7), 617.0129, 617.01301(1), 617.0501(3), 617.0504(2), 617.0701(3), 617.0721(2), (3), (4), 617.0806, 617.0807(1), 617.0808(7), (8), 617.0809(2), 617.0820(3), 617.0824(4), 617.0825(4), 617.0830, 617.0832(1), 617.0834(1), 617.1421(4), 617.1432(3)(a), (5), 617.1440, 617.1507(2), 617.1508(2), 617.1509(1), 617.1530(5), 617.1602(1), (2), (3), (5), (6), 617.1603(1), (4), 617.1604(2), 617.1807, 617.1904, 617.2003, 617.2006, 617.31(1), (2), 618.09(8), (9), 618.12(2), 618.14, 618.15(1), (2), 618.18(1), 618.25(1), 619.06(3), (4), (5), 619.07(1), (6), 620.102(2), 620.1051(2), (3), 620.116(1), 620.117(1), 620.124(4)(c), (d), (e), (f), (6), 620.126, 620.129(1), (3), (4), 620.132(1), 620.136(2), (4), 620.139, 620.142, 620.144, 620.145, 620.146, 620.148, 620.152(1)(d), 620.153, 620.154(2), (3), 620.155, 620.159(1), 620.164, 620.172(2), 620.1835(1), 620.57(1), (2)(b), 620.59(4), 620.60(1), 620.605(1), (2), 620.61, 620.615, 620.62, 620.625(1), 620.635, 620.64, 620.645(1), (2), (3), (4), (6), 620.66(1), 620.665(1), 620.675, 620.68(1), (2)(a), (d), (e), 620.685, 620.69, 620.695(1), (3), 620.715(1)(a), (b), (d), 620.725, 620.73(1)(b), (2)(b), (3)(c), (4), 620.735(2), (4), 620.74, 620.745(1), (2)(b), (c), 620.75(1), (2), 620.755(6), (9), 620.76(1), (3), (8), 620.765, 620.77, 620.78(3), 620.7885(3), 621.06, 621.11(1), 623.03(2), 623.04, 623.06, 623.12(1)(b), 624.155(1)(b), (2)(b), 624.305(1)(b), (3), 624.315(1), 624.317(3), 624.318(3), 624.321(1), (2), 624.322, 624.4211(2), 624.422(1), 624.423(1), (2), 624.424(8)(c), 624.425(3), 624.470(2)(b), 624.472(2), 624.474(4), 624.489(1), 624.501(22), 624.505(1), (2), 624.506(1), (3), 624.509(4), 624.5092(2)(a), (b), 624.510(3), 624.516(2), 624.523(1)(l), (n), 624.610(9), 625.75, 625.77, 625.78, 626.022(1)(c), 626.041(2)(b), (c), (d), 626.0428(1), 626.051(2)(b), 626.062(2)(b), 626.071(2), 626.091(3), 626.112(1), (2), (3), (4), (5), (6), (7), (8)(b), 626.171(2)(a), (b), (c), (e), (f), 626.172(1)(b), 626.181, 626.191, 626.201, 626.211(2), 626.221(2)(e), (g), 626.231, 626.251(1), 626.311(1), (4), 626.321(1)(d), (h), (i), 626.322, 626.331(1), (2), 626.341(2), 626.342(2), 626.431(2), (3), 626.451(2), (3), 626.471(1), (4), 626.541(1), 626.551, 626.561(1), (3), 626.572(1), 626.581, 626.592(1), (4), (5), 626.611(6), (11), 626.621(4), (6), 626.6215(5)(f), 626.730(1), (2), (3), 626.731(1)(b), (c), 626.732, 626.734, 626.7351(2), (5), 626.7352, 626.7353(2), 626.7354, 626.736, 626.738, 626.739(1)(a), 626.741(1), (2), (4), 626.742(1), (2), (4), (5), 626.7451(10)(c), 626.7454(3), 626.748, 626.749(1), (2), 626.7492(8)(c), 626.752(1)(a), (2), 626.753(1)(a), 626.754(1), 626.784(1), (2), 626.785(2), 626.7851, 626.790(1), 626.791(1)(a), 626.792(6), (7), 626.793(1), 626.795, 626.798, 626.829(2), 626.830(1), (2), 626.831(2), 626.8311, 626.835(6), (7), 626.837(1), 626.8373(1), 626.839, 626.8421, 626.8427(1)(a), (3), 626.844(5), 626.8463(1), (3), 626.8467, 626.857, 626.858(2), 626.862(1), 626.863(2), 626.865(1)(c), (d), (2), 626.866(3), (4), 626.867(3), (4), 626.869(1), (3), (5), 626.8695(1), (3), (4), 626.872(1)(c), (4), 626.873(1), (4), 626.8805(1), 626.894(2), 626.906, 626.907(1), 626.908(1)(d), 626.909(4), 626.912(4), 626.918(3), (5), 626.919(3), 626.922(2), 626.924, 626.927(7), 626.9271(1)(a), 626.9295, 626.930(1), (3), 626.931(1), 626.932(1), 626.935(1)(b), (d), 626.937(3), 626.942, 626.945(1)(k), (l), 626.9541(1)(o), (v), 627.041(3), 627.066(11)(a), 627.072(4)(c), 627.162(4), 627.215(12)(a), 627.291(2), 627.311(3)(e), (4)(a), (o), 627.371(1), 627.406(2), (4), 627.407, 627.410(7)(c), 627.4132, 627.4137(1), 627.4143(2)(d), 627.418(1), 627.4237, 627.553(3), 627.555(2)(b), 627.560, 627.561, 627.562, 627.566, 627.567, 627.568, 627.571(1), 627.6044(2), 627.619, 627.621, 627.624(1), 627.6401, 627.646(1), 627.6486(2)(b), 627.6488(2)(a), (b), 627.6516(2)(b), 627.657(1)(a), 627.664(1), 627.6645(2), 627.6675, 627.679(1)(c), 627.681(3), 627.6841(1), 627.6843(1)(a), 627.702(1), 627.727(1), (9)(b), (c), (d), (e), 627.7275(2)(a), 627.7286, 627.732(4), 627.733(5), (7)(a), 627.737(1), (2), 627.832(2), 627.835, 627.836(1), 627.839(3)(a), 627.840(3)(b), 627.841(3), 627.842(3), 627.843, 627.844(3), 627.845, 627.944(1)(c), 627.948(2), 627.952(1)(b), (3), 627.971(1)(b), 627.983(1), 627.985(1)(a), 628.152(2), 628.221(2)(a), 628.255(2), (4), 628.421(1)(a), 628.441(2)(c), (e), (g), 628.491(4), 628.501(2), 628.6013(7), (8), 628.6017(1)(d), 629.121(1), (2), 629.211(2), 629.221(2), 629.231(2), (4), 629.241, 629.291(3), 629.301(2), 629.401(2), (6)(b), 631.051(4), 631.112, 631.154(1), 631.171(2), 631.181(1)(b), (d), (2)(a), 631.191(2)(a), 631.261(1), 631.263(2)(b), 631.271(1)(b), 631.281(2)(a), 631.321(1), 631.331(2), (4), 631.371(3), 631.391(1)(b), 631.57(1)(a), 631.60(1), 631.61, 631.717(8)(a), 631.816(4), 631.93(2), 631.935(1)(c), 631.98(1), 632.608(2), (3), 632.634(2), 633.02, 633.052(1)(b), 633.061(3)(b), (c), (d), (4)(b), (6), 633.081, 633.085(1)(a), (2), 633.101(1), (2), (3), 633.13, 633.14, 633.151, 633.162(2), 633.167, 633.18, 633.31(3), 633.32(1), (2), 633.35(2), 633.351(2), 633.352, 633.382(2)(a), 633.47, 633.511(1), (2)(a), (3), 633.514(1), 633.517(2), 633.521(2)(a), (e), (3), (4), (6), 633.527(1), 633.531, 633.534(1), (2), (3)(a), (b), 633.537(1), (2), 633.547(2)(c), (3), 633.551(3), 633.702(3)(c), 633.72(1)(a), 634.011(13), 634.044(2)(i), 634.095, 634.101(1), 634.111(4), 634.121(3), (4), (5), (6), 634.136(2), (4), 634.151(1), 634.161(1), 634.171, 634.181, 634.191, 634.242, 634.261, 634.271(1), 634.281, 634.3077(3), 634.318, 634.319, 634.320(9), 634.321(4), (5), 634.3284(1), 634.342, 634.406(3)(e), 634.4061(2)(i), 634.420, 634.421, 634.422(9), 634.423(4), (5), 634.433(1), 634.442, 635.051(1)(a), 636.008(12), 636.016(6), 636.018(1)(b), 636.025(1), 636.044(1)(b), (3), 641.3105(1), 641.3921, 641.3922(6)(b), (11), (12)(d), 641.423(2), 641.424(1), 641.444, 642.025(3)(g), 642.036(1), 642.038, 642.041(9), 642.043(4), (5), 642.0475(1), 648.295(1), (3), 648.58, 650.02(2)(c), 650.03(1)(f), (3), (4), 650.04(1), 650.05(3)(b), 650.10, 651.023(1)(c), 651.026(4), 651.033(2)(b), 651.055(1)(g), (5), (6), 651.061, 651.091, 651.095(4), 651.114(1), (2), 651.116, 651.121(2), (5)(a), (b), 651.131(1), 655.005(1)(f), (n), 655.032(3)(c), 655.0322(3)(a), (e), 655.0386(1), 655.045(2)(a), 655.059(2)(a), (b), 655.417(3), 655.77, 655.78(2), 655.81, 655.82(8), 655.90(2), 655.936(1), (2), 655.948(2)(a), 657.021(3), (9)(c), 657.022(1), 657.0265(1), 657.028(1), (2), (3), (4), (5), 657.038(4), 657.068(3), 657.261(1), 658.235(2), 658.79, 658.81, 658.82(3),

658.83(3), 660.27(3), 660.33(4)(c), 660.35, 660.46(8), 665.033(1)(a), (d), 665.0501(8), 671.102(5)(b), 671.201(9), (23), (25), (26), (27), (44), 671.205(6), 671.206(1), 671.208, 672.104(1), 672.201(1), (3)(b), 672.210(1), (2), (4), (5), 672.304(1), 672.305(2), (3), 672.308(1), 672.310(2), 672.311(3), 672.312(2), 672.313(2), 672.316(3)(b), 672.318, 672.319(1)(b), (c), (2)(a), (3), 672.320(2), 672.324(1), 672.325(2), 672.326(3), 672.328(2), (3), (4), 672.401(2), (3)(a), 672.402(2), 672.403(1), (2), 672.501(1), (2), 672.502, 672.503(1), (3), (5)(a), 672.504, 672.505(1), 672.507, 672.508, 672.509(1), (2)(a), (c), (3), 672.510(2), (3), 672.512(2), 672.602(2)(b), 672.603(1), (2), 672.604, 672.605(1), 672.606(1)(a), (c), 672.607(3), (5), 672.608(1), (3), 672.609(1), 672.610(2), (3), 672.611(1), 672.612(3), 672.613(2), 672.615(1), (2), 672.616(1), 672.702(1), (2), 672.704(1)(a), 672.705(1), 672.706(3), (6), 672.707(1), 672.709(2), 672.711(1), (3), 672.712(3), 672.714(1), 672.716(3), 672.717, 672.718(2), (4), 672.722(2), 672.723(3), 675.106(1), (2), 675.108(2)(a), 675.112(2), 675.113(2)(b), 675.115(2), 675.116(2), (3), 677.102(1)(g), 677.202(2)(d), (g), (i), (3), 677.204(1), (2), 677.206(2), (3), (5), 677.209(1), (3), (4), 677.210(1), (2), (6), (7), (8), 677.301(5), 677.302(2), 677.303(1)(d), 677.304(3), 677.307(3), 677.308(1), (5), (6), 677.309(1), (2), 677.401(2), 677.402, 677.403(1)(d), (3), 677.404, 677.501(1), (2)(b), 677.502(1)(d), 677.503(1), 677.504(1), (2)(b), 677.506, 677.507, 677.602, 677.603, 678.103(2), 678.104(1), 678.105(3)(e), 678.107(1), 678.108, 678.201(1)(a), (b), (c), (2), 678.202(1)(b), (2), 678.203(1), 678.204(2), 678.206(3)(b), 678.208, 678.301(1), 678.302(1)(a), (3), (4), 678.303, 678.304(2), 678.306(1), (2)(a), (c), (3), (5), (6), (7)(a), (8), (9)(a), (10), 678.307, 678.308(1), (8)(a), (c), (f), (9), (10), (11), 678.311(1), 678.313(1)(a), (b), (c), (d), (e), (f), (g), (2), 678.314, 678.315(1), (2), 678.316, 678.318, 678.319(1), (3), (4), 678.321(1), 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923.02, 923.03(1), 924.071(2), 924.16, 924.18, 924.22, 924.34, 925.035(1), (5), 925.036(1), 925.08(2), (4), (5), 925.09, 932.49, 932.50, 932.61(1), (2), (4), 932.62, 932.64, 932.65, 932.66, 933.07, 933.09, 933.11, 933.14(1), (2), (4), 933.15, 933.17, 933.18, 933.20, 933.23, 933.24, 933.25, 934.02(4)(a), 934.03(2)(a), (b), 934.08(2), 934.09(1)(b), (7)(a), (e), (8), (9)(a), 934.15(1), 934.24(6)(a), 934.41(1), 936.003(1), (2), 939.05, 939.06, 939.07, 939.11, 939.12, 939.13, 940.05, 941.03, 941.04, 941.05(1), 941.07, 941.08, 941.10(1), 941.11, 941.12, 941.13, 941.14, 941.15, 941.16, 941.17, 941.18, 941.19, 941.20, 941.21, 941.22, 941.23, 941.25, 941.26(1), (3), 941.28, 941.31, 941.32, 941.38(1), (2)(b), 941.39(1), 941.40(1), (2), 941.45, 941.56, 942.02, 942.03, 942.04, 943.11(1)(c), (d), (2), 943.13(5), 943.131(1)(a), (c), 943.133(2), (3), (6), 943.135(1)(a), 943.139(2), 943.16(2), 943.17(1)(b), 943.19(1), 943.25(4), (6)(c), (7)(b), 943.253, 943.2563(1), (2), 943.355(1), (2), (3), 943.37(2), 944.012(3), 944.0231(1), 944.096(4)(a), 944.291(1), 944.292(2), 944.33, 944.37, 944.38(1), (3), 944.405(2), 944.46, 944.485(1)(b), 944.512(1), (3), 944.516, 944.596, 944.597(1), 944.602, 944.611(1), (2)(a), 944.612(1)(a), 944.613(2), 944.719(5)(b), 945.047(2), 945.12(5), 945.6035(2), (3), (7), 945.73(5), 946.513(1), 947.002(2), (3), (4), (5), 947.06, as amended by s. 16, ch. 90-211, Laws of Florida, 947.06, as amended by s. 22, ch. 90-337, Laws of Florida, 947.10, 947.135(2)(a), (b), (3)(a), 947.149(1), (5)(a), 947.16(1), (2)(h), (3), (4)(b), (d), (e), (f), (g), 947.172(2), 947.174(4), 947.1745(1), 947.181(1)(b), 947.19(3), 947.20, 947.21, 947.22, 947.23(1), (2), (3), (4)(a), (d), (e), (5), (6)(a), (b), (7), 948.011, 948.015(1), (5), (7), (10), (12), (13), 948.034(1)(a), (b), (c), (2)(a), (b), (c), (d), (e), 948.04(2), 948.06(1), (2), (3), (4), (6), 948.08(2), (4), (7), as amended by s. 9, ch. 91-225, Laws of Florida, 948.08(2), as amended by s. 6, ch. 91-280, Laws of Florida, 948.10(2), 949.07(1), (3), 950.03, 950.04, 950.09, 951.04, 951.062(9), 951.08, 951.14, 951.15, 951.21(2), (4), 951.231(1)(a), (b), 951.24(2)(a), (3)(a), (b), (c), (4), (5), 958.045(4), 958.07, 958.09(1), 958.12(1), 958.13(2), 958.14, 960.002(2)(c), 960.05(2)(k), 960.065(1)(d), 960.07(1), and 960.17(1), Florida Statutes, and ss. 607.0502(2), (3), 616.252(1)(a), 617.0502(2), (3), 617.2103(3), 617.306(6), (7), 624.310(1)(a), (4)(f), 624.311(4)(b), 624.319(5), 624.91(4)(a), 626.2815(3)(j), (5), (6)(c), 626.521(4), 626.601(2), (5), 626.9571(3), 626.9581(1), 626.988(5), (6), 626.989(1), (4)(b), 626.99(1), (5)(b), 627.351(6)(c), as amended by s. 2, ch. 96-377, Laws of Florida, 627.351(2)(b), (3)(a), (4)(c), (i), (5)(b), (6)(c), as amended by s. 8, ch. 96-194, Laws of Florida, 627.4147(1)(b), (2), 627.6692(5)(b), 627.6699(5)(h), (11)(b), (g), 627.701(1)(c), 627.728(1)(c), (4)(a), (6), 627.736(1)(a), (b), (2)(b), (3), (4)(d), (5), (6)(b), (c), (7)(b), 627.848(1)(a), (c), (d), 628.461(6)(b), (8), 628.4615(7)(b), (9), 633.111, 633.161(1), 633.175(2), (7), 633.445(5)(d), (e), (7)(d), (e), (9), 634.031(1), 634.201(1), (2), 634.338(3), 634.339(1), 634.438(3), 634.439(1), 641.31(10), 641.386(1)(b), (3), 641.3907(3), 641.445(3), 648.36, 648.44(1)(a), (d), 655.037(6)(a), 658.295(2)(e), 658.33(4), 697.04(1)(b), 705.18(1), 713.05, 713.06(1), (2)(a), (b), (c), (3)(c), (d), (f), (g), 713.08(1), (2), (3), 713.13(1)(a), (b), (d), (g), 713.16(1), (2), (3), (4), 713.18(1)(b), 713.20(1), (3), 717.101(14), 717.117(3), (5), 717.124(5)(a), 718.112(2)(d), 718.501(1)(d), 719.106(1)(d), (f), 719.501(1)(d), 721.071(4), 723.031(8), 741.01(1), 744.102(8), 744.309(1)(b), (2), (3), 744.3215(1)(b), (f), (h), (j), (3)(e), (g), (4)(b), 744.331(1), (2)(a), (3)(a), (d), (5)(b), (6)(a), (c), 744.334(1), 744.351(1), 744.3675(1)(a), (c), 744.454, 744.474(1), (2), (3), (4), (8), 744.703(5), 744.704(4), (5), (8), 744.708(4), 760.29(1), 760.34(1), (2), (3), 760.35(3)(b), 760.40(3), 760.50(3)(b), 765.202(3), 766.101(5), 766.105(3)(b), (c), (d), (f), 766.106(2), (9), (10), 766.207(7)(b), 766.21(1), (3), 766.304, 766.305(1)(a), 766.309(2), 766.312(1), 766.314(9)(d), 766.315(3), (4)(k), 768.28(1), (6)(a), (9)(a), (b), (19), 775.083(1), 775.0877(1), (4), 775.15(3), 787.01(1), 787.02(1), 787.04(5), 790.065(1), (2)(c), (3), 790.22(2), (3), (8), 810.09(2)(c), 812.014(4), 812.015(1)(c), (f), 832.07(1)(a), 832.08(1), (4), (5), 837.011(2), 838.014(1), (3), (4), (6), 849.0935(4)(e), 893.035(2), (4), (5), (6)(b), (7)(a), 893.13(6)(a), 893.135(5), 893.138(2), 901.15(2), (3), (7), (8), (9), (10)(a), (11), 905.17(1), 907.041(4)(b), (i), (j), 916.107(3), (4), (5)(c), (6), (8), (9)(b), (11), 921.0014(1), 921.142(2), (7)(e), (g), 922.052(1), 922.07(1), (2), (3), (4), 922.08(1), 922.11(1), 924.051(6)(a), 925.037(3)(a), (6), 940.03, 943.0515(1)(b), (2)(b), 943.054(1)(b), 943.0585(1)(b), 943.059(1)(b), 943.06(2), (3), 943.1395(2), (4), (6)(c), (8)(c), (d), 943.14(1), (8), 944.09(1)(o), 944.275(4), (c), 944.28(1), (2)(b), (c), as amended by s. 6, ch. 89-531, Laws of Florida, 944.28(1), as reenacted by s. 2, ch. 91-280, Laws of Florida, 944.31, 945.091(1), (4), 945.215(1)(f), 945.42(3), (4), (5), (12), (13), 945.43(1), (2)(b), (c), (3), 945.44, 945.45(1), (2), 945.47, 945.48(1), (2), 945.602(1), (2), 946.002(1)(a), (4), 946.006(3)(h), (j), 946.504(5)(b), 947.02(2), (3), 947.03(1), (3), 947.04(1), (2), (5), 947.1405(5), 947.146(1), (2), 947.173(1), (2), 947.18, 948.01(2), 948.03(1)(b), (e), (g), (k), (8)(b), 948.09(3)(a), (d), (4), 951.061, 951.23(8), 951.26(1)(a), 958.11(3)(b), (6), 960.001(1)(d), (e), (i), 960.003(5)(a), (6), 960.13(7), (9)(b), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volume 4 of the Florida Statutes without substantive changes in legal effect.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 438** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 440—A bill to be entitled An act relating to the Florida Statutes; amending ss. 403.087(6)(a), 403.0877(2), 403.091(3)(c), (d), 403.141(2), 403.321(1), 403.331(1)(a), (b), 403.341, 403.381(1), 403.411,

403.412(2)(f), 403.413(6)(c), (f), (h), 403.415(8)(b), 403.60, 403.709(5), 403.716(3), 403.7185(1), 403.721(6)(h), 403.809(2), 403.862(4), 403.905, 404.056(2)(c), (3)(g), (h), 404.161(2), 404.22(2), 404.30, 406.02(1)(b), (c), (2), 406.03, 406.06(2), 406.08(2), (3), (4), (5), 406.11(1), (2)(a), 406.13, 406.145, 406.16, 408.0014(4)(a), 408.006(1)(a), 408.033(1)(a), (2), 408.035(1)(h), 408.05(8)(b), (c), (d), 408.07(29), 408.7045(3), 408.705(6), 408.7071(2)(a), (b), 409.145(2)(a), (c), 409.166(1), 409.212(3), 409.2574(2)(b), 409.2575(1), 409.352(1)(a), (2), 409.401, 410.032(2), 410.603(2), 411.202(2), (7), 413.031(3), 413.033(3)(c), (4)(c), 413.034(2), (4), 413.037(2), 413.063, 413.08(4)(b), (d), 413.20(12), 413.273(1), 413.401, 413.445(3), (4), (5), (6), 413.604, 413.72(1), 415.104(6), 415.1065(2)(c), 415.1085(1), 415.109, 415.1113(10), 415.501(2)(b), 415.506, 415.507(2)(b), 415.5084, 415.511(2), 415.512, 418.302(1), (3), (4), (5), 420.101(1)(d), 420.124, 420.503(5), (16), 420.508(1)(a), 420.609(1)(n), (2)(a), 420.9075(4)(h), 421.05(1), (2), 421.06, 421.07, 421.19(2), 421.30(3), (5), 421.31, 421.33, 421.44(1), 421.50(3), (5), 425.045(2), 425.09(1), 425.10(2), 425.12, 425.20, 430.05(3)(a), 440.02(4), (5), (6), (13)(b), (c), (d), (15)(a), (16), (18), (24), (31)(b), 440.04(1), (3), 440.05(3), 440.06, 440.09(1)(d), (7)(a), 440.091(1), (3), 440.092(3), (4), 440.10(1)(a), (b), (c), (g), 440.105(3)(b), (4)(a), (e), (f), (7), 440.1051(2), 440.107(1), 440.11(1), 440.12(2), 440.14(1)(a), (e), (f), 440.151(1)(a), (b), (3), 440.185(1), (2), 440.19(6), 440.191(2)(b), 440.192(1), (2)(g), 440.20(6), (11)(b), (12)(b), (c), (d), (13), (14), (15)(b), (c), 440.21, 440.25(4)(h), (5)(b), (c), (7), 440.33(1), 440.34(1), (3), (4), 440.38(1)(b), 440.381(6), 440.385(1)(b), (3)(c), (7)(a), 440.386(5)(d), (9)(a), (11)(b), 440.40, 440.4416(2)(c), (d), 440.442(1), (2), (3), (4), (5), (6)(a), 440.51(3), (10), 441.01, 442.018(2)(b), 442.101, 442.102(8), 442.103(3), 442.105(1)(a), (c), 442.106(3)(a), 442.107(2), (4), 442.116(1)(b), (3), 442.119, 443.021, 443.041(1), 443.051(3)(a), 443.071(1), (5)(a), 443.191(2), 443.211(1), (2), 446.045(2)(b), (c), 446.081(2), 447.01(1), 447.04(1)(a), (2)(a), 447.08, 447.09(1), (3), (11), 447.17(1), 447.203(13)(b), (18), 447.208(2), (3)(d), 447.301(4), (5), 447.309(1), (2)(a), 447.401, 447.403(3), (4)(a), 447.405, 447.4095, 447.501(1)(d), (2)(d), 447.507(5), (6)(a), 447.509(3), 447.609, 448.01, 448.045, 448.05, 448.07(1)(c), (2)(a), (3), 448.09(1), 448.103(1)(c), 450.081(5)(b), (c), (6), 450.141(1), 450.151, 450.251, 450.261, 450.30(1), (5), 450.31(2)(b), 450.34(1), 450.35, 452.01, 452.02, 452.03, 454.18, 454.19, 454.23, 454.31, 455.02(1), 455.10, 455.209(1), 455.214(2), 455.2275, 455.2416(1)(b), 455.245(2), 455.2456(2)(d), (e), (f), 456.31(3), 456.32(3), 457.105(2)(a), 457.109(1)(j), (o), (q), (t), (3), 457.116(1)(a), 458.307(4), 458.309(2), 458.310(4), 458.315(1), 458.316(1), (2)(a), 458.3165(1)(b), 458.317(1)(a), (c), (d), (2), 458.319(3), 458.324(2)(a), (c), 458.325(1), 458.327(2)(c), 458.3295(3), 458.335(2), (3), 458.346(2), 459.0075(1)(a), (b), (4), 459.0077(1), 459.008(3), 459.0125(2)(a), (c), 459.013(3)(b), 459.0145(3), 460.402(5), 460.4165(2), (5)(a), (6), (10), 461.004(4), 461.006(2)(b), 461.013(1)(n), (o), (p), (r), (u), (x), (3), (6), 461.0134(1), (2), 462.08, 462.14(1)(k), (p), (q), (r), (s), (v), (y), 462.16, 462.17(3), (5), (6), 462.18(1), 462.19(3), 463.001, 463.002(3)(b), 463.0057(1), (2), 463.006(1)(b), 463.009, 463.012, 463.0135(1), 463.016(1)(e), (i), (o), (s), (3), 465.003(1), (5), (13), 465.007(1)(b), (c), 465.009(1), 465.014, 465.015(2)(a), (3)(a), 465.016(1)(d), (j), (m), (3), 465.017(2), 465.025(2), 465.026(1)(a), (2), 465.0276(1), (2)(a), (3), (4), (5), 465.186(1), 466.002(1), 466.006(2), (3), (4)(b), (c), 466.009(2), (3), 466.0135(3), 466.014, 466.016, 466.017(1), (6), (7), 466.018(1), (2), (4), 466.021, 466.024(5), 466.025(1), 466.026(2)(b), (c), 466.028(1)(n), (o), (p), (q), (s), (x), (y), (bb), (2)(e), (5), 466.031(2), 467.0125(1), (2)(a), 467.013, 467.203(1)(g), 468.1115(2)(c), 468.1135(3), 468.1245(2), 468.1275, 468.1285(1)(d), 468.1655(4)(b), 468.1705(1), 468.1745(1)(c), 468.1755(1)(k), (l), (o), 468.207, 468.209(1), (4), 468.211(1), (2), 468.215(2), (3), 468.217(1)(p), (s), (t), (w), 468.223(1)(b), (c), 468.225(1)(a), (b), 468.304, 468.306(3), 468.3065, 468.307(2)(b), 468.309(5), (6), 468.3095(1), 468.3101(1)(f), 468.314(3), 468.352(3), 468.354(4)(a), (c), 468.36, 468.362(1), 468.365(1)(n), (x), 468.366(1)(d), 468.368(4), (5), (6), 468.383(1), 468.385(2), (3), (4), (5), (6), 468.386(2), 468.387(1), 468.388(3)(b), (5), 468.389(1)(h), 468.395(4), 468.401(3)(c), 468.402(1)(d), (e), (f), (q), (r), 468.403(1), (3)(a), (5), 468.407(3), 468.408(1)(a), 468.531(1)(d), 468.543, 468.551(1)(a), (b), (c), 468.723(6), 470.006(3), 470.007(1)(b), 470.009(2), 470.011(1)(b), 470.019(2)(f), (o), 470.021(2), 470.023, 470.0255(1), 470.026(5), 470.028(3), 470.031(1)(c), 470.032, 470.033, 470.034, 470.036(1)(q), (w), 470.039(2), 471.003(2)(a), (h), (i), (3), 471.005(6), 471.013(1)(a), (b), 471.023(1), (2), (3), 471.025, 471.031(1)(c), 471.033(1)(j), 472.003(2), (3)(a), (b), 472.013(2)(c), (d), (3), 472.017(1), 472.018, 472.021(1), (2), (3), 472.025, 472.031(1)(c), 472.033(4), 473.302(5)(b), 473.303(2), 473.308(3)(b), 473.313(1), 473.315(1), (2), 473.316(1)(c), (4)(b), (5), 473.318, 473.3205, 474.202(10), 474.203(2), (3), (4), (6), 474.207(3)(b), (5), 474.2125(1), 474.213(1)(c), 474.214(1)(h), 474.216, 474.217(1), 475.01(1)(c), (2), 475.011(1), (3), (5), (8)(a), 475.03(1), 475.10, 475.17(1), (2), (4)(c), 475.175(1), 475.180(2)(a), 475.182(1), 475.183(1), 475.22, 475.23, 475.24, 475.25(1)(b), (d), (i), (j), (k), (o), 475.37, 475.42(1)(b), (d), (e), (h), (j), (k), (n), 475.43, 475.451(2), (7), 475.483(1)(d), 475.484(2), 475.486(2), 475.5015, 475.5017(1), 475.613(1)(a), 475.615(4), (5), 475.616, 475.617, 475.619(2), 475.620(1), 475.622, 475.623, 475.624(2), (6), (7), (10), 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(6)(f), 501.160(2), 501.206(1), (2), (4), 501.207(3), 501.2075, 501.2077(2), 501.2105(1), (2), 501.32(3), 501.606(1), 501.607(1)(h), (2)(a), 501.609(1), 501.611(4), 501.613(1), (2), 501.615(6), (9), 501.617(1), (2), 501.621(4), 501.623(2), 501.922, 501.925(5)(a), 502.032(5), 503.041(2), 504.31(2)(a), (b), 506.01, 506.03, 506.06, 506.09(7), 506.12, 506.16, 506.19, 506.20, 506.24, 506.25, 506.26, 506.27, 506.30, 506.34, 506.35, 506.36, 506.37, 506.38, 506.39, 506.42, 506.43, 506.44, 506.511, 509.111(2), 509.213(3), 509.281(2), 509.504(1), 509.508(3), 514.011(4), 516.02(1), 516.031(4), 516.12(1), 516.16,

516.35(1), 517.021(6), (9), (10), (18), 517.141(10), 517.191(1), (2), 517.311(2), 518.11(4), 520.07(1)(c), (4), (5), 520.08(4), 520.10, 520.34(1)(c), (6)(b), (8), (10), 520.36, 520.61(4), 520.68(2), 520.74(2), (3), 520.76(4), 520.78(4), 520.83(1)(a), 520.88(4), 522.03, 522.06, 523.02, 523.08, 523.09, 523.10, 523.11, 523.13, 523.14, 523.15, 523.18, 523.19, 523.20, 523.21, 525.16(3), 526.01(2)(c), 526.03, 526.06, 526.11, 526.111(1), 526.141(7), 526.312(2)(a), 526.51(1)(a), 526.55(3), 527.021(3), 527.04(1), (2), 527.067(2), 527.09, 527.11(2), 527.16(5), (6), 531.42(2)(a), (3), 531.43, 531.50(1), 532.02, 532.04(1), 533.05, 534.021, 534.041, 534.081(1), 534.52(1), 534.54(2)(a), 535.11(2), (3), (6), (7), 536.13, 536.14, 536.15, 536.18, 538.03(2)(m), 538.09(2), (3), (5)(g), 538.15(1)(c), 538.19(2)(f), 538.20, 538.25(1)(c), 540.08(1)(b), (c), (2), (3)(b), (5), (6), 540.09(4), 542.22(1), (3)(b), (d), 542.235(4), 542.27(3), 542.33(2)(a), 544.04, 544.05, 545.03, 545.04, 545.11, 548.003(3), (4), 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(2), 450.061(1)(g), 450.33(1), (3), (5), (7), (8), (9), (10)(c), 455.213(4), 455.2141(3), 455.217(2), 455.2173(2), 455.225(1), (4), (8), (10), 455.236(4)(j), 455.241(2), 455.261(3)(a), 458.311(1)(f), (2), (3), (4), (9)(a), 458.313(1), (3), (4), 458.3145(2), 458.320(4)(a), (5)(d), (e), (g), (7), 458.331(1)(j), (p), (q), (r), (s), (v), (y), (4), (9), 458.337(1)(a), 458.339, 458.341, 458.347(1)(b), (4)(e), (7)(f), (9)(a), (11), 459.0055(4), 459.0085(4)(a), (5)(d), (e), (g), (7), 459.015(1)(s), (t), (u), (w), (z), (cc), (4), (9), 459.016(1), 459.017, 459.018, 459.022(1)(b), (4)(e), (7)(e), (9)(a), (11), 460.406(1)(b), (c), 460.413(1)(e), (o), (q), (t), (w), (3), (5), 464.009(1), 464.012(1), (4), 464.018(1)(j), 466.004(1), 466.007(3)(a), (4)(b), 466.022(1), 466.0275, 466.0282(1), 466.032(2), (4), 468.302(1), (2), (6)(b), 468.432(1), 470.035, 473.322(1)(d), 474.2185, 475.045(2)(b), (c), (4)(a), (b), (6)(a), 475.612(6), 479.07(2), (3)(b), (8)(b), 479.105(2)(a), 487.031(5), (8), (9), 487.041(3), (7), 487.0615(1)(d), (e), (2)(c), 489.103(2)(a), (3), (4), (9)(b), (11), 489.105(3), (4), (5), 489.119(3)(a), (b), (5)(a), (6), 489.127(1)(a), (c), (f), (5)(d), (k), 489.129(1)(f), (9), 489.131(3)(f), (7)(a), (b), 489.143(2), (6), 489.503(1)(a), (2), (3), (6), (9), 489.505(14), (15), (16), (21), (22), (23), 489.533(1)(k), (7)(b), 490.009(2)(c), (g), (p), 491.009(2)(c), (g), (p), 493.6101(4), (11), (13), 493.6102(1), (2), (3), (4), (6), (13), 493.6121(4), (8)(c), 494.00125(2), 497.002(2), 497.005(17), (24), 497.101(1), 497.127(3), 497.131(1), (8), 497.233(1)(r), 497.407(1), (2)(c), (3), (7), 497.413(9), 497.417(1), (3), (5), 497.419(7), 497.429(7), (9), 497.447(3), 498.025(1)(a), (4), 498.029(3), (4)(a), 499.018(1)(o), (p), 501.017(1)(d), 501.075(4), (7), 501.1375(5), (7)(d), 501.603(2), 501.604(8), (26), 501.605(2)(a), (h), 501.608(2), (3), 501.612(1)(b), (2), 501.93(2)(b), 509.032(4), 517.061(3), (11)(a), (b), 517.12(7)(a), (c), (d), 517.131(3)(b), 517.161(1)(h), (k), (3), 517.2015(2), 519.101(3), (6), 520.9965(2), 542.28(8), (11), (12), 550.2415(3)(c), 553.79(5)(c), (d), (8), (11), 556.105(1)(a), 556.107(1)(e), 561.15(3)(b), 561.19(2)(d), 561.705(6), 561.706(1), 570.02(1), 570.544(10), 570.903(3)(b), 573.123(4), 578.13(2)(c), 578.30(3), 585.01(15), (18), 585.19(2), 585.20, 601.10(9), 601.15(4), (8)(a), (9)(b), 601.152(1)(c), (7), (10)(b), 601.154(2)(c), (4)(a), (b), (c), (e), (9), (13)(a), (b), 602.055(5)(b), (c), and 604.21(1), (4), Florida Statutes (1996 Supplement), pursuant to the directive in s. 1, ch. 93-199, Laws of Florida; removing gender-specific references applicable to human beings from volume 3 of the Florida Statutes without substantive changes in legal effect.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 440** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SB 424—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1997 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1997 shall be effective immediately upon publication; providing that general laws enacted during the 1995 regular

legislative session and prior thereto and not included in the Florida Statutes 1997 are repealed; providing that general laws enacted during the 1996 regular session and the 1997 regular session are not repealed by this adoption act.

—was read the second time by title. On motions by Senator Bankhead, by two-thirds vote **SB 424** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Horne, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing a termination date for the pilot project; providing an effective date.

—was read the third time by title.

Senator Horne moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 2, lines 22-24, delete those lines and insert: results of the pilot project. *A* licensed recovery *agent or* ~~agents and~~

And the title is amended as follows:

On page 1, lines 19 and 20, delete those lines and insert: results of the pilot project;

On motions by Senator Horne, **CS for SB 236** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Gutman	Klein
Bankhead	Cowin	Hargrett	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	McKay
Campbell	Dudley	Jenne	Meadows
Casas	Forman	Jones	Myers
Childers	Grant	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends the following pass: SB 470 with 1 amendment, SB 830 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1826

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Education recommends the following pass: SB 228, SB 1414

The bills were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 274

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 594

The Committee on Transportation recommends the following pass: SB 1472 with 1 amendment, SB 2062 with 5 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 1564

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1042

The Committee on Education recommends the following pass: SB 1102

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 898, SB 1030 with 1 amendment

The Committee on Education recommends the following pass: SB 1558

The Committee on Regulated Industries recommends the following pass: SB 180, SB 1284

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1420

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Health Care recommends a committee substitute for the following: Senate Bills 552, 1960 and 822

The bills with committee substitute attached were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1018

The Committee on Education recommends a committee substitute for the following: Senate Bills 1688, 792, 1334 and 2254

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 210

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1840

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1714

The Committee on Criminal Justice recommends a committee substitute for the following: SB 514

The Committee on Health Care recommends committee substitutes for the following: SB 496, SB 1632

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 10

The Committee on Education recommends a committee substitute for the following: SB 1052

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 2044

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1756

The Committee on Criminal Justice recommends committee substitutes for the following: SB 148, SB 774, SB 1106

The Committee on Education recommends committee substitutes for the following: SB 1718, SB 1992, SB 2022

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 748, SB 1144, SB 1160

The Committee on Health Care recommends a committee substitute for the following: SB 1540

The Committee on Transportation recommends a committee substitute for the following: SB 130

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1402

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1014

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1066

The Committee on Health Care recommends committee substitutes for the following: SB 1112, SB 1312

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice and Senator Burt—

CS for SB 10—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate's location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

By the Committee on Transportation and Senators Kirkpatrick and Clary—

CS for SB 130—A bill to be entitled An act relating to traffic infractions; amending s. 318.18, F.S., authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; providing an effective date.

By the Committee on Criminal Justice and Senators Rossin and Campbell—

CS for SB 148—A bill to be entitled An act relating to domestic violence; amending s. 741.29, F.S.; prescribing preferred arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; defining the offense of violating pretrial release condition when original arrest was for act of domestic violence; providing penalties; amending s. 901.15, F.S.; prescribing public policy for arrest in domestic violence cases; providing for arrest of a person without warrant when there is probable cause to believe a person originally arrested for an act of domestic violence has violated a pretrial release condition; amending s. 921.0014, F.S.; providing for a sentencing multiplier in certain cases of domestic violence; amending s. 943.171, F.S.; requiring certain training for law enforce-

ment officers; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 210—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting a provision that prohibits community and public notification of certain sexual predators, and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting a provision that provides for community and public notification under former s. 775.225, F.S., and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Grant and Forman—

CS for SB 496—A bill to be entitled An act relating to the regulation of orthotists and prosthetists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that provisions relating to the regulation and licensure of orthotic fitters or orthotic fitter assistants is not applicable to licensed pharmacists under certain conditions; providing an effective date.

By the Committee on Criminal Justice and Senators Burt, Horne, Gutman and Brown-Waite—

CS for SB 514—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 775.21, F.S.; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Myers, Klein and Forman—

CS for SB's 552, 1960 and 822—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; renaming certain divisions in the Department of Health; creating the Division of Local Health Planning, Education, and Workforce Development; providing the department with budget flexibility; amending ss. 20.19, 39.4031, 39.4032, 39.408, 119.07, 154.067, 232.50, 395.1023, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, F.S.; conforming provisions to the changes made by the act; amending s. 110.131, F.S.; conforming provisions to changes made by the act; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending s. 216.0172, F.S.; requiring the department to implement performance-based budgeting by a specified date; amending ss. 216.341, 232.032, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0406, 381.04065, 392.52, 392.565, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0055, F.S.; deleting a provision relating to confidentiality of certain quality assurance information; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending

s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.14, F.S.; conforming the membership of the Infant Screening Advisory Council; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; deleting requirement for an annual diabetes state plan; amending s. 391.051, F.S.; revising the qualifications and designation of the director of Children's Medical Services; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S., relating to regulation of tanning facilities; amending s. 404.031, F.S.; revising a definition; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; requiring the transfer of specified funds; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; expanding family planning services provided under the Medicaid program; amending s. 409.908, F.S.; authorizing a county health department to be reimbursed for certain Medicaid compensable services; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the WAGES board; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising eligibility requirements for septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting developmental services and public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; revising and expanding provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; amending ss. 945.602, 945.603, 945.6031, 945.6032, F.S.; conforming provisions to the changes made by the act; transferring certain powers, duties, functions, and assets of the Agency for Health Care Administration with respect to rural health networks and local health councils to the Department of Health; transferring certain powers, duties, functions, and assets of the Correctional Medical Authority to the Department of Health; providing for the continued effect of rules; providing for continuation of judicial and administrative proceedings; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Gutman—

CS for SB 748—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the

Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing a declaration of important state interest; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service.

By the Committee on Criminal Justice and Senators Cowin, Gutman and Silver—

CS for SB 774—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; defining prior convictions; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing for severability of provisions held invalid; providing penalties; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term "curtilage" for purposes of the crimes of burglary and trespass; amending s. 810.09, F.S.; repealing the offense of trespass on property other than a structure or conveyance if the property is the unenclosed curtilage of a dwelling; repealing the definition of the term "unenclosed curtilage"; amending s. 812.014, F.S.; repealing the offense of grand theft of the third degree; repealing the offense of petit theft of the first degree; providing an effective date.

By the Committee on Community Affairs and Senator Meadows—

CS for SB 1018—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511, 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 553.512, F.S.; revising the conditions for granting waivers; providing an effective date.

By the Committee on Education and Senator Klein—

CS for SB 1052—A bill to be entitled An act relating to civil immunity of the district school board; providing legislative intent; exempting the district school board and its officers or employees, instructional personnel or staff, administrative personnel or other personnel, school volunteers or teacher's aides, or agents from certain liabilities for tort and other civil claims arising out of, and directly resulting from, use of school property or facilities for "recreational or community purposes," as defined; providing an exception; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 1066—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; adding educational units to the definition of the term "agency"; amending s. 120.54, F.S.; deleting the requirement for rule development for rule repeal; authorizing an alternative method by which a person may receive a copy of a preliminary draft of a rule; clarifying that an agency's decision to use negotiated rulemaking is not final agency action; deleting references to the Department of Commerce; clarifying the time by which the small business ombudsman must provide regulatory alternatives to an agency; extending the period for filing a rule upon provision of regulatory alternatives to a rule; clarifying times for filing when a notice of change to a rule must be filed; extending the period for filing a rule; amending s. 120.541, F.S.; extending the period for filing a rule if a written alternative for a lower cost regulatory alternative to a rule is provided; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; authorizing an agency to limit grants of variance or waiver only to the extent necessary to achieve the purpose of the underlying statute; clarifying that agencies may not grant a variance or waiver to rules required by the Federal Government; requiring uniform rules of procedures to contain certain procedures related to waiver and variance; clarifying the procedure by which an agency may request additional necessary information during the review of a petition for waiver or variance; amending s. 120.56, F.S.; providing that a proceeding to determine a violation of s. 120.54(1), F.S., may be consolidated with other proceedings; eliminating authority to bring such an action in conjunction with certain other proceedings; amending s. 120.569, F.S.; conforming references; amending s. 120.57, F.S.; clarifying provisions governing expedited hearings; adding a decision, opinion, order or report of the presiding officer to the record of hearings not involving disputed facts; requiring agencies to use uniform bid protest procedural rules; amending s. 120.573, F.S.; clarifying the time when mediation is authorized; amending s. 120.574, F.S.; providing that intervenors are governed by the decision of the original parties regarding the summary-hearing process; amending s. 120.595, F.S.; providing an exception to the award of attorney's fees when an agency demonstrates that a statement is required by the Federal Government to implement or retain a delegated or approved program or to meet a condition to receipt of federal funds; amending s. 120.60, F.S.; requiring a notice of intent to deny a license to specify the grounds or basis; providing an exception; specifying criteria for procedures for agencies to take emergency action with respect to licenses; amending s. 120.65, F.S.; providing requirements for the director of the Division of Administrative Hearings; amending s. 120.66, F.S.; clarifying that a presiding officer may be an agency head or designee; amending s. 120.68, F.S.; providing for judicial review; amending s. 120.74, F.S.; specifying the frequency of rule reviews; amending s. 120.81, F.S.; providing that educational units and local units of government need not publish notices or the text of proposed rules in the Florida Administrative Weekly; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1106—A bill to be entitled An act relating to sexual offenders; creating the "Sex Offender Punishment and Supervision Act"; amending s. 775.084, F.S.; providing definitions; providing for a separate proceeding for court determination of whether a defendant is a "repeat sex offender" or "habitual sex offender," as defined; providing penalties for such offenders, including mandatory minimum imprisonment, under specified circumstances; providing for appeal; providing legislative intent; providing an exception for capital felonies; creating s. 775.0871, F.S.; providing a mandatory minimum term of imprisonment of 10 years for commission of sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof using or threatening to use a deadly weapon or using actual physical

force likely to cause serious personal injury; providing a mandatory minimum term of imprisonment of 10 years for commission of lewd, lascivious, or indecent assault by committing a sexual battery upon a victim under 14 years of age, when the defendant was over 24 years of age; precluding claim of victim's consent; amending s. 775.21, F.S.; requiring the sheriff to advertise certain information regarding the release of sexual predators; amending s. 921.001, F.S., relating to the Sentencing Commission and sentencing guidelines, generally; prohibiting downward departure sentences for specified sexual battery offenses or offenses involving lewd, lascivious, or indecent assault or act upon or in presence of a child; providing legislative finding; amending s. 948.001, F.S.; defining "sex offender probation"; amending s. 948.03, F.S.; revising terms and conditions of probation or community control; providing terms and conditions of sex offender probation or sex offender community control; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 1112—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; providing applicability of the section to certain contracts; amending s. 466.003, F.S.; expanding the definition of "dentistry"; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; providing applicability of the section to certain contracts; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing applicability of the section to certain contracts; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Williams and Sullivan—

CS for SB 1144—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; amending s. 186.021, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 1160—A bill to be entitled An act relating to historic preservation boards; repealing parts II, V, VI, VII and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; redesignating part IV of ch. 266, F.S., the Historic Tallahassee Preservation Board of Trustees, as part III of that chapter; amending s. 267.061, F.S., relating to state policy and responsibilities with respect to historic properties; providing that the Division of Historical Resources of the Department of State shall establish regional offices for the purpose of assisting in the delivery of historic preservation services; providing locations at which regional offices are to be established; providing for the establishment of citizen support organizations; requiring the Department of State to contract with the City of St. Augustine for the management of state-owned properties managed by the Historic St. Augustine Preservation Board of Trustees; providing for use of proceeds from management of state-owned properties by the City of St. Augustine; providing for the transfer of specified funds to the City of St. Augustine; providing for transfer of ownership and responsibility of specified items to assist in the transition of the management of state-owned properties; requiring the Department of State to contract with specified nonprofit corporations for the purpose of continuing work performed by specified historic preservation boards; providing for use of proceeds from the management of state-owned properties by such corporations; providing for the transfer of specified funds to such corporations; providing specified requirements in the contracts; providing legislative intent with respect to the 1997-1998 General Appropriations Act; providing an effective date.

By the Committee on Health Care and Senator Clary—

CS for SB 1312—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

By the Committee on Banking and Insurance; and Senator Hargrett—

CS for SB 1402—A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception; amending s. 627.8405, F.S.; revising prohibited acts by a premium finance company; amending s. 627.848, F.S.; requiring unearned premiums on a canceled insurance contract to be refunded by a premium finance company to the insured in the case of personal lines insurance and to the insured or agent or both for the benefit of the insured in the case of commercial insurance; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Campbell—

CS for SB 1420—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

By the Committee on Health Care and Senators Grant and Kirkpatrick—

CS for SB 1540—A bill to be entitled An act relating to health care; amending s. 240.5121, F.S.; allowing the Florida Cancer Control and Research Advisory Council either to purchase or to develop a written summary of cancer treatment alternatives for prostate cancer; providing an appropriation to the council for developing or purchasing and for distributing a pamphlet and for developing and implementing an education program on prostate cancer; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 1632—A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.243, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with postsecondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584, F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; creating s. 455.681, F.S.; providing for inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; requiring the Secretary of Health to appoint a task force to study the validation of health care practitioner credentials; providing membership of the task force; providing an effective date.

By the Committee on Education and Senators Horne, Diaz-Balart, McKay and Kirkpatrick—

CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 236.083, F.S., relating to funds for student transportation; conforming a cross-reference; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing

state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; conforming a cross-reference; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 1714—A bill to be entitled An act relating to insurance; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Education and Senator Turner—

CS for SB 1718—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 1756—A bill to be entitled An act relating to economic development; amending s. 216.292, F.S.; authorizing an agency selling a building to accept the construction of a replacement building totally or partially in lieu of cash; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; creating s. 288.049, F.S.; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; providing additional requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; providing for the submission of recommendations on development of certain business sectors; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; authorizing the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; providing severability; providing an effective date.

By the Committee on Regulated Industries and Senator Harris—

CS for SB 1840—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt real estate licensees from the requirement to report persons in violation of regulatory law applicable to them; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994,

F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing effective dates.

By the Committee on Education and Senators Jenne and Dyer—

CS for SB 1992—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; prescribing guidelines for expenditure of lottery funds allocated to public schools; amending s. 229.58, F.S.; revising provisions relating to the establishment of school advisory councils; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 2022—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.01, F.S.; revising the age at which students must begin school; amending s. 232.04, F.S.; revising the age at which students must begin kindergarten; providing an effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 2044—A bill to be entitled An act relating to agriculture; amending s. 215.20, F.S., relating to certain income and trust funds required to contribute to the General Revenue Fund; deleting an incorrect reference; deleting a service charge on income deposited in a specified trust fund; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying provisions; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising the definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 570.20, F.S.; eliminating a requirement that a percentage of the General Inspection Trust Fund revenue go to the General Revenue Fund; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 365.172, F.S.; limiting the liability of persons and entities involved in the wireless provisions of emergency "911" service; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising the definition of the term "agricultural products"; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; designating a state facility; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Education Standards Commission		
Appointee:	Sailor, Susan Hardee, Keystone Heights	09/30/1999
Commission on Government Accountability to the People		
Appointees:	Heggestad, Arnold Anderson, Gainesville	08/21/2000
	Kelley, James Darrell, Winter Park	08/21/2000
Board of Opticianry		
Appointee:	Chamberlain, Sonya A., Tallahassee	10/31/2000
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Kelly, Otis, Palmetto	10/01/1998
Florida Commission on Veterans' Affairs		
Appointee:	Reese, Frank, West Palm Beach	11/16/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the St. Johns River Water Management District		
Appointee:	Roach, James Daniel, Fernandina Beach	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

Florida Public Service Commission		
Appointee:	Johnson, Julia Louise, Tallahassee	01/01/2001

[Referred to the Committees on Regulated Industries; and Executive Business, Ethics and Elections.]

ENROLLING REPORTS

CS for SB 458 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 27, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 26 was corrected and approved.

CO-SPONSORS

Senators Bronson—SJR 2286; Clary—SJR 2286; Kirkpatrick—SB 722, SB 1262; Ostalkiewicz—CS for SB 1726, SJR 2286; Silver—SB 1598

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:19 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 3.

Journal of the Senate

Number 10—Regular Session **Thursday, April 3, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Excused: Senator Burt until 2:25 p.m.

PRAYER

The following prayer was offered by former Senate President, Phil Lewis:

Let's lift our hearts and minds to God and ask for his blessing.

Our Heavenly Father, who has made the heaven and earth, we ask you today to bless this Senate and its leadership. We also, particularly, want to ask you to bless all of the older members who are visiting here today and remember those who can't be with us today who have passed on. We ask you to give the seated Senate the courage to do what is right for your people. Amen.

PLEDGE

Senate Pages, Kristy Calhoun of Crawfordville and Alissa Michele Koerner of Jupiter, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 250** and **CS for SB 1288** were withdrawn from the Committee on Rules and Calendar; **CS for SB 272** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 630** was withdrawn from the Committee on Education; **SB 776** was withdrawn from the Committee on Regulated Industries; **CS for SB 1228** was withdrawn from the Committee on Criminal Justice; **SB 806** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Governmental Reform and Oversight; Transportation; and Ways and Means; and **CS for SB 2044** was withdrawn from the Committee on Ways and Means and referred to the Committees on Community Affairs; and Ways and Means.

On motion by Senator Campbell, by two-thirds vote **SB 638**, **SB 640**, **SB 1902** and **SB 1200** were withdrawn from the committees of reference and further consideration.

On motion by Senator Childers, by two-thirds vote **SB 2320** was withdrawn from the committee of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 130**, **SB 152**, **CS for SB 270**, **SB 334**, **SB 684**, **CS for SB 1160**, **CS for SB's 1286 and 1446**, **SB 1344** and **CS for SB 1992** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 52**, **CS for SB's 530 and 848**, **CS for SB 718**, **SB 1042**, **CS for SB 1084**, **CS for SB 1376**, **SB 1872**, **SB 2400** and **SB 2402** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 766** was removed from the calendar and referred to the Committee on Judiciary; and **SB 2330** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Commerce and Economic Opportunities; Health Care; and Ways and Means.

On motion by Senator Williams, by two-thirds vote **SB 2262** and **SB 2160** were withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Friday, April 4, was set for filing amendments to Bills on Third Reading to be considered Monday, April 7.

SPECIAL ORDER CALENDAR

On motion by Senator Hargrett—

CS for SB 1002—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S, with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required

information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—On page 22, between lines 2 and 3, insert:

Section 21. Subsection (1) of section 316.063, Florida Statutes, 1996 Supplement, is amended to read:

316.063 Duty upon damaging unattended vehicle or other property.—

(1) The driver of any vehicle which collides with, or is involved in an accident with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic, the driver shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this section shall ~~be cited for a nonmoving violation, punishable as provided in chapter 318.~~*, upon conviction, be punished by a fine of not more than $500 or by imprisonment for not more than 60 days or both.*

Section 22. Subsections (3) and (4) of section 316.614, Florida Statutes, 1996 Supplement, are amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation.

3. A farm tractor or implement of husbandry.

4. A truck of a net weight of more than 5,000 pounds.

5. A motorcycle, moped, or bicycle.

6. The living quarters of a recreational vehicle.

(b) "Safety belt" means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

(c) "Restrained by a safety belt" means being restricted by an appropriately adjusted safety belt which is properly fastened at all times when a motor vehicle is in motion.

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each ~~front seat~~ passenger of the vehicle under the age of 16 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

Section 23. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, 1996 Supplement, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.

a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or*, by agreement with the law enforcement agency have jurisidiction adjacent to* ~~about~~ any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

Section 24. Subsection (1) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(1) A violation of any of the provisions of this chapter, except those violations with a specific criminal charge, as enumerated in s. 318.17, are infractions, as defined in s. 318.13(3). Except for violations of s. 316.302, infractions of this chapter are punishable as provided in chapter 318. Any person convicted of a violation of or otherwise found to be in violation of s. 316.3025, s. 316.516, s. 316.545, ~~or~~ s. 316.550 *or s. 316.063* shall be punished as specifically provided in that section.

Section 25. Subsection (4) of section 318.14, Florida Statutes, 1996 Supplement, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) Any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days of the date of receiving the citation~~, unless the citation is for violation of s. 316.646, in which case payment may be made, either by mail or in person, within 20 days of the date of receiving the citation~~. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605(1) or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

Section 26. Section 320.091, Florida Statutes, is created to read:

320.091 Vehicles held in trust; license plates.—Any trust which provides the beneficial use of a vehicle registered to the trust to a person otherwise qualified for a special license plate pursuant to s. 320.0807, 320.083, 320.084, 320.0842, 320.0843, 320.0845, 320.086, 320.0863, 320.089, 320.0893, and 320.0898, may purchase the special license plate for the vehicle used by the qualified individual. The trustee shall provide an affidavit as to the terms of the trust related to the motor vehicle.

Section 27. Section 320.535, Florida Statutes, is created to read:

320.535 Airport vehicles and equipment; definition; exemption.—

(1) As used in this section, the term "airport fuel trucks and equipment" means trucks, trailers, containers, and other vehicles or equipment used for transporting aviation fuel.

(2) Airport fuel trucks and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated or used for the purpose of transporting aviation fuel within the airport facility of any public-use airport of this state.

(3) The incidental operation of airport fuel trucks or equipment on the roads of this state within the airport facility while being operated for the purposes described in subsection (2) shall not deprive such vehicle of the exemption otherwise provided for in this section.

Section 28. Subsection (3) is added to section 320.8232, Florida Statutes, to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(3) Any used mobile home that is moved from its site within a county or to another county must comply with the federal mobile home construction standards which were in effect at the time the mobile home was constructed which ensure safe, sanitary and livable housing. Standards for safe, sanitary and livable housing may include structural adequacy, plumbing, heating, electrical systems and fire and life safety. Any mobile home manufactured after 1968 and meeting the federal standards which were in effect at the time the mobile home was constructed shall be deemed to comply with all local habitation codes. Any mobile home constructed prior to 1968 must meet standards established by the department.

(a) The federal standards which were in effect at the time the mobile home was constructed may require the repair and renovation of mobile homes not meeting these standards. However, no provision of such standards shall be construed to require the home, or any component thereof, to meet a standard that exceeds the code to which the home was originally constructed. Inspection for compliance shall be pursuant to subparagraphs (1), (2), (3) and (4) of s. 320.8285.

(b) Local land use and zoning requirements, cleanliness requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby specifically and entirely reserved to local jurisdiction. However, any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials.

Section 29. Subsection (4) is added to section 322.38, Florida Statutes, to read:

322.38 Renting motor vehicle to another.—

(4) Any person renting a motor vehicle to another person is responsible for filling the fuel tank of the vehicle before delivering the vehicle to the lessee.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 26, after the semicolon (;) insert: amending 316.063, F.S.; providing maximum fine and term of imprisonment for damaging an unattended vehicle; amending s. 316.614, F.S., provides that the living quarters of a recreational vehicle is not included in the definition of a motor vehicle; providing that children under the age of 16 must wear a safety belt; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic laws on property adjacent to the university; amending s. 316.655, F.S., correcting a cross-reference; amending s. 318.14, F.S.; extending the timeframe for a person to show proof of insurance to 30 days; creating s. 320.091, F.S.; authorizing the issuance of speciality license plates to vehicles held in trust; amending s. 320.535, F.S.; exempting airport fuel trucks and equipment from the payment of license taxes and the display of license plates when transporting aviation fuel within the airport facility of any public use airport; authorizing the incidental operation of airport fuel tanks or equipment on roads of this state within the airport facility; amending s. 320.8232, F.S.; providing that used mobile homes may be moved as long as the mobile home meets federal safety codes which were in effect at the time the mobile home was constructed; providing that certain aesthetic and land use and zoning requirements are reserved for local jurisdiction; amending s. 322.38, F.S.; providing that persons who rent motor vehicles must fill the fuel tank before renting the vehicle;

MOTION

On motion by Senator Hargrett, the rules were waived to allow the following amendments to be considered:

Senator Hargrett moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 3, lines 27 and 28, delete those lines and insert: violations occur on or *adjacent to* ~~about~~ any property or

Amendment 1B—On page 7, lines 22-30, delete those lines and insert: *The repair and renovation of mobile homes not meeting these standards may be required. However, no provision of such standards shall be construed to require the home, or any component thereof, to meet a standard that exceeds the code to which the home was originally constructed. Inspection for compliance shall be pursuant to subsections (1), (2), (3), and (4) of s. 320.8285. Local land use and zoning requirements, cleanliness*

Amendment 1 as amended was adopted.

On motion by Senator Hargrett, further consideration of **CS for SB 1002** as amended was deferred.

On motion by Senator Williams—

SB 98—A bill to be entitled An act relating to outdoor advertising; amending s. 479.16, F.S.; allowing certain unpermitted signs in rural areas; prohibiting the implementation of this provision in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, delete "8" and insert: *16* ~~8~~

Pursuant to Rule 4.19, **SB 98** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

CS for SB 442—A bill to be entitled An act relating to education; creating a pilot project to promote school readiness for preschool children; requiring a report; providing an effective date.

—was read the second time by title.

Senator Turner moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 21 and 22, insert:

Section 3. *From Federal funds appropriated to the Department of Education, up to $150,000 may be expended to fund the pilot program.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 4, after "report;" insert: authorizing the use of certain funds;

Pursuant to Rule 4.19, **CS for SB 442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 5, lines 27-30, delete those lines and insert:

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, are amended to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program. *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the WAGES Program State Board of Directors or its employees or agents for any action taken by the board in the performance of its powers and duties under this chapter.*

And the title is amended as follows:

On page 1, line 9, following the semicolon (;) insert: providing immunity from liability for board members, agents, and employees;

Amendment 2—On page 6, line 31, before "member" insert: *nonvoting*

Amendment 3—On page 10, line 25, after "county" insert: *or municipal*

Amendment 4 (with title amendment)—On page 12, line 18, after the period (.) insert: *In developing and coordinating the program and financial plan, the local coalition shall consider issues related to the responsibility of fathers to support noncustodial children. Such consideration shall include, but need not be limited to:*

(a) Activities that will improve the process for establishing paternity, which shall be developed in cooperation with the Division of Child Support Enforcement of the Department of Revenue, the Healthy Start Coalition, the Department of Health, and the Florida Coalition Against Domestic Violence.

(b) Work activities for noncustodial parents described in s. 414.065(8). In addition to court-ordered activities, the plan may include work activities that facilitate employment of noncustodial parents for whom a court order has not been issued.

To the extent permitted by federal law and determined appropriate by the local coalition, WAGES Program resources may be used for activities that are designed to encourage noncustodial parents to provide support for their children and that are consistent with program and financial guidelines established by the WAGES Program State Board of Directors. A local coalition is encouraged to use funding approaches that leverage other federal, state, or local funds, including, but not limited to, funds provided under workforce development programs, teen parent programs, and the Healthy Start Program.

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents;

Amendment 5 (with title amendment)—On page 12, between lines 26 and 27, insert:

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under ss. 414.028-414.029.

And the title is amended as follows:

On page 1, line 23, following the first semicolon (;) insert: providing immunity from liability for coalition members, agents, and employees;

Amendment 6 (with title amendment)—On page 76, between lines 20 and 21, insert:

Section 39. Subsection (7) of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) "Public assistance" means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary *cash* assistance paid under the WAGES Program.

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 6, after the semicolon (;) insert: amending s. 409.2554, F.S.; redefining the term "public assistance" to conform;

Senator Sullivan moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 76, between lines 20 and 21, insert:

Section 39. *Section 112 of chapter 96-175, Laws of Florida, is repealed.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 6, after the semicolon (;) insert: repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor;

Senator Forman moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 11, lines 4-8, delete those lines and insert: Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. *However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.*

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: prescribing grounds for removal of local coalition members;

Pursuant to Rule 4.19, **CS for CS for SB's 566 and 626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB's 780, 520 and 692** was deferred.

On motion by Senator Harris—

CS for SB 1756—A bill to be entitled An act relating to economic development; amending s. 216.292, F.S.; authorizing an agency selling a building to accept the construction of a replacement building totally or partially in lieu of cash; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; creating s. 288.049, F.S.; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; providing additional requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; providing for the submission of recommendations on development of certain business sectors; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Depart-

ment of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; authorizing the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—On page 5, line 29 through page 6, line 3, delete those lines and insert:

Section 3. *(1) Subject to specific appropriations in the General Appropriations Act, Enterprise Florida, Inc., may, for the 1997-1998 fiscal year, establish a pilot*

And the title is amended as follows:

On page 1, line 9, delete that line and insert: authorizing

Amendment 2—On page 27, lines 4-7, delete those lines and insert:

(c) The agreement shall be signed by the *director* ~~secretary~~ and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3)~~.

Amendment 3—On page 29, between lines 25 and 26, insert:

(g) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

Amendment 4—On page 39, delete line 1 and insert: *study and support of microenterprises. Such actions, subject to a specific appropriation in the General Appropriations Act, may*

Amendment 5—In title, on page 1, line 28, after the semicolon (;) insert: deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if jobs are less than projected;

Senator Harris moved the following amendments which were adopted:

Amendment 6—On page 5, line 7, after the period (.) insert: *The replacement building shall be consistent with the current and projected needs of the agency as agreed upon by the agency and the Department of Management Services.*

Amendment 7—On page 9, lines 27 and 28, delete those lines and insert: *unit* ~~entity~~ that is a subcontractor under a valid Department of Defense contract or any business *unit* ~~entity~~ that holds a valid

Pursuant to Rule 4.19, **CS for SB 1756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 854—A bill to be entitled An act relating to state lands; amending s. 253.68, F.S.; deleting a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 854** was placed on the calendar of Bills on Third Reading.

SENATE REUNION

President Jennings requested that the following former Senate Presidents join her at the rostrum: Randolph Hodges, 1961-62; Mallory E. Horne, 1972-74; Dempsey J. Barron, 1974-76; Lew Brantley, 1976-78; Philip D. Lewis, 1978-80; W. D. Childers, 1980-82; John W. Vogt, 1986-88; Bob Crawford, 1988-90; Gwen Margolis, 1990-92; Ander Crenshaw, 1992-93; Pat Thomas, 1993-94; and James A. Scott, 1994-96.

The President also recognized former Senators David C. Lane, Republican Leader, 1972-74; John T. Ware, Republican Leader, 1974-76 and 1978-80; Kenneth A. Plante, Republican Leader, 1976-78; Senator James A. Scott, Republican Leader 1980-82; former Senator Pete Skinner, Democratic Leader 1980-82; Senators Toni Jennings, Republican Leader 1986-88; William G. (Doc) Myers, Republican Leader, 1988-90 and 1994-96; former Senator Ander Crenshaw, Republican Leader 1990-92; Senators Pat Thomas, Democratic Leader, 1992-93; W. G. (Bill) Bankhead, Republican Leader, 1992-94; Ronald A. Silver, Democratic Leader, 1993-94; Kenneth C. Jenne II, Democratic Leader, 1994-98; and Locke Burt, Republican Leader, 1996-98.

The following former members of the Senate and their guests, in attendance for the 1997 Senate Reunion, were welcomed by the President: former Governor Reubin O'D. Askew, his wife Donna Lou, and guests Dr. Lance De-Haven Smith and Westi Jo De-Haven Smith; Malcolm E. Beard, and his wife Mary Ellen; John R. Broxson, and his wife Christina; Doyle E. Carlton, Jr.; Judge C. Welborn Daniel, and guest, former senate employee, Faye Connell; Helen Gordon Davis; Timothy D. Deratany; Edgar M. Dunn, Jr.; Vince Fechtel, Jr., his wife Dixie and his daughters, Elizabeth and MaryKatherine; Pat Frank; Judge Elmer O. Friday, Jr., and his wife Jo; Winston W. (Bud) Gardner, Jr.; William M. Gillespie, and his wife Sally; Jim Glisson, and his wife Flora; Edmond J. Gong, and his wife Dana Clay; Jack D. Gordon; Bill Gorman, and his wife Toddy; Bill Grant, and his wife Janet; Tom Greene; Bill Gunter; Horry Hair, and his wife Frances; Mattox Hair; Beth Johnson, and her husband Bill Gibson; Karen Johnson; Robert M. (Bob) Johnson; Frederick B. Karl, and his wife Mercedes; Curt Kiser; David C. Lane, M.D.; Gerald A. Lewis; Tom Lewis, and his wife Marian Louise; Franklin B. Mann; Clark Maxwell, Jr.; David H. McClain, and his wife Carroll; Robert W. McKnight; Tom McPherson, and his wife Janet; Kenneth M. Myers; Judge T. Truett Ott, his wife Anita and grandson, Truett Gardner; Kenneth A. Plante, and his wife Sandy; Van B. Poole; Bob Saunders, and his wife Milly; Henry B. Sayler, and his wife Wyline; Judge Robert L. Shevin; Sherrill (Pete) Skinner, and his wife Ann; Tom Slade; Judge Guy Spicola, and his wife Georgie; Paul B. Steinberg, and his wife Sandra; George Stuart, Jr., and his wife Betty; Alan Trask, and his wife Irene; Judge John T. Ware, and his wife Joyce; Peter M. Weinstein; Lori Wilson; and Marlene Woodson-Howard.

The following special guests were also welcomed: Terri Jo Barron, wife of Senator Dempsey J. Barron; Catherine Brantley, wife of Senator Lew Brantley; Barbara Brannen, widow of Senator Bob Brannen, grandchildren Thomas Brannen, Kris Brannen and Todd Geiger, and guest Joy Figueredo; Margie Johnson, widow of Senator Dewey M. Johnson, and daughter Sandra Johnson; and Gwen Mathews, widow of Senator Jack Mathews, and daughter Kimball Mathews.

The President introduced the following new members of the Senate: Senators Walter (Skip) Campbell, Charlie Clary, Anna Cowin, Ron Klein and Tom Lee.

By the direction of the President, the Secretary read the names of former Senators who have passed away since the last reunion: John McCarty, John Fisher, James E. Connor, G. W. Williams and Curtis Peterson.

SPECIAL REMEMBRANCE

President Jennings: Senators, as you know, we lost Curtis this summer. It was a real loss, as each loss of one of our members is. Many of us had the opportunity to serve with Curtis Peterson; others did not. Curtis' picture over there has flowers and a bill in his hand. For those whose eyesight is not as good as it used to be, it says on that bill, "An Act relating to education," because Curtis was a champion of education. He was not the first President I served with, but he was the second President and the first who I had the honor of being a chairman with. Curtis Peterson taught me a lot about the process.

Today we would like to remember Curtis for a few moments. For those of you who knew him and for those of you who have never had that experience, we'd like to tell you a little bit about the Curtis Peterson we knew. And I want you to know how special it is to me to have Ethel here with us today because Curtis and Ethel were a wonderful team and life partners; as it is to have Pete and Barbara and his granddaughters, Katie and Ginny. Those of you who were here when Curtis was President will remember when those girls were born. I'm starting to feel pretty old as I look at them. Curtis' family has come to participate in the Reunion of our Senate family and to be with us today to honor the memory of our beloved Curtis Peterson. Senators, if you would direct your attention to the screen above, we have just a few clips of Curtis Peterson.

By direction of the President, the following memorial resolution was read in full:

MEMORIAL RESOLUTION

On motion by Senator Dantzler—

By Senator Dantzler—

SR 2442—A resolution expressing sorrow at the death of Senator N. Curtis Peterson, Jr.

WHEREAS, Senator N. Curtis Peterson, Jr., died July 19, 1996, and

WHEREAS, Senator Peterson served in the Florida Senate from 1972 to 1990, and as President of the Florida Senate from 1982 to 1984, and

WHEREAS, it is fitting that the Florida Senate commemorate the life and achievements of one of its former members who served his district and the state with distinction, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to the late Senator N. Curtis Peterson, Jr., and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM

N. CURTIS PETERSON, JR.

N. Curtis Peterson, Jr., was born in Lakeland, Florida, August 23, 1922, was educated at Florida Southern College and George Washington University, and served in the U.S. Coast Guard, during World War II on convoy duty in the Atlantic and Caribbean.

He married Ethel Schultz from Chicago, Illinois, and has two sons, Pete and Curtis, and four grandchildren, Katie, Ginny, Abegail, and Noah. While he managed to spend much time with his family, he also served as a church bus driver, a Little League umpire, a Boy Scout leader, and a Sunday school teacher. As his son Pete said, "He tried to be everyone's best friend, that's how he made us feel, we were all his best friend."

Senator Peterson was a lifelong resident of Lakeland, well known as a civic leader, for his frequent walks around Lake Morton, and as an active member of Southside Baptist Church located close to the house where he was born. He left his mark on Polk County by helping to bring a University of South Florida Campus to the county, pushing for the Polk County Parkway, and acting as a director of the Polk County Association for Retarded Citizens.

He was elected to the Senate in 1972, served as President from 1982 to 1984, and wore a rosebud in his lapel every day at the Capitol. His main legislative interest was education, and he served as chairman of the Education Committee and the budget subcommittee dealing with education. He was instrumental in the passage of legislation increasing the standards for education, extending the school year, and increasing the number of credits required for graduation from high school.

He was the recipient of numerous awards, including the Allen Morris awards for "Most Effective Member of the Senate" in 1981 and for "Most Effective in Committee" in 1977 and 1980. He was one of the first licensed landscape architects in Florida, president of the Florida Nurserymen and Growers Association, a member of the American Association of Nurserymen, director and president of the Agribusiness Institute of Florida, president of the Agricultural Tax Council, and chairman of the Florida Agricultural Advisory Council.

BE IT FURTHER RESOLVED, that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be transmitted to Mrs. Ethel Peterson, widow of Senator Curtis Peterson, as a tangible token of the sentiments of the Florida Senate and as a lasting symbol of the respect held by its members.

—was introduced out of order and read by title. On motion by Senator Dantzler, **SR 2442** was read the second time in full and unanimously adopted.

SPECIAL GUESTS

The President introduced the following special guests who were present in the chamber: Ethel Peterson, widow of former President Curtis Peterson; Pete and Barbara Peterson, his son and daughter-in-law; and his granddaughters, Katie and Ginny.

The President presented copies of the resolution to the family.

MOTION

On motion by Senator Latvala, the following remarks were ordered spread upon the Journal:

Senator Dantzler: Thank you, Madam President and Senators. It is my great privilege this morning to offer a few comments on the resolution. Let me begin by telling you about a phone call I received on the night that I was elected in 1982. That telephone call was from Senator Peterson. He was just getting ready to be the President of the Senate for that term. I was deeply honored that he would call me and congratulate me on my election; but he told me a couple of things that I would like to share with you.

First of all, he said that as an elected official, I was going to have the opportunity to meet the very finest people in the world and that has certainly been true. Now, he didn't tell me that I was going to meet all the others as well. But he did tell me I was going to have a chance to meet the very finest people in the world. I believe that now to be true and many of you in this chamber I would count among those.

The other thing he said was for me to always remember that the office I had just been elected to was not my office. It belonged to the people I was representing. I have always tried to remember that. I think for those Senators who are beginning their term here in the Senate, and their careers of public service, that would be a good thing for them to remember as well.

I had the chance to serve for a number of years, as I mentioned, in the House before I came to the Senate. I can tell you it was always a great comfort to those of us in the House to know that Curtis was here in the Senate. He was a master of the budgetary process. In fact, I used to believe that he had forgotten more about the budgetary process than I would ever know. But it was a great comfort to those of us down there to know he was down here and he would handle those things we were just not able to deal with on our side and he would deal with those parochial matters that were of particular interest to Polk County in a special way. So he did more for Polk County than you will ever know.

He has certainly left his mark. The President told us he is holding an education bill. I am told, Madam President, that it's not just an education bill, but it is the RAISE bill itself, which he is probably the most known for.

He was certainly a person who was involved in other policy areas as well. He worked a lot in the area of corrections. He used to talk to me

about that at great length. I don't want to overstate this, but in a very real sense, Curtis was almost a fatherly figure to me. He seemed to really take me under his wing in many regards, and he really helped me out during my first few years here in the Legislature. His impact on this state has been enormous but his impact on our county has been even more dramatic, in my view.

We are all aware of that part of his life, but I'm here to tell you also that he was a great husband and a great father as well. It was not uncommon at all for him, for example, to go home at lunch just to check on Ethel, to help out with lunch, and to make sure she was okay. I'm told that he loved his grandchildren, and as token of our appreciation, Mrs. Peterson and Pete, the members of the Polk County Legislative Delegation have some flowers we would like to present to you at this time. Let me just end by saying this: Curtis Peterson loved his state and he cared deeply about its future. I think if we can always remember that, we will be in good stead. We are saddened by his death, but his memory lifts our spirit. Thank you for giving me the chance to comment on the resolution. I would like to present these flowers at this time, Madam President.

President Jennings: Please do, Senator Dantzler. I don't think I ever saw a day that Curtis Peterson didn't have a fresh rosebud in his lapel.

Senator Dantzler: I also have a rosebud for his son.

President Jennings: We're going to have a few more remarks and then other Senators would like to share some thoughts. During Curtis' presidency, Senator Jack Gordon served as his Pro Tem. Jack, would you share some thoughts on the time you were with him in the Senate with all of us?

Senator Gordon: Yes, I really appreciate the opportunity. Curtis was here a year before me. There were a number of things about Curtis that we all knew him for. We knew him for his unfailing courtesy to every Senator and every staff member. I only know of one instance where Curtis sort of lost his cool. Senator Plante will remember it was in a debate about some strange bill requiring both male and female bathrooms in public places. I thought it was kind of silly, so I offered an amendment to add "and homes" so that everybody would have an equal protection thing. Senator Plante came immediately to my defense, pointing out that in his house, with all his children, that would be a wonderful way to solve morning traffic problems. Curtis finally got so upset that he said, "Stop fooling with me, stop fooling with me."

This whole education side of Curtis was remarkable in a number of dimensions. It was not only remarkable in terms of substance, but in terms of moving things along in the direction that he wanted. There may be some House members here that may have had the misfortune to sit on the Education Subcommittee budget hearings. I have never seen a negotiator like Curtis. I have seen him, time after time, drive House members right up the wall. He knew what he wanted and he was prepared to sit for the next three months till he got it.

He got a lot of the things that have done an awful lot to move education and he was mostly concerned with public education. He knew that if you were going to make any changes kindergarten through twelfth grade was the place that they would be made. That was the situation in which his closest advisor was not Jack Gordon, it was Ethel Peterson. I think we all should recall and understand the fact that Ethel had and still has a deep concern about the quality of the public schools of this state and she encouraged Curtis. Probably what made him able to sit there for all that period of time was knowing that if he came back without what he wanted to get, he was going to have a lot of trouble. Ethel had served a very real purpose.

I observed Curtis. We certainly came from different perspectives, as he represented the values of a Florida that is gone because there are too many people here. He understood why we had to change. There are some people who don't understand the difference between a state with four or five million people and a state with fifteen million people. Curtis represented, in many ways, the values of that five million- or three million-person state, but he never failed to see that you had to change the way the state was financed, and the way you dealt with people on an equal basis.

There are a variety of ways in which he was able to lead us forward. It was always good for him to have this conservative image and I would like to point this out to Senator Barron and Senator Childers. They had a mild disagreement during the course of Senator Childers' presidency. I was the Appropriations Chairman and I brought a budget to the floor which was sent back. Curtis was given the responsibility of doing a new budget, because after all, this liberal Miami Beach banker was spending too much money. Curtis came back with a budget $300 million more than mine and everybody said what a great, conservative budget this is. That taught me a lesson, that your reputation around here lasts a long time.

I'm sure Curtis' reputation is going to last a very long time; it really ought to, because his devotion to the principle that the office doesn't belong to the holder, it belongs to the people and how are we best going to serve the people was certainly his credo—a credo that very well could always be adopted. He will always be remembered very fondly and favorably by anyone that had contact with him as the epitome of those values. Thank you, Madam President.

President Jennings: Senator Bob Crawford served with Senator Peterson all of his House and Senate career. Senator Crawford, will you share some thoughts with us?

Commissioner Crawford: On behalf of Curtis' constituents back in good old Imperial Polk County, we appreciate very much this remembrance of Curtis today. I remember the day that we learned of Curtis' death. We were all here in Tallahassee when that bad news swept through the Capital. I've really never seen such a genuine feeling of sadness that came over Tallahassee that day. It's always too early when those things happen, but I think in Curtis' situation we all just felt like we needed more of him. We went down and saw Ethel. We had a great experience with Curtis and we miss him very much today.

Curtis started pretty early being interested in politics. For those of you who may not be that familiar, there is a long history of the Peterson family back in Polk County. His uncle, J. Harden Peterson, was a Congressman for a number of years. In 1941 Curtis served as a Page for the U.S. Congress. He was actually on the floor of the House of Representatives when President Franklin Roosevelt asked for a declaration of war; so his history goes way back and I think that incident got his interest. Some of the things you may not remember in Polk County politics: the first time Curtis ran for public office, he ran for the House. He had a worthy opponent named C. Fred Jones from Auburndale. C. Fred beat him by just a little bit and won the House seat which turned out to be the best thing that happened to Curtis. Not too long after that, an opening came up in the State Senate, so Curtis ran for the Senate and the good campaign he ran against Fred came through and he beat a fellow everybody thought would win, and that was Andy Ireland. Andy went on and ran for Congress and got elected. Curtis came to the Senate and instantly made a name for himself. In addition to education, of course, I am cognizant of the fact that Curtis was an expert on agriculture issues. As a nurseryman, he knew more about plant diseases and what we need to do for Florida agriculture than probably anybody who has ever served in the Florida Senate, and we really miss him for that. Madam President, when former presidents and all the future presidents here give their opening day inauguration speech, you wonder if anybody is really listening; I'm not sure that anybody does, but we presidents listen to what we say. I went back and read Curtis' speech that he gave November 16, 1982, and there was a line in there that speaks what Curtis Peterson was mostly all about. He said this, "And Senators, our first responsibility is not to do what they, the lobbyists or the members of the media think is best for Florida, but it is our responsibility to do what our conscience tells us is best for the people of the State of Florida." That was Curtis Peterson. He would take on anybody; he would take on the lobbyists, news media and sometimes they took it right on the chin when Curtis was at it. In education it didn't matter. If you had to fight with the teachers' union, you also had to fight with the administration. No matter who it was, Curtis was determined to do what was right on any issue he was involved in, and thankfully for the State of Florida, we had Curtis at the helm for a number of years. On this day it is great to remember what a great person Curtis Peterson was. Thank you, Madam President.

Senator Beard: Thank you, Madam President. I just want to recall an occasion. I was sitting on about eight bills down in Transportation and Senators started asking, "When are you going to hear my bill?" I said, "We'll get around to it." Then I got a letter from one. I went to the President and I said, "Mr. President, I have something happening that might become a problem for you. I'm holding some bills, eight of them, and I'm hearing some rumbles and perhaps they may be coming to you about it and I want to feel you out." He said, "Malcolm, let me tell you

something, boy. If a chairman don't know how to sit on a bill, he shouldn't be chairman."

Senator Dudley: I only served about four years with Senator Peterson, so I just want to say one thing about him as a Senator and then a few things about him as a person. I actually got to know him a lot better when he decided not to run for reelection. It was then that we did a lot of fishing together. Senator Horne is, I guess, the current heir of this lineage that came, certainly in modern times, from Curtis through Bob Johnson. I have also had the privilege of being a part of that.

President Jennings: You mean surviving Sub B Chairmen?

Senator Dudley: Surviving as Sub B Chairman on Education, that is correct. As a Senator, I will tell you that I have looked for ten years at the FEFP formula which is about a forty-two part formula as most of you know. I know that somewhere in there, there is a Polk County bump. I have not found it yet. I doubt that even in today's world of computers, that I will ever find it, but I want to tell Ethel—and Curtis as we talk to him today, as he listens to us—I know it is there. One of these days I'm going to find it.

Now, let me take a moment and talk about him as a person. I really got to know him after he left the Senate. My predecessor here, my immediate predecessor, I have two behind me, but my immediate predecessor, Frank Mann, and I from time to time had some differences because we are of different parties as Curtis and I were of different parties. Curtis thought that Frank Mann and I should—frankly, he thought that Frank could benefit a lot by having a friendship with me and learning some good qualities and he was right. Curtis took it upon himself to make Frank Mann and me fishing buddies. I don't think there are too many of you here that didn't have an occasion to fish with Curtis. I doubt there are any of you here that out-fished him. He caused Frank Mann and me to become fishing buddies. Frank and I miss fishing with Curtis, but thanks to Curtis, Frank and I can enjoy fishing. Thank you Curtis.

President Jennings: Senator Maxwell was the Republican Leader under Senator Peterson. Clark, would you share a thought or two with us.

Senator Maxwell: Thank you, Madam President. It is a pleasure to be here and talk about my good friend Curtis and to see Ethel and Pete again. Ethel and I know some things that we are not going to share with you today that we encountered. At the particular time that I served with Curtis, we had, I guess, a couple of odd couples working in education. I think, most particular, Jack Gordon, Curtis, Buddy McKay and I worked on a lot of the education reforms that are still in place today. Curtis always had the knack of doing exactly what Jack said. He always came out very conservative, no matter what the issue was.

I still remember somehow I ended up taking over from Curtis the fifth-cent sales tax and I think it was the first time a Republican leader had taken on a tax increase. It was kind of an interesting time, but I do remember what Jack said about Curtis in conference. He could out wait anybody. I remember when Frank Mann was in the House. Curtis and I were in the Senate and Frank had learned how to negotiate in conference. I still remember one day when we walked, Curtis and I needed to strategize, so we took a bathroom break. We went into the bathroom, looked in the mirror, looked at each other and Curtis said to me, "Do I look as bad as you do?" I said, "Curtis, in my opinion you look worse." He said, "You know, we need to splash some water on ourselves, comb our hair, get back out there and act like we are not the least bit tired." We did, and I think there were some House members who didn't even run for reelection because they couldn't handle any more of that. We were successful in moving forward.

It's just a pleasure to be here to pay tribute to my good friend Curtis who regularly out-fished me and out-thought me in the education area and others. Ethel, it is a pleasure to be here to say nice things about my friend Curtis and it is a pleasure to see you again. Thank you.

Senator Thomas: Curtis Peterson was one of those guys who would always greet the newcomers, the first term members, and try to make them feel at home. He had plenty of time to share with you and tell you the things you ought to do and ought not do.

When I first got here, I served on Subcommittee A of the Ways and Means Committee. I think Senator Jack Gordon was chairman, Senator Barron was President, and maybe Senator Childers was the subcommittee chairman. We had an admonition to start trying to get waste out of the budget. I took it seriously. There was a thing called livestock theft bureau. I live out in the rural area, so I tried to figure out what it was since I had never heard of it. We had sheriffs and police chiefs and all those kind of people, and a law enforcement outfit, theft bureau in the department. I guess Commissioner Crawford still has it. I couldn't understand why you couldn't call your sheriff if somebody stole your cow. I wound up taking out about five positions out of the budget. Senator Barron and I both represented fifteen counties. A very dignified, well-to-do, former president of the Florida Cattlemen's Association drove to Tallahassee, came to the Senate and peeled the hide off my back. I was a freshman in the Senate and he was a big man that walked up and down the hallways telling everyone how bad I was.

He said, "No, hell, Pat Thomas ain't my Senator, I ain't got but one Senator and that is Dempsey Barron." Sure enough, I saw him camped out with Senator Barron, pretty soon the message came from Senator Barron to get that cut restored. I didn't know how to handle it, I sure didn't want it to happen, but it was Curtis who surfaced and said, "Now see here, don't you think, we better leave this alone? The man has surely embarrassed one of our Senators and we can't let that happen in the Senate." I felt like I was that little person that he wrapped his big arms around and loved. He left that feeling with everybody. When he woke up in the morning, he was an inspiration to everybody. Be you a Democrat, Republican or throwback or whatever you are, or were, he gave everyone a little inspiration to do a better job. If there was ever a conscientious person, as most of you have said, he really was the epitome of that.

He left some high standards for all of us. I am delighted to have met so many of you, but particularly, I am pleased that I was privileged to know Curtis Peterson, Ethel and his family.

We had the privilege to go to Europe with our wives, Mary Ann and Ethel. During that entire trip he was the gentleman who took care of everybody and was so kind to not only Ethel, but to us. He made you feel so wanted. I think that characterized his life. We are all richer for having been with him. Thank you.

Senator Kirkpatrick: Thank you, Madam President. Mine will be very short. Curtis Peterson has been my idol throughout my career in the Legislature. He taught me just about everything I know about education and how to deal with the education budget. But the thing I remember most about Curtis Peterson, and I think if you took time to listen to what Curtis said in that very appropriate clip that somebody searched through all the records and found, as he was talking about the steel on the rock, the controversies, how it gets contentious in this process, how that's good for the process (the Senate budget is going to come to the floor next Wednesday and then it'll move into conference) and, what Curtis always said to us, was that we needed to get away and spend some time together as colleagues. I will always remember the pressure that Curtis put on us to walk away from what we were doing and to get together as colleagues and spend some quality time together.

His most important way to do that was fishing. He organized those little fishing trips. He took us all over there to fish and to get that quiet time. I'm very appreciative that we are sort of returning to that opportunity to share this great burden that we carry with each other on a collegial basis. Curtis' memory, as far as I'm concerned, transcends the attitudes that we have had here in the Florida Senate because, as Senator Dudley said, he set a magnificient standard for all of us. If we can just behave as Curtis behaved, then we won't ever have to worry about what they say about us in the paper.

Senator Mann: Madam President, just a quick vignette. Senator Gordon made reference to it and Clark Maxwell did, too. Before I arrived in this august body, I was the Conference Chair of the House on the Education Budget Committee, my last official responsibility in the House before coming here. When I arrived in conference, there had been a budget item under IFAS for $100,000 research on lethal yellow. That's what kills coconut palm trees and I represented Ft. Myers, the city of palms. It had just hit Lee County coming up from Dade to Collier, and a budget item that had been in the budget for years, $100,000 annual research, suddenly disappeared from the budget as I went into conference with him. The palm fronds were falling all over Lee County. That $100,000 must have cost me $50 million before I got out of there. That's the Curtis', "I've got all day, Senators, all month or all year." He was beautiful, and that is a very true story. I don't know how many millions

it cost the House and some of their priorities to get my $100,000 back in there. Curtis was also the one that told me, "Now son, when you left the House and came to the Senate, it definitely increased the IQ average of both bodies."

Senator Barron: I didn't intend to say anything, but I was just thinking about when I was here and serving with Curtis, sometime you would get legislation that you could see three or four different ways. You could see that you could make a decision in this direction or a decision in another direction and all of it would sound reasonable to you. When I'd get into that situation, I'd go and sit down with Curtis and ask him questions. He would tell me things. He didn't know whether I knew or didn't know what he was telling me, but when he got through I always knew what to do. Then I could go in and vote my conscience on that issue knowing that it was also Curtis' conscience.

He was a great, great person and a wonderful Senator and a good friend. I'm reminded of the poem, "The Bridge Builder" which I'm sure I've forgotten, but I will take a shot at it.

An old man, going a lone highway,
Came at the evening, cold and gray,
To chasm, vast and deep and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned when safe on the other side
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide—
Why build you the bridge at the eventide?"

The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
This chasm that has been naught to me
To that fair-haired youth may a pit-fall be,
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him."

Will Allen Dromgoole

Like nobody that I served with in the Legislature, House and the Senate, for thirty-two years, Curtis had the best judgment and the best advice of anybody that I knew. Thank you.

Senator Scott: Madam President, Senators and all our former Senators, one of the things that Curtis Peterson said was that there's no limit to what you can accomplish if you don't care who gets the credit for it. Curtis, among other things, and I personally believe he's observing us today, was the most selfless person—he thought so much about other people. In that regard, I think he would probably want me to say, we've spent a lot of time here talking about him. I second every remark that's been said, and today is going to be one of our great and happy days. This Senate Reunion is one of the things that for twenty-one years here I've really thought a lot of.

A sad day was last July—I was then President of the Senate—when Curtis passed away. I was unable to go to Lakeland because I was out of the state. Ethel, I regretted that very much. I have a poem that I think typifies our feeling about all of you that are here today, and particularly, Curtis.

Around the corner I have a friend
In this great city that has no end.
As days go by and weeks rush on
Before you know it a year is gone
And I never see my old friend's face
For life is a terrible swift race.
He knows I like him just as well
As in the days when I rang his bell
and he rang mine.
We were younger then
Now we are busy tired men
Tired with playing a foolish game,
Tired with trying to make a name,
Tomorrow I say I will call on Jim
Just to show that I'm thinking of him.
Tomorrow comes and tomorrow goes
And the distance between us grows and grows.
Around the corner, yet miles away.
Here's a telegram, sir—Jim died today.
And that's what we get and regret in the end.
Around the corner, a vanished friend.

What I would like to say is that the purpose—the true purpose of honoring all of our colleagues who have served before us—I think, is embodiness. We want you to know that maybe we don't call you every day and see how you are doing, but we do think about you and we are just so glad to have you here today.

When I came here, I had to put up with all this freshman stuff that Tom Lee had to put up with the other day. I finally finished a year here. I told Warren Henderson and Dempsey Barron, "I've had enough of this freshman stuff now I've finished a year." And they said, "Oh no. That's just the first semester freshman. Now you are a second semester freshman. And third, and fourth and so on." With the term limits, we're not going to have time for that, but we've got some great ones here.

I've been here so long I only have one predecessor here—Senator David Lane. When I first came here, Curtis said he hoped that I would not be as rambunctious as some of my predecessors. We do have some great ones, but what they've got to do, they've got to do what David Lane and a lot of these folks around here did that would stay up late at night and get up early in the morning. They had to learn to sleep fast. Well, these guys have got to learn fast because they don't get to be here very long. The qualities that you have and that you have passed to us and others that have served here, are alive and well. The dedication to the public good that Curtis Peterson and all of you have evidenced is here and we're going forward with a great group here. You met some of the freshmen today. We had some great ones that came in last year and we've already given them good positions because they can't be here that long.

I just want to say again that I know Curtis would feel that we should be celebrating all of your lives and we celebrate his, Ethel. Thank you, Madam President.

President Jennings: Thank you, Senator Scott. As I said before, Curtis Peterson taught many of us what this process was all about. What I remember about Curtis Peterson is that early on he said, "Now Toni, what time do you get up in the morning?" I said, "Oh", I was real concerned about what the question was leading to. I said, "Between six and six-thirty." He said, "Six-thirty." I said, "Yes, sir." So from then on when the phone rang at six-thirty in the morning, I knew it was Curtis Peterson. That laughter is from the others that got those phone calls and until Jim Scott came along, nobody had the nerve to call me before six-thirty in the morning.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:11 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:12 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL ORDER CALENDAR, continued

On motion by Senator Bankhead, by unanimous consent—

SB 326—A bill to be entitled An act relating to building designations; designating a building on the campus of the University of North Florida as the "J. Brooks Brown Hall"; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Florida International University College of Education Building is hereby designated "The Sanford and Dolores Ziff and Family Education Building" in honor of business leader, community philanthropist, and significant benefactor of Florida International University, Dr. Sanford L. Ziff, and his family.*

Section 2. *The School of Communication at the University of Central Florida is hereby designated the "Anthony J. Nicholson School of Communication" in recognition of his generosity.*

Section 3. *The president's residence at the University of Central Florida is hereby designated "The Burnett House" in recognition of Al and Nancy Burnett for their support of numerous community activities and their contributions to the University of Central Florida, including funds to complete the first president's residence at the university.*

Section 4. *The building currently known as Building 39, College of Health on the University of North Florida campus is hereby designated the "J. Brooks Brown Hall" in recognition of his contributions to the medical community of Jacksonville as well as his contributions to the University of North Florida.*

Section 5. *The residence hall known as 1st Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida, is hereby named the "Bob Johnson Residence Hall" in recognition of the tireless and dedicated service of Robert M. (Bob) Johnson to New College, to the University of South Florida, to our State University System, and to all of Florida's students, from kindergarten through graduate school.*

Section 6. *The residence hall known as 3rd Court, Pei Residence Halls located on the Sarasota Campus of New College at the University of South Florida is hereby named the "Elaine and Harvey Rothenberg Residence Hall" in recognition of the tireless and dedicated services of Harvey Rothenberg to New College and the University of South Florida.*

Section 7. *The Residence Hall—Phase II being constructed for New College of University of South Florida students on the Sarasota Campus of the University of South Florida is hereby named the "Ann and Alfred Goldstein Residence Hall" in recognition of their contributions to the well being and betterment of the students of New College of the University of South Florida.*

Section 8. *The respective universities are authorized to erect markers for the designation made by this act.*

Section 9. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the State University System; designating a building on the campus of the Florida International University "The Sanford and Dolores Ziff and Family Education Building"; designating the School of Communication at the University of Central Florida the "Anthony J. Nicholson School of Communication"; designating the president's residence hall at the University of Central Florida "The Burnett House"; designating a building on the campus of the University of North Florida the "J. Brooks Brown Hall"; designating the residence hall known as 1st Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida, the "Bob Johnson Residence Hall"; designating the residence hall known as 3rd Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida the "Elaine and Harvey Rothenberg Residence Hall"; designating the Residence Hall—Phase II being constructed for students on the Sarasota Campus of the University of South Florida the "Ann and Alfred Goldstein Residence Hall"; directing the respective universities to erect suitable markers; providing an effective date.

On motion by Senator Bankhead, by two-thirds vote **SB 326** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jenne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Klein	Silver
Campbell	Dyer	Kurth	Sullivan
Casas	Hargrett	Latvala	Thomas
Childers	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Grant, Gutman, Lee

On motion by Senator McKay, all Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **SB 326**.

On motion by Senator Hargrett, the Senate resumed consideration of—

CS for SB 1002—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S, with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Hargrett, the rules were waived to allow the following amendments to be considered:

Senator Hargrett moved the following amendment:

Amendment 2 (with title amendment)—On page 5, line 3 through page 6, line 15, delete those lines and insert:

Section 3. Section 316.645, Florida Statutes, is amended to read:

316.645 Arrest authority of officer at scene of a traffic accident.—A police officer who makes an investigation at the scene of a traffic accident may arrest any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter, *chapter 320,* or chapter 322 in connection with the accident.

Section 4. Subsection (1) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit *and the clerk of the court may establish any necessary procedures to notify the public of the authorized course being offered within each county*. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, and 322.291.

Section 5. Subsection (1) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(1) Fifteen dollars for all infractions of pedestrian regulations ~~under s. 316.130~~, all infractions of s. 316.2065, *unless otherwise specified* and *other* violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 8-10, delete those lines and insert: pedestrian violation; amending s. 316.645, F.S.;

Senator Hargrett moved the following substitute amendment which was adopted:

Amendment 3 (with title amendment)—On page 5, line 3 through page 7, line 5, delete those lines and insert:

Section 3. Subsection (1) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit *and the clerk of the court may establish any necessary procedures to notify the public of the authorized course being offered within each county*. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, and 322.291.

Section 4. Subsection (1) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(1) Fifteen dollars for all infractions of pedestrian regulations ~~under s. 316.130~~, all infractions of s. 316.2065, *unless otherwise specified* and *other* violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of $12, $2.50 of which must be deposited into the General Revenue Fund, and $9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of $4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before *December 1, 1999,* ~~October 1, 1998,~~ the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 8-13, delete those lines and insert: pedestrian violation; amending s.

MOTION

On motion by Senator Latvala, the rules were waived to allow the following amendments to be considered:

Senator Latvala moved the following amendment:

Amendment 4 (with title amendment)—On page 7, between lines 17 and 18, insert:

Section . Subsection (5) of section 319.24, Florida Statutes, 1996 Supplement, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(5)(a) Upon satisfaction of any first lien or encumbrance recorded at the department, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction thereof within 30 days after demand, he or she shall be held liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. *A motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days of receipt of such final payment or notify the person satisfying the lien that the title is not available within 10 working days of receipt of actual payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and shall be responsible for the cost of a duplicate title, including fast title charges as provided in s. 319.323. The provisions of this paragraph shall not apply to electronic transactions pursuant to s. 319.24(9).*

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days of the satisfaction of a lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of

title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days of satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder shall be entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder by subsection (4) and this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after semicolon (;) insert: amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment;

Senator Latvala moved the following substitute amendment which was adopted:

Amendment 5 (with title amendment)—On page 7, between lines 17 and 18, insert:

Section . Subsection (5) of section 319.24, Florida Statutes, 1996 Supplement, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(5)(a) Upon satisfaction of any first lien or encumbrance recorded at the department, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction thereof within 30 days after demand, he or she shall be held liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. *A motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days of receipt of such final payment or notify the person satisfying the lien that the title is not available within 10 working days of receipt of such final payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and shall be responsible for the cost of a duplicate title, including fast title charges as provided in s. 319.323. The provisions of this paragraph shall not apply to electronic transactions pursuant to s. 319.24(9).*

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days of the satisfaction of a lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days of satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder shall be entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder by subsection (4) and this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment;

Senator Kirkpatrick moved the following amendment:

Amendment 6 (with title amendment)—On page 7, between lines 5 and 6, insert:

Section 5. Subsection (11) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(11) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

For pedestrian infractions . . . . . $ 3.
For nonmoving traffic infractions . . . . . $ 6.
For moving traffic infractions . . . . . $10.

The chief judge of each judicial circuit is authorized to establish a maximum fee which shall not exceed $30. A regional criminal justice assessment center or other local criminal justice access and assessment center may be funded from these court costs.

And the title is amended as follows:

On page 1, line 20, after the first semicolon (;) insert: authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers;

Senators Dudley and Kirkpatrick offered the following amendment to **Amendment 6** which was moved by Senator Dudley and adopted:

Amendment 6A—On page 1, lines 30 and 31, delete those lines and insert: *In no event may court costs imposed under this subsection exceed $30. A regional*

Amendment 6 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1002** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB's 780, 520 and 692—A bill to be entitled An act relating to economic development; creating ss. 212.097, 212.098, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax

Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Holzendorf:

Amendment 1—On page 2, line 27, following the period (.) insert: *The term also includes an employee leased from an employee leasing company licensed under chapter 468.*

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, delete line 18 and insert: *employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.*

Amendment 1 as amended was adopted.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 2—On page 3, line 9, delete "*(6)*" and insert: *(8)*

Senator Hargrett moved the following amendments which were adopted:

Amendment 3—On page 3, lines 6-22, delete those lines and insert:

(e) "Qualified high-crime area" means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (8), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Amendment 4—On page 8, delete line 7 and insert: *during any calendar year is $5 million, of which $1 million shall be exclusively reserved for Tier-one areas. The Department of*

Amendment 5 (with title amendment)—On page 18, line 9, after the period (.) insert: *The Office of Tourism, Trade, and Economic Development shall conduct a review of the Urban High–Crime Area Job Tax Credit and the Rural Job Tax Credit Program and submit its report to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 2000.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing for a review of the programs;

Amendment 6—On page 6, delete line 30 and insert: *125.011(1) may nominate no more than three high-crime areas.*

Pursuant to Rule 4.19, **CS for SB's 780, 520 and 692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams, by two-thirds vote—

CS for CS for SB 1154—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1—On page 11, line 15, after the period (.) insert: *The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.*

Senator Hargrett moved the following substitute amendment which was adopted:

Amendment 2—On page 11, line 27, after the period (.) insert: *The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.*

Senator Williams moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 14, delete line 11 and insert:

Section 3. This act shall take effect upon becoming a law, except that subsections (5), (6), and (7) of section 403.973, Florida Statutes, shall take effect October 1, 1997.

And the title is amended as follows:

On page 1, delete line 9 and insert: providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 1154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote—

CS for CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 20, line 28, delete "*s. 376.80(9)*" and insert: *s. 376.80(10)*

Senators Dantzler and Latvala offered the following amendment which was moved by Senator Latvala:

Amendment 2 (with title amendment)—On page 27, between lines 20 and 21, insert:

Section 11. *Notwithstanding the December 31, 1996, deadline to file applications pursuant to subsection (12) of section 376.3071, Florida Statutes, the Department of Environmental Protection shall accept any applications for reimbursement of claims that were not received by the December 31, 1996 deadline solely because the U.S. Post Office or small package carrier service was unable to timely deliver the application on that date due to adverse weather conditions which prevented air travel. Reimbursement applications which the department returned because they were received beyond the deadline must be resubmitted and received by the department by September 1, 1997, with an affidavit explaining the facts surrounding the late delivery that has been sworn to or affirmed pursuant to chapter 117, Florida Statutes, from the small package carrier who delivered the late application. Such claims shall be eligible for payment in the same priority as if they had been received by 5:00 p.m., December 31, 1996.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 17, after "Legislature"; insert: providing an exception to deadline for receipt of reimbursement applications received pursuant to s. 376.3071, F.S.;

Senators Dantzler and Latvala offered the following amendments to **Amendment 2** which were moved by Senator Latvala and adopted:

Amendment 2A—On page 1, lines 14-17, delete those lines and on page 26, between lines 26 and 27 insert:

Section 10. *Notwithstanding the December 31, 1996,*

Amendment 2B—On page 1, line 28, after "*affidavit*" insert: *and other supporting documents, shipping reports, or other appropriate documentation*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB's 1306 and 1934** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 702—A bill to be entitled An act relating to the repeal of advisory bodies and other governmental entities; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971, 288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1 (with title amendment)—On page 2, line 24, insert:

Section 1. Subsection (5) of section 20.13, Florida Statutes, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(5) A Bureau of Financial and Support Services ~~and a Bureau of Information Systems~~ is created within the Division of Administration.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance;

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—On page 2, line 24, insert:

Section 1. Section 14.30, Florida Statutes, is transferred, renumbered as section 286.30, Florida Statutes, and amended to read:

286.30 ~~14.30~~ Commission on Government Accountability to the People.—

(1) There is created the Commission on Government Accountability to the People.

(2) The commission shall consist of 15 members appointed by the Governor, subject to confirmation by the Senate, with 9 members from the private sector and 6 members from the public sector. The members shall serve 4-year terms. Of the initial appointees, terms shall be staggered as follows: three members shall hold 1-year terms; four members shall hold 2-year terms; four members shall hold 3-year terms; and four members shall hold 4-year terms. The Governor shall fill all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

(3) The Governor shall appoint the initial chair. Subsequent chairs shall be elected by a majority vote of the commission, shall serve 1-year terms, and shall be eligible for reelection. The commission shall elect the vice chair from its membership.

(4) The commission shall hold a minimum of four regular meetings during the calendar year. Additional meetings may be called by the chair, or upon written request of a majority of the members of the commission. All meetings of the commission are public in accordance with the provisions of s. 286.011.

(5) The commission may establish such committees as it deems necessary to execute its powers and duties.

(6) Members of the commission shall not receive compensation for their service; however, they shall be entitled to per diem and travel expenses pursuant to s. 112.061. Public sector members shall perform their commission duties in addition to fulfilling their regular public duties.

(7) The commission shall be assigned to the *Department of Management Services* ~~Executive Office of the Governor~~ for administrative and fiscal accountability purposes, and the *Department of Management Services* ~~Executive Office of the Governor~~ shall provide administrative support and services to the commission; otherwise, the commission shall function independently of the control and direction of the Governor.

(8) The commission shall, by majority vote, employ and set the compensation of an executive director, who shall serve at the pleasure of the commission.

(9) The commission may adopt and enforce reasonable procedures necessary to facilitate the studies and reviews it is authorized to perform.

(10) The commission shall track the impact of state agency actions upon the well-being of Florida citizens by:

(a) Serving as a citizen board to review state agency performance, using agency strategic plans, reports from the Auditor General, the Executive Office of the Governor, and state agency internal auditors and inspectors general, and other sources as needed.

(b) Holding public hearings to allow state agencies which are operating under a performance-based program budget pursuant to s. 216.0172 the opportunity to explain factors which contributed to their success or failure in meeting performance measures.

(c) Receiving testimony from the public as to state agency performance.

(d) Assessing the progress of state agencies in meeting their missions, goals, and objectives.

(e) Making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides.

(f) Preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability a report summarizing the activities and findings of all assessments made by the commission.

State agencies shall cooperate with the commission and shall provide data and information available to enable the commission to perform its functions. The Executive Office of the Governor and the Auditor General may provide assistance, within available resources, to the commission as necessary.

Section 2. *Effective July 1, 1997, the Commission on Government Accountability to the People and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, from the Executive Office of the Governor to the Department of Management Services. The administrative rules of the commission which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 3. Subsection (2) of section 14.203, Florida Statutes, as created by section 50 of chapter 94-249, Laws of Florida, is amended to read:

14.203 State Council on Competitive Government.—It is the policy of this state that all state services be performed in the most effective and efficient manner in order to provide the best value to the citizens of the state. The state also recognizes that competition among service providers may improve the quality of services provided, and that competition, innovation, and creativity among service providers should be encouraged.

(2) There is hereby created the State Council on Competitive Government, which shall be composed of the Governor and Cabinet, sitting as the Administration Commission as defined in s. 14.202. The council, on its own initiative, the Office of Program Policy Analysis and Government Accountability, created pursuant to s. 11.51, or the Commission on Government Accountability to the People, created pursuant to *s. 286.30* ~~s. 14.30~~, may identify commercial activities currently being performed by state agencies and, if it is determined that such services may be better provided by requiring competition with private sources or other state agency service providers, may recommend that a state agency engage in any process, including competitive bidding, that creates competition with private sources or other state agency service providers.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to advisory bodies and other governmental entities; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference;

Senator Rossin moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 2, line 29, delete "Governor" and insert: *Department of Management Services* ~~Governor~~

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **SB 702** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

SB 596—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring certain state agencies to maintain certain records; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; repealing s. 119.092, F.S., relating to registration of federal employer registration numbers; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 596** to **HB 399**.

Pending further consideration of **SB 596** as amended, on motions by Senator Dudley, by two-thirds vote—

HB 399—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 596** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **HB 253** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Holzendorf—

HB 253—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing for distribution of penalty revenue; providing an effective date.

—a companion measure, was substituted for **CS for SB 658** and read the second time by title.

Pursuant to Rule 4.19, **HB 253** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris, by two-thirds vote **HB 599** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motions by Senator Harris, by two-thirds vote—

HB 599—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; deleting an expiration and legislative review provision; amending s. 159.8081, F.S.; increasing a threshold percentage for certain allocations from the manufacturing facility bond pool; providing an effective date.

—a companion measure, was substituted for **SB 882** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 599** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Commission to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (1), paragraphs (a), (b), and (d), of subsection (4), and paragraphs (c) and (e) of subsection (5) of section 373.461, Florida Statutes, 1996 Supplement, are amended, and paragraphs (f), (g), and (h) are added to subsection (5) of that section, to read:

373.461 Lake Apopka improvement and management.—

(1) FINDINGS AND INTENT.—

(e) ~~If funds cannot be identified for acquisition of these agricultural lands,~~ It is the Legislature's intent to provide a process for development of phosphorus discharge limitations that will bring such discharges into compliance with state water quality standards and to provide for interim phosphorus abatement measures designed to further reduce phosphorus discharges from the Zellwood Drainage and Water Control District, which is the largest agricultural entity within the Lake Apopka Basin, *unless both of the timeframes specified in paragraph (4)(a) regarding purchase agreements and completion of purchases are met*. The Legislature finds that it is in the public interest to jointly share in the cost of implementing such interim phosphorus reduction measures with Zellwood.

(4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.—

(a) It is the intent of the Legislature that ~~in the event no funding mechanisms to purchase all the lands within Zellwood are in place by July 1, 1997,~~ construction of stormwater management facilities to store, treat, and recycle Zellwood's agricultural stormwater runoff will be necessary during the interim period while discharge limitations are being established for Lake Apopka, *unless both of the following are met:*

1. Agreements to purchase all the lands within Zellwood are executed by September 30, 1997, or a later execution deadline established by the United States for such agreements before reallocation of Commodity Credit Corporation funds made available to acquire Wetland Reserve program conservation easements within the Lake Apopka Partnership Project area; and

2. All such purchases are completed pursuant to the terms of such agreements.

The Legislature finds that it is in the public interest for state, regional, and local revenue sources to be used along with Zellwood's revenue sources to finance the costs of acquiring land and constructing such facilities. One-third of the cost of the facilities shall be contributed by Zellwood, one-third by the state, and one-third by the district.

(b) Consistent with the funding formula outlined in paragraph (a), the state will provide up to $2 million, with the same amount being committed by both Zellwood and the district, for a total of $6 million. These funds shall be used for the purpose of acquiring the necessary land for and constructing a stormwater management facility, not to exceed 600 acres in total size, for Zellwood's farm runoff, together with the necessary pumps and other infrastructure associated with such facilities, provided that Zellwood's contribution shall be used for project purposes other than acquiring land. *If the total cost of the facilities exceeds $6 million, the costs exceeding $6 million shall be contributed by the state, Zellwood, and the district under the funding formula outlined in paragraph (a).*

(d) Construction of the stormwater retention and treatment facilities provided for in this section shall begin within 90 days after acquisition of interests in land necessary for the facilities *and the district's delivery of the design of the facilities to Zellwood*, and *shall be* completed within 1 year thereafter. After completion of the facilities, Zellwood shall be responsible for operation and maintenance so long as the facilities are used by Zellwood.

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. *However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed $4,000 per acre for those lands characterized predominantly by muck soils and $3,000 per acre for those lands characterized predominantly by mineral soils. These maximum purchase price limitations shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), that portion attributable to related facilities, or closing costs.*

(e) If *all* the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).

(f) 1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of northwestern Orange County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.

2. The Office of Tourism, Trade, and Economic Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of intangible personal property and which meets the limitations of paragraph (h). The authority of the Office of Tourism, Trade, and Economic Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.

3. Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (h).

(g) There is established the "Northwest Orange County Redevelopment Advisory Committee." Membership of this committee shall consist of residents of Orange County and shall be constituted as follows: one member appointed by the President of the Senate; one member appointed

by the Speaker of the House of Representatives; one member appointed by the Mayor of Apopka; one member appointed by the Orange County Chairman; one member appointed by the chairman of the Central Florida Jobs and Education Partnership; one member appointed by the chairman of the Economic Development Commission of Mid–Florida; and one member, who shall serve as chair, appointed by the Governor. The committee shall continue in existence for a period of 5 years from the effective date of this paragraph. Any vacancy on the committee shall be filled for the remainder of the term in the manner the position was originally filled. All members of the committee shall serve for terms of 3 years and may be reappointed. Members of the committee shall serve without compensation, but may be reimbursed for travel and other reasonable expenses directly associated with operation of the committee. The committee shall function in an advisory capacity to the Orange County Commission in creating and implementing a redevelopment plan for the impacted area that is consistent with the approved comprehensive plan for Orange County.

(h) The Orange County Commission shall have authority to spend the proceeds of sales of tangible personal property authorized in paragraph (f) to implement the redevelopment plan adopted by the Orange County Commission. Of the total funds collected from the sale of the tangible personal property:

1. The commission may not expend more than:

a. Twenty percent for labor force training related to the redevelopment project;

b. Thirty–three percent for financial or economic incentives for business location or expansion in the redevelopment area; and

c. Four percent for administration, planning, and marketing the redevelopment plan.

2. The commission must spend those revenues not expended under subparagraph 1. for infrastructure needs necessary for the redevelopment project.

Section 2. Section 290.0067, Florida Statutes, is created to read:

290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County may apply to the Office of Tourism, Trade and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farm lands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.

Section 3. *In addition to the sum of $20 million appropriated in fiscal year 1996-1997, the sum of $45 million is appropriated from the General Revenue Fund to the St. Johns River Water Management District for fiscal year 1997-1998, both sums to be used for the purpose of purchasing lands described in section 373.461(5)(a), Florida Statutes, and their related facilities. The $45-million appropriation may be used only to acquire lands, and their related facilities, for which agreements for purchase have been executed by September 30, 1997, or such later execution deadline as is established by the United States for such agreements before reallocation of Commodity Credit Corporation funds that have been made available to acquire Wetland Reserve Program conservation easements on lands within the Lake Apopka Partnership Project area.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Advisory Committee to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1486** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 550—A bill to be entitled An act relating to oil and gas drilling; amending s. 377.2425, F.S.; revising surety requirements for drilling permittees; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 1, lines 28-30 and on page 2, lines 1 and 2, delete those lines and insert: *as the Administration Commission, at the recommendation of the Department of Environmental Protection, shall set a reasonable amount of surety required under this subsection. The surety amount shall be based on the projected cleanup costs and natural resources damages resulting from a maximum oil spill and adverse hydrographic and atmospheric conditions that would tend to transport the oil into environmentally sensitive areas, as determined by the Department of Environmental Protection.*

Pursuant to Rule 4.19, **CS for SB 550** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 292** was deferred.

On motion by Senator Dyer—

SB 1430—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; providing authority for the water management districts to accept funds for the planning and implementation of district undertakings and delegations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1430** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 150—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 150** to **CS for HB 229**.

Pending further consideration of **SB 150** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 229** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motions by Senator Holzendorf, by two-thirds vote—

CS for HB 229—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.;

creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

—a companion measure, was substituted for **SB 150** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 229** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 292—A bill to be entitled An act relating to artificial reefs; amending s. 370.25, F.S.; providing requirements with respect to the artificial reef program within the Department of Environmental Protection; directing the department to establish criteria for determining eligibility of nonprofit organizations to apply for and receive available reef development funds; establishing an office to act as a coordinating authority for artificial reef construction; directing the department to develop a plan; providing that certain acts are unlawful; providing penalties; providing for disposal of certain materials; providing that certain persons are deemed responsible for violations; providing for administrative fines; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Klein:

Amendment 1 (with title amendment)—On page 4, line 16 through page 6, line 10, delete those lines and insert:

(6) It is unlawful for any person to:

(a) Transport on or across state waters material which might reasonably be expected to be intended for placement in the water for artificial reef development purposes, unless a signed inspection manifest issued by the department or a department approved inspector, is on board the transporting vessel. The manifest will serve as authorization to use a valid artificial reef site, or shore staging area, will validate that the type of intended reef development material is permissible for use at the proposed permit site, will describe and quantify the inspected reef material being transported, include the coordinates of the proposed reef deployment destination, the valid reef site permit number, and a copy of the permit conditions for the reef site authorized for use. The manifest must be available for inspection upon request by any authorized law enforcement officer or designated employee of the department. The vessel captain or reef site permit holder must return a copy of the manifest along with the reef material placement coordinates and deployment date to the department within 30 days of placement of reef material.

(b) Store on a vessel material which might reasonably be expected to be intended for placement in the water for artificial reef development purposes, unless the materials have been inspected and approved or are scheduled to be inspected.

(c) Place materials in state waters outside zones permitted under the terms and conditions defined in the applicable environmental permits and under U.S. Army Corps of Engineers permits held by the department or a local government.

(d) Place in state waters materials that have not been inspected and approved by the department or a department approved inspector.

(7)(a) An initial violation of subsection (4) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A subsequent violation of subsection (4) which is committed within 12 months after a previous violation of that subsection is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If a violation of paragraph (a), paragraph (c), or paragraph (d) of subsection (4) occurs, a law enforcement officer must terminate a vessel's voyage and order the vessel operator to return immediately to port. The vessel operator must immediately dispose of the materials on shore according to applicable waste-disposal laws.

(c) If, at the time of the violation, the vessel that is involved in the violation:

1. Is moored, the registered owner of the vessel is responsible for the violation.

2. Is underway, the captain or operator of the vessel and the registered owner of the vessel are jointly responsible for the violation.

(d) In addition to the penalties imposed in paragraph (5)(a) any person convicted of violating subsection (4), regardless of whether adjudication was withheld or imposition of sentence deferred or suspended, the department shall assess civil penalties of up to $5,000 and may suspend or revoke the vessel registration and may revoke existing reef-construction permits and other state marine licenses held by the violator.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, lines 11 and 12, delete "directing the department to develop a plan" and insert:

Senator Klein moved the following substitute amendment which was adopted:

Amendment 2 (with title amendment)—On page 4, line 16 through page 6, line 10, delete those lines and insert:

(6) It is unlawful for any person to:

(a) Place artificial-reef-construction materials in state water outside zones permitted under the terms and conditions defined in the applicable environmental permits and under U.S. Army Corps of Engineers permits held by the department or a local government.

(b) Place in state waters artificial-reef-construction materials that have not been inspected and approved by the department or a department-certified inspector.

(7)(a) An initial violation of subsection (4) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A subsequent violation of subsection (4) which is committed within 12 months after a previous violation of that subsection is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If a violation of paragraph (a), paragraph (c), or paragraph (d) of subsection (4) occurs, a law enforcement officer must terminate a vessel's voyage and order the vessel operator to return immediately to port. The vessel operator must immediately dispose of the materials on shore according to applicable waste-disposal laws.

(c) If, at the time of the violation, the vessel that is involved in the violation:

1. Is moored, the registered owner of the vessel is responsible for the violation.

2. Is underway, the captain or operator of the vessel and the registered owner of the vessel are jointly responsible for the violation.

(d) In addition to the penalties imposed in paragraph (5)(a) any person convicted of violating subsection (4), regardless of whether adjudication was withheld or imposition of sentence deferred or suspended, the department shall assess civil penalties of up to $5,000 and may suspend or revoke the vessel registration and may revoke existing reef-construction permits and other state marine licenses held by the violator.

And the title is amended as follows:

On page 1, lines 11 and 12, delete "directing the department to develop a plan"

Pursuant to Rule 4.19, **SB 292** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Jenne, the rules were waived and time of recess was extended until consideration of **CS for HB's 461, 281 and 75**.

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB's 461, 281 and 75, as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON CS FOR HB'S 461, 281 AND 75

The Honorable Toni Jennings April 2, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on the Senate Amendment to CS for HB's 461, 281 and 75, same being:

An act relating to Elections

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its Amendment.

2. That the Senate and House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.

3. That the Senate and House of Representatives pass CS for HB's 461, 281 and 75 as amended by said Conference Committee Amendment.

s/Jack Latvala	*s/Lisa Carlton*
Chair	Chair
s/Locke Burt	*s/Steven A. Geller*
s/Buddy Dyer	*s/John Thrasher*
Managers on the part of the Senate	Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 106.37, Florida Statutes, is created to read:

106.37 Willful violations.—A person willfully violates a provision of this chapter if the person commits an act while knowing that, or showing reckless disregard for whether, the act is prohibited under this chapter, or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this chapter. A person knows that an act is prohibited or required if the person is aware of the provision of this chapter which prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. A person shows reckless disregard for whether an act is prohibited or required under this chapter if the person wholly disregards the law without making any reasonable effort to determine whether the act would constitute a violation of this chapter.

Section 2. Subsections (5) and (8) of section 106.011, Florida Statutes, are amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(5)*(a)* "Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

(b) An expenditure for the purpose of advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee or committee of continuous existence, or any other person, shall not be considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or

5. After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. Any officer, director, employee, or agent of a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. Any person whose professional services have been retained by a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

6. After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. *The term includes a political party, political committee, or committee of continuous existence.*

Section 3. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) *Except for political parties,* no person, political committee, or committee of continuous existence *may, in any election,* ~~shall~~ make contributions *in excess of $500* to any candidate *for election to or retention in office* or *to any* political committee *supporting or opposing one or more candidates.* ~~in this state, for any election, in excess of the following amounts:~~

~~1. To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $500.~~

~~2. To a candidate for legislative or multicounty office, $500.~~

~~3. To a candidate for statewide office, $500.~~ Candidates for the offices of Governor and Lieutenant Governor on the same ticket *are* ~~shall be~~ considered a single candidate for the purpose of this section.

~~4. To a political committee supporting or opposing one or more candidates, $500.~~

~~5. To a candidate for county court judge or circuit judge, $500.~~

~~6. To a candidate for retention as a judge of a district court of appeal, $500.~~

~~7. To a candidate for retention as a justice of the Supreme Court, $500.~~

(b)*1.* The contribution limits provided in this subsection *do* ~~shall~~ not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, *an* ~~no~~ unemancipated child under the age of 18 years of age may *not* make a contribution *in excess of $100* to any candidate or to any political committee supporting one or more candidates~~, in excess of $100. The limitations provided by this subsection shall apply to each election~~.

(c) *The contribution limits of this subsection apply to each election.* For purposes of this subsection, the first primary, second primary, and general election *are* ~~shall be deemed~~ separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there *is* ~~shall be~~ only one election, which *is* ~~shall be~~ the general election, and with respect to candidates for circuit judge or county court judge, there *are* ~~shall be~~ only two elections, which *are* ~~shall be~~ the first primary election and general election.

(2)(a) A candidate may not accept contributions from national, state, *including any subordinate committee of a national, state, or county committee of a political party,* and county executive committees of a political party, which contributions in the aggregate exceed $50,000, no more than $25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) ~~For the purposes of this subsection:~~

~~1. Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.~~

~~2.~~ Polling services, research services, *costs for campaign staff, professional consulting services* ~~technical assistance~~, and *telephone calls* ~~voter mobilization efforts~~ are not contributions to be counted toward the contribution limits of *paragraph (a)* ~~this subsection~~. *Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the $50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.*

(3)*(a)* Any contribution received by a candidate with opposition in an election or *by* the campaign treasurer or a deputy *campaign* treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election *must* ~~shall~~ be returned by him or her to the person or committee contributing it and *may* ~~shall~~ not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or *by* the campaign treasurer or a deputy *campaign* treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office *must* ~~shall~~ be returned to the person or ~~political~~ committee contributing it and *may* ~~shall~~ not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election *may* ~~shall~~ not be obligated or expended by the committee until after the date of the election.

(5) *A* ~~No~~ person *may not* ~~shall~~ make any contribution ~~in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee,~~ through or in the name of another, directly or indirectly, in any election. ~~The solicitation from, and contributions by,~~ Candidates, political committees, and *political parties may not solicit contributions from or make contributions* ~~party executive committees~~ to any religious, charitable, civic, or other causes or organizations established primarily for the public good ~~are expressly prohibited~~. However, it *is* ~~shall~~ not ~~be construed as~~ a violation of this subsection for a candidate, political committee, or *political* party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or *make* regular *donations* ~~contributions paid~~ from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which *the candidate* ~~he or she~~ has been a regular *donor* ~~contributor~~ for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(7)(a)~~(6)~~ Any person who knowingly and willfully makes *no more than one* ~~a~~ contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any *political party,* political committee, or committee of continuous existence is convicted of knowingly and willfully violating *any provision punishable under* this *paragraph* ~~section~~, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a *political party,* political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of *any provision punishable under* this *paragraph commits* ~~section is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $10,000 and not more than $50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation,

partnership, or other business entity, or of a political committee, committee of continuous existence or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)~~(7)~~ *Except when otherwise provided in subsection (7),* any person who knowingly and willfully violates *any provision* ~~the provisions~~ of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9)~~(8)~~ ~~The provisions of~~ This section *does* ~~shall~~ not apply to the transfer of funds between a primary *campaign* depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 4. Section 106.085, Florida Statutes, is amended to read:

106.085 Independent expenditures; unfair surprise prohibited; *notice requirements;* penalty.—

(1) Any individual, group, organization, *political party,* or committee making an independent expenditure in excess of $1,000 on behalf of or in opposition to a candidate shall deliver notice in writing of such independent expenditure, *a general description of the subject and content of such expenditure,* ~~as well as~~ the amount of such expenditure and a detailed description of the media type or use of such expenditure, within 24 hours after obligating any funds for such expenditure. *However, the notice of the obligation of the expenditure must be made at least 5 days prior to an election.* An expenditure is obligated upon the purchase of any political advertising or the entering into any agreement, either oral or written, to purchase any political advertising. Such notice shall be delivered to all of the candidates in the affected race and to the qualifying officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure is designed to support or oppose. For purposes of this subsection, notice shall include, but is not limited to, personal hand delivery or overnight mail. Each new expenditure shall require the delivery or filing of an additional new notice.

(2)(a) If the political advertisement required to be noticed under subsection (1) is to be broadcast over any television station, including a cable television station, or a radio station, a copy of the actual advertisement must be provided with the notification, along with a listing of the stations airing the advertisement.

(b) If the political advertisement required to be noticed under subsection (1) is to be communicated through means other than the spoken word, a duplicate reproduced from the original advertisement to be used must be provided with the notification. The duplicate must clearly depict a copy of the pictures, artwork, and text used in the advertisement.

(c) If the political advertisement required to be noticed under subsection (1) is to be a telephone solicitation, a copy of the script of the telephone solicitation must be provided with the notification, along with the number of intended recipients.

(3)~~(2)~~ A person who violates any provision of this section shall be liable for a civil fine of up to $5,000 to be determined by the Florida Elections Commission or *the entire* ~~an~~ amount ~~equal to 10 percent~~ of the expenditure not noticed, whichever is greater.

(4) This section does not prohibit a person from making an independent expenditure in support of or in opposition to any candidate or issue, unless otherwise prohibited by law, from expressing his or her opinion on any issue, or from purchasing any political advertisement or campaign material.

Section 5. Effective October 1, 1997, section 106.087, Florida Statutes, is created to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida
County of . . . .

Before me, an officer authorized to administer oaths, personally appeared (name)*, to me well known, who, being sworn, says that he or she is the* (title) *of the* (name of party) (state or specified county) *executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.*

(Signature of committee officer)
(Address)

Sworn to and subscribed before me this . . . . day of . . . . , 19 . . . . , at . . . . County, Florida.

(Signature and title of officer administering oath)

(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.

(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to $5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

Section 6. Paragraph (c) of subsection (4) and subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(4)

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. *For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation.* However, if the contribution is $100 or less, the occupation of the contributor *or principal type of business* need not be listed~~, and only the name and address are necessary~~. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate

amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be *$500* ~~$50~~ per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Elections Commission* ~~Election Campaign Financing~~ Trust Fund. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of a committee shall not be personally liable for such fine.

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include committees of continuous existence which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The committee of continuous existence must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for waiver must be accompanied by a sworn oath by the treasurer of the committee stating that the committee has not previously been fined for the late filing of a report and that there was no activity during the reporting period. No activity shall mean that no funds were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in s. 106.07.~~

Section 7. Paragraph (a) of subsection (4) and subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. *For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation*. However, if the contribution is $100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor *or the principal type of business* need not be listed~~, and only the name and address are necessary~~.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(8)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the *Elections Commission* ~~Election Campaign Financing~~ Trust Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be *$50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500* ~~$50~~ per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever if greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include candidates or political committees which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The candidate or political committee must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for the waiver must be accompanied by a sworn oath by the candidate or the treasurer of the committee stating that the candidate or committee has not previously been fined for the late filing of a report as a candidate for public office or as a committee and that there was no activity during the reporting period. No activity shall mean that no contributions were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in this section.~~

Section 8. Section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; *restrictions on contributions and expenditures; penalties* ~~assessment on contributions.—~~

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any *state or county executive committee* ~~political party~~ failing to file a report on the designated due date shall be subject to a fine as provided in *subsection (3)* ~~s. 106.07 for submitting late reports~~. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each *state or county executive* committee shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer and the moneys collected shall be deposited in the Elections Commission Trust Fund.

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $1,000 for a state executive committee, and $50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be $10,000 per day for each day a state executive committee is late and $500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.

(c) The chair of an executive committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an executive committee, the failure of an executive committee to file a report after notice, or the failure to pay the fine imposed.

(4)~~(3)~~ Any contribution received by a state or county *executive* committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.

(5)~~(4)~~ No state or county executive committee, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditure prohibited by this chapter. However, the contribution of funds by one executive committee to another~~,~~ *or* to established party organizations for legitimate party or campaign purposes~~, or to individual candidates of that party in general elections in amounts exceeding those set forth in s. 106.08~~ is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

(6)(a) The national, state, and county executive committees of a political party may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.

(b) A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(2) shall be assessed against any executive committee found in violation thereof.

Section 9. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing *three* ~~six~~ or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 10. Section 106.1405, Florida Statutes, is amended to read:

106.1405 Use of campaign funds ~~by candidates~~.—

~~If~~ A candidate or *the* spouse of a candidate *may not* ~~intends to draw a salary from the campaign account of such candidate or~~ use funds on deposit in a campaign account *of such candidate* to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign~~, the candidate shall, at the same time he or she appoints a treasurer and designates his or her campaign depository, file with the officer before whom he or she qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used~~.

Section 11. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is *3* ~~4.5~~ percent of the annual salary of the office. ~~The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust Fund. The remainder shall be distributed pursuant to s. 99.103.~~ The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

Section 12. Subsection (1) of section 99.093, Florida Statutes, is amended to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to *1* ~~1.5~~ percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward *all assessments* ~~two-thirds of the amount~~ collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund ~~and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund~~.

Section 13. Subsection (3) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is *3* ~~4.5~~ percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The qualifying officer shall forward all filing fees to the Department of Revenue for deposit in the General Revenue Fund. ~~One-third of all filing fees deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund.~~ The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

Section 14. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less ~~the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and~~ an amount equal to 15 percent of the filing fees ~~after such transfer~~, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less ~~the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and~~ the amount deposited in general revenue pursuant to subsection (1), or party assessments that

may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. *However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.*

(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, *becomes* ~~who has been eliminated as a candidate, who has become~~ unopposed, or *is eliminated as a candidate or* ~~who has been~~ elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days *after* ~~of~~ the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and *the* accumulated interest earned thereon to the campaign account of the candidate for disposal *under* ~~in accordance with the provisions of~~ this section. However, *if the* ~~when~~ funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and *the* accumulated interest *earned thereon* as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds *that* ~~which~~ have not been spent~~,~~ or ~~have not been~~ obligated ~~to be spent, with respect to a campaign which has been conducted~~.

2. Donate the funds *that* ~~which~~ have not been spent or ~~have not been~~ obligated ~~to be spent~~ to a *charitable* ~~charity~~ organization or organizations *that* ~~which~~ meet the qualifications of s. 501(c)(3) of the Internal Revenue Code~~, with respect to a campaign which has been conducted~~.

3. Give the funds *that* ~~which~~ have not been spent or ~~have not been~~ obligated ~~to be spent~~ to the political party of which such candidate is a ~~registered~~ member.

4. Give the funds *that* ~~which~~ have not been spent~~,~~ or ~~have not been~~ obligated ~~to be spent, with respect to a campaign which has been conducted~~:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the Elections Commission Trust Fund.

(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(9) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Effective January 1, 1999, subsection (4) of section 106.141, Florida Statutes, as amended by this act, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.

2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

3. Give *not more than $10,000 of* the funds that have not been spent or obligated to the political party of which such candidate is a member.

4. Give the funds that have not been spent or obligated:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

Section 17. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall:

(a) Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

(b) Identify the persons or organizations sponsoring the advertisement.

(c)1.a. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

b. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

2. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

This subsection does not apply to campaign messages used by a candidate and *the candidate's* ~~his or her~~ supporters *if those* ~~which~~ messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for partisan office ~~in any election~~ shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate. ~~Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.~~

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing *to the candidate* to make such representation. However, this *subsection* ~~section~~ does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(4)(a) Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

(c) This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(5)~~(4)~~ No political advertisement of a candidate who is not an incumbent of the office for which *the candidate* ~~he or she~~ is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which *the candidate* ~~he or she~~ is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(6)~~(5)~~ This section *does* ~~shall~~ not apply to novelty items *having a retail* ~~of nominal~~ value *of $10 or less* which support, but do not oppose, a candidate or issue.

(7)~~(6)~~ Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(8)~~(7)~~ Any person who willfully violates *any provision* ~~the provisions~~ of this section is subject to the civil penalties prescribed in s. 106.265.

Section 18. Section 106.147, Florida Statutes, is created to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: "paid for by..." (insert name of persons or organizations sponsoring the call) or "paid for on behalf of..." (insert name of persons or organizations authorizing call). This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

(c) No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(d) No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(2) Any telephone call, not conducted by independent expenditure, supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls commence.

(3)(a) Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For purposes of paragraph (a), the term "person" includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, political party executive committee, or corporation, partnership, or other business entity.

Section 19. Section 106.1475, Florida Statutes, is created to read:

106.1475 Telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.

(3)(a) The division shall create and maintain forms for the notice required by subsection (1), which, at a minimum, must elicit all of the following information:

1. The name, address, and telephone number of the registered agent.

2. The name, address, and telephone number of the person or organization conducting business in this state as specified in subsection (1).

(b) The person or organization conducting business in this state as specified in subsection (1) must immediately notify the division of any changes in the information required in paragraph (a).

(4) Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 20. Section 106.148, Florida Statutes, is created to read:

106.148 Disclosure of online computer solicitation.—A message placed on an information system accessible by computer by a candidate, political party, political committee, or committee of continuous existence, or an agent of any such candidate, party, or committee, which message is accessible by more than one person, other than an internal communication of the party, committee, or campaign, must include a statement disclosing all information required of political advertisements under s. 106.143.

Section 21. Section 99.097, Florida Statutes, is amended to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3)*(a)* A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the *division* ~~Department of State~~, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the *division* ~~Department of State~~.

(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(4) The supervisor shall be paid *in advance* the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification

of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

Section 22. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1)(a) The sponsor of a constitutional amendment proposed by initiative must register as a political committee under s. 106.03 prior to taking or initiating any action with respect to that amendment.

(b)~~(3)~~ *After registering as a political committee,* the sponsor of *a constitutional* ~~an initiative~~ amendment *proposed by initiative* shall~~, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and~~ submit the text of the proposed *initiative* amendment *and the petition format* to the *division for* ~~Secretary of State, with the form on which the signatures will be affixed, and shall obtain the~~ approval ~~of the Secretary of State of such form~~. The *division* ~~Secretary of State~~ shall promulgate rules pursuant to s. 120.54 prescribing the style and requirements of *petition formats* ~~such form~~.

(2)(a) If the sponsor of a proposed initiative amendment intends to employ or contract with any person to gather voter signatures, the sponsor must, before employing or contracting with such person, file an affidavit with the division, the form of which shall be prepared by the division, giving notice of the intended use of paid petition circulators.

(b) A sponsor of a proposed initiative amendment who uses paid petition circulators shall provide to the division the name and address of each individual paid to gather petition signatures. Such information shall be filed at the time reports are filed pursuant to s. 106.07.

(c) Each paid petition circulator must place his or her name and address on each petition form for which he or she is gathering signatures on behalf of the sponsor of the proposed initiative amendment. The sponsor of a proposed initiative amendment is responsible for ensuring that the name and address of the paid circulator appear on the petition form prior to its submission to the supervisor for verification.

(d) A sponsor of a proposed initiative amendment who uses paid petition circulators may not file an oath of undue burden in lieu of paying the fee required by s. 99.097 for the verification of signatures gathered.

(3)~~(4)~~ *No later than 5 p.m. on the 151st day prior to the general election at which the proposed initiative amendment is to be voted on for a name-by-name, signature-by-signature verification and no later than 5 p.m. on the 121st day prior to the general election at which the proposed initiative amendment is to be voted on for a random-sampling verification,* the sponsor shall submit signed and dated *petition* forms *for that petition* to *each* ~~the~~ appropriate supervisor ~~of elections~~ for verification as to the number of *voters* ~~registered electors~~ whose valid signatures appear thereon. *Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.* The supervisor shall promptly verify the signatures upon payment of the fee *or filing of the oath of undue burden* required by s. 99.097. Upon completion of verification, *which shall occur no later than the 91st day prior to the general election,* the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid ~~and as being of registered electors~~, and the distribution *of signatures* by congressional district. This certificate shall be immediately transmitted to the *division* ~~Secretary of State~~. The supervisor shall retain the *signed and dated petition* ~~signature~~ forms for at least 1 year following the election in which the *proposed initiative amendment* ~~issue~~ appeared on the ballot or until the division ~~of Elections~~ notifies the supervisors ~~of elections~~ that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)~~(5)~~ The *division* ~~Secretary of State~~ shall determine from the ~~verification~~ certificates received from *the* supervisors ~~of elections~~ the total number of ~~verified~~ valid signatures and the distribution of such signatures by congressional *district* ~~districts~~. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the *division* ~~secretary~~ shall issue a certificate of ballot position for that proposed *initiative* amendment and shall assign a designating number pursuant to s. 101.161. A petition *is considered* ~~shall be deemed to be~~ filed with the Secretary of State upon the date of the receipt by the *division* ~~secretary~~ of a certificate or certificates from *the* supervisors ~~of elections~~ indicating *that* the petition has been signed by the constitutionally required number of *voters* ~~electors~~.

(5)~~(1)~~ Constitutional amendments proposed by initiative shall be placed on the ballot for the *next* general election *held more than* ~~occurring in excess of~~ 90 days *after* ~~from~~ the certification of ballot position by the *division* ~~Secretary of State~~.

(6) The *division may* ~~Department of State shall have the authority to~~ promulgate rules ~~in accordance with s. 120.54~~ to carry out the provisions of this section.

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

Section 23. Section 104.185, Florida Statutes, is amended to read:

104.185 *Petitions;* knowingly signing ~~a petition~~ more than once*; signing another person's name or a fictitious name.*—

(1) A ~~It is unlawful for any~~ person *who* knowingly *signs* ~~to sign~~ a petition or petitions for a ~~particular issue or~~ candidate*, a minor political party, or an issue* more than one time *commits*~~. Any person violating the provisions of this section shall, upon conviction, be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (3) is added to section 106.19, Florida Statutes, to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

Section 25. *Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the name and address of the paid petition circulator, nor is any such signature affected by the prohibition against filing an undue burden oath in lieu of paying the fee to have signatures verified, as provided by this act. However, any signature gathered on or after the effective date of this act is subject to the provisions of this act and, if payment is made to any person to solicit signatures after the effective date of this act, an undue burden oath may not be filed in lieu of paying the fee to have signatures verified. In addition, any initiative petition form approved by the Secretary of State prior to the effective date of this act may continue to be circulated.*

Section 26. Subsections (1) and (2) of section 97.052, Florida Statutes, 1996 Supplement, are amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.

2. Change of address.

3. Change of party affiliation.

4. Change of name.

5. Replacement of voter registration identification card.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.

2. Individuals or groups conducting voter registration programs. *A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.*

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may not be reproduced by any private individual or group.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not ~~of~~ Hispanic ~~origin~~.

4. White, not ~~of~~ Hispanic ~~origin~~.

5. Hispanic.

(g) Sex.

(h) Party affiliation.

(i) Whether the applicant needs assistance in voting.

(j) Name and address where last registered.

(k) Social security number (optional).

(l) Telephone number (optional).

(m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(n) Date of signature.~~

(n)~~(o)~~ Whether the application is being used for initial registration, ~~or~~ to update a voter registration record, *or to request a replacement registration identification card.*

(o)~~(p)~~ Whether the applicant is a citizen of the United States.

(p) That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(q) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form shall be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 27. Subsection (1) and paragraph (a) of subsection (5) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, ~~and~~ changes in registration, *and requests for a replacement registration identification card* must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(5)(a) A voter registration application is complete if it contains*:*

1. The applicant's name.~~,~~

2. The applicant's legal residence address.~~,~~

3. The applicant's date of birth.~~, and~~

4. An indication that the applicant is a citizen of the United States.

5. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

6. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

7. Signature *of the applicant* swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 28. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

(f) Race or ethnicity*, if provided by the applicant.*

(g) Sex*, if provided by the applicant.*

(h) Address of legal residence.

(i) Precinct number.

(j) Signature of supervisor.

(k) Place for voter's signature.

(l) Other information deemed necessary by the department.

(2) A voter may receive a replacement of a registration identification card by *providing a signed, written request for a replacement card to* ~~informing~~ the supervisor~~, in writing, that the card was defaced, lost, or stolen~~. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 29. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must *provide a signed, written notification of such move to* ~~notify~~ the supervisor ~~in writing of such change~~ and obtain a registration identification card reflecting the new address of legal residence.

(2) When the name of an elector is changed by marriage or other legal process, the elector must *provide a signed, written notification of such change to* ~~notify~~ the supervisor ~~in writing of the change~~ and obtain a registration identification card reflecting the *new* name ~~change~~.

(3) When an elector seeks to change party affiliation, the elector must *provide a signed, written notification of such intent to* ~~notify~~ the supervisor ~~in writing~~ and obtain a ~~new~~ registration identification card *reflecting the new party affiliation, subject* ~~pursuant~~ to *the issuance restriction in* s. 97.071*(3).*

(4) The supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation *and shall issue the new registration identification card as required by s. 97.071(3).*

Section 30. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex*, if provided*; race*, if provided*; ~~state or country of birth;~~ whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 31. Subsection (2) of section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; submission of false voter registration information.—

(2) A person who willfully submits any false voter registration information commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 32. Subsection (4) is added to section 104.012, Florida Statutes, to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation.—

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. *Sections 98.391, 98.412, 98.431, and 98.441, Florida Statutes, and sections 98.401 and 98.421, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are repealed.*

Section 34. Subsection (11) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(11) Create and maintain a central voter file.

Section 35. Present subsections (4) through (29) of section 97.021, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (30), respectively, and a new subsection (4) is added to that section to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(4) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.

Section 36. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of *ss.* ~~s.~~ 98.095 *and 98.097*, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 37. Section 98.095, Florida Statutes, as amended by chapters 91-235 and 91-424, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(1)(a)*1.* The registration books *of each county in this state* are public records. *Any* ~~Every~~ citizen *of the state* is allowed to examine the registration books *of any county* while they are in the custody of the supervisor *of that county*, but is not allowed to make copies or extracts therefrom except as provided by this section.

2. Within 15 days of a request *for voter registration information*, the supervisor shall furnish any requested information, excluding *only* a voter's signature *and social security number and such other information that is by statute specifically made confidential or is exempt from public records requirements*, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding ~~the provision of~~ paragraph (a), *if* after *the most recent* ~~an~~ election~~, if~~ there is a request for information relating to electors who voted in *that* ~~the most recent~~ election, within 15 days of the request the supervisor shall either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication *of information authorized by this section for release to the public* shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided *by the supervisor* pursuant to this section shall be furnished only to:

(a) The courts for the purpose of jury selection;

(b) Municipalities;

(c) Other governmental agencies;

(d) Candidates, to further their candidacy;

(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(f) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, law enforcement, or jury selection.

(3) Any person who acquires a ~~precinct~~ list *of registered voters* from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.095, Florida Statutes, to acquire information on registered voters of . . . . County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn to and subscribed before me this . . . . day of . . . . , 19 . . . . .

(Signature and title of person administering oath)

Section 38. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, as amended by chapter 91-235, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(2) The information provided *by the supervisor* pursuant to this section shall be furnished only to:

(a) Municipalities;

(b) Other governmental agencies;

(c) Candidates, to further their candidacy;

(d) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(e) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

Section 39. Section 98.097, Florida Statutes, is created to read:

98.097 Central voter file; administration by division; public access.—

(1) There is hereby established a central voter file, to be administered by the division, which shall be a statewide, centrally maintained database containing the voter registration information of all counties in this state.

(2) All voter registration records and other information in the central voter file, excluding any information that is confidential or exempt from public records requirements, shall be considered public records for the purposes of chapter 119.

(3) The central voter file shall be self-sustaining.

Section 40. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1)*(a)* Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees~~,~~ statistical information for the purpose of analyzing election returns and results.

(b)~~(2)~~ Supervisors may require reimbursement for any *part* or all *of the* actual *expenses* ~~expense~~ of supplying *any* ~~such~~ information *requested under paragraph (a). For the purposes of this subsection,* supervisors may use the services of *any* research and statistical personnel that may be supplied.

(c)~~(3)~~ Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2)~~(4)~~ The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.

Section 41. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(1) The *Legislature, upon specific appropriation and directive, may provide for an independent* ~~Department of State shall~~ audit *of* ~~, at least every 5 years,~~ the voting system in *any* ~~each~~ county. Within 30 days after

completing the audit, the *person conducting the audit* ~~Department of State~~ shall furnish a copy of the audit to the supervisor of elections and the board of county commissioners.

(2) *An* ~~The~~ audit *conducted pursuant to subsection (1)* shall consist of a study and evaluation of the voting system used during any primary, general, municipal, or presidential preference primary election to provide reasonable assurance that the system is properly controlled, can accurately count votes, provides adequate safeguards against unauthorized manipulation and fraud, and complies with the requirements of law and rules of the Department of State.

Section 42. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1996 Supplement, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021*(9)*~~(8)~~, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 43. *Effective July 1, 1997, the Florida Elections Commission and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including those in the possession of or provided by the Division of Elections of the Department of State as administrative support and services to the Florida Elections Commission pursuant to section 106.24(4), Florida Statutes (1995), are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of State to a newly created Florida Elections Commission within the Department of Legal Affairs, Office of the Attorney General. The administrative rules of the commission, and the rules of the Division of Elections governing records, personnel, property, and funds related to the commission, which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 44. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the *Florida Elections Commission* ~~Division of Elections~~ pursuant to s. 106.25. The *commission* ~~division~~ shall adopt rules to provide an expedited hearing ~~before the Florida Elections Commission~~ of complaints filed under this subsection. Notwithstanding any other provision of law, the ~~Florida Elections~~ Commission shall assess a civil penalty of up to $5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

Section 45. Subsection (2) of section 106.19, Florida Statutes, is amended to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (a), paragraph (b), or paragraph (d) of subsection (1) shall be subject to a civil penalty equal to *three* ~~3~~ times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state. ~~The Division of Elections shall have authority to bring a civil action in circuit court to recover such civil penalty.~~

Section 46. Subsection (7) of section 106.22, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(7) *Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter.* ~~Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25.~~

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted.

(12) Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

Section 47. Subsection (1) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by *s. 106.22* ~~this chapter~~, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 48. Section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(1)*(a)* There is created within the Department of *Legal Affairs, Office of the Attorney General,* ~~State~~ a Florida Elections Commission, hereinafter referred to as the commission. *The commission shall be a separate budget entity, and its director shall be the agency head for all purposes.* The commission shall not be subject to control, supervision, or direction by the Department of *Legal Affairs or the Attorney General* ~~State~~ in the performance of its duties, *including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.*

(b) The commission ~~It~~ shall be composed of *nine* ~~seven~~ members. *The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to*

appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list~~, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate~~. *The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other* members of the commission ~~appointed by the Governor~~ shall serve for 4-year terms *and until their successors are appointed*. ~~The chair of the commission shall be designated by the Governor.~~

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall *expeditiously* be filled for the unexpired terms in the *same* manner ~~of the original appointment to the vacated position~~.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment, and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member ~~Members~~ of the commission ~~may not~~ serve more than two *full* terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the *nine* ~~seven~~ members of the commission, no more than *five* ~~four~~ members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of *five* ~~four~~ members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) *The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 110.* ~~The Division of Elections shall provide administrative support and services to the commission to carry out its duties pursuant to this chapter. The division shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations.~~

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report.

(6) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28. *The trust fund may also be used by the division, pursuant to its authority under s. 106.22(11), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.*

(7) ~~The department, in consultation with~~ The commission~~,~~ shall develop a budget request *pursuant to chapter 216* annually. *The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it* ~~which~~ shall be submitted by the Department *of Legal Affairs* to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

Section 49. Section 106.25, Florida Statutes, 1996 Supplement, is amended to read:

106.25 Reports of alleged violations to *Florida Elections Commission* ~~Department of State~~; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter is vested in ~~the Division of Elections and~~ the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The *commission* ~~Division of Elections~~ shall investigate ~~and report to the Florida Elections Commission~~ all violations of this chapter, *but only after* ~~with or without~~ having received *either* a sworn complaint *or information reported to it by the Division of Elections*~~, and may conduct random audits and investigations with respect to reports and statements filed under this chapter and with respect to the alleged failure to file any reports and statements required under this chapter. However,~~ Any person, other than the division, having information of any violation of this chapter shall file a sworn complaint with the *commission* ~~Division of Elections~~. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. *Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator.*

(3) For the purposes of ~~Florida Elections~~ commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or the willful failure to perform an act required by this chapter.

(4) The *commission* ~~Division of Elections~~ shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the *commission* ~~division~~ shall, by written report, find probable cause or no probable cause to believe that this chapter or s. 104.271 has been violated.

(a) If no probable cause is found, the *commission shall* ~~division may~~ dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the *commission* ~~division~~ shall send to the complainant and the alleged violator.

(b) If probable cause is found, the *commission* ~~division~~ shall so notify the complainant and the alleged violator in writing ~~and shall refer the case to the commission~~. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found ~~by the commission~~, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of the Florida Election Code may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6)~~(5)~~ It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7)~~(6)~~ Every sworn complaint filed pursuant to this chapter with the ~~Division of Elections or the Florida Elections~~ commission, every ~~division~~ investigation and investigative report or other paper of the ~~division or~~ commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection *(6)* ~~(5)~~;

(b) Upon a determination of probable cause or no probable cause by the commission; *or*

~~(c) After a finding of no probable cause is made by the division and the case is not appealed; or~~

(c)~~(d)~~ For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the *commission* ~~division~~ with respect to an alleged violation of this chapter, ~~the division or~~ the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(7) Dismissal of a case by the division, based on a finding of no probable cause, may be appealed to the commission by the complainant. Any complainant intending to appeal such dismissal must, within 30 days after the dismissal, file a request for a hearing before the commission with the division.~~

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 50. Section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider *all sworn complaints filed with it and* all matters reported to it by the Division of Elections ~~or otherwise coming to its attention, including appeals of division dismissals of cases based on no probable cause~~. *In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.* ~~In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chair thereof shall issue said process on behalf of the commission. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it.~~ The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

~~(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his or her possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.~~

(2)~~(3)~~ All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(3)~~(4)~~ Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chair or, in the chair's absence, the vice chair shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chair or, in the chair's absence, the vice chair not to discuss his or her testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him or her after receiving such instructions the witness shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

(4)~~(5)~~ The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a

hearing, upon his or her advance request and at his or her own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

(5)~~(6)~~ Before or during a hearing, any person noticed to appear before the commission, or the person's counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(6)~~(7)~~ Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his or her request or upon the request of any member of the commission, appear personally before the commission and testify on his or her own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(7)~~(8)~~ Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8)~~(9)~~ Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(9)~~(10)~~ If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(10)~~(11)~~ Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony of the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(11)~~(12)~~ At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

(12) The commission by rule may determine violations which constitute minor offenses that can be resolved without further investigation by means of a plea of nolo contendere and payment of a fine.

(13) The commission may not issue advisory opinions and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.

Section 51. Subsection (2) of section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *State Comptroller shall be responsible for collecting the civil penalties resulting from such action* ~~commission may bring an action in any circuit court of this state to enforce such penalty~~.

Section 52. *Transition provisions.—*

(1)(a) The terms of all current members of the Florida Elections Commission shall expire at the end of the day, December 31, 1997, and new members shall be appointed to the commission prior to that date pursuant to the provisions of s. 106.24, Florida Statutes, as amended by this act, except that, in order to provide for staggered terms, the initial appointments shall be for terms beginning January 1, 1998, as follows:

1. Appointed nominees of the President of the Senate and the minority leader of the Senate shall each serve for a term of 3 years.

2. Appointed nominees of the Speaker of the House of Representatives and the minority leader of the House of Representatives shall each serve for a term of 2 years.

(b) Any current member of the commission may be appointed to the newly constituted commission established by this act.

(2) All complaints and other business pending before the commission at the close of business on December 31, 1997, shall be continued on January 1, 1998, by the newly constituted commission established by this act.

(3) In order to ease the transition to the newly constituted commission established by this act:

(a) The current members of the commission shall:

1. Initiate the adoption of rules, in accordance with chapter 120, Florida Statutes, necessary to carry out the expanded powers and duties of the commission required by this act.

2. Secure office space and do all things necessary to permit the members and staff of the commission to begin operating as provided by this act on July 1, 1997.

(b) The Director of the Division of Elections shall act as an advisor to the members of the new commission established by this act and shall provide assistance, as needed, in the adoption of rules and the assumption of duties from the division and former commission.

(4) This section shall take effect upon this act becoming a law.

Section 53. Effective upon this act becoming a law, subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses

incurred by the officer or a staff member, *personal taxes payable on office account funds by the candidate or elected public official,* or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 54. Section 101.001, Florida Statutes, is amended to read:

101.001 ~~Registration and election districts,~~ Precincts~~,~~ and polling places; boundaries.—

(1) ~~Subject to the provisions of s. 101.002, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (3)(a),~~ The board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create ~~new districts or~~ precincts *for voting in the county*. Each precinct *shall be numbered and,* as nearly as practicable, ~~shall be~~ composed of contiguous and compact areas ~~and shall be numbered~~. The supervisor shall designate a polling place at a suitable location within each precinct. The ~~district or~~ precinct shall not be changed thereafter except with the consent of *the supervisor and a majority of the* ~~four~~ members of the board of county commissioners ~~and the supervisor~~. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. 101.002, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts ~~into one election district~~ upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts ~~into election districts~~ shall be given in the same manner as provided in s. 101.71(2).

~~(3)(a)1. No election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed, during the period between January 1 of any year the last digit of which is 7 and December 1 of any year the last digit of which is 0.~~

~~2. In addition to those periods of time during which change of precinct or district boundaries is not prohibited pursuant to subparagraph 1., the boundaries of election precincts and districts may be changed during the period between January 1 of any year the last digit of which is 7 and January 1 of any year the last digit of which is 0, when such change is due to the subdivision of an existing precinct or district or to municipal annexation, detachment, or consolidation or other such action.~~

~~(b) The Secretary of State may, upon the request of a county, waive compliance with paragraph (a) if such county has met the requirements of the United States Bureau of the Census as set forth in its guidelines.~~

(3)~~(4)(a)~~ Each supervisor of elections shall ~~provide and~~ maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, ~~election district,~~ representative district, and senatorial district, *and other type of district* in the county *subject to the elections process in this code*. ~~A word description of the geographical boundaries shall be attached to each map.~~

~~(b) Each supervisor of elections shall send a copy of each map with attached description to the Secretary of State no later than March 1 of any year the last digit of which is 7. No later than April 1 in any such year, the Secretary of State shall transmit an appropriate copy or facsimile of each map to the United States Bureau of the Census.~~

~~(c)~~ The supervisor of elections shall notify the Secretary of State in writing within 30 days of any reorganization of precincts ~~or election districts~~ and shall furnish a copy of the map showing the current geographical boundaries *and*~~,~~ designation~~, and word description~~ of each new precinct ~~or election district~~.

(4)~~(5)~~ Within 10 days after there is any change in the division, number, or boundaries of the ~~election~~ precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered ~~election~~ precincts, setting forth the boundary lines *and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office.* ~~thereof, so as to designate accurately the limits of each precinct. The supervisor of elections shall at the same time name, clearly define, and describe in writing the polling place which he or she has established in each new or altered election precinct or in any precinct in which he or she may have changed the polling place. Such changes shall be recorded in the office of the clerk of the circuit court for such county. Upon the recording of the changes, the supervisor of elections shall post a plainly written or printed copy at the courthouse in a conspicuous place.~~

Section 55. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 56. Except as otherwise provided in this act, this act shall take effect January 1, 1998; however, the amendment of section 100.371, Florida Statutes, by this act, relating to signature verification periods and random sampling for proposed initiative amendments, shall take effect on the effective date of amendments to the State Constitution approved by the electors at the general election to be held in November 1998 which authorize, or remove impediment to, enactment by the Legislature of the provisions of that section.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law; amending s. 106.011, F.S.; redefining the term “independent expenditure”; redefining the term “person”; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary pr personal expenses ; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be

given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

On motion by Senator Latvala, the rules were waived and the report of the Conference Committee on **CS for HB's 461, 281 and 75** was read the second time.

On motion by Senator Latvala, the Conference Committee Report was adopted and **CS for HB's 461, 281 and 75** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Monday, April 7.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 3, 1997: CS for SB 1002, SB 98, CS for SB 442, CS for CS for SB's 566 and 626, CS for SB's 780, 520 and 692, CS for SB 1756, SB 854, CS for CS for SB 1154, CS for CS for SB's 1306 and 1934, SB 702, SB 596, CS for SB 658, SB 882, CS for SB 1486, CS for SB 550, SB 292, SB 1430, SB 150, SB 820, SB 222, SB 1086, CS for SB 1310, CS for SB 1238, CS for SB 300, SB 1498, SB 1528, SB 326, CS for SB 852, SB 732, SB 1922, SB 604, SB 664

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Health Care recommends the following pass: SB 1750, SB 1882 with 1 amendment

The bills were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1746 with 1 amendment, SB 2150 with 2 amendments

The Committee on Transportation recommends the following pass: SB 388

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 2282 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2178 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 902 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Transportation recommends the following pass: SB 2314

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends the following pass: SB 862, SB 1932

The Committee on Natural Resources recommends the following pass: SB 2054

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 2250

The Committee on Criminal Justice recommends the following pass: SB 1982 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SJR 298

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2288 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1108 with 1 amendment, SB 1320 with 1 amendment, CS for SB 1860

The Committee on Criminal Justice recommends the following pass: CS for SB's 412, 140 and 804 with 5 amendments, SB 928, SB 1872 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 228, SB 1414, SB 1662

The Committee on Health Care recommends the following pass: SB 1784, SB 1980

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 174

The Committee on Health Care recommends the following pass: CS for SB 968, CS for SB 1682 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 528, SB 1496 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 760 with 1 amendment, SB 1134

The Committee on Ways and Means recommends the following pass: SB 686 with 1 amendment, CS for SB's 780, 520 and 692 with 2 amendments, CS for SB 1486, CS for SB 1756 with 5 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Banking and Insurance recommends the following not pass: SB 1326

The Committee on Education recommends the following not pass: SB 1142

The bills contained in the foregoing reports were laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2012

The Committee on Health Care recommends committee substitutes for the following: SB 834, SB 1850, SB 2066

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 524, SB 1832

The Committee on Health Care recommends a committee substitute for the following: SB 504

The Committee on Regulated Industries recommends a committee substitute for the following: SB 214

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 936

The Committee on Education recommends a committee substitute for the following: SB 1904

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 908

The Committee on Criminal Justice recommends a committee substitute for the following: SB 716

The Committee on Health Care recommends a committee substitute for the following: SB 1814

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 362, SB 364

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1836

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1456

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1760

The Committee on Community Affairs recommends a committee substitute for the following: SB 1048

The Committee on Criminal Justice recommends committee substitutes for the following: SB 578, Senate Bills 1566 and 114

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 998

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1466

The bill with committee substitute attached was referred to the Committee on Natural Resources under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1968

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SJR 1266

The Committee on Banking and Insurance recommends committee substitutes for the following: Senate Bills 530 and 848, SB 700, Senate Bills 1286 and 1446, SB 1346, SB 1464, SB 1592

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 546, SJR 642, SB 918, SJR 986, SB 1660

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 64

The Committee on Education recommends committee substitutes for the following: SB 1318, SB 1376, SB 1542, SB 1704, SB 1944, SB 2050, SB 2168

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 718, CS for SB 786, SB 940, SB 972, SB 976, SB 2004

The Committee on Health Care recommends committee substitutes for the following: SB 1056, SB 1804

The Committee on Judiciary recommends committee substitutes for the following: SB 516, SB 698

The Committee on Transportation recommends a committee substitute for the following: CS for SB 964

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 990, SB 1314

The Committee on Community Affairs recommends committee substitutes for the following: SB 750, SB 1794, SB 1862

The Committee on Education recommends a committee substitute for the following: SB 2046

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1246

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 1154, CS for SB's 1306 and 1934

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor to the **Governing Board of the South Florida Water Management District** of Mitchell W. Berger, Vera M. Carter and Michael D. Minton for terms ending March 1, 2001.

[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2322—2326—Not referenced.

By Senator Silver—

SB 2328—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; revising firesafety requirements for specified public lodging establishments; deleting obsolete language; amending s. 509.242, F.S.; revising classifications for public lodging establishments; providing that such classifications are for licensing purposes only; providing classification for "home stay inn"; amending s. 553.895, F.S.; removing obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Ways and Means.

By Senator Brown-Waite—

SB 2330—A bill to be entitled An act relating to transitional living facilities for brain and spinal cord injured persons; creating pt. IX of ch.

400, F.S.; creating s. 400.905, F.S.; providing for licensure of transitional living facilities; creating s. 400.906, F.S.; providing definitions; creating s. 400.907, F.S.; establishing license and fee requirements; creating s. 400.908, F.S.; regulating sale or transfer of ownership of a facility; creating s. 400.909, F.S.; providing for denial, revocation, or suspension of a license and imposition of an administrative fine; creating s. 400.910, F.S.; providing for a moratorium on admissions; creating s. 400.911, F.S.; providing for initial licensure application; creating s. 400.912, F.S.; providing for renewal, expiration, and conditional licenses; creating s. 400.913, F.S.; requiring reports of abuse in facilities; creating s. 400.914, F.S.; providing for disposition of fees and fines; creating s. 400.915, F.S.; providing for violations and penalties; creating s. 400.916, F.S.; prohibiting rebates; providing penalties; creating s. 400.917, F.S.; prohibiting certain solicitations; allowing certain third-party supplementation; creating s. 400.918, F.S.; providing for injunctive proceedings; creating s. 400.919, F.S.; providing for receivership proceedings; creating s. 400.920, F.S.; providing for contracts; creating s. 400.921, F.S.; providing requirements for use of licensed personnel; creating s. 400.922, F.S.; providing for appropriateness of placements and examination of residents; creating s. 400.923, F.S.; providing for property and personal affairs of residents; providing a penalty; creating s. 400.924, F.S.; providing a resident bill of rights; creating 400.925, F.S.; providing for civil actions to enforce rights; creating s. 400.926, F.S.; providing right of entry and inspection; creating s. 400.927, F.S.; providing procedures for closing of facilities, including notice and penalties; creating s. 400.928, F.S.; providing for rules establishing standards; creating s. 400.929, F.S.; providing for maintenance of records and reports; amending s. 413.605, F.S.; providing additional duty of the advisory council on brain and spinal cord injuries; amending s. 413.273, F.S.; revising per diem and travel expenses for members of certain councils; amending s. 413.395, F.S.; authorizing incorporation of the Florida Independent Living Council; authorizing members' compensation and reimbursement for child care; amending s. 413.405, F.S., relating to the Rehabilitation Advisory Council; authorizing members' reimbursement for child care; repealing s. 400.805, F.S., relating to transitional living facilities for brain and spinal cord injured persons; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

Senate Resolutions 2332 and **2334**—Not referenced.

By Senator Latvala—

SB 2336—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.206, F.S.; providing clarifying language regarding standards set by the Department of Environmental Protection; amending s. 325.207, F.S.; providing options regarding a required performance bond for certain contracts; amending s. 325.213, F.S.; deleting the authority of certain counties to contract for the testing of their vehicles; creating the Motor Vehicle Inspection Program Study Commission; providing for membership and duties of the commission; requiring a report; repealing s. 325.205, F.S., relating to a voluntary safety inspection; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; Rules and Calendar; and Ways and Means.

By Senators McKay and Bronson—

SB 2338—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; defining the term "advertising agency"; exempting certain purchases by advertising agencies from the tax; providing for retroactive applicability in certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Holzendorf—

SB 2340—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; requiring the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Jones—

SB 2342—A bill to be entitled An act relating to economic development; amending s. 290.0055, F.S.; allowing certain charter counties to apply to enlarge the boundary lines of enterprise zones in specified circumstances; providing for the review and approval of such applications based on specified criteria; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Community Affairs.

SR 2344—Not referenced.

By Senator Rossin—

SB 2346—A bill to be entitled An act relating to health insurance contracts; amending ss. 627.6416, 627.6579, F.S.; amending the definition of the term "child health supervision services"; amending requirements for such services; providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies; amending s. 641.31, F.S.; providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto; requiring the continuing coverage, past the usual limiting age, of certain dependent children; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Senator Turner—

SB 2348—A bill to be entitled An act relating to capital outlay for public education; providing legislative intent to provide special help to certain high-growth, high-need school districts; providing for eligibility; providing for additional capital outlay funding; providing for implementation to the extent of funding provided in the General Appropriations Act; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Turner—

SB 2350—A bill to be entitled An act relating to driver history records; amending s. 322.20, F.S.; increasing the amount of the fees that the Department of Highway Safety and Motor Vehicles may charge to provide transcripts of certain driver history records; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Burt—

SB 2352—A bill to be entitled An act relating to nonresident public adjusters; providing a definition; providing qualifications; providing for licensing by the Department of Insurance; providing for appointment of the Insurance Commissioner and Treasurer as attorney for purpose of

service of process on a nonresident public adjuster; providing a criminal penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Ostalkiewicz—

SB 2354—A bill to be entitled An act relating to education; authorizing a scholarship program for high school students graduating at the end of the eleventh grade; providing additional eligibility requirements; providing for allocation of a portion of funds to high schools and school districts; providing for transmission of funds to state community colleges and universities; authorizing adoption of rules; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Gutman—

SB 2356—A bill to be entitled An act relating to expressway authorities; amending s. 339.175, F.S.; amending the requirements for membership on metropolitan planning organizations in counties that have expressway authorities; amending s. 348.0003, F.S.; amending the requirements relating to the membership of the governing body of an expressway authority; amending s. 348.0004, F.S.; allowing the funding of intermodal facilities and multimodal corridors in specified counties; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By Senator Campbell—

SB 2358—A bill to be entitled An act relating to infant safety; amending s. 395.1023, F.S.; requiring each hospital to establish a policy regarding car seats for newborn babies upon their release from the facility; providing an effective date.

—was referred to the Committees on Transportation and Health Care.

By Senator Kurth—

SB 2360—A bill to be entitled An act relating to the just valuation of property for ad valorem tax purposes; amending s. 193.011, F.S.; amending the considerations involved in determining the highest and best use of the property; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Ostalkiewicz—

SB 2362—A bill to be entitled An act relating to criminal penalties; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; providing that certain offenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the offender has been released from correctional custody without having served at least 85 percent of the offender's sentences and is convicted of a forcible felony or specified violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child, or chapter 827, F.S., relating to abuse of children; providing for such offender to be sentenced to specified mandatory minimum sentences; making such offender ineligible for parole, probation, or early release; providing for forfeiture by the offender of gain-time or other early release credits; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence or claims regarding departmental failure to provide such notice; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senators Scott and Campbell—

SB 2364—A bill to be entitled An act relating to the aviation fuel tax; amending s. 206.9825, F.S.; providing an exemption to the aviation fuel tax under certain circumstances; providing for the expiration of the exemption; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Bronson—

SB 2366—A bill to be entitled An act relating to the distribution of sales tax revenues; amending s. 212.20, F.S.; providing for a reduction of funds deposited into the Solid Waste Management Trust Fund and for redistributing those funds into the Aquatic Plant Control Trust Fund; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Natural Resources; and Ways and Means.

By Senator Gutman—

SB 2368—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.06, F.S.; authorizing the designation of seaport duty-free zones by any county that contains a deepwater port; defining the term "seaport duty-free zone"; providing exemption from the sales and use tax for certain items purchased within seaport duty-free zones by cruise passengers who reside outside this state; providing procedures; providing for inapplicability of the exemption to certain commodities; providing violations; providing penalties; providing for the responsibility to issue cruise arrival-departure card numbers; requiring records to be kept; providing a mandatory fine for issuing a false or fraudulent arrival-departure card for the purpose of tax evasion; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Dyer—

SB 2370—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Dyer—

SB 2372—A bill to be entitled An act relating to the limited access competitive grant program; amending s. 240.6045, F.S.; amending requirements for qualifying; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Forman—

SB 2374—A bill to be entitled An act relating to the transportation disadvantaged; providing legislative findings and intent; amending s. 186.505, F.S.; providing responsibilities of regional planning councils; amending s. 287.042, F.S.; authorizing the Division of Purchasing of the Department of Management Services to make purchases related solely to transportation disadvantaged services within the Department of Transportation; amending s. 341.052, F.S.; deleting a reference to the Transportation Disadvantaged Commission; amending s. 427.011, F.S.; providing a definition; amending s. 427.013, F.S.; providing the responsibilities of the Department of Transportation and the Transportation Commission; amending s. 427.0135, F.S.; deleting references to the Transportation Disadvantaged Commission; amending s. 427.015, F.S.; deleting references to the Transportation Disadvantaged Commission; providing for recommendations by, and for submitting reports to, regional planning councils; amending s. 427.0157, F.S.; providing advisory duties for local coordinating boards; amending s. 427.0159, F.S.; transferring the administration of the Transportation Disadvantaged Trust Fund to the Department of Transportation; amending s. 427.016, F.S.; deleting references to the Transportation Disadvantaged Commission; transferring responsibilities of the commission to the Department of Transportation; providing that departments must submit to the Department of Transportation reports accounting for funds spent; repealing s. 427.012, F.S., relating to creating the Transportation Disadvantaged Commission; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Forman—

SB 2376—A bill to be entitled An act relating to the Tri-County Commuter Rail Authority; amending s. 343.52, F.S.; defining the term "commuter rail-oriented development"; amending s. 343.54, F.S.; providing additional powers for the authority; providing an effective date.

—was referred to the Committees on Transportation and Community Affairs.

By Senator Silver—

SR 2378—A resolution expressing the concern of the Florida Senate over proposed budget and personnel cuts at the National Hurricane Center.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

SB 2380—A bill to be entitled An act relating to civil causes of action; limiting the ability of persons engaging in specified unlawful acts to recover certain damages; providing findings and intent; providing severability; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Forman—

SB 2382—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase that must be published by school districts; excluding certain amounts from proposed operating budget expenditures for purposes of the budget summary notice that taxing authorities must publish; revising the form of the notice of tax for school capital outlay that must be published by school districts; providing an effective date.

—was referred to the Committees on Community Affairs; Education; and Ways and Means.

By Senator Gutman—

SB 2384—A bill to be entitled An act relating to education; providing state student financial aid to qualified state residents who are admitted to and attending specified institutions of postsecondary education; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Hargrett—

SB 2386—A bill to be entitled An act relating to metropolitan transportation planning; amending ss. 339.135, 339.155, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; specifying deadlines and content; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation; and Ways and Means.

By Senator Myers—

SB 2388—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; amending ss. 20.19, 39.4031, 39.4032, 39.408, 119.07, 154.067, 232.50, 395.1023, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, F.S.; conforming provisions to the changes made by the act; providing an effective date.

—was referred to the Committees on Health Care; Children, Families and Seniors; and Ways and Means.

By Senator Dyer—

SB 2390—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; providing exemptions from ch. 474, F.S.; amending s. 474.211, F.S.; providing for the Board of Veterinary Medicine to approve criteria for providers of continuing education; amending s. 474.213, F.S.; increasing the maximum amount of administrative fines; providing for the expunction of a citation; amending s. 474.215, F.S.; requiring the registration of locations at which limited service clinics are held; providing for fees; exempting certain temporary rabies vaccination efforts from specified requirements; placing restrictions on the purposes of and fees charged for such temporary efforts; requiring notification of the board; providing for a premises permit for nonveterinarians; establishing conditions; providing for the denial, revocation, or suspension of a permit; providing violations; providing penalties; providing requirements attendant on revocation or suspension; creating s. 474.2155, F.S.; providing for investigation of alleged unlicensed activity; providing for an administrative complaint and for prosecution; authorizing the imposition of fines; providing for an appeal; providing for legal action relating to delinquent fines and assessments; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

SR 2392—Not referenced.

By Senator Crist—

SB 2394—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the applicability of an exemption for motion picture or video equipment and sound

recording equipment used in production activities; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Jones—

SB 2396—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for complimentary food and drinks provided in connection with the rental of transient living accommodations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

SR 2398—Not referenced.

By the Committee on Ways and Means—

SB 2400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2402—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Hargrett—

SB 2404—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.11, F.S.; providing an exemption from the requirement that certain dealers pay estimated taxes in the month for which the tax is estimated; amending s. 213.755, F.S.; providing an exemption from the provision that certain taxpayers may be required to remit taxes by electronic funds transfer; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Grant—

SB 2406—A bill to be entitled An act relating to the tax on sales, use, or other transactions; amending s. 212.08, F.S.; providing an exemption for a commercial tenant's prorated share of the landlord's increased property taxes; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Gutman—

SB 2408—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S., relating to the provision of medical services and supplies under the Workers' Compensation Law; revising definitions; deleting certain limitations on chiropractic treatment; deleting requirements that a health care provider that renders services under the Workers' Compensation Law be certified by the Division of Workers' Compensation of the Department of Labor and Employment Security; deleting limitations on the authority of a health care provider to refer an employee to another health care provider; deleting certain limitations on reimbursement for specialty services; deleting a requirement for a copayment for medical services; amending s. 440.15, F.S.; increasing the period during which an employee is eligible for temporary disability benefits; revising the criteria used to establish the schedule of impairment benefits; increasing the rate of payment for impairment benefits; deleting an exemption for certain employers with respect to an obligation of an employer to rehire an employee; amending ss. 440.191, 440.192, F.S.; providing that an employee is entitled to be represented by an attorney before a judge of compensation claims; providing that the carrier is liable for the attorneys' fees and costs; providing that s. 440.20(12), F.S. (1990) applies to certain unsettled claims; repealing s. 440.20(11), F.S., relating to lump-sum payments in exchange for an employer's or carrier's release from liability; repealing s. 440.25(4)(j), F.S., relating to expedited resolution of claims that are under a specified amount; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Hargrett—

SB 2410—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for the expiration of government claims to such lands when a landowner of record or the landowner's predecessor in title has paid ad valorem taxes on the lands for a specified period or the land has been exempt from ad valorem taxation for a specified period; providing for certain information to be recorded; requiring a governmental entity claiming an interest in such lands to record a statement of its claim and provide a copy of the statement to the landowner of record; providing a time limitation for suits on such claims; providing an effective date.

—was referred to the Committees on Judiciary and Natural Resources.

SR 2412—Not referenced.

By Senator Grant—

SB 2414—A bill to be entitled An act relating to academic degrees; amending s. 817.567, F.S.; providing for disclosure of unrecognized degrees; providing an effective date.

—was referred to the Committee on Education.

By Senator Hargrett—

SB 2416—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund; providing for the

Department of Transportation to administer the fund; providing for funding of the trust fund; providing for termination of the trust fund; providing for the department and the Governor to recommend to the Legislature whether to terminate or re-create the trust fund; providing criteria and procedures for making the recommendation; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Silver—

SB 2418—A bill to be entitled An act relating to drug safety; temporarily prohibiting the prescription or use of the drug known as "PHEN-FEN," pursuant to certain study findings; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Campbell—

SB 2420—A bill to be entitled An act relating to medicaid health maintenance organizations; creating s. 409.91221, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, providing notice; providing interest on overdue payment of claim; providing for a waiver of a medicaid health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

Senate Resolutions 2422 and **2424**—Not referenced.

By Senator Klein—

SB 2426—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.642, F.S.; revising conditions under which an existing franchised motor vehicle dealer may protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising requirements for a dealer in notifying a licensee of a prospective transfer, assignment, or sale of a franchise agreement; providing requirements for a licensee in notifying a dealer that such transfer, assignment, or sale has been disapproved; providing that a motor vehicle dealer may file a complaint with the Department of Highway Safety and Motor Vehicles; requiring that the department conduct a hearing; providing for an independent mediator; deleting certain restrictions on a licensee with respect to refusing to allow the sale, assignment, or transfer of a franchise agreement; amending s. 320.697, F.S.; revising the amount of damages that a licensee may be ordered to pay for pecuniary loss; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senators Diaz-Balart and Kirkpatrick—

SB 2428—A bill to be entitled An act relating to environmental mitigation; creating s. 373.4139, F.S.; providing for mitigation for mining activities within the Dade County Lake Belt; providing for the imposition of a fee on mined limerock and sand; providing procedures; providing for transferring proceeds into the Mitigation Trust Fund administered by Dade County; providing for the Department of Revenue to administer fee collection; providing for rulemaking, forms, audit procedures, and assessment of delinquent fees; providing for adjusting fee rates; providing uses for the fee proceeds; providing for the approval of expenditures from the trust fund; providing that payment of the fee satisfies specified mitigation requirements; amending s. 373.4149, F.S.; redesignating and amending the Dade County Lake Belt Plan, formerly known as the Northwest Dade County Freshwater Lake Plan; providing legislative intent; defining the boundaries of the Dade County Lake Belt Area; amending the membership of the implementation committee; revising deadlines; requiring a Phase II report; allowing certain state agencies to enter into agreements with private individuals and entities and with governmental agencies, as specified; requiring state agencies to make certain lands available to the committee to be used for land exchanges under this act; creating s. 373.4415, F.S.; providing for the Department of Environmental Protection to delegate to Dade County authority to implement the permitting program for limerock mining in the Dade County Lake Belt; creating s. 378.4115, F.S.; providing for the Department of Environmental Protection to certify the Dade County Department of Environmental Resource Management to implement the reclamation program for limerock mining activities within the Dade County Lake Belt; providing restrictions; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator Dyer—

SB 2430—A bill to be entitled An act relating to public records; creating s. 420.9077, F.S.; providing an exemption from public records requirements for personal financial information of an applicant for a housing assistance award; authorizing disclosure by court order; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Senator Bronson—

SR 2432—A resolution urging the United States Environmental Protection Agency to reaffirm the existing air quality standards for ozone and particulate matter and for other purposes.

—was referred to the Committee on Rules and Calendar.

By Senator Dyer—

SB 2434—A bill to be entitled An act relating to financial assistance for postsecondary education; amending s. 232.2465, F.S.; revising the academic qualifications required for designation as a Florida Academic Scholar; clarifying scholarship eligibility for such designees; amending s. 239.217, F.S.; clarifying eligibility standards for a vocational gold seal scholarship; clarifying provisions relating to the prohibition against receiving multiple state merit scholarships; repealing provisions relating to use of residual program balances by the Department of Education; amending s. 240.402, F.S.; reclassifying the Florida Undergraduate Scholars' Program as an award designation; establishing scholarship award tiers under which award designees qualify; amending requirements for qualifying for award designation; amending application procedures; repealing provisions relating to departmental use of residual program balances and fund sources; making technical changes consistent with the restructuring of the program; amending s. 240.4021, F.S.; establishing postsecondary curriculum requirements for awarding a vocational gold seal endorsement scholarship; clarifying which institutions are eligible institutions at which such scholarships may be used; clarifying scholarship renewal requirements; clarifying the amount of scholarship awards to be issued by the department; clarifying scholarship eligibility provisions applicable to current recipients of vocational gold seal awards; making technical changes consistent with the restructuring of the program; amending s. 240.4024, F.S.; amending utilization and award provisions of the Florida Postsecondary Tuition Program; providing for forfeiture of awards by recipients who take remedial courses; amending high school graduation requirements for qualifying for the program; restructuring award tiers and maximum awards granted under the program; establishing academic requirements for each of several award tiers; amending requirements for renewing awards; incorporating into the program award-renewal requirements of the Florida Undergraduate Scholars' Program; incorporating into the program the Challenger Astronauts Memorial Scholarship; clarifying program award

amounts to be issued by the department; establishing program scholarship provisions for current recipients of Florida Undergraduate Scholars' Awards; clarifying funding sources for the program; making technical changes consistent with the restructuring of the program; amending s. 240.4025, F.S.; amending a list of cross-references, to conform to substantive changes in the act; specifying scholarship program participation as a prerequisite to receiving a graduate award; amending s. 240.404, F.S.; amending a list of cross-references; clarifying residence requirements for the scholarship; amending s. 240.408, F.S.; amending a list of cross-references relating to expenditures for Challenger Astronauts Memorial awards; amending s. 240.4085, F.S.; amending a list of cross-references; prohibiting a Florida Postsecondary Tuition Program scholarship recipient from receiving money from a specified grant program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Dyer—

SB 2436—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0007, F.S.; directing the Secretary of the Department of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation and revising its membership; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing for powers of the corporation; amending s. 420.508, F.S.; revising requirements for loans for multi-family projects; establishing the Florida Housing Corporation Fund; amending s. 420.5087, F.S.; renaming the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091, 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of the low-income housing tax credit; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a strategic plan and make annual reports; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending s. 420.514, F.S.; conforming terminology; creating s. 420.517, F.S.; directing the corporation to coordinate building and job training; amending s. 420.525, F.S.; renaming the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; defining terms; amending s. 420.606, F.S.; providing for training and technical assistance; amending s. 420.9071, F.S.; defining terms for the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiative Partnership Program; amending s. 420.9073, F.S.; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance programs; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078, 420.9079, F.S.; providing for the administration of and distribution from the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Senator Campbell—

SB 2438—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing for retention of membership in special risk class for certain members moved to nonspecial risk positions; providing for retroactive application; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Community Affairs; Commerce and Economic Opportunities; and Senator Bronson—

CS for CS for SB 64—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may use certain tax revenues to acquire a convention center, pay the cost of constructing or renovating a convention center, or pay the debt service on bonds issued for such purposes; providing for the use of any remaining revenues; providing an effective date.

By the Committee on Regulated Industries and Senators Latvala, Williams, Dyer, Bronson and Campbell—

CS for SB 214—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunications services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunications services provided to the public for hire by the state or a political subdivision are not exempt from sales or use taxes; providing exceptions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

CS for SB 362—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing for notice of the panel hearing; providing time requirements for panel hearings and recommendations, and consideration of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; authorizing the panel to take certain action; requiring written recommendations supported by findings of fact; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in orders of the agency or department; authorizing imposition of fines and sanctions; requiring certain notice to subscribers and providers of their right to file grievances; providing for summary hearings; providing for administrative procedures; providing for attorney's fees; amending s. 641.511, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

CS for SB 364—A bill to be entitled An act relating to the confidentiality of information obtained by the Agency for Health Care Administration and the Department of Insurance; amending s. 408.7056, F.S.; exempting from the public records law information that identifies a subscriber, or the spouse, relative, or guardian of a subscriber, who has filed a grievance under the Statewide Provider and Subscriber Assistance Program; providing for future legislative repeal and review; exempting from the public meetings law and public records law a meeting or document, or portion thereof, that specifically discloses personal and sensitive information regarding a subscriber's medical treatment or medical history; providing for future legislative repeal and review; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 504—A bill to be entitled An act relating to health care; creating s. 154.501, F.S.; creating the "Primary Care Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; authorizing contracts for health care services; creating s. 154.506, F.S.; providing for primary care challenge grant awards; providing for local matching funds; providing an effective date.

By the Committee on Judiciary and Senator Ostalkiewicz—

CS for SB 516—A bill to be entitled An act relating to proceedings that involve juveniles; creating the "Family Bill of Rights Act"; requiring the Department of Children and Family Services to obtain a court order before taking a child into custody; requiring an affidavit stating that the child appears to have been abused, neglected, or abandoned; providing penalties; amending s. 39.401, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; modifying provisions that allow a child to be placed in a shelter prior to a court hearing; providing that a protective investigator or law enforcement officer may take a child into custody without a court order due to a medical emergency or if the child is subject to immediate harm or danger or if the child has no responsible adult immediately known and available to provide supervision or care; providing that a law enforcement officer may take a child into custody without a court order if the child is a runaway or truant from school; requiring the court to hold an emergency hearing on the continued removal of the child; providing for the court to issue an emergency order authorizing the removal of a child from the home; requiring the court to hold a shelter hearing within a specified time following issuance of the emergency order; requiring that a child's parent or guardian be notified before the shelter hearing; providing for the appointment of an attorney to represent the child's parent or guardian at the emergency shelter hearing; amending s. 39.404, F.S.; changing a time limitation on holding a child in custody to conform to changes made by the act; requiring that parents receive a copy of the petition 48 hours before arraignment hearing; amending s. 39.408, F.S.; revising the time within which an arraignment hearing must be held; providing that clear and convincing evidence is required to establish a child's dependency; conforming a cross-reference to changes made by the act; amending s. 39.409, F.S.; providing for the child's parent or guardian or the county to be awarded attorney's fees and costs upon dismissal of a case alleging dependency; amending s. 415.5017, F.S.; requiring department staff to audio-record or videotape all interviews with a child who is the subject of a report alleging abuse; amending ss. 415.504, 415.505, F.S.; modifying the manner in which reports of abuse or neglect may be given, received, and investigated; requiring that notice of additional rights be provided to the subject of an investigation; requiring the department to show cause prior to a court order authorizing the department to examine and interview a child; amending s. 415.51, F.S.; providing for the name of a person reporting child abuse or neglect and a copy of the department's file on the case to be released to certain alleged perpetrators upon order of the court; amending s. 415.513, F.S.; creating a civil cause of action for a person named as perpetrator in a false report against the person who made the false report; amending s. 933.18, F.S.; deleting a provision authorizing a law enforcement officer to remove a child from a private dwelling; amending s. 39.038, F.S., relating to the release of a child from custody; conforming cross-references to changes made by the act; amending s. 39.044, F.S.; providing for the detention hearing for a juvenile to be held by means of closed-circuit television; amending s. 39.017, F.S.; conforming cross-reference to change made by the act; amending s. 39.415, F.S.; providing a cap on compensation awarded to an attorney appointed to represent a child's parent or guardian at an emergency shelter hearing; amending s. 57.111, F.S.; providing an award of attorney's fees to a prevailing parent; amending s. 61.16, F.S.; allowing an award of attorney's fees for a successful motion to gain access to the department's file; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Childers, Dudley, Forman, Turner, Myers and Dyer—

CS for SB 524—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans" and "local law plans"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S, relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

By the Committee on Banking and Insurance; and Senators Scott and Campbell—

CS for SB's 530 and 848—A bill to be entitled An act relating to breast cancer treatment; creating s. 627.64171, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.64172, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6419, F.S.; including insureds who have been free from breast cancer for a period of time in the coverage requirements; prohibiting an insurer from denying, canceling, or failing to renew a health or accident insurance policy or exclude coverage or benefits under certain conditions; amending s. 627.651, F.S.; applying certain requirements for group coverage to multiple-employer welfare arrangements; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66121,

F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.66122, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; creating s. 641.31096, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 641.31, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by health maintenance organizations; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; providing a statement that the act fulfills an important state interest; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Jones, Diaz-Balart, Latvala, Campbell, Childers, Turner, Sullivan, Ostalkiewicz and Meadows—

CS for SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; amending s. 199.023, F.S.; defining the term "state contract provider contribution"; creating s. 199.105, F.S.; providing a credit against the intangibles tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; creating s. 220.185, F.S.; providing legislative policy and purpose; providing a credit against the corporate income tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; amending s. 220.02, F.S.; providing for the order in which credits against the corporate income tax are to be taken; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing an effective date.

By the Committee on Criminal Justice and Senator Clary—

CS for SB 578—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; granting the victim of a crime standing to assert the rights of the victim; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SJR 642—A joint resolution proposing an amendment to Section 2 of Article VII of the State Constitution, relating to tax rates, and the creation of Section 19 of Article VII of the State Constitution and Section 22 of Article XII of the State Constitution, to prohibit the imposition of taxes on intangible personal property.

By the Committee on Judiciary and Senators Dudley, Jones, Burt, Campbell, Crist, Grant, Horne, Rossin, Silver and Williams—

CS for SB 698—A bill to be entitled An act relating to enforcement of child support; amending s. 61.052, F.S.; requiring that all initial pleadings in all dissolution of marriage actions contain the social security numbers of all parties; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; requiring that all child support orders contain the social security numbers of all parties to the action; amending s. 61.1301, F.S.; providing for inclusion of an income deduction order in an order establishing, enforcing, or modifying a child support obligation; making conforming changes; providing for enforcement of income deduction; amending s. 61.13016, F.S.; providing for suspension of a driver's license or motor vehicle registration for failure to comply with a subpoena; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing rulemaking authority; amending s. 61.1812, F.S.; providing a new source of funding for the child support enforcement program; amending s. 61.1814, F.S.; providing for deposit of money from specified fines; amending s. 61.30, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing for determination and imputation of income on a monthly basis in determining a child support award; providing that in adjusting a child support award based on independent income of child, money from a part-time job or supplemental security income is not to be included; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to employer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal that issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that that department may release confidential tax payer information to any state or local child support enforcement program; amending s. 231.17, F.S.; requiring that applications for teaching certificates contain the social security number of the applicant; amending s. 382.008, F.S.; requiring that all certificates of death or fetal death contain the social security number of the decedent, if available; amending s. 320.05, F.S.; providing that the department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; amending s. 402.308, F.S.; requiring that applications for child care facilities licenses contain the social security number of the applicant; amending s. 409.2554, F.S.; conforming a cross-reference; amending s. 409.2561, F.S.; providing for application of child support guidelines to determination of public assistance reimbursement obligation; amending s. 409.2564, F.S.; providing the department with authority to subpoena information and to impose a fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; amending s. 409.25656, F.S.; authorizing the department to garnish obligors' wages; providing that levy notice remains in effect until final resolution of action contesting notice; establishing continuing obligation of notice of property in possession or control; prohibiting transfer or disposal of property within effective period of notice; authorizing the department to bring action to compel compliance with levy; providing rules authority; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2567, F.S.; conforming provisions; amending s. 409.2574, F.S.; providing for service of notice of income deduction; amending s. 409.2577, F.S.; providing an effective date; requiring the Department of Revenue to notify the U.S. Department of Health and Human Services of reasonable evidence of domestic violence or child abuse the disclosure of which could be harmful to parent or child; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing

an administrative fine; providing rulemaking authority; creating s. 409.25785, F.S.; providing an effective date; creating a state directory of new hires; providing for transition of new hire reporting and for operation of directory; requiring all employers to furnish information concerning newly hired employees; providing for notice of wage withholding; providing for use and disclosure of new hire information; amending s. 409.2579, F.S.; prohibiting the state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; providing that the child support agency may report specified information pertaining to injury, neglect, or exploitation of a child to an appropriate agency or official when the child's health is threatened; amending s. 409.2598, F.S.; providing that the state child support agency may take action against the license of an obligor who fails to comply with a subpoena; providing procedures; amending s. 443.171, F.S.; providing that a governmental agency need not file an employment record relating to specified employees; amending s. 443.1715, F.S.; providing for confidentiality of employment records of specified governmental employees; repealing s. 443.175, F.S., which provides for a pilot project on reports of new hire information; amending s. 455.213, F.S.; requiring that all applications for professional or occupational licenses contain the social security number of the applicant; amending s. 455.2141, F.S.; requiring that all applications for licenses within the jurisdiction of the Agency for Health Care Administration contain the social security number of the applicant; amending s. 548.021, F.S.; requiring that applications for licenses for pugilistic exhibitions contain the social security number of the applicant; amending s. 626.171, F.S.; requiring that applications for various insurance licenses contain the social security number of the applicant; amending s. 741.04, F.S.; requiring that affidavits to obtain a marriage license contain the social security number of both parties; amending s. 742.031, F.S.; requiring that the social security number of each party be entered on an order of paternity; providing for prima facie evidence of expenses of genetic testing; requiring a temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to a paternity action to file specified information with the court; providing for use of such information in subsequent action; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of a foreign paternity order that is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to the state child support agency; providing for draft requests for a proposal by the Department of Revenue; providing for a report to the Legislature on the draft proposals; providing certain time limitations for developing and submitting the draft proposals; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bronson—

CS for SB 700—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082, 517.101, F.S.; deleting obsolete cross-references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

By the Committee on Criminal Justice and Senators Horne and Campbell—

CS for SB 716—A bill to be entitled An act relating to sentencing; repealing ss. 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; deleting a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending ss. 397.705, 893.15, F.S.; re-

quiring that a referral of an offender to a treatment provider or to drug rehabilitation be in addition to adjudication or imposition of sentence rather than as an alternative to adjudication or imposition of sentence; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose recommended sentence is a nonstate prison sanction to be eligible for incarceration up to a specified period; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addiction to be a mitigating circumstance for purposes of sentencing; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Horne and Sullivan—

CS for SB 718—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; authorizing state agencies and the judicial branch and units of local government to accept charge cards or debit cards upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; defining "customers" of the Division of Information Services and prescribing its duties with respect thereto; eliminating the Technology Resource Center data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for use of electronic information services; creating s. 282.22, F.S.; declaring legislative intent with respect to availability and use of products and materials developed by or under the direction of the department; providing an effective date.

By the Committee on Community Affairs and Senators Latvala, Brown-Waite, Kurth, Dudley, Grant, Crist, Lee, Cowin, Sullivan, Dyer, McKay, Myers, Campbell, Dantzler and Burt—

CS for SB 750—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; defining the term "pass-on charge"; amending s. 723.037, F.S.; requiring a mobile home park owner to disclose material factors that justify a change in rentals, services, utilities, or rules; amending s. 723.0381, F.S.; deleting court-ordered arbitration; amending s. 723.063, F.S; providing for the participation of mobile home owners' associations in certain legal actions; amending s. 723.071, F.S.; providing conditions for the sale of mobile home parks to mobile home owners; revising the definition of the term "affiliate"; providing an effective date.

By the Committees on Governmental Reform and Oversight; Education; and Senators Sullivan, Kirkpatrick, Grant, Horne, Williams, Ostalkiewicz, Bronson and Turner—

CS for CS for SB 786—A bill to be entitled An act relating to high school athletics; directing the Commissioner of Education to designate an organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Myers, Dudley, Silver, Rossin and Campbell—

CS for SB 834—A bill to be entitled An act relating to health care service programs; amending s. 641.315, F.S.; deleting obsolete dates and revising provisions; providing additional criteria for certain provider contracts; requiring that the governing body of a health maintenance organization provide notice and the opportunity for a hearing before terminating or failing to renew the contract of a health care provider; providing for applicability; providing certain exceptions; deleting certain due process procedural guidelines; providing notice requirements; providing requirements for the hearing panel appointed by a health maintenance organization; requiring that the governing body of a health maintenance organization render a final decision within a specified time; amending s. 641.3903, F.S.; prohibiting health maintenance organizations from taking certain retaliatory action against providers of health care services; providing an effective date.

By the Committee on Banking and Insurance; and Senators Grant and Holzendorf—

CS for SB 908—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s. 626.918, F.S.; revising surplus and trust fund requirements for alien surplus lines insurers; lowering surplus requirements for surplus lines insurers meeting certain conditions; providing for severability; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Burt—

CS for SB 918—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing for application of the act; providing an effective date.

By the Committee on Community Affairs and Senator Gutman—

CS for SB 936—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Sullivan and Forman—

CS for SB 940—A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to state agency strategic plans; creating s. 216.0446, F.S.; authorizing a mechanism for the review of agency strategic plans and legislative

budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S., requiring a review and approval process for agencies' proposed actions on budget items for specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative intent with respect to information resources management; repealing s. 282.1021, F.S., which requires the Division of Communications of the Department of Management Services to develop a biennial plan for communications services; amending s. 282.102, F.S.; requiring the Division of Communications to publish electronically and in hard copy a portfolio of its services; specifying the information to be included in the portfolio; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the Technology Council; providing legislative intent; providing powers and duties; creating s. 282.3093, F.S.; providing legislative intent with respect to the State Technology Office; providing powers and duties; creating s. 282.310, F.S.; requiring a state annual report on information resources management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes and membership of the council; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising provisions relating to data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop a strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing for the Florida Financial Management Information System; amending s. 215.94, F.S.; revising language with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; providing for the Financial Management Information Board; amending s. 215.96, F.S.; revising language with respect to the coordinating council; providing for design and coordination staff; amending s. 216.141, F.S.; revising language with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council; providing for coordination and sharing of health-related data; amending ss. 20.19, 20.316, 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235, 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the council to approve a strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing an effective date.

By the Committees on Transportation, Community Affairs and Senator Brown-Waite—

CS for CS for SB 964—A bill to be entitled An act relating to fuel taxes; amending ss. 336.021, 336.025, F.S.; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 972—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring agency inspectors general to report on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; authorizing the division to operate a centralized vehicle leasing program; providing for the deposit of lease payments; specifying the use of lease payments; requiring a report to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 976—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising provisions with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising provisions with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising provisions with respect to grounds for

denial of licensure; amending s. 501.626, F.S.; revising provisions with respect to rulemaking authority; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license; revising provisions with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising provisions with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and 559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising provisions with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit and filing fee by agents; amending s. 559.929, F.S.; revising provisions with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising provisions with respect to rules; amending s. 559.9355, F.S.; revising provisions with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SJR 986—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

By the Committee on Banking and Insurance; and Senator Rossin—

CS for SB 990—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Sullivan and Forman—

CS for SB 998—A bill to be entitled An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; providing that a state agency, the judicial branch, and units of local government may use a credit card, charge card, or debit card upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; providing a definition; conforming certain references; requiring approval of the Office of Planning and Budgeting for acceptance of any new customer other than a state agency that will use more than a specified percentage of the previous year's revenue; eliminating the Technology Resource Center data processing policy board; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; repealing s. 282.313, F.S., relating to data processing policy boards; providing an effective date.

By the Committee on Community Affairs and Senator Klein—

CS for SB 1048—A bill to be entitled An act relating to community organizations; creating "The Community Asset Protection Act"; providing that all records and procedures relating to the transfer of the assets or management authority of a community organization to outside interests are open to the public; providing definitions; providing legislative intent; providing notice; providing for inspection and copying of records; providing an effective date.

By the Committee on Health Care and Senator Klein—

CS for SB 1056—A bill to be entitled An act relating to health care; creating s. 381.0408, F.S.; creating the Public Health Partnership Council on Stroke; providing responsibility and duties; providing council membership; directing the Department of Health to contract for certain services; providing for administrative location of the council at the Institute of Public Health at Florida Agricultural and Mechanical University; providing for members' per diem and travel expenses; requiring a report; providing for legislative review of council accomplishments; providing an appropriation; providing an effective date.

By the Committees on Ways and Means; Community Affairs; and Senator Williams—

CS for CS for SB 1154—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Dudley—

CS for SB 1246—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

By the Committee on Agriculture and Senators Bronson, Horne, Williams, Brown-Waite, Casas, Ostalkiewicz, Harris, McKay, Turner, Childers, Latvala, Cowin, Myers, Lee, Grant, Campbell and Kirkpatrick—

CS for SJR 1266—A joint resolution proposing amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution, relating to executive departments and taxation.

By the Committee on Banking and Insurance; and Senators Rossin and Forman—

CS for SB's 1286 and 1446—A bill to be entitled An act relating to insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; amending s. 627.419, F.S.; specifying that advertisements by insurers in a language other than English do not modify a policy in English; providing limitations; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; allowing notice of cancellation by postal proof of mailings; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Latvala and Hargrett—

CS for CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 1314—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

By the Committee on Education and Senator Williams—

CS for SB 1318—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; providing that certain students taking courses in airport rescue and firefighting, or related courses are classified as residents for tuition purposes; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bronson—

CS for SB 1346—A bill to be entitled An act relating to insurance; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability to sell credit property insurance; providing an effective date.

By the Committee on Education and Senator Cowin—

CS for SB 1376—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; amending s. 230.2317, F.S.; revising provisions relating to a multiagency service network for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; repealing s. 230.23185, F.S., relating to a statewide crime watch program; amending s. 230.303, F.S., relating to compensation for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms "graduation rate," "habitual truancy rate," and "dropout rate"; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of

nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 1456—A bill to be entitled An act relating to insurance; creating s. 624.22, F.S.; providing the purpose of ch. 624, F.S.; declaring legislative intent regarding adequate regulation of insurers and reinsurers; requiring that, upon the insolvency of a non-U.S. insurer or reinsurer certain security be maintained in the U.S. and that claims be filed with the state with regulatory oversight; providing a legislative declaration that the matters are fundamental to the business of insurance in accordance with federal law; amending s. 624.610, F.S.; providing an additional form of approved reinsurance, subject to certain conditions; amending s. 624.424, F.S.; revising the length of time an insurer may engage the same accountant or partner of an accounting firm; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; providing an effective date.

By the Committee on Community Affairs and Senator Dyer—

CS for SB 1466—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1542—A bill to be entitled An act relating to public school parental choice; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford preferred access to the program to parents of students in multiple session schools; providing an effective date.

By the Committee on Criminal Justice and Senators Burt and Williams—

CS for SB's 1566 and 114—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; transferring the capital collateral regional counsels to the executive branch; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Justice Administrative Commission; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Executive Office of the Governor to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing an effective date.

By the Committee on Banking and Insurance; and Senator McKay—

CS for SB 1592—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum

liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority; amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1704—A bill to be entitled An act relating to student fees; amending s. 240.235, F.S.; defining fees; providing for fee ranges; providing budget procedures; restricting the use of fee revenue for certain purposes; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Harris and Brown-Waite—

CS for SB 1760—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S., relating to definitions with respect to specified provisions relating to juvenile proceedings; redefining the term "diligent search"; defining the term "next of kin"; amending s. 39.401, F.S., relating to taking a child alleged to be dependent into custody; requiring the Department of Children and Family Services to request a child's parent or custodian to disclose certain information regarding parents, prospective parents, and next of kin; amending s. 39.402, F.S., relating to placement in a shelter; providing for the court to require parent or custodian present at emergency shelter hearing to provide certain information on the record regarding parents, prospective parents, or next of kin; amending s. 39.405, F.S.; revising certain guidelines relating to filing of affidavit of diligent search in dependency cases; removing requirement for appointment of guardian ad litem, under specified circumstances; amending s. 39.4051, F.S., relating to special procedures in dependency cases when identity or location of parent is unknown; revising duties of the Department of Children and Family Services with respect to diligent searches; reenacting s. 39.462(1)(a), F.S., relating to process and service in proceedings to terminate parental rights, to incorporate an amendment in references thereto; creating s. 39.4052, F.S.; requiring written notice to identified adult relatives of a child taken into care; creating s. 39.4053, F.S.; prescribing duties of the department and guidelines relating to due diligence in the identification and notification of parents, relatives, and custodians of a child in departmental custody; amending s. 39.41, F.S., relating to powers of disposition; providing for diligent search; conforming terminology; amending s. 39.4625, F.S., relating to special procedures in termination of parental rights cases when identity or location of parent is unknown; revising guidelines relating to court inquiry and diligent search; reenacting s. 39.462(1)(a), F.S., relating to elements of petition for termination of parental rights, to incorporate an amendment in references thereto; amending s. 39.464, F.S., relating to grounds for termination of parental rights; conforming provisions relating to diligent search; reenacting s. 39.4611(1)(a) and (b) and (2), to incorporate an amendment in references thereto; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to law enforcement; amending s. 415.505, F.S., relating to child protective investigations and institutional child abuse or neglect investigations; requiring the agent of the department to request the parent or custodian to disclose certain information regarding parents, prospective parents, or next of kin when child is taken into custody; providing an effective date.

By the Committee on Community Affairs and Senator Burt—

CS for SB 1794—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

By the Committee on Health Care and Senator Kurth—

CS for SB 1804—A bill to be entitled An act relating to assisted living facilities; amending s. 400.407, F.S.; modifying the number of monitoring visits that must be made by the Agency for Health Care Administration to an assisted living facility licensed to provide extended congregate care services; changing the requirements for admission to an assisted living facility licensed to provide extended congregate care services; amending s. 400.408, F.S.; requiring certain individuals with knowledge of unlicensed assisted living facility activity to be subject to disciplinary action; amending s. 400.426, F.S.; authorizing use of a certain assessment to fulfill medical examination requirements; amending s. 400.628, F.S.; prohibiting the use of restraints in adult family care homes; requiring a study and a report by September 1, 1998 from the Department of Elderly Affairs on certified medication technicians; providing an effective date.

By the Committee on Health Care and Senator Jones—

CS for SB 1814—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain

circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to

certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Latvala—

CS for SB 1832—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; providing an exception; creating ss. 125.585 and 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1836—A bill to be entitled An act relating to assisted living facilities; suspending provisions of s. 400-4075, F.S., and ch. 58A-5.029, F.A.C.; amending s. 400.402, F.S.; revising definitions; providing additional definitions; amending s. 400.407, F.S.; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the community living support plan and a cooperative agreement for each mental health resident and verify that such resident meets certain requirements; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; requiring certain documentation for a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing for an evaluation of a mental health resident in certain instances; amending s. 394.455, F.S.; revising provisions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; Providing the department with certain responsibilities related to a mental health resident; amending s. 409.912, F.S.; requiring an entity that provides Medicaid prepaid health services to coordinate health care services with an assisted living facility in certain instances; requiring a workgroup to be established; requiring a report; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 1850—A bill to be entitled An act relating to genetic testing; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for consent to genetic testing; providing standards for disclosure of results; providing civil penalties; providing public records exemptions; providing requirements upon insurers; providing exemptions; providing legislative findings; providing an effective date.

By the Committee on Community Affairs and Senator Burt—

CS for SB 1862—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

By the Committee on Education and Senator Rossin—

CS for SB 1904—A bill to be entitled An act relating to possession of weapons on school property; amending s. 790.115, F.S.; providing that it is a third-degree felony to exhibit a razor blade, box cutter, or knife having a blade greater than a specified length on the grounds or facilities of any school, school bus, or school bus stop, or within a specified distance of the real property that comprises a public or private school during school hours; removing a provision that permits the carrying of a firearm in a vehicle under certain conditions; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1944—A bill to be entitled An act relating to public school choice; amending s. 236.083, F.S.; directing the Legislature to designate

additional funds for student transportation to school districts that offer a controlled open enrollment program; providing an effective date.

By the Committee on Education and Senator McKay—

CS for SB 1968—A bill to be entitled An act relating to enforcement of compulsory school attendance; amending s. 232.19, F.S.; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or a learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for an additional fine to be imposed against a parent who fails to comply with the compulsory school-attendance requirements; providing that proceeds of the fine be used to fund truancy prevention programs; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home-education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school-attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school-attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Williams, Gutman, Rossin, Campbell and Turner—

CS for SB 2004—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending ss. 255.28, 255.30, 255.507, F.S.; eliminating references to rules; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an appropriation; expressing legislative intent to reorganize the Department of Management Services and to revise the laws relating to the Career Service and Select Exempt Service Systems, the Innovation Investment Program, public property and publicly owned buildings, and the Correctional Privatization Commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing an effective date.

By the Committee on Community Affairs and Senator Jenne—

CS for SB 2012—A bill to be entitled An act relating to hurricane preparedness and mitigation; amending s. 215.555, F.S.; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the Department of Community Affairs for programs, loan subsidies, grants, and demonstration projects; providing for loan subsidies and direct assistance to be provided to policyholders of the Florida Windstorm Underwriting Association; requiring the department to develop the program in consultation with an advisory council; providing for membership of the advisory council; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the Department of Insurance for the purpose of consumer education and information; requiring the Department of Insurance to consult with the Department of Community Affairs before expending funds; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the State University System to support programs of research and development; requiring that such moneys be matched by in-kind funds or services; requiring the Department of Community Affairs to report annually to the Legislature; providing an effective date.

By the Committee on Education and Senator Brown-Waite—

CS for SB 2046—A bill to be entitled An act relating to unlawful activity on school property; requiring a school principal, school official, or school employee who has knowledge of or information concerning criminal or delinquent activity committed on school property or at a school-sponsored function to report such activity to a law enforcement agency; requiring the district school board to enter into an agreement with local law enforcement agencies to specify misdemeanor incidents to be reported to a law enforcement agency; requiring annual review of the agreement; providing an effective date.

By the Committee on Education and Senator Clary—

CS for SB 2050—A bill to be entitled An act relating to the Advanced International Certificate of Secondary Education Program; amending s. 236.081, F.S.; establishing student full-time equivalent membership in the program; amending s. 240.116, F.S.; directing the Department of Education to assist school districts in implementing a pilot program under the Advanced International Certificate of Secondary Education Program; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Forman—

CS for SB 2066—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; exempting certain persons from the definition of prepaid limited health service organization; amending s. 641.19, F.S.; providing definitions; defining the terms "fiduciary services," "fiscal intermediary services," and "fiscal intermediary services organization"; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; creating s. 641.316, F.S., relating to fiscal intermediary services; providing legislative intent; requiring registration; requiring that a fidelity bond be posted with the Department of Insurance; prohibiting collection of certain payments from subscribers; amending s. 641.47, F.S.; defining terms; amending s. 641.495, F.S.; requiring designation of a state-licensed physician or osteopath as medical director; amending s. 641.51, F.S.; requiring out-of-network referrals to specialists, under certain circumstances; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring a report to the Agency for Health Care Administration concerning access, quality of care, and customer satisfaction data; requiring adoption of certain recommendations for preventive pediatric health care; amending s. 641.511, F.S.; requiring a grievance procedure and an expedited grievance procedure for reviewing the denial of urgently needed health care services; establishing procedural requirements; providing a time limit; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring a report to the agency concerning changes in authorization and referral criteria or the process used to determine medical necessity; creating the Florida Commission on Integrated Health Care Delivery Systems; providing for composition of the commission; requiring a report; providing for staffing and appointments; providing for expiration of the commission; providing an effective date.

By the Committee on Education and Senator Latvala—

CS for SB 2168—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Architecture and Interior Design		
Appointee:	Anderson, Gere Timberlake, Pensacola	10/31/2000
Florida Citrus Commission		
Appointee:	Evans, James Emmett III, Vero Beach	05/31/2000
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointee:	Connor, Olga Arazoza, Miami	10/31/2000
Board of Trustees of Palm Beach Community College		
Appointee:	Johnston, Harry A., West Palm Beach	05/31/1997
Education Standards Commission		
Appointees:	Huckabay, George Eugene, Auburndale	09/30/1999
	McDavis, Roderick John, Gainesville	09/30/1999
Electrical Contractors' Licensing Board		
Appointees:	Abreu, Arnaldo Luis, Miami	10/31/2000
	Roberts, Lewis Christmas, Lakeland	10/31/2000
Board of Directors, Technology Development Board		
Appointee:	Gabremariam, Fassil, Tampa	06/14/1998
Board of Directors, Workforce Development Board		
Appointee:	Alexis, Patricia Augustina, Miramar	06/05/2000
Florida Housing Finance Agency		
Appointee:	Martin, Richard Charles, Jacksonville	11/13/1998 11/13/2000
State Board of Independent Colleges and Universities		
Appointee:	Milton, Fredrick Timothy, Daytona	09/30/1999
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointee:	Whibbs, Vincent John, Jr., Pensacola	07/01/1999
Governor's Mansion Commission		
Appointee:	Douglass, William Dexter, Tallahassee	09/30/2000
National Conference of Commissioners on Uniform State Laws		
Appointee:	Stagg, Clyde Lawrence, Tampa	06/05/1999
Historic Tallahassee Preservation Board of Trustees		
Appointee:	Dunlap, Janice Dickens, Tallahassee	06/30/1999
Florida Real Estate Appraisal Board		
Appointee:	Callaway, Mary M., Pensacola	10/31/2000
Jacksonville Sports Development Authority		
Appointee:	Arnold, Charles Warner, Jr., Jacksonville	09/30/1999

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the Northwest Florida Water Management District		
Appointee:	de Lorge, John Oldham, Cantonment	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 229; has passed as amended HB 399, HB 599 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Transportation and Representative Fuller and others—

CS for HB 229—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.; creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Representative Flanagan and others—

HB 399—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; providing an effective date.

(Substituted for **SB 596** on the Special Order Calendar this day.)

By the Committee on Business Development and International Trade; and Representative Putnam and others—

HB 599—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; deleting an expiration and legislative review provision; amending s. 159.8081, F.S.; increasing a threshold percentage for certain allocations from the manufacturing facility bond pool; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 68, CS for SB 160, CS for SB 290, SB 332, CS for SB 778; and has passed CS for SB 284 by the required Constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

CS for SB 462 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 1, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 27 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 1638; Clary—SB 648, SB 1548; Cowin—SB 648; Crist—SB 648; Forman—SB 354, CS for SB 1726; Grant—SB 1600, SB 1638; Hargrett—SB 392; Harris—SB 1638; Horne—SB 152, SB 1638; Klein—SB 872; Latvala—SB 932; Lee—SJR 2286; McKay—SB 648; Ostalkiewicz—SB 1638; Silver—SB 648; Sullivan—SB 648; Turner—SB 1598

RECESS

On motion by Senator Bankhead, the Senate recessed at 4:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 11:30 a.m., Monday, April 7.

SENATE PAGES

March 31 - April 4, 1997

Matthew Anderson, Tallahassee; Jeremiah Ansley, Ft. Lauderdale; Christina Calaluca, Weston; Kimberly Calaluca, Weston; Kristy Calhoun, Crawfordville; Joseph Chase, Deerfield Beach; Nekittrae Davis, Quincy; Gillian Goldman, Sarasota; Joshua Green, Lighthouse Point; James Hamman, DeLand; Lena Irvine, Pensacola; Jim Junecko, Leesburg; Alissa Michele Koerner, Jupiter; John Lindner, Tallahassee; Troy Lucas, Miami; Hillary McMullen, Belle Glade; John James Spears, Davie; and Melissa Webster, Freeport

Journal of the Senate

Number 11—Regular Session **Monday, April 7, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 11:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senator Thomas at 12:28 p.m.

PRAYER

The following prayer was offered by Senator John Grant:

Our Father, and not ours alone, but Father of all mankind, who art in heaven, help us in our works and deeds to honor your name. In the midst of a selfish world, may your kingdom come and may your will, not ours, be done here on earth as it is in heaven. Give us this day and not to us alone, but to all who hunger through the sin of human greed, our daily bread. Forgive us where we have erred and strayed from your ways, as we forgive those who have transgressed against us.

As this session winds its way to closure, keep us from harm and temptation and protect us and our families from the evils and greed of the world. For yours is the world which you, by your mighty power, have made, and to you we give glory for our very existence and being.

Guide us, we pray, in our deliberations that we may have the wisdom of Solomon, the patience of Job and the courage of our own individual moral convictions, as we strive to do your will, nothing more, nothing less and nothing else. Amen.

PLEDGE

Senate Pages, Joseph Curtis Ketterer of Milton and Porsha Sanford of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kurth, by two-thirds vote **SB 124** and **SB 2144** were withdrawn from the committees of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 1816** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 786**, **CS for SB 940**, **SB 1174**, **SB 1980** and **CS for SB 2004** were withdrawn from the Committee on Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, April 8, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 9.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1002—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; amending 316.063, F.S.; providing maximum fine and term of imprisonment for damaging an unattended vehicle; amending s. 316.614, F.S., provides that the living quarters of

a recreational vehicle is not included in the definition of a motor vehicle; providing that children under the age of 16 must wear a safety belt; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic laws on property adjacent to the university; amending s. 316.655, F.S., correcting a cross-reference; amending s. 318.14, F.S.; extending the timeframe for a person to show proof of insurance to 30 days; creating s. 320.091, F.S.; authorizing the issuance of speciality license plates to vehicles held in trust; amending s. 320.535, F.S.; exempting airport fuel trucks and equipment from the payment of license taxes and the display of license plates when transporting aviation fuel within the airport facility of any public use airport; authorizing the incidental operation of airport fuel tanks or equipment on roads of this state within the airport facility; amending s. 320.8232, F.S.; providing that used mobile homes may be moved as long as the mobile home meets federal safety codes which were in effect at the time the mobile home was constructed; providing that certain aesthetic and land use and zoning requirements are reserved for local jurisdiction; amending s. 322.38, F.S.; providing that persons who rent motor vehicles must fill the fuel tank before renting the vehicle; providing an effective date.

—as amended April 3 was read the third time by title.

Senator Hargrett moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 6, line 23, delete "*course*", and insert: *courses*

Senator Ostalkiewicz moved the following amendment:

Amendment 2—On page 16, lines 17-19 and on page 24, lines 20-22, delete those lines and insert: means.—*In addition to any current authority, the department is authorized to accept any renewal application provided for under this chapter by electronic or telephonic means.*

Senator Ostalkiewicz moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 3—On page 16, lines 17-19 and on page 24, lines 26-28, delete those lines and insert: *means.—In addition to any current authority, the department is authorized to accept any renewal application provided for under this chapter by electronic or telephonic means.*

Senator Silver moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 18, line 18 and on page 20, line 18, after the semicolon (;) insert: *or*

Senator Ostalkiewicz moved the following amendment:

Amendment 5 (with title amendment)—On page 25, lines 16-21, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 31, delete "327.90, and 328.30" and insert: and 327.90

Senator Ostalkiewicz moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 6 (with title amendment)—On page 11, lines 4-9 and on page 25, lines 16-21, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, delete line 31 and insert: 320.95, 322.70, and 327.90,

Senator Ostalkiewicz moved the following amendment which failed to receive the required two-thirds vote:

Amendment 7 (with title amendment)—On page 26, line 16 through page 27, line 14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 5-10, delete those lines and insert: damaging an unattended vehicle; amending s. 316.640,

Senator Hargrett moved the following amendment which was adopted by two-thirds vote:

Amendment 8 (with title amendment)—On page 27, line 15 through page 29, line 10, delete section 24 and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 10-13, delete those lines and insert: must wear a safety belt; amending s. 316.655, F.S.,

On motions by Senator Hargrett, **CS for SB 1002** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

SB 98—A bill to be entitled An act relating to outdoor advertising; amending s. 479.16, F.S.; allowing certain unpermitted signs in rural areas; prohibiting the implementation of this provision in certain circumstances; providing an effective date.

—as amended April 3 was read the third time by title.

Senator Bankhead moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 1, line 25, after "*this subsection*" insert: *does not apply to charter counties and*

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing exceptions;

On motions by Senator Williams, **SB 98** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 442—A bill to be entitled An act relating to education; creating a pilot project to promote school readiness for preschool chil-

dren; requiring a report; authorizing the use of certain funds; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Turner, **CS for SB 442** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term "public assistance" to conform; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Rossin, **CS for CS for SB's 566 and 626** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB's 780, 520 and 692—A bill to be entitled An act relating to economic development; creating ss. 212.097, 212.098, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing for a review of the programs; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Holzendorf, **CS for SB's 780, 520 and 692** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Bankhead

CS for SB 1756—A bill to be entitled An act relating to economic development; amending s. 216.292, F.S.; authorizing an agency selling a building to accept the construction of a replacement building totally or partially in lieu of cash; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if jobs are less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; providing additional requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; providing for the submission of recommendations on development of certain business sectors; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; authorizing the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; providing severability; providing an effective date.

—as amended April 3 was read the third time by title.

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 5, lines 1-12, delete those lines and insert:

Section 1. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s.

On motions by Senator Harris, **CS for SB 1756** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Hargrett, Jenne

Consideration of **SB 854** was deferred.

CS for CS for SB 1154—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting

process for economic development projects and comprehensive plan amendments; providing effective dates.

—as amended April 3 was read the third time by title.

On motions by Senator Williams, **CS for CS for SB 1154** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an exception to deadline for receipt of reimbursement applications received pursuant to s. 376.3071, F.S.; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Latvala, **CS for CS for SB's 1306 and 1934** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 702—A bill to be entitled An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971, 288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

—as amended April 3 was read the third time by title.

On motions by Senator Williams, **SB 702** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 399—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **HB 399** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

HB 253—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may

accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing for distribution of penalty revenue; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **HB 253** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

HB 599—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; deleting an expiration and legislative review provision; amending s. 159.8081, F.S.; increasing a threshold percentage for certain allocations from the manufacturing facility bond pool; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **HB 599** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Advisory Committee to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Dyer, **CS for SB 1486** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Burt	Clary	Diaz-Balart
Bankhead	Campbell	Cowin	Dudley
Bronson	Casas	Crist	Dyer
Brown-Waite	Childers	Dantzler	Forman
Grant	Jenne	Lee	Scott
Gutman	Jones	McKay	Silver
Hargrett	Kirkpatrick	Meadows	Sullivan
Harris	Klein	Myers	Turner
Holzendorf	Kurth	Ostalkiewicz	Williams
Horne	Latvala	Rossin	

Nays—None

CS for SB 550—A bill to be entitled An act relating to oil and gas drilling; amending s. 377.2425, F.S.; revising surety requirements for drilling permittees; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Latvala, **CS for SB 550** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SB 292—A bill to be entitled An act relating to artificial reefs; amending s. 370.25, F.S.; providing requirements with respect to the artificial reef program within the Department of Environmental Protection; directing the department to establish criteria for determining eligibility of nonprofit organizations to apply for and receive available reef development funds; establishing an office to act as a coordinating authority for artificial reef construction; providing that certain acts are unlawful; providing penalties; providing for disposal of certain materials; providing that certain persons are deemed responsible for violations; providing for administrative fines; providing an effective date.

—as amended April 3 was read the third time by title.

On motions by Senator Klein, **SB 292** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SB 1430—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; providing authority for the water management districts to accept funds for the planning and implementation of district undertakings and delegations; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **SB 1430** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for HB 229—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.; creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 229** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

SPECIAL ORDER CALENDAR

On motion by Senator Klein, by two-thirds vote **HB 115** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Klein—

HB 115—A bill to be entitled An act relating to veterans; amending s. 295.17, F.S.; eliminating the requirement of renewing identification cards; eliminating a service charge; providing an effective date.

—a companion measure, was substituted for **SB 820** and read the second time by title.

Pursuant to Rule 4.19, **HB 115** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams, by two-thirds vote **HB 285** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motions by Senator Williams, by two-thirds vote—

HB 285—A bill to be entitled An act relating to regulation of trade and commerce; repealing s. 559.04, F.S., relating to requirements of trading stamp companies prior to distribution of trading stamps; repealing s. 559.05, F.S., relating to required notice of intention to suspend or cease redemption of trading stamps; providing an effective date.

—a companion measure, was substituted for **SB 222** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 285** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dantzler—

SB 1086—A bill to be entitled An act relating to armories; amending s. 250.40, F.S.; providing for the disposition of money received from the rental of billeting operations at Camp Blanding Training Site; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1086** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for HB 443** was withdrawn from the Committee on Regulated Industries.

On motions by Senator Horne, by two-thirds vote—

CS for HB 443—A bill to be entitled An act relating to firesafety; amending s. 633.511, F.S.; providing for the State Fire Marshal rather than the Governor to appoint members to the Florida Fire Safety Board; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

—a companion measure, was substituted for **CS for SB 1310** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 443** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 1238—A bill to be entitled An act relating to motor vehicle license plates; amending s. 316.515, F.S.; changing exemptions from maximum width, height, and length requirements for wreckers; amending s. 316.550, F.S.; providing special-use permits for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word "wrecker" to be printed on certain license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers; creating s. 320.0821, F.S.; providing requirements for wrecker license plates; amending s. 206.877, F.S., to conform a cross-reference; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1—On page 3, lines 3 and 9, delete "*department*" and insert: *Department of Transportation*

Amendment 2—On page 11, lines 5 and 6, delete those lines and insert:

Section 8. This act shall take effect October 1, 1997.

Pursuant to Rule 4.19, **CS for SB 1238** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 300—A bill to be entitled An act relating to the Comptroller; amending s. 17.20, F.S.; authorizing the deduction of certain fees and expenses from property that has not been claimed and is reportable to the department; amending s. 17.325, F.S.; revising language with

respect to governmental efficiency hotlines; revising requirements with respect to "Get Lean" telephone calls; providing for certain confidentiality; amending s. 687.143, F.S.; requiring the Department of Banking and Finance to deposit certain fines in the Division of Financial Investigations Administrative Trust Fund; amending s. 939.01, F.S.; providing for certain investigative costs to be entered in a judgment; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—On page 2, line 23, after the period (.) insert: *The department shall annually report to the Governor, President of the Senate, and the Speaker of the House of Representatives the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.*

And the title is amended as follows:

On page 1, delete line 6 and insert: department; providing a report; amending s. 17.325, F.S.; revising

Pursuant to Rule 4.19, **CS for SB 300** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 1498—A bill to be entitled An act relating to Museum of Florida History programs; amending s. 267.072, F.S.; requiring the Division of Historical Resources of the Department of State to establish and administer a program to recognize and record achievements of certain Floridians; providing criteria; providing requirements; providing for nominations and selection; authorizing the division to undertake certain recording and marketing activities; authorizing the division to collect a charge for providing certain materials; providing for deposit of such charges; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Harris and adopted:

Amendment 1—On page 3, line 14, delete "*designated*" and insert: *nominated*

Pursuant to Rule 4.19, **SB 1498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

SB 854—A bill to be entitled An act relating to state lands; amending s. 253.68, F.S.; deleting a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; providing an effective date.

—was read the third time by title.

Senators Bronson, Kurth, Dudley and Rossin offered the following amendment which was moved by Senator Bronson and adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 1, lines 23-30, delete those lines and insert: either commercial or experimental purposes. However ~~no lease shall be granted by the board when there is filed with it~~ a resolution of objection adopted by a majority of the county commission of a county within whose boundaries, if the same were extended to the extent of the interest of the state, the proposed leased area would lie *may*~~. Said resolution shall~~ be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. 253.70.

And the title is amended as follows:

On page 1, line 3, delete "deleting" and insert: modifying

On motions by Senator Bronson, **SB 854** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Dudley	Jones	Ostalkiewicz
Burt	Dyer	Kirkpatrick	Rossin
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams

Nays—1

Dantzler

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends the following pass: SB 960 with 1 amendment

The bill was placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 930

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 336

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 722

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1970

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2142

The Committee on Judiciary recommends a committee substitute for the following: SB 806

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1234

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 248, SB 650, SB 914

The Committee on Natural Resources recommends a committee substitute for the following: SB 1094

The Committee on Regulated Industries recommends a committee substitute for the following: SB 954

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 652, Senate Bills 818, 1136 and 1242

The Committee on Natural Resources recommends committee substitutes for the following: SB 582, SB 584

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2440 and **2442**—Not referenced.

By Senator Forman—

SB 2444—A bill to be entitled An act relating to confidentiality of provisions relating to health quality assurance; providing exemptions from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution for any notification of an adverse incident which is made to the Agency for Health Care Administration by a hospital or ambulatory surgical center, and for the results of background screening of direct care employees of assisted living facilities and of adult day care centers; providing the public necessity justifying these exemptions; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Jenne—

SB 2446—A bill to be entitled An act relating to sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on specified offenses rather than on the ranking of the offense under the sentencing guidelines; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under certain uniform penalties rather than under the sentencing guidelines; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; deleting a reference made obsolete by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; deleting requirements that such offenses be ranked under the sentencing guidelines; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for uniform penalties for such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under certain uniform penalties rather than under the sentencing guidelines; amending s. 782.051, F.S.; deleting requirements that certain offenses that result in bodily injury be ranked under the sentencing guidelines; amending s. 784.08, F.S.; deleting a requirement that a person convicted of assault and battery against an elderly person be sentenced under the sentencing guidelines; authorizing the court to impose a term of imprisonment and a fine; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; deleting requirements that such offenses be ranked under the sentencing guidelines; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; deleting provisions made obsolete by the act; amending s. 893.135, F.S.; deleting a requirement that a person convicted of certain drug-trafficking offenses be sentenced under the sentencing guidelines; providing that the court may impose a term of imprisonment and a fine; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under certain uniform penalties rather than under the sentencing guidelines; amending s. 921.187, F.S., relating to disposition and sentencing; deleting provisions made obsolete by the act; amending s. 921.188, F.S.; revising conditions formerly based on the sentencing guidelines under which a felon may be placed into the custody of a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; deleting a reference to the sentencing guidelines to conform to changes made by the act; amending s. 944.17, F.S.; deleting a requirement that the sentencing guidelines scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; deleting provisions made obsolete by the act; amending s. 948.015, F.S.; revising conditions under which the court may request that the department make a presentence report; amending s. 948.034, F.S., relating to terms and conditions of probation; deleting references to the sentencing guidelines to conform to changes made by the act; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan; amending s. 958.04, F.S.; providing that the sentencing limitations provided under certain uniform penalties, rather than the limitations provided under the sentencing guidelines, apply to a youthful offender; repealing ss. 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, F.S., relating to legislative intent, the Sentencing Commission, sentencing guidelines offense levels, the ranking of offenses not listed in the sentencing guidelines, sentencing guidelines scoresheets, adoption of the sentencing guidelines, and departures from the sentencing guidelines; amending s. 947.16, F.S.; providing that a person sentenced for an offense committed on or after a specified date is eligible for parole consideration after serving 85 percent of his court-imposed sentence; providing that the Legislature intends the Florida Supreme Court to review the sentencing practices of circuit judges; providing that the Legislature intends that the Florida Supreme Court submit a report of the review to the Legislature; providing effective dates.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Childers—

SB 2448—A bill to be entitled An act relating to the practice of social work; separating the regulation of social work from the regulation of marriage and family therapy and mental health counseling; amending ss. 491.002, 491.003, 491.004, 491.005, 491.006, 491.007, 491.008, 491.0085, 491.009, 491.0111, 491.0112, 491.012, 491.014, 491.0141, 491.0143, 491.0147, 491.0148, 491.0149, F.S., relating to marriage and family therapy and mental health counseling; providing legislative intent; providing definitions; redesignating the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling as the Board of Marriage and Family Therapy and Mental Health Counseling; providing for licensure by examination; providing for licensure or certification by endorsement; providing for continuing education; providing for discipline; defining and prohibiting sexual misconduct; providing violations; providing penalties; providing for injunctions; providing exemptions; providing requirements for practicing hypnosis; providing requirements for practicing sex therapy; providing for confidentiality and privileged communications; providing requirements for the maintenance and transfer of records; providing for the display of professional licenses and for the use of professional titles on promotional materials; creating ss. 491.101, 491.102, 491.103, 491.104, 491.105, 491.106, 491.107, 491.108, 491.1085, 491.109, 491.111, 491.112, 491.113, 491.114, 491.115, 491.116, 491.117, 491.118, 491.1185, 491.119, 491.121, F.S., relating to the practice of social work; providing legislative

intent; providing definitions; creating the Board of Social Work Practice; providing for licensure by examination; providing for licensure or certification by endorsement; providing for renewal of a license or certificate; providing for inactive licensure status and for the expiration and reactivation of licenses; providing for continuing education; providing for discipline; defining and prohibiting sexual misconduct; providing violations; providing penalties; providing for injunctions; providing exemptions; providing for the practice of hypnosis; providing for the practice of sex therapy; providing for designation as a licensed clinical social worker, as a licensed master social worker, and as a licensed bachelor social worker; providing for confidentiality and privileged communications; providing for the maintenance and transfer of records; providing for the display of professional licenses and the use of professional titles on promotional materials; providing for reciprocity; repealing ss. 491.0145, 491.015, F.S., relating to certified master social workers and the Department of Business and Professional Regulation's duties toward such social workers; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Senator Clary—

SB 2450—A bill to be entitled An act relating to the regulation of professions; requiring the Legislature to adopt additional regulations; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Reform and Oversight; and Ways and Means.

By Senator Horne—

SB 2452—A bill to be entitled An act relating to inmate furloughs; amending s. 945.091, F.S.; limiting the period that an inmate may be allowed to leave the confines of a correctional institution; deleting a provision that authorized a furlough for certain compelling reasons; prohibiting an inmate from engaging in conjugal visits or sexual activity during the period the inmate is authorized to leave a correctional institution; authorizing the Department of Corrections to impose fines against an inmate who violates such prohibitions; providing an effective date.

—was referred to the Committee on Criminal Justice.

SR 2454—Not referenced.

By Senator Silver—

SB 2456—A bill to be entitled An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Childers—

SB 2458—A bill to be entitled An act relating to organ and tissue donation; amending s. 732.911, F.S.; defining the term "death"; amending s. 732.912, F.S.; specifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; providing that entities, as well as persons, may be donees of anatomical gifts; amending s. 732.914, F.S.; clarifying who must comply with certain procedures; amending s. 732.916, F.S.; amending procedures for revoking an anatomical gift; amending s. 732.922, F.S.; specifying duties of organ procurement organizations, eye banks, and tissue banks; defining the term "organ procurement organization"; limiting the civil or criminal liability of organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; authorizing the Agency for Health Care Administration to expend moneys from the Organ and Tissue Procurement Trust Fund for specified purposes, notwithstanding s. 381.6024(4)(b), F.S.; providing legislative intent; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Senator Grant—

SB 2460—A bill to be entitled An act for the relief of Heather Roszell, a minor; providing appropriations to compensate her for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents and the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 2462—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ponce, a minor; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2464—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bronson—

SB 2466—A bill to be entitled An act relating to the Orlando Utilities Commission; amending s. 9, ch. 9861, Laws of Florida, 1923, as amended; revising authority of the commission to provide water and energy services; authorizing the commission to conduct its activities in Osceola County; providing for the commission to contract with other utilities for the sale, purchase, or interchange of services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; Children, Families and Seniors; and Senator Burt—

CS for CS for SB 248—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; eliminating the provisions stating that certain orders are admissible in

evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; amending s. 63.072, F.S.; including certain parents whose consent to an adoption may be waived; providing for application of the act; providing an effective date.

By the Committee on Regulated Industries and Senator Casas—

CS for SB 336—A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises contingent upon certain conditions being met; amending ss. 561.025 and 561.121, F.S.; conforming to the act contingent upon the repeal of s. 561.501, F.S.; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 582—A bill to be entitled An act relating to marine fisheries; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; for purposes of ch. 370, F.S., defining the term "conviction"; providing for judicial notice of Marine Fisheries Commission rules; amending s. 370.06, F.S.; providing for special activity licenses; amending s. 370.061, F.S.; revising provisions governing confiscation and sale of products; amending s. 370.07, F.S.; providing penalties; providing for license suspension for nonpayment of civil penalties; amending s. 370.092, F.S.; deleting provisions relating to the carriage of proscribed nets across Florida waters, major violations, and fines and penalties; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of any net not approved by the Marine Fisheries Commission; defining the terms "net," "netting," and "miles"; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries Commission to adopt rules implementing the constitutional net ban; authorizing the Department of Environmental Protection to adopt specified rules; amending s. 370.06, F.S.; authorizing the Department of Environmental Protection to issue special activity licenses for specified activities; amending s. 370.061, F.S.; providing for a cash bond to be given in the value of confiscated seafood products in advance of their sale; amending s. 370.07, F.S.; providing penalties for violation of reporting and recordkeeping requirements of wholesale and retail saltwater products dealers; amending s. 370.14, F.S.; deleting a requirement that a marine patrol officer be present at the weighing of crawfish during the closed season; creating s. 370.1401, F.S.; providing procedures for the sale of crawfish during the closed season; providing penalties; amending s. 370.142, F.S.; providing additional penalties for violation of crawfish laws; amending s. 370.15, F.S.; revising shrimp trawling regulations; repealing ss. 370.13(2), 370.135(4), 370.14(6), F.S., relating to major violations involving stone crab regulations, blue crab regulations, and crawfish regulations; providing an effective date.

By the Committee on Natural Resources and Senators Kirkpatrick and Horne—

CS for SB 584—A bill to be entitled An act relating to mining; amending s. 378.601, F.S.; providing that certain heavy mineral mining operations are not required to undergo development-of-regional-impact review; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 650—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising provisions with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising provisions with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising provisions with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal, or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising provisions with respect to reservations; amending s. 498.025, F.S.; revising provisions with respect to exemptions; amending s. 498.027, F.S.; revising provisions with respect to application for registration; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising provisions with respect to inquiry and examination; amending s. 498.033, F.S.; revising provisions with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising provisions with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising provisions with respect to public offering statements; amending s. 498.039, F.S.; revising provisions with respect to certain trust and escrow accounts; amending s. 498.041, F.S.; revising provisions with respect to annual renewal; providing for termination of registration; amending s. 498.047, F.S., relating to investigations; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 652—A bill to be entitled An act relating to public records; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing an exemption from public records requirements for certain identifying information of a purchaser or account holder, or a complainant; providing for specific use of the confidential information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Judiciary and Senators Horne, Grant and Kirkpatrick—

CS for SB 722—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing for mandatory compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., 1996 Supplement, relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; providing effective dates.

By the Committee on Judiciary and Senator Grant—

CS for SB 806—A bill to be entitled An act relating to eminent domain; amending s. 73.0511, F.S.; providing for a written offer of settlement as part of the prelitigation notice; requiring property owners who intend to claim business damages to provide certain documentation; providing for a notice; amending s. 73.071, F.S.; providing that the jury

must determine compensation in eminent domain actions; providing for consideration of business damages; providing for the determination of compensation in inverse condemnation proceedings; providing for consideration of mitigation by a property owner; providing for construction of the term "property"; creating s. 74.0205, F.S.; providing for presuit negotiations; creating s. 74.042, F.S.; providing for mandatory nonbinding mediation; amending s. 337.271, F.S.; providing for the simplification of the acquisition negotiation process; providing an effective date.

By the Committee on Judiciary and Senators Grant, Lee and Dudley—

CS for SB's 818, 1136 and 1242—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s. 737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 733.08, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; providing an effective date.

By the Committee on Judiciary and Senator Silver—

CS for SB 914—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S.; providing for service upon a sole proprietorship; amending s. 48.183, F.S.; providing for service in action to recover residential property; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; amending s. 55.03, F.S.; providing for docketing and indexing of civil process generally; providing for rates of interest; amending s. 56.27, F.S.; providing for payment to execution creditor of money collected; amending s. 56.28, F.S.; prescribing procedure for demand for payment of moneys collected; providing an effective date.

By the Committee on Judiciary and Senator Gutman—

CS for SB 930—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act of 1997"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; providing civil and criminal penalties; amending s. 394.4599, F.S.; providing for immediate notice about minor patients; providing an effective date.

By the Committee on Regulated Industries and Senator Brown-Waite—

CS for SB 954—A bill to be entitled An act relating to telecommunications; amending s. 364.163, F.S.; requiring certain local telecommunications companies to reduce their intrastate switched access rates; providing an effective date for the reductions; authorizing a local exchange telecommunications company to petition the Florida Public Service Commission if it believes a reduction in intrastate switched access rates will impair its financial viability; providing for a hearing; providing for determining the company's achieved rate of return; authorizing the commission to examine books and records of the petitioning company and its affiliated companies; providing an effective date.

By the Committee on Natural Resources and Senator Dantzler—

CS for SB 1094—A bill to be entitled An act relating to environmental protection; amending s. 253.03, F.S.; prohibiting the control, regulation, permitting, or imposition of charges on certain severed materials; amending s. 369.20, F.S.; authorizing certain riparian owners to remove certain types of aquatic plants under certain circumstances; exempting certain permits from certain water pollution operation permit requirements; amending s. 403.813, F.S.; exempting installation and repair of certain piers and docking facilities and associated structures and the removal of aquatic plants, tussocks, and organic material from certain permitting requirements under specified circumstances; prohibiting the Department of Environmental Protection from adopting certain rules; providing an effective date.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.112, 719.106, F.S.; revising procedures relating to written complaints by unit owners; amending s. 718.1255, F.S.; redefining the term "dispute"; adding mediation to the dispute resolution process; revising the arbitration process; amending ss. 718.501, 719.501, F.S.; providing rulemaking authority for penalties; providing for the certification of mediators; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 1464—A bill to be entitled An act relating to workers' compensation; amending s. 440.45, F.S.; revising term of office, qualifications and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 440.49, F.S.; revising procedures and requirements for reimbursement from the Special Disability Trust Fund; providing for barring the filing of a claim for reimbursement under certain circumstances; providing a maximum fund assessment rate; requiring certain fees; requiring the Department of Labor and Employment Security to prepare an annual report; providing a schedule for reimbursements from the fund under certain circumstances; amending s. 624.468, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholder; amending s. 624.470, F.S.; establishing standards for the use of future investment income as an asset for self-insurance funds; amending s. 624.488, F.S.; applying certain portions of the insurance code to self-insurance funds; amending s. 628.6014, F.S.; establishing standards for the use of future investment income as an asset for assessable mutual insurers; amending s. 625.091, F.S.; requiring the Department of Insurance to adopt rules for accounting for anticipated recoveries under the Special Disability Trust Fund; amending s. 631.021, F.S.; requiring the Department of Insurance to notify the Florida Self-Insurance Fund Guaranty Association of all hearings pertaining to insolvency of a self-insurance fund; amending s. 631.915; providing for retroactive coverage of pre-1994 claims of the Florida Self-Insurance Fund Guaranty Association; amending s. 631.93, F.S.; revising the membership of the board of the association; amending s. 631.935, F.S.; revising the powers of the association; providing standing to the association to appear before a court under certain circumstances; removing the prohibition against allocating state funds to the association; amending s. 631.94, F.S.; authorizing the association to assess insurers under certain conditions; providing limitations on such assessments; amending s. 215.22, F.S.; exempting certain fees to the Special Disability Trust Fund from the surcharge to the General Revenue Fund; providing an appropriation from the Insurance Commissioner's Regulatory Trust Fund and the Workers' Compensation Administration Trust Fund to the Florida

Group Self-Insurance Fund Account; providing a limitation on the appropriation to the Division of Safety of the Department of Labor and Employment Security; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SB 1660—A bill to be entitled An act relating to taxation; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.05, F.S.; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; providing for emergency rules; providing effective dates.

By the Committee on Regulated Industries and Senator Gutman—

CS for SB 1970—A bill to be entitled An act relating to residential condominiums; amending s. 718.616, F.S.; prescribing contents of a municipality's acknowledgment relating to its notification by a developer of a conversion of existing property into a condominium; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 391.207, 391.210, 393.063, 393.065, 394.67, 394.875, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.471, 400.474, 400.484, 400.506, 400.509, 400.555, 400.606, 400.607, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S.; relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing for funding for such positions to be appropriated from the Health Care Trust Fund; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 458 which he approved on April 2, 1997.

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment	*For Term Ending*
Florida Board of Auctioneers	
Appointee: Larrua, Herminia Martinez, Miami	10/31/1997
Florida Citrus Commission	
Appointees: Jackson, Raymond Alvin, Vero Beach	05/31/2000

Office and Appointment		For Term Ending
	Marshburn, Joseph D., Winter Haven	05/31/2000
Board of Clinical Laboratory Personnel		
Appointees:	Barr, Norris Holland, Tallahassee	10/31/2000
	Fergason, Kay Elizabeth, Davie	10/31/2000
Regulatory Council of Community Association Managers		
Appointee:	Heller, Shirley, Pembroke Pines	10/31/1999
Board of Trustees of Chipola Junior College		
Appointee:	Mason, Gerald V., Campbellton	05/31/1999
State of Florida Correctional Medical Authority		
Appointee:	Rushing, C. Winston, Jacksonville	09/30/2000
Board of Employee Leasing Companies		
Appointee:	Byrd, Bernard Clinton, Jr., Maitland	10/31/2000
Commission on Government Accountability to the People		
Appointees:	Lewis-Brent, Lana Jane, Panama City	08/21/1997
	Tedder, Joseph G., Lakeland	08/21/2000
Florida Housing Finance Agency		
Appointee:	Hernandez, Victoria, Miami	11/13/1998
Florida Commission on Human Relations		
Appointees:	Flom, Elena Marie Koch, Cocoa Beach	09/30/2000
	Walker, Chriss, Tallahassee	09/30/2000
State Board of Independent Colleges and Universities		
Appointee:	Ullmann, Steven George, Miami	09/30/1999
Investment Advisory Council		
Appointee:	Nast, Donald Arden, Tallahassee	12/12/2000
Board of Massage		
Appointee:	Keith, Thomasena Banks, Tallahassee	10/31/2000
Board of Medicine		
Appointee:	Woods, Abraham Lincoln III, Longwood	10/31/2000
Board of Opticianry		
Appointee:	Trask, William Alan, LaBelle	10/31/1998
Board of Osteopathic Medicine		
Appointee:	Panzer, Robert George, Ocala	10/31/2000
Board of Physical Therapy Practice		
Appointee:	Lindeblad, Susan Kenville, Miami	10/31/2000
Pilotage Rate Review Board		
Appointee:	Howe, Helen R., St. George Island	10/31/1998
Postsecondary Education Planning Commission		
Appointee:	LaFace, Ron C., Gainesville	08/31/1997
West Florida Regional Planning Council, Region 1		
Appointees:	Barnard, Robert Franklin, Panama City	Pleasure of Governor
	Buchanan, Fred Allen, Chipley	Pleasure of Governor
	Carlan, Charles Hampton, Pensacola	Pleasure of Governor
	Hood, Russell G., Bonifay	Pleasure of Governor
	Robbins, Delores Jean, Ft. Walton Beach	Pleasure of Governor
North Central Florida Regional Planning Council, Region 3		
Appointee:	Blakewood, Stephen Wyman, Gainesville	10/01/1997
East Central Florida Regional Planning Council, Region 6		
Appointees:	Chotas, Elias Nicholas, Orlando	10/01/1999
	Ervin, Thomas Lee, Jr., Orlando	10/01/1997
	Grajales, Luis Enrique, Orlando	10/01/1998
	Marbury, Howard William, Winter Garden	10/01/1998
	Schneider, Mark Edward, Clermont	10/01/1998
	Wellman, Labon Ernest, Fruitland Park	10/01/1997
Central Florida Regional Planning Council, Region 7		
Appointee:	Whitlock, Paul Pate, Arcadia	10/01/1998
Florida Transportation Commission		
Appointees:	Asher, Don L., Orlando	09/30/1998
	Roepstorff, Robbie Briggs, Sanibel	09/30/1999

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the Northwest Florida Water Management District		
Appointee:	Riley, Judith Byrne, Ft. Walton Beach	03/01/2001
Governing Board of the St. Johns River Water Management District		
Appointee:	Hughes, Reid B., Daytona Beach	03/01/2001
Governing Board of the Suwannee River Water Management District		
Appointee:	Colson, Suzanne Kuszyna, Cedar Key	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 37 and 127, CS for HB 49, CS for HB 55, HB 61, CS for HB 73, CS for HB 97, CS for HB 105, CS for HB 113, CS for HB 147, HB 153, CS for HB 197, CS for HB 217, CS for HB 227, CS for HB 245, HB 285, CS for HB 411, CS for HB 443, HB 449, CS for HB 541, CS for HB 545, CS for HB 825, HB 989; has passed as amended CS for CS for HB 3, HB 157, HB 267, CS for CS for HB 313, CS for HB 419, HB 555; has passed as amended by the required Constitutional two-thirds vote of the membership HB 445; has adopted HM 291 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health Care Services and Representative Stafford and others—

CS for HB's 37 and 127—A bill to be entitled An act relating to genetic testing for insurance purposes; amending s. 624.155, F.S.; permitting civil actions against insurers for violations of s. 627.4301, F.S.; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information or requiring genetic testing; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s.

627.4301, F.S., to prepaid health clinics; amending s. 760.40, F.S.; defining the term "genetic testing"; providing exceptions; providing standards for informed consent; prohibiting release of genetic testing results without written consent, under certain circumstances; providing civil and criminal penalties; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By the Committee on Crime and Punishment; and Representative Albright and others—

CS for HB 49—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting language prohibiting community and public notification of certain sexual predators and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting language providing for community and public notification under former s. 775.225 and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; amending s. 944.606, F.S.; deleting language preventing the Florida Department of Law Enforcement or any law enforcement agency from notifying the community and the general public of a sexual offender's presence in the community; permitting agencies to notify the community and the public of a sexual offender's presence in the community; providing an effective date.

—was referred to the Committees on Criminal Justice and Community Affairs.

By the Committee on Family Law and Children; and Representative Morse and others—

CS for HB 55—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing for consideration of the child's primary caretaker, domestic violence, or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Constantine and others—

HB 61—A bill to be entitled An act relating to battery; creating s. 784.041, F.S.; defining the offense of felony battery, and providing penalties therefor; amending s. 921.0012, F.S., relating to sentencing guidelines offense levels; providing for classification of felony battery offenses in the level 6 category of the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Tourism and Representative Bradley and others—

CS for HB 73—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.04, F.S.; exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By the Committee on Corrections and Representative Heyman and others—

CS for HB 97—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

—was referred to the Committees on Criminal Justice and Community Affairs.

By the Committee on Children and Family Empowerment; and Representative Jones and others—

CS for HB 105—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By the Committee on Community Affairs and Representative Sublette—

CS for HB 113—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings apply to meetings of committees when a final decision will be made regarding the expenditure of association funds; amending s. 617.305, F.S.; increasing the limit on fines that an association may impose on members, tenants, guests, or invitees; providing an exemption from the prohibition against an association suspending the voting rights of a member; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By the Committee on Governmental Operations and Representative Byrd and others—

CS for HB 147—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in any jurisdiction, whether within, or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Representative Thrasher and others—

HB 153—A bill to be entitled An act relating to excise tax on documents; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Education Innovation and Representative Bradley and others—

CS for HB 197—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing duties of school principals; amending s. 232.2462, F.S.; revising provisions relating to definition of high school credit; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Election Reform and Representative Putnam and others—

CS for HB 217—A bill to be entitled An act relating to elections; amending s. 106.17, F.S.; prohibiting state agencies from soliciting pledges or authorizing or conducting polls or surveys relating to candidacies for public office; exempting polls or surveys conducted by institutions of higher learning for research purposes; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By the Committee on Community Affairs and Representative Maygarden and others—

CS for HB 227—A bill to be entitled An act relating to building designations; designating and naming the Children's Medical Services facility currently under construction at 5192 Bayou Boulevard in the City of Pensacola, Escambia County, as the "Dr. Reed Bell and Dr. John H. Whitcomb Building"; directing the Department of Management Services to erect suitable markers; designating and naming the president's residence at the University of Central Florida as the "Burnett House"; authorizing the University of Central Florida to erect suitable markers; designating and naming the School of Communications at the University of Central Florida as the "Anthony J. Nicholson School of Communications"; authorizing the University of Central Florida to erect suitable markers; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Crime and Punishment; and Representative Fasano and others—

CS for HB 245—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Lawson—

HB 285—A bill to be entitled An act relating to regulation of trade and commerce; repealing s. 559.04, F.S., relating to requirements of trading stamp companies prior to distribution of trading stamps; repealing s. 559.05, F.S., relating to required notice of intention to suspend or cease redemption of trading stamps; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Health Care Services and Representative Byrd and others—

CS for HB 411—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Business Regulation and Consumer Affairs; and Representative Trovillion—

CS for HB 443—A bill to be entitled An act relating to firesafety; amending s. 633.511, F.S.; providing for the State Fire Marshal rather than the Governor to appoint members to the Florida Fire Safety Board; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Jones and others—

HB 449—A bill to be entitled An act relating to criminal actions committed through the use of simulated legal process or under false color of law; creating s. 843.0855, F.S.; providing definitions; defining the offense of deliberately impersonating or falsely acting as a public officer or tribunal or public employee or utility employee in connection with or relating to legal process, or taking action under color of law against persons or property, and providing penalties therefor; defining the offense of simulating legal process with knowledge or reason to know of fraud with respect to a legal document, proceeding, or basis for action, and providing penalties therefor; defining the offense of falsely under color of law attempting to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of official duties, and providing penalties therefor; providing for applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By the Committee on Financial Services and Representative Maygarden—

CS for HB 541—A bill to be entitled An act relating to the management and regulation of financial institutions; amending s. 280.02, F.S.; revising a definition; amending s. 655.005, F.S.; revising definitions; amending s. 655.0322, F.S.; applying prohibited acts and practices provisions to state or federal savings banks; providing penalties; amending s. 655.045, F.S.; deleting a report requirement; amending s. 655.41, F.S.; revising a definition; amending s. 655.414, F.S.; requiring approval by the Department of Banking and Finance for a financial entity to acquire certain financial entities; providing for a nonrefundable filing fee; deleting a requirement to file a separate application for each branch office; amending s. 658.21, F.S.; revising criteria for approval of applications; amending s. 658.23, F.S.; clarifying information required in articles of incorporation; amending s. 658.26, F.S.; providing for approval of a branch application under certain circumstances; revising provisions providing for relocation of certain offices in this state; providing a definition; amending s. 658.295, F.S.; revising certain acquisition criteria; deleting an obsolete provision; amending s. 658.2953, F.S.; correcting a threshold date reference; deleting certain requirements for notice of establishment and maintenance of a branch in this state by an out-of-state bank; revising certain filing requirements and trust powers; amending s. 658.73, F.S.; revising application fee provisions; providing for partial

refund under certain circumstances; amending s. 663.06, F.S.; providing for indefinite operation of an international banking corporation; deleting temporary operation provisions; amending s. 663.12, F.S.; clarifying certain filing fee provisions; creating ss. 667.001-667.013, F.S.; providing a short title; providing definitions; providing applicability; providing for a name; providing for reorganization, merger, or consolidation; providing for conversion of certain banks or associations to capital stock savings banks; providing requirements; imposing a fee; providing powers and duties of the department under certain circumstances; providing for acquisition of assets or control of savings banks; providing criteria and requirements; specifying powers of savings banks; providing for loans and loan expenses; providing for dealing with successors in interest; providing for foreign savings banks; amending s. 737.101, F.S.; clarifying application of principal place of administration provisions to certain trusts; exempting certain financial institutions resulting from an interstate merger transaction from certain prohibitions; providing for future repeal; repealing s. 658.295(6)(e), F.S., relating to certain notice of acquisitions; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Sindler and others—

CS for HB 545—A bill to be entitled An act relating to specified exceptions from dual office holding requirements for certified officers; creating s. 943.1398, F.S.; providing that a person employed as a law enforcement officer, correctional officer, or correctional probation officer may be employed on a part-time basis by a different employing agency without being considered to be holding an "office" for certain purposes; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committee on Governmental Rules and Regulations; and Representative Valdes and others—

CS for HB 825—A bill to be entitled An act relating to efficiency in government; providing legislative intent; directing the Department of Management Services to work with executive agencies to reduce the layers of management in agencies and to increase agency-wide employee-to-supervisor ratios; providing for reports; requiring notification; directing the department to simplify the state's job classification system; providing for reports; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By Representative Spratt and others—

HB 989—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Starks and others—

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly benefit amount for unemployment compensation benefits; providing an additional amount under certain circumstances; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Fischer and others—

HB 157—A bill to be entitled An act relating to ad valorem taxes; amending s. 196.081, F.S.; providing an exemption from taxation for the homestead of the surviving spouse of a veteran who was killed while on active duty; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Carlton and others—

HB 267—A bill to be entitled An act relating to campaign financing; amending s. 106.07, F.S.; revising reporting requirements applicable to candidates for other than statewide office who qualify with the Department of State; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committees on Finance and Taxation; Utilities and Communications; and Representative Maygarden and others—

CS for CS for HB 313—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies, and under which the provision of telecommunications services constitutes a municipal or public purpose; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunication services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunication services provided to the public for hire by the state or political subdivision are not exempt from sales or use taxes; providing exceptions; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Ways and Means.

By the Committee on Transportation and Representative Bush and others—

CS for HB 419—A bill to be entitled An act relating to road and bridge designations; designating a portion of State Road 972 in Dade County as the Lolo Villalobos Way; directing the Department of Transportation to erect suitable markers; designating a bridge on State Road 45 near Dunnellon as the Brittan Alexander Bridge; designating portions of State Road 9 and of N.W. 54th Street in Dade County as the Brownsville Commercial District; designating a portion of State Road 5 in Dade County as Aventura Parkway; designating the overpass being constructed at Butler Boulevard and State Road A1A in Jacksonville as Whatley Memorial Overpass; designating a portion of State Road 37 in Polk County as W.S. Badcock Boulevard; providing for the effect of such designations; directing the Department of Transportation to erect suitable markers; providing legislative intent; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Wiles and others—

HB 555—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; including Collier, Flagler, and Hernando counties within a list of counties excluded from the provisions of the Water and Wastewater System Regulatory Law; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Starks and others—

HB 445—A bill to be entitled An act relating to ad valorem tax administration; creating s. 194.301, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value; providing for a loss of the presumption under certain conditions; providing the taxpayer's burden of proof; providing for the establishment of the assessment if the property appraiser's assessment is determined to be erroneous; providing for a remand of the assessment to the property appraiser under certain conditions; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By Representative Feeney and others—

HM 291—A memorial to the Congress of the United States, urging Congress to enact amendments to the National Voter Registration Act of 1993.

—was referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 3 was corrected and approved.

CO-SPONSORS

Senators Clary—CS for SB 10; Cowin—CS for SB 546; Crist—SJR 2286; Meadows—SB 1552

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:01 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, April 9.

SENATE PAGES

April 7-11

Elizabeth Mitchell Benson, Kingsport, TN; Calvin Calhoun, Jr., Tallahassee; Katina Demps, Boynton Beach; Porshe´ Duval, Orlando; Bryan Grosman, North Miami; Nia Hope, Orlando; Joseph Curtis Ketterer, Milton; Michael Lynch, Wesley Chapel; Katie Morris, Sarasota; Wilmide Philossaint, Miami; Porsha Sanford, Tallahassee; LaShonda Wyche, Jacksonville

Journal of the Senate

Number 12—Regular Session **Wednesday, April 9, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by the Rev. Charles R. Pinkerton, Jr., Pastor, First Baptist Church of St. George Island:

Almighty God, we come before you today ever mindful of your presence—mindful that you are the creator and sustainer of life. You are indeed a mighty God, worthy of worship and our praise. "When I consider your heavens, the work of your fingers, the moon and the stars, which you have set in place, what is man that you are mindful of him?" (Psalms 8:3-4) We know that you are mindful of man, that you do provide and care for us, and for this we thank you.

Lord, God, we pray for direction and guidance for this legislative body. We ask that their motives be pure and their desire be to serve their fellow man. Grant them wisdom, insight, and understanding as they deal with issues that affect so many people. May these men and women strive to attain the highest standards as a statesman and serve the interests of the people. Grant them moral courage to make the right decisions, and political toughness to see them through.

Train our ears, God, to distinguish your voice, concise and clear, among the conflicting desires, interests and mounting urges that compete for our attention. In a culture which enshrines "self" as the one and only leader, help us to submit ourselves to your shepherding love and mercy.

Hear our prayer, O God, bless these men and women who give of their lives to serve their fellow man. Bless and protect their families while they serve.

We ask this in your precious, powerful and Holy Name. Amen.

PLEDGE

Senate Pages, Elizabeth Benson of Kingsport, Tennessee and Katie Morris of Sarasota, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Williams—

By Senator Williams—

SR 2322—A resolution honoring the Monticello Opera House, Inc., for 25 years of tireless effort in restoring the Monticello Opera House Building and sponsoring quality arts programming for north Florida.

WHEREAS, the Monticello Opera House, Inc., which manages the Monticello Opera House, formerly known as the Perkins Building and Perkins Opera House, celebrates its silver anniversary year in 1997, and

WHEREAS, the Monticello Opera House was placed on the National Register of Historic Places in 1972 and was designated a Landmark of American Music by the National Music Council on April 15, 1976, and

WHEREAS, the State of Florida is committed to preserving its historic past for future generations and recognizes the Monticello Opera House as one of its treasured turn-of-the-century historic landmarks, and

WHEREAS, the State of Florida recognizes the Monticello Opera House as a rural center for the performing arts in north Florida and as a sponsor of quality arts programs that serve neighboring north Florida counties, and

WHEREAS, the State of Florida appreciates the commitment that the Monticello Opera House, Inc., has made to education and to developing young audiences through its Artists-in-the-Schools Program, and

WHEREAS, the Monticello Opera House, Inc., will continue to serve as an anchor to the best of Florida's past and as an achievement of both past and present, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Monticello Opera House, Inc., for its valuable programs that contribute to the cultural education and awareness of the residents of north Florida.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Katie Marshall Andersen, Executive Director of the Monticello Opera House, Inc.; Nancy Wideman, School Program Coordinator; Helen Rouse, Office Administrator; and John Trimble, Chairman.

—**SR 2322** was introduced, read and adopted by publication.

At the request of Senator Campbell—

By Senator Campbell—

SR 2422—A resolution honoring the Marjory Stoneman Douglas High School Mathematics Team of Parkland, Florida, for winning the national championship at the 1996 National Mu Alpha Theta Annual Convention.

WHEREAS, Mu Alpha Theta, the national honor society in mathematics, held its 26th annual convention August 6-12, 1996, at the University of Central Florida, and

WHEREAS, the top high school mathematics students in the nation were in attendance for 6 days of competition, speaker sessions, and special activities, and

WHEREAS, Dharmesh Mehta finished his high school competition career by taking first place individual for the fifth consecutive year and received a $1,000 scholarship, and

WHEREAS, the members of the Marjory Stoneman Douglas High School Mathematics Team, Bethany Aaronson, Thomas Allen, Greg Basior, Denise Chen, Harley Copen, Judith Danovitch, Nathalie Dozois, Brian Epstein, Jason Gershman, Audrey Katz, Paul Kim, Daniel Marcus, Justin McBride, Ryan McCarthy, Dharmesh Mehta, Dina Mehta, Dennis Pickering, Vikram Ramakrishnan, Ivan Tafur, Mathew Tantama, Shaival Thakore, and Gregory Weiss won the overall school sweepstakes to become the national champion mathematics team, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Marjory Stoneman Douglas High School Mathematics Team of Parkland, Florida, is commended for winning the overall school sweepstakes to become the 1996 national champion mathematics team.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to each member of the Marjory Stoneman Douglas High School Mathematics Team as a tangible token of the sentiments of the Florida Senate.

—**SR 2422** was introduced, read and adopted by publication.

At the request of Senator Grant—

By Senator Grant—

SR 2440—A resolution expressing sorrow at the death of George R. Kerr of Tampa, Florida, on March 12, 1997.

WHEREAS, George R. Kerr of Tampa, Florida, passed away on March 12, 1997, and

WHEREAS, George R. Kerr was an outstanding student at Westminister College in the State of Pennsylvania, and

WHEREAS, George R. Kerr was an American military hero, having been shot down over Brussels, Belgium, in World War II and having endured the hardships of being a German prisoner of war, and

WHEREAS, after his release from captivity, George R. Kerr was a successful businessman in Pittsburgh, Pennsylvania, and in Tampa, Florida, and

WHEREAS, while a resident of the State of Florida, George R. Kerr served his community in many ways too numerous to count, and

WHEREAS, the City of Tampa and County of Hillsborough is a better place to live because of the many years of community service offered to the community by George R. Kerr, and

WHEREAS, George R. Kerr was a devoted family man and is survived by his wife of many years, Charmaine Kerr, and his son, Dr. Robert Kerr, and his daughter, Marsha Kerr, both of Atlanta, Georgia, and grandchildren Andrew and Alec, also of Atlanta, and

WHEREAS, it was George R. Kerr who inspired and lobbied the Florida Legislature for the creation of an ex-POW license plate to not only honor former prisoners of war, but also to remind all Floridians of the price paid by those in the community to preserve our freedoms, and

WHEREAS, George R. Kerr gave his tireless efforts to see the bill to successful passage in the Florida Legislature, and

WHEREAS, George R. Kerr, upon the bill becoming law, was honored by being one of the first recipients of a Florida ex-POW license plate, bearing the designation ex-POW 0461 to coincide with his prisoner of war number, and

WHEREAS, after his retirement from an active business career, when others might have pursued their own personal interests, George R. Kerr devoted a portion of his life as a staff member in the Florida House of Representatives, where he was a source of humor and inspiration to many, and

WHEREAS, George R. Kerr will be deeply missed in both Tampa and Tallahassee, and

WHEREAS, the Florida Senate fondly remembers the service, the person, and the contributions of George R. Kerr to his community, to this state, and to the Florida Legislature, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to the late George R. Kerr and to extend its best wishes and condolences to his family and all the citizens of our state who mourn the loss but remember the caring spirit and homespun humor of George R. Kerr.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Charmaine, Bob, and Marsha Kerr as a tangible token of the sentiments of the Florida Senate.

—**SR 2440** was introduced, read and adopted by publication.

At the request of Senator Forman—

By Senator Forman—

SR 2454—A resolution commending the Freemasons and Michael A. Padron, Jr., for their contributions to this state.

WHEREAS, Freemasonry began in medieval times and has been organized since the 18th century, and

WHEREAS, Freemasonry was transplanted to the American colonies by English and Irish Masons during the early decades of the 18th century, and, as early as 1734, Benjamin Franklin was the Grand Master of Masons in Pennsylvania, and

WHEREAS, Michael A. Padron, Jr., currently serves as Grand Master of Masons of Florida and is the leader of tens of thousands of Florida Masons and hundreds of thousands of Masons from across the country and around the world who sojourn in this state, and

WHEREAS, Michael A. Padron, Jr., is a native Floridian who has had a distinguished career in the real estate and construction industries, and

WHEREAS, Michael A. Padron, Jr., has served the Masonic bodies since he was raised to the degree of Master Mason on November 9, 1955, and

WHEREAS, Michael A. Padron, Jr., has served his fellow man in various capacities within the Masonic bodies of this state, including active membership in Dr. Felix Varela Lodge No. 64, where he served as Worshipful Master in 1989; Memorial Lodge No. 30, Miami York Rite Bodies; Key West Scottish Rite Bodies; Mahi Temple, A.A.O.N.M.S.; Key West Shrine Club; Miami Grotto; Fern Chapter No. 21, O.E.S.; and the Fernando A. Camus Chapter of the Order of DeMolay, where as a youth he was a member and now serves as an advisor, and

WHEREAS, Michael A. Padron, Jr., has served the Grand Lodge of Florida in several capacities before being elected Grand Master, including District Deputy Grand Master of the 30th Masonic District, Grand Tyler, Junior Grand Warden, and member of the Masonic Home Board of Trustees, and

WHEREAS, it is fitting and appropriate that the Florida Senate pause in its deliberations to honor the Freemasons and Michael A. Padron, Jr., for their contributions to this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Freemasons of Florida and Michael A. Padron, Jr., for their contributions to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Michael A. Padron, Jr., Grand Master of Masons of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2454** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 10** and **CS for SB 1456** were withdrawn from the Committee on Judiciary; **SB 190** was withdrawn from the Committee on Criminal Justice; **SB 388** and **SB 1370** were withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB 756** was withdrawn from the Committee on Banking and Insurance; **SB 1220** was withdrawn from the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means; and referred to the Committees on Children, Families and Seniors; Criminal Justice; and Ways and Means; and **SB 46** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Brown-Waite, by two-thirds vote **SB 952** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 64**, **SB 532**, **CS for SB 630**, **CS for SB 1094**, **SB 1108**, **CS for SB 1128**, **SB 1784**, **CS for SB 1860**, **CS for SB 1968**, **CS for SB 2022** and **CS for SB's 916 and 1150** were withdrawn from the Committee on Ways and Means.

On motion by Senator Latvala, by two-thirds vote **SB 1852** was withdrawn from the committee of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 1280** was withdrawn from the committees of reference and further consideration.

On motion by Senator Meadows, by two-thirds vote **SB 16**, **SB 50**, **SB 54** and **SB 1642** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 2390** was withdrawn from the Committees on Health Care; and Ways and Means; and referred to the Committees on Regulated Industries; and Ways and Means; **CS for SB's 1688, 792, 1334 and 2254** was withdrawn from the Committee on Commerce and Economic Opportunities; and **CS for SB 948** and **SB 884** were withdrawn from the Committee on Governmental Reform and Oversight.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, April 10, was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

HB 115—A bill to be entitled An act relating to veterans; amending s. 295.17, F.S.; eliminating the requirement of renewing identification cards; eliminating a service charge; providing an effective date.

—was read the third time by title.

On motions by Senator Klein, **HB 115** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Campbell	Crist	Gutman
Bankhead	Casas	Dantzler	Hargrett
Bronson	Childers	Dudley	Harris
Brown-Waite	Clary	Forman	Holzendorf
Burt	Cowin	Grant	Horne
Jenne	Kurth	Myers	Sullivan
Jones	Latvala	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	Meadows	Silver	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer

HB 285—A bill to be entitled An act relating to regulation of trade and commerce; repealing s. 559.04, F.S., relating to requirements of trading stamp companies prior to distribution of trading stamps; repealing s. 559.05, F.S., relating to required notice of intention to suspend or cease redemption of trading stamps; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **HB 285** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer

SB 1086—A bill to be entitled An act relating to armories; amending s. 250.40, F.S.; providing for the disposition of money received from the rental of billeting operations at Camp Blanding Training Site; providing an effective date.

—was read the third time by title.

On motions by Senator Dantzler, **SB 1086** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dyer

Consideration of **CS for HB 443** was deferred.

CS for SB 1238—A bill to be entitled An act relating to motor vehicle license plates; amending s. 316.515, F.S.; changing exemptions from

maximum width, height, and length requirements for wreckers; amending s. 316.550, F.S.; providing special-use permits for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word "wrecker" to be printed on certain license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers; creating s. 320.0821, F.S.; providing requirements for wrecker license plates; amending s. 206.877, F.S., to conform a cross-reference; providing an effective date.

—as amended April 7 was read the third time by title.

On motions by Senator Lee, **CS for SB 1238** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Bankhead, Dyer

CS for SB 300—A bill to be entitled An act relating to the Comptroller; amending s. 17.20, F.S.; authorizing the deduction of certain fees and expenses from property that has not been claimed and is reportable to the department; providing a report; amending s. 17.325, F.S.; revising language with respect to governmental efficiency hotlines; revising requirements with respect to "Get Lean" telephone calls; providing for certain confidentiality; amending s. 687.143, F.S.; requiring the Department of Banking and Finance to deposit certain fines in the Division of Financial Investigations Administrative Trust Fund; amending s. 939.01, F.S.; providing for certain investigative costs to be entered in a judgment; providing an effective date.

—as amended April 7 was read the third time by title.

On motions by Senator Harris, **CS for SB 300** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Dyer, Gutman

SB 1498—A bill to be entitled An act relating to Museum of Florida History programs; amending s. 267.072, F.S.; requiring the Division of Historical Resources of the Department of State to establish and administer a program to recognize and record achievements of certain Floridians; providing criteria; providing requirements; providing for nominations and selection; authorizing the division to undertake certain recording and marketing activities; authorizing the division to collect a charge for providing certain materials; providing for deposit of such charges; providing an effective date.

—as amended April 7 was read the third time by title.

On motions by Senator Harris, **SB 1498** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Dyer, Gutman, Sullivan

CS for HB 443—A bill to be entitled An act relating to firesafety; amending s. 633.511, F.S.; providing for the State Fire Marshal rather than the Governor to appoint members to the Florida Fire Safety Board; amending s. 633.537, F.S.; revising continuing education requirements with respect to certificates issued by the State Fire Marshal to certain contractors; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for HB 443** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Dyer, Gutman

SPECIAL ORDER CALENDAR

On motion by Senator Sullivan—

SB 2400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Senator Williams offered the following amendment which was moved by Senator Childers and adopted:

Amendment 1—

In Section: 05 On Page: 210 Specific Appropriation: 1332E
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Recreation And Parks, Division Of

In Section 05 On Page 210
1332E Grants And Aids To Local Governments
And Nonprofit Organizations
Fanning Springs

From Land Acquisition Trust
Fund 430,000

Senator Childers moved the following amendment which was adopted:

Amendment 2—

In Section: 06 On Page: 250 Specific Appropriation:
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF
Pari-Mutuel Wagering, Division Of

In Section 06 On Page 250

In Section 06 on page 250 following the title
Pari-Mutuel Wagering and BEFORE Specific
Appropriation 1579, Strike all existing proviso and
INSERT the following:

Funds in Specific Appropriations 1579, 1580, 1581, and 1584 reflect position reductions to the Department of Business and Professional Regulation based on privatizing the Pari-Mutuel Laboratory.

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 3—

In Section: 05 On Page: 210 Specific Appropriation: 1332E
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Recreation And Parks, Division Of

In Section 05 On Page 210
1332E Grants And Aids To Local Governments
And Nonprofit Organizations
Wetlands Exhibits

From Land Acquisition Trust
Fund 300,000

Senator Williams offered the following amendment which was moved by Senator Childers and adopted:

Amendment 4—

In Section: 25 On Page: 337 Specific Appropriation:
Delete Insert

In Section 25 On Page 337

After Section 25, INSERT the following new section
and renumber subsequent sections:

There is hereby appropriated $111,612 from unexpended FY 1996-97 General Revenue appropriations of the General Tax Administration Program of the Department of Revenue to Nassau County for the revenue loss resulting from the delay in implementing the "ninth-cent" tax on motor fuel imposed by Ordinance No. 95-27.

Senator Grant offered the following amendment which was moved by Senator Childers and adopted:

Amendment 5—

In Section: 10 On Page: 331 Specific Appropriation:
Delete Insert

On page 331, Section 8 strike all of the language in
1.D. and INSERT the following:

$10,000,000 is provided in Specific Appropriation 1492 for the purpose of addressing critical salary needs in classes experiencing excessive turnover and inability to recruit and hire qualified employees. $300,000 of this $10,000,000 is provided for critical pay issues of the State Courts System, as described in its 1997 pay plan request. The Department of Management Services shall review requests made by Executive Branch Agencies for pay grade adjustments and make recommendations to the Executive Office of the Governor prior to November 1, 1997. The Supreme Court will implement recommendations for State Courts System critical pay issues as approved by the Chief Justice.

Senator Sullivan offered the following amendment which was moved by Senator Childers and adopted:

Amendment 6—

In Section: 05 On Page: 213 Specific Appropriation: 1355A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Law Enforcement, Division Of

In Section 05 On Page 213
1355A Special Categories
Transfer to Port of St. Petersburg

From Coastal Protection
Trust Fund 250,000

Immediately following Specific Appropration 1355A
INSERT proviso:

Funds provided in Specific Appropriation 1355A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 053
179A Special Categories
Transfer to Port of St. Petersburg

From Phosphate Research
Trust Fund 250,000

Immediately following Specific Appropriation 179A
INSERT proviso:

Funds provided in Specific Appropriation 179A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel

Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

Senator Casas offered the following amendment which was moved by Senator Childers and adopted:

Amendment 7—

In Section: 05 On Page: 210 Specific Appropriation: 1332E

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 210		
1332E	Grants And Aids To Local Governments And Nonprofit Organizations Miami Springs Municipal Pool Renovations		
	From Conservation And Recreation Lands Trust Fund		200,000
	From Land Acquisition Trust Fund		245,000

Senator Jones offered the following amendment which was moved by Senator Childers and adopted:

Amendment 8—

In Section: 05 On Page: 172 Specific Appropriation: 1016

		Delete	Insert
	AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing And Development, Division Of		
	In Section 05 On Page 172		
1016	Special Categories Tropical Fruit		
	From General Revenue Fund		300,000

Senator Williams offered the following amendments which were moved by Senator Childers and adopted:

Amendment 9—

In Section: 05 On Page: 173 Specific Appropriation: 1017D

		Delete	Insert
	AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing And Development, Division Of		
	In Section 05 On Page 173		
1017D	Grants And Aids To Local Governments And Nonprofit Organizations Suwannee River Livestock Pavillion		
	From General Revenue Fund		44,000

Amendment 10—

In Section: 05 On Page: 173 Specific Appropriation: 1017D

		Delete	Insert
	AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing And Development, Division Of		
	In Section 05 On Page 173		
1017D	Grants And Aids To Local Governments And Nonprofit Organizations Tri County Agriculture Center - Columbia/Hamilton/Suwannee Counties		
	From General Revenue Fund		325,000

Senator Hargrett offered the following amendment which was moved by Senator Childers and adopted:

Amendment 11—

In Section: 05 On Page: 173 Specific Appropriation: 1017D

		Delete	Insert
	AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing And Development, Division Of		
	In Section 05 On Page 173		
1017D	Grants And Aids To Local Governments And Nonprofit Organizations Palmetto Tomato Festival		
	From General Revenue Fund		30,000

INSERT proviso:

Funds provided in Specific Appropriation 1017D are contingent upon the City of Palmetto maintaining the current level of funding from other sources for this festival.

Senators McKay and Hargrett offered the following amendment which was moved by Senator Childers and adopted:

Amendment 12—

In Section: 05 On Page: 173 Specific Appropriation: 1017D

		Delete	Insert
	AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing And Development, Division Of		
	In Section 05 On Page 173		
1017D	Grants And Aids To Local Governments And Nonprofit Organizations Manatee River Fair		
	From General Revenue Fund		425,000

Senator Rossin offered the following amendment which was moved by Senator Childers and adopted:

Amendment 13—

In Section: 05 On Page: 181 Specific Appropriation: 1099A

		Delete	Insert
	COMMUNITY AFFAIRS, DEPARTMENT OF Resource Planning And Management, Division Of		
	In Section 05 On Page 181		
1099A	Grants And Aids To Local Governments And Nonprofit Organizations Resource Planning And Management Plan - Village Of Wellington		
	From General Revenue Fund		40,000

Immediately following Specific Appropriation 1099A
INSERT:

Funds appropriated in Specific Appropriation 1099A are for a Resource Planning and Management Comprehensive Plan Develop-

ment for the Village of Wellington. The Wellington Equestrian Alliance will match the appropriation dollar for dollar.

Senator Silver offered the following amendment which was moved by Senator Childers and adopted:

Amendment 14—

In Section: 05 On Page: 181 Specific Appropriation: 1099A

		Delete	Insert
	COMMUNITY AFFAIRS, DEPARTMENT OF Resource Planning And Management, Division Of		
	In Section 05 On Page 181		
1099A	Grants And Aids To Local Governments And Nonprofit Organizations Resource Planning and Management Plan - City of Aventura		
	From General Revenue Fund		50,000

Senator Childers moved the following amendment which was adopted:

Amendment 15—

In Section: 05 On Page: 185 Specific Appropriation: 1126

		Delete	Insert
	COMMUNITY AFFAIRS, DEPARTMENT OF Housing And Community Development, Division Of		
	In Section 05 On Page 185		
1126	Aid To Local Governments Grants And Aids - Small Cities Community Development Block Grants		
	Following Specific Appropriation 1126, strike all said proviso and INSERT new proviso:		

Funds provided in Specific Appropriation 1126 shall be divided and distributed among the statutorily established program categories as follows: Housing 20%; Economic Development 30%; Neighborhood Revitalization 40%; and Commercial Revitalization 10%. Programs which provide employment opportunities to clients of Workforce Development Initiatives and the WAGES program shall be given consideration in the distribution of these funds. The department shall evaluate opportunities to give priority consideration to these programs within the federal law and state statute which govern the CDBG Program. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization program categories shall be transferred to the program category receiving the greatest dollar value of request for grants. In the event that all eligible applications are funded in the three grant categories, other than Economic Development, and funds remain available, then these remaining funds shall be transferred to the Economic Development category for allocation.

Senators Thomas, Dudley, Hargrett, Latvala and Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 16—

In Section: 05 On Page: 186 Specific Appropriation: 1131

		Delete	Insert
	COMMUNITY AFFAIRS, DEPARTMENT OF Housing And Community Development, Division Of		
	In Section 05 On Page 186		
1131	Special Categories Grants And Aids - Community Development Corporation Grants		
	From Operating Trust Fund		800,000
1132	Special Categories Community Development Corporation Loans		
	From Operating Trust Fund		1,500,000
	Immediately following item 1132, INSERT:		

Funds provided in Specific Appropriation 1132 shall be used for loans to expand the availabliity of affordable housing.

	In Section 05 On Page 187		
1140	Special Categories Transfer To Department Of Community Affairs Operating Trust Fund		
	From General Revenue Fund		800,000
	From State Housing Trust Fund		1,500,000

Senator Jones offered the following amendments which were moved by Senator Childers and adopted:

Amendment 17—

In Section: 05 On Page: 194 Specific Appropriation: 1190-A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
	In Section 05 On Page 194		
1190-A	Grants And Aids To Local Governments And Nonprofit Organizations Rails to Trails Study - Key West to Florida City		
	From Land Acquisition Trust Fund		30,000

Amendment 18—

In Section: 05 On Page: 194 Specific Appropriation: 1190A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
	In Section 05 On Page 194		
1190A	Special Categories Waterways Management and Channel Marking - Monroe County		
	From Land Acquisition Trust Fund		100,000

Senators Ostalkiewicz and Dyer offered the following amendment which was moved by Senator Childers and adopted:

Amendment 19—

In Section: 05 On Page: 194 Specific Appropriation: 1196A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
	In Section 05 On Page 194		
1196A	Grants And Aids To Local Governments And Nonprofit Organizations Little Wekiva River Restoration		

From General Revenue Fund 1,000,000

Senator Williams offered the following amendment which was moved by Senator Childers:

Amendment 20—

In Section: 05 On Page: 194 Specific Appropriation: 1199
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Administrative And Technical Services,
Division Of

In Section 05 On Page 194
1199 Fixed Capital Outlay
Closure And Restructuring Of Inglis
Canal Lock

From Land Acquisition Trust
Fund 875,000

Senator Williams offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 20—

In Section: 05 On Page: 194 Specific Appropriation: 1199
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Administrative And Technical Services,
Division Of

In Section 05 On Page 194
1199 Fixed Capital Outlay
Repairs and Maintenance of Inglis Lock

From Land Acquisition Trust
Fund 875,000

Senator Jones offered the following amendment which was moved by Senator Childers and adopted:

Amendment 21—

In Section: 05 On Page: 197 Specific Appropriation: 1220A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
State Lands, Division Of

In Section 05 On Page 197
1220A Special Categories
Control Of Invasive Exotics

From Conservation And
Recreation Lands Trust Fund 170,000

Senator Kirkpatrick offered the following amendment which was moved by Senator Childers and adopted:

Amendment 22—

In Section: 05 On Page: 197 Specific Appropriation: 1223
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
State Lands, Division Of

In Section 05 On Page 197

1223 Fixed Capital Outlay
Land Acquisition, Environmentally
Endangered, Unique/ Irreplaceable Lands, Statewide

Following Specific Appropriation 1223 INSERT:

The Department of Environmental Protection and the Water Management Districts are directed to develop a plan for phasing out the Preservation 2000 Land Acquisition Program. This plan should include a land management strategy and must be provided to the Legislature on or before October 1997.

Senator Brown-Waite offered the following amendment which was moved by Senator Childers and adopted:

Amendment 23—

In Section: 05 On Page: 199 Specific Appropriation: 1237A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
District Offices

In Section 05 On Page 199
1237A Grants And Aids To Local Governments
And Nonprofit Organizations
Hernando Beach Channel - Physical Survey

From Ecosystem Management
And Restoration Trust Fund 100,000

Senators McKay and Harris offered the following amendments which were moved by Senator Childers and adopted:

Amendment 24—

In Section: 05 On Page: 200 Specific Appropriation: 1240
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Marine Resources, Division Of

In Section 05 On Page 200
1240 Other Personal Services

From Save The Manatee Trust
Fund 1,422,183 1,622,183

Amendment 25—

In Section: 05 On Page: 200 Specific Appropriation: 1240
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Marine Resources, Division Of

In Section 05 On Page 200
1240 Other Personal Services

From Save The Manatee Trust
Fund 1,422,183 1,647,183

Senator Bronson offered the following amendment which was moved by Senator Childers:

Amendment 26—

In Section: 05 On Page: 200 Specific Appropriation: 1240
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Marine Resources, Division Of

In Section 05 On Page 200

1240 Other Personal Services

Following Specific Appropriation 1240, INSERT:

From funds provided in Specific Appropriation 1240 from the Save the Manatee Trust Fund, $100,000 shall be used to engage an

independent third party testing laboratory to test boat propeller guards and their reliability to reduce manatee mortality from boat impact and boat propeller deaths as well as the ability of guards to protect boaters, skiers and swimmers.

Standardized vessels equipped with both inboard and outboard motors operating at a variety of planing and non-planing speeds shall be used to evaluate guards' strike damage characteristics as they make straight, parallel and diagonal strikes on simulated manatee and human carcasses. Tests shall evaluate guards in all boating environments including aquatic weed infested waters and shall include, but not be limited to, those which evaluate the effects of guards on vessel operator safety, vessel performance, maneuverability and roll-over characteristics, fuel economy, engine rpm and velocity of vessels. Guards also will be tested for durability and life expectancy in salt and fresh water. Test results also shall be evaluated with respect to international "guarding" standards and results of the U.S. Coast Guard Propeller Guard Study presently underway. Results of these tests shall include preparation of a statement of regulatory costs which includes the amount of increased operating expense and costs of devices for any propeller guards found to fulfill both manatee and human protection standards.

Senator Latvala moved the following substitute amendment which was adopted:

Substitute Amendment 26—

In Section: 05 On Page: 200 Specific Appropriation: 1240

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Marine Resources, Division Of		
	In Section 05 On Page 200		
1240	Other Personal Services		
	Strike all of existing proviso and INSERT the following:		

From funds provided in Specific Appropriation 1240 from the Save the Manatee Trust Fund, $100,000 shall be used by the Department of Environmental Protection to engage an independent third party testing laboratory or otherwise qualified contractor to conduct a study to determine whether existing devices are available for vessels that would reduce manatee mortality and injury while at the same time providing protection for boaters, skiers, and swimmers without unreasonably affecting the normal operations of vessels and their motors.

Should the results of the study indicate that devices exist which will likely reduce manatee injuries and deaths and not increase the overall risks to boaters, skiers, and swimmers or unreasonably affect the normal operations of vessels and their motors, then the department is directed to pursue such measures as are appropriate to encourage their voluntary utilization by boaters. Test results also shall be evaluated with respect to international "guarding" standards and results of the U.S. Coast Guard Propeller Guard Study presently underway.

Senator Grant offered the following amendment which was moved by Senator Childers and adopted:

Amendment 27—

In Section: 05 On Page: 201 Specific Appropriation: 1252A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Marine Resources, Division Of		
	In Section 05 On Page 201		
1252A	Grants And Aids To Local Governments And Nonprofit Organizations Lowry Park Zoo		
	From Save The Manatee Trust Fund		100,000

Senator Kirkpatrick offered the following amendment which was moved by Senator Childers and adopted:

Amendment 28—

In Section: 05 On Page: 202 Specific Appropriation: 1259

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		
	In Section 05 On Page 202		
1259	Aid To Local Governments Grants And Aids - Lakewatch		
	From Water Quality Assurance Trust Fund	310,000	0
1259A	Special Categories Transfer to the Institute of Food and Agriculture Sciences - Lakewatch		
	From Water Quality Assurance Trust Fund		310,000

Senator Childers moved the following amendment:

Amendment 29—

In Section: 05 On Page: 204 Specific Appropriation: 1273

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		
	In Section 05 On Page 204		
1273	Fixed Capital Outlay Beach Projects - Statewide		
	In Section 05 on page 200 following line 1273, INSERT the following:		

Funds provided in Specific Appropriation 1273 are only for projects receiving federal matching funds as indicated in the Department of Environmental Protection's 1997-98 Legislative Budget Request.

Senator Harris offered the following amendment to **Amendment 29** which was moved by Senator Childers and adopted:

Amendment 29A—

In Section: 05 On Page: 204 Specific Appropriation: 1273

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		
	In Section 05 On Page 204		
1273	Fixed Capital Outlay Beach Projects - Statewide		
	In proviso following Specific Appropriation 1273, and on the second line of the proviso following the word "funds", INSERT:		

or more than a fifty percent private match

Amendment 29 as amended was adopted.

Senator Jones offered the following amendment which was moved by Senator Childers and adopted:

Amendment 30—

In Section: 05 On Page: 203 Specific Appropriation: 1270A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		
	In Section 05 On Page 203		
1270A	Grants And Aids To Local Governments And Nonprofit Organizations Rest Beach Park Improvements		
	From General Revenue Fund		150,000

Senator Gutman offered the following amendment which was moved by Senator Childers and adopted:

Amendment 31—

In Section: 05 On Page: 205 Specific Appropriation: 1277-C

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		
	In Section 05 On Page 205		
1277-C	Grants And Aids To Local Governments And Nonprofit Organizations City Of West Miami Water Compliance		
	From General Revenue Fund		225,000

Senator Latvala offered the following amendment which was moved by Senator Childers and adopted:

Amendment 32—

In Section: 05 On Page: 206 Specific Appropriation: 1283A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Waste Management, Division Of		
	In Section 05 On Page 206		
1283A	Lump Sum Brownsfield Redevelopment Act		
	From Water Quality Assurance Trust Fund		425,000
	Positions	0	7

Senators Brown-Waite and Cowin offered the following amendment which was moved by Senator Childers and adopted:

Amendment 33—

In Section: 05 On Page: 208 Specific Appropriation: 1310A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Waste Management, Division Of		
	In Section 05 On Page 208		
1310A	Grants And Aids To Local Governments And Nonprofit Organizations Sumter County Integrated Solid Waste System		
	From Solid Waste Management Trust Fund		500,000

Senator Williams offered the following amendment which was moved by Senator Childers and adopted:

Amendment 34—

In Section: 05 On Page: 210 Specific Appropriation: 1332-E

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 210		
1332-E	Grants And Aids To Local Governments And Nonprofit Organizations Dudley Farm - Newberry		
	From Land Acquisition Trust Fund		200,000

Senator Gutman offered the following amendment which was moved by Senator Childers and adopted:

Amendment 35—

In Section: 05 On Page: 210 Specific Appropriation: 1332-E

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 210		
1332-E	Grants And Aids To Local Governments And Nonprofit Organizations City Of Miami Parks		
	From Land Acquisition Trust Fund		370,000

In Section 05 on page 210 followiing new Specific Appropriation 1332E, INSERT the following proviso:

Funds Provided in Specific Appropriation 1332-E shall be allocated for the following parks and projects:

West End.....$100,000
Southside..... 100,000
Douglas..... 70,000
Jose Marti..... 100,000

Senator Diaz-Balart offered the following amendment which was moved by Senator Childers and adopted:

Amendment 36—

In Section: 05 On Page: 210 Specific Appropriation: 1334

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Air Resources Management, Division Of		
	In Section 05 On Page 210		
1334	Other Personal Services		
	From Air Pollution Control Trust Fund	5,685,914	6,085,914

Senators Childers and Rossin offered the following amendment which was moved by Senator Childers and adopted:

Amendment 37—

In Section: 05 On Page: 215 Specific Appropriation: 1378-A

		Delete	Insert
	GAME AND FRESH WATER FISH COMMISSION, FLORIDA Office Of The Executive Director And Division Of Administrative Services		

In Section 05 On Page 215
1378-A Fixed Capital Outlay
New Regional Office, West Palm Beach -
Dms Mgd

From General Revenue Fund 250,000

Senator Kirkpatrick offered the following amendment which was moved by Senator Childers and adopted:

Amendment 38—

In Section: 05 On Page: 218 Specific Appropriation: 1388
Delete Insert

GAME AND FRESH WATER FISH COMMISSION,
FLORIDA
Wildlife, Division Of

In Section 05 On Page 218

1388 Expenses

Following Specific Appropriation 1388, INSERT:

From funds in Specific Appropriation 1388, $50,000 from the Florida Panther Research and Management Trust Fund is provided to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program.

Senator Williams offered the following amendment which was moved by Senator Childers and adopted:

Amendment 39—

In Section: 06 On Page: 256 Specific Appropriation: 1633A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
General Office

In Section 06 On Page 256

1633A Lump Sum
Economic Development/International
Trade And Promotion

On page 256, in the proviso following Specific
Appropriation 1633A add the following after the last
line of the proviso:

Rural Community Development Grants ...$2,000,000

RECONSIDERATION OF AMENDMENT

On motion by Senator Williams, the Senate reconsidered the vote by which **Amendment 39** was adopted.

Senator Williams moved the following substitute amendment which was adopted:

Substitute Amendment 39—

In Section: 8 On Page: 337 Specific Appropriation:
Delete Insert

Insert a new section in the back of the bill:

Funds included in the 1996-97 GAA for Rural Community Development Grants which are unexpended on June 30, 1997 are hereby reappropriated in FY 1997-98.

SENATOR BURT PRESIDING

Senators Meadows, Kirkpatrick and Casas offered the following amendment which was moved by Senator Childers and adopted:

Amendment 40—

In Section: 06 On Page: 256 Specific Appropriation: 1633A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
General Office

In Section 06 On Page 256

1633A Lump Sum
Economic Development/International
Trade And Promotion

On page 256, following Specific Appropriation 1633A
INSERT the following proviso:

From funds provided in Specific Appropriation 1633A from the Grants and Donations Trust Fund, $5,000,000 shall be deposited in the Florida Fund for Minority Teachers and made available for scholarships and incentives.

Senators Harris, Childers and Sullivan offered the following amendment which was moved by Senator Childers and adopted:

Amendment 41—

In Section: 06 On Page: 256 Specific Appropriation: 1633A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
General Office

In Section 06 On Page 256
1633A Lump Sum
Economic Development/International
Trade And Promotion

From General Revenue Fund 37,884,681 43,884,681

On page 256, in the proviso following Specific
Appropriation 1633A add the following after the last
line or proviso:

G/A/ Enterprise Florida - Operations.....$4,701,235
G/A Rural Community Development Grants.....$2,000,000
G/A Loan Guarantee/Florida Export FNC Corp..$1,500,000
G/A Defense Reinvestment.....$ 500,000
G/A EFI-Capital,Innovation, Quick Response..$4,000,000
G/A Targeted Industry Incentive Program ....$ 175,000
G/A Jobs and Education - Operation.....$ 283,446
Brownfields Redevelopment.....$5,000,000
Microelectronics.....$7,000,000
Micro Enterprise Capital.....$5,000,000
Pilot Job Training Matching Grant Program...$2,000,000
International Marketing of Fla. Lottery
Feasibility Commission.....$ 500,000
International Notary.....$ 100,000
Florida Export Finance Corp-Administration..$1,600,000
Linkage Institutes.....$ 300,000
FAVA/CA.....$ 200,000
Targeted Industry Reconnaissance Program....$2,300,000

From funds provided in Specific Appropriation 1633A
from the Florida International Trade and Promotion
Trust Fund the following appropriations are for the
named economic development initatives:

G/A Enterprise Florida Program Operations...$2,430,433
G/A FAVA/CA.....$ 333,212

Trade Information System.....$ 290,525
International Business Grants..... $2,000,000

From funds provided in Specific Appropriation 1633A from the Economic Development Trust Fund the following appropriations are for the named economic development initiatives:

G/A Defense Reinvestment.....$ 275,000
G/A Targeted Industry Incentive Program.....$1,100,000

Senators Dyer and Ostalkiewicz offered the following amendment which was moved by Senator Childers and adopted:

Amendment 42—

In Section: 06 On Page: 257 Specific Appropriation: 1647

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE General Office		
	In Section 06 On Page 257		
1647	Grants And Aids To Local Governments And Nonprofit Organizations Economic Development Transportation Projects		
	On page 258, following the last proviso after Specific Appropriation 1647 INSERT the following:		

From funds provided in Specific Appropriation 1647, $3,500,000 shall be provided to the Department of Transportation for the purpose of constructing an Interchange at the Intersection of Interstate 4 and County Road 46A in North Seminole County.

Senator Jones offered the following amendment which was moved by Senator Childers and adopted:

Amendment 43—

In Section: 06 On Page: 258 Specific Appropriation: 1649B

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE General Office		
	In Section 06 On Page 258		
1649B	Grants And Aids To Local Governments And Nonprofit Organizations 1997 Goombay Festival		
	From General Revenue Fund	300,000	250,000
1649C	Grants And Aids To Local Governments And Nonprofit Organizations Black Enterprise Challenge		
	From General Revenue Fund		50,000

Senator Lee offered the following amendment which was moved by Senator Childers and adopted:

Amendment 44—

In Section: 06 On Page: 258 Specific Appropriation: 1649B

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE General Office		
	In Section 06 On Page 258		
1649B	Grants And Aids To Local Governments And Nonprofit Organizations 1997 Goombay Festival		
	From General Revenue Fund	300,000	0
1649C	Grants And Aids To Local Governments And Nonprofit Organizations Local Government Festivals		
	From General Revenue Fund		300,000
	Following Specific Appropriations 1649B INSERT the following:		

Funds are provided for Local Government Festivals to be used for the Plant City Strawberry Festival, the Ruskin Seafood Festival, the Brandon Balloon Festival, and the Temple Arts Festival.

Senator Forman offered the following amendment which was moved by Senator Childers and adopted:

Amendment 45—

In Section: 06 On Page: 258 Specific Appropriation: 1649C

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE General Office		
	In Section 06 On Page 258		
1649C	Grants And Aids To Local Governments And Nonprofit Organizations Broward County Division Of Libraries		
	From General Revenue Fund		50,000

Senator Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 46—

In Section: 06 On Page: 315 Specific Appropriation: 2072B

		Delete	Insert
	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Historical Resources, Division Of		
	In Section 06 On Page 315		
2072B	Grants And Aids To Local Governments And Nonprofit Organizations Biscayne Park Public Facilities		
	From General Revenue Fund		150,000

Senators McKay and Harris offered the following amendment which was moved by Senator Childers and adopted:

Amendment 47—

In Section: 06 On Page: 322 Specific Appropriation: 2134

		Delete	Insert
	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Ringling Museum Of Art, Board Of Trustees Of The John And Mable		
	In Section 06 On Page 322		
2134	Fixed Capital Outlay Emergency Repairs - Dms Mgd		
	From General Revenue Fund	200,000	1,400,000

Senator Dudley offered the following amendment which was moved by Senator Horne and adopted:

Amendment 48—

In Section: 49 On Page: 337 Specific Appropriation:

	Delete	Insert
Insert a new Section 26 and renumber subsequent sections.		

SECTION 26. The unexpended balances of funds for Florida Gulf Coast University provided in Specific Appropriatin 57A of Chapter 94-357, Laws of Florida, Specific Appropriation 199 of Chapter 95-429, Laws of Florida and Specific Appropriation 190 of Chapter 96-424, Laws of Florida are hereby reappropriated.

Senator Grant offered the following amendment which was moved by Senator Horne and adopted:

Amendment 49—

In Section: 02 On Page: 013 Specific Appropriation: 39

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Office Of Deputy Commissioner For Planning, Budgeting And Management		
In Section 02 On Page 013		
39 Fixed Capital Outlay State University System Projects		
In the existing proviso for Specific Appropriation 39,		

DELETE 35,367,501 and INSERT 34,367,500

and on page 14, in the list of projects for USF "Psychology/CSD/Lab Building (c)"

DELETE 10,000,000 and INSERT 11,000,000

Senator Holzendorf offered the following amendment which was moved by Senator Horne and adopted:

Amendment 50—

In Section: 02 On Page: 026 Specific Appropriation: 103B

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 02 On Page 026		
103B Aid To Local Governments Grants And Aids - School Health Screenings		
Add the following new proviso as the first sentences of proviso following Specific Appropriation 103B on page 26.		

From the funds in Specific Appropriation 103B, $1,000,000 is provided for an eye examination and screening program for students in grades kindergarten through three. The method of screening shall be color photorefraction as developed and patented by the National Aeronautics and Space Administration.

Senator Meadows offered the following amendment which was moved by Senator Horne and adopted:

Amendment 51—

In Section: 02 On Page: 037 Specific Appropriation: 129A

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 02 On Page 037		
129A Special Categories Grants And Aids - School And Instructional Enhancement		
From General Revenue Fund		2,000,000
Add the following paragraph of proviso following Specific Appropriation 129A on page 37:		

From the funds in Specific Appropriation 129A, $2,000,000 is provided for the start-up cost associated with implementation of Reading Recovery programs. Funds shall be allocated to school districts in the form of competitive matching grants. Preference shall be given to districts which have consistently low reading scores and to districts willing to allocate existing resources to the program. Districts which have already implemented Reading Recovery programs shall not be penalized in the grant process and may be eligible to receive reimbursement for costs previously incurred. The Commissioner shall develop guidelines to implement this program; these guidelines shall be submitted to the State Board of Education for approval.

Senator Dantzler offered the following amendment which was moved by Senator Horne and adopted:

Amendment 52—

In Section: 02 On Page: 048 Specific Appropriation: 173

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
In Section 02 On Page 048		
173 Lump Sum Educational And General Activities		
From Phosphate Research Trust Fund	5,175,581	5,514,539

Senator Turner offered the following amendment which was moved by Senator Horne and adopted:

Amendment 53—

In Section: 02 On Page: 048 Specific Appropriation: 173

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
In Section 02 On Page 048		
173 Lump Sum Educational And General Activities		
In Section 2, on page 48 following Line Item 173, insert a new parenthesis 2) and renumber subsequent sections.		

2) Each university shall develop a plan and shall allocate the resources required for career counseling and other student advising activities in order to implement Degree Funding Performance Based Budgeting.

Senator Sullivan offered the following amendment which was moved by Senator Horne and adopted:

Amendment 54—

In Section: 02 On Page: 054 Specific Appropriation: 190A
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Board Of Regents General Office

In Section 02 On Page 054

190A Special Categories
Challenge Grants/Facilities Matching

In Section 02 on page 54, delete the second paragraph of proviso following Line Item 190A.

Senator Kurth offered the following amendment which was moved by Senator Myers and adopted:

Amendment 55—

In Section: 03 On Page: 060 Specific Appropriation: 214
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Services

In Section 03 On Page 060

214

INSERT the following proviso after the existing proviso which follows the title, MEDICAID SERVICES:

The Agency for Health Care Administration shall pursue with the federal Health Care Financing Administration (HCFA) the feasibility and potential for a Medicaid waiver for services to persons with AIDS. Included in the options shall be the issues of waiving the requirement of prior SSI eligibility, of limiting medicaid coverage to selected services (i.e., prescribed medicines), and permitting a Medicaid "Buy-In" for services. The Agency shall pursue various options and report to the Chairmen of the Senate Ways and Means Committee and the House Committee on Fiscal Responsibility on those feasible options and associated costs by February 1, 1998.

Senator Myers moved the following amendment which was adopted:

Amendment 56—

In Section: 03 On Page: 086 Specific Appropriation: 344
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Children And Family Services

In Section 03 On Page 086
344 Special Categories
Grants And Aids - Domestic Violence
Program

From General Revenue Fund 250,000

Immediately following Specific Appropriation 344,
INSERT:

From funds appropriated in Specific Appropriation 344, $250,000 from the General Revenue Fund and $250,000 from the Domestic Violence Trust Fund are provided for Women in Distress of Broward County.

In Section 03 On Page 085
338A Lump Sum
Child Protection Enhanced Training

DELETE the proviso immediately following Specific Appropriation 338A that reads:

From funds appropriated in Specific Appropriation 338A, nonrecurring funds in the amount of $500,000 are provided for Women in Distress of Broward County.

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 103
448 Expenses

From General Revenue Fund 4,813,857 4,563,857

Senator Rossin offered the following amendment which was moved by Senator Myers and adopted:

Amendment 57—

In Section: 03 On Page: 88 Specific Appropriation: 352-B
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Children And Family Services

In Section 03 On Page 88
352-B Grants And Aids To Local Governments
And Nonprofit Organizations
Project Home Safe - Palm Beach County

From Federal Grants Trust Fund 500,000

Senator Clary offered the following amendment which was moved by Senator Myers and adopted:

Amendment 58—

In Section: 03 On Page: 099 Specific Appropriation: 425B
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF

In Section 03 On Page 099
425B Grants And Aids To Local Governments
And Nonprofit Organizations
Autumn House Assisted Living Facility -
Okaloosa

From General Revenue Fund 200,000

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 108
485A Fixed Capital Outlay
Construction, Renovation And Repairs -
State Tuberculosis Hospital

From General Revenue Fund 8,000,000 7,800,000

Senator Bankhead offered the following amendment which was moved by Senator Myers and adopted:

Amendment 59—

In Section: 03 On Page: 103 Specific Appropriation: 448
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 103
448 Expenses

From General Revenue Fund 4,813,857 4,763,857

449 Aid To Local Governments
Grants And Aids - Family Planning Services

From General Revenue Fund 7,819,168 7,869,168

Immediately following Specific Appropriation 449, INSERT:

From funds appropriated in Specific Appropriation 449, the sum of $50,000 from recurring general revenue shall be provided for the Child Birth and Parenting Association of St. Johns County.

Senator Jones offered the following amendment which was moved by Senator Myers and adopted:

Amendment 60—

In Section: 03 On Page: 108 Specific Appropriation: 485B
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 108
485B Fixed Capital Outlay
Construction, Renovation, And Equipment - County Health Departments

From General Revenue Fund 13,094,891 13,294,891

In Section 03 on page 108 in the proviso following Specific Appropriation 485B:

DELETE from the last line of proviso "and $250,000 for Osceola."

INSERT as the last line of proviso following Specific Appropriation 485B:

"$250,000 for Osceola, and $200,000 for West Perrine-Dade."

Senator Williams offered the following amendments which were moved by Senator Myers and adopted:

Amendment 61—

In Section: 03 On Page: 108 Specific Appropriation: 485B
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 108

485B Fixed Capital Outlay
Construction, Renovation, And Equipment - County Health Departments

In Section 03 on page 108 following line 018, DELETE the following:

$1,464,000 for Nassau-Yulee and INSERT $1,389,000 for Nassau-Yulee and $75,000 for Ft. White-Columbia County

Amendment 62—

In Section: 03 On Page: 108 Specific Appropriation: 485B
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 108

485B Fixed Capital Outlay
Construction, Renovation, And Equipment - County Health Departments

In Section 03 on page 108 following line 018, DELETE the following:

$1,464,000 for Nassau-Yulee and INSERT $1,075,000 for Nassau-Yulee and $389,000 for Baker County

Senators Dudley and Silver offered the following amendment which was moved by Senator Silver and adopted:

Amendment 63—

In Section: 04 On Page: 148 Specific Appropriation: 898
Delete Insert

JUVENILE JUSTICE, DEPARTMENT OF
Office Of Secretary And Management And Budget

In Section 04 On Page 148

898 Salaries And Benefits

In Section 04 on page 148 immediately PRIOR TO Specific Appropriation 898, INSERT the following:

From the funds in Specific Appropriations 898 through 936, by February 1, 1998, the department must report to the Legislature and to the Office of the Governor the following information, to the extent available, for fiscal year 1996-97 and estimates for fiscal year 1997-98:
--The number and percent of juvenile cases received that are detained in juvenile detention centers prior to adjudication.
--The number and percent of juveniles committed to residential programs, by level of commitment, that are detained in juvenile detention centers after adjudication while awaiting a commitment bed.
--The average length of stay in detention post adjudication while awaiting a commitment bed.
--The number of youth that are placed in a commitment program, by level of commitment.
--The average length of stay in commitment programs, by level of commitment, for youth discharged during the fiscal year.
--The number and percent of juvenile cases received that are placed on Community Control.
--The average caseload of youth supervised on Community Control.
--The number and percent of programs for which a quality assurance review is completed.
--The percent of programs receiving an overall satisfactory or better rating in their quality assurance review.
--The number of contracts executed with private providers.
--The number and percent of contracts awarded on a competitive basis.
--The number and dollar value of grants awarded to local community organizations.
--The ratio of direct care staff to youth in programs; and the ratio of non-direct care staff to youth in programs.
--The number of contract monitoring reviews conducted.
--The ratio of staff monitoring contracts to the number of contracts and to the number of contract reviews conducted.

Senator Silver moved the following amendments which were adopted:

Amendment 64—

In Section: 04 On Page: 148 Specific Appropriation: 904
Delete Insert

JUVENILE JUSTICE, DEPARTMENT OF
Office Of Secretary And Management And Budget

In Section 04 On Page 148

904 Special Categories
Grants And Aids - Contracted Services

In Section 04 on page 148 following line 027, INSERT the following:

From the funds in Specific Appropriation 904, $459,000 from General Revenue Fund is provided for the Juvenile Justice Role Model Development Project.

Amendment 65—

In Section: 04 On Page: 149 Specific Appropriation: 911

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 149		
911	Salaries And Benefits		
	From Social Services Block Grant Trust Fund	8,584,689	9,914,478
	Juvenile Justice Institutions		
	In Section 04 On Page 154		
929	Salaries And Benefits		
	From Social Services Block Grant Trust Fund	1,144,984	1,855,993
935	Special Categories Grants And Aids - Contractual Services-Okeechobee Training School		
	From Social Services Block Grant Trust Fund	1,503,873	2,546,273

Senator Holzendorf offered the following amendment which was moved by Senator Silver and adopted:

Amendment 66—

In Section: 04 On Page: 149 Specific Appropriation: 918

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 149		
918	Special Categories Grants And Aids - Contracted Services		

In Section 04 on page 149 following line 40, INSERT the following:

From the funds in Specific Appropriation 918, $250,000 from General Revenue Fund is provided for the Duval County Community/Church-Based Out-of-School Suspension Pilot Project.

In Section 04 On Page 151

In Section 04 on page 151 following line 6, DELETE the following:

prevention program in Spring Hill; $766,766 from General Revenue funds may be used by the department for an average of 9 months funding for other community diversion programs statewide; and

In Section 04 on page 151 following line 6, INSERT the following:

prevention program in Spring Hill; $516,766 from General Revenue funds may be used by the department for an average of 9 months funding for other community diversion programs statewide; and

Senator Dyer offered the following amendment which was moved by Senator Silver and adopted:

Amendment 67—

In Section: 04 On Page: 154 Specific Appropriation: 926-A

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 154		
926-A	Fixed Capital Outlay Orlando Sunland Demolition Study		
	From General Revenue Fund		100,000

Senator Silver moved the following amendment which was adopted:

Amendment 68—

In Section: 07 On Page: 328 Specific Appropriation: 2165-B

		Delete	Insert
	STATE COURT SYSTEM Circuit Courts		
	In Section 07 On Page 328		
2165-B	Lump Sum Child Support Enforcement Staffing		
	Positions	0	38
	From Grants And Donations Trust Fund		1,601,393

In Section 07 on page 328 following Specific Appropriation 2165-B INSERT the following proviso:

Funds and positions in Specific Appropriation 2165B are contingent upon funds received from the Department of Revenue for additional Hearing Officers to address workload needs for Child Support Enforcement cases.

Senator Turner moved the following amendment which failed:

Amendment 69—

In Section: 05 On Page: 210 Specific Appropriation: 1332E

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 210		
1332E	Grants And Aids To Local Governments And Nonprofit Organizations City Of Miami Parks		
	From Land Acquisition Trust Fund		500,000

Amendments 70—95 were withdrawn.

Senator Scott moved the following amendment which was adopted:

Amendment 96—

In Section: 05 On Page: 211 Specific Appropriation: 1338A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Air Resources Management, Division Of		

In Section 05 On Page 211
1338A Special Categories
Electric Vehicle Incentive Program

From Air Pollution Control
Trust Fund 900,000

Following Specific Appropriation 1338A, INSERT:

From funds provided in Specific Appropriation 1338A an incentive program is hereby established to encourage the purchase of electric vehicles. Such funds shall be administered by the Secretary of the Department of Environmental Protection and shall be distributed to the first 300 individual consumers of electric vehicles at an equal rate.

Amendments 97—127 were withdrawn.

Amendments 129 and **130** were withdrawn.

Senator Dudley moved the following amendment which was adopted:

Amendment 131—

In Section: 06 On Page: 308 Specific Appropriation: 2019

	Delete	Insert
REVENUE, DEPARTMENT OF		
Child Support Enforcement Program		
In Section 06 On Page 308		
2019 Lump Sum		
Implement Federal Provisions For Child Support Enforcement		
Positions	0	375
From General Revenue Fund		10,500,000
From Child Support Trust Fund		7,000,000
From Grants And Donations Trust Fund		34,000,000

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 2400**.

Senator Thomas moved the following amendment which was adopted:

Amendment 132—

In Section: 06 On Page: 315 Specific Appropriation: 2072A

	Delete	Insert
STATE, DEPARTMENT OF, AND SECRETARY OF STATE		
Historical Resources, Division Of		
In Section 06 On Page 315		
2072A Grants And Aids To Local Governments And Nonprofit Organizations		
Grants And Aids - Special Categories - Acquisition, Restoration Of Historic Properties		
From General Revenue Fund	12,011,824	12,124,074

Delete the proviso following 2072A and INSERT new proviso:

Funds in Specific Appropriation 2072B are provided to fund the historic preservation projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's legislative budget request for 1997-98, except that $112,250 are provided for the Historic Preservation of St. Patrick's Catholic Church.

Senator Kurth moved the following amendment which was adopted:

Amendment 133—

In Section: 06 On Page: 315 Specific Appropriation: 2072A

	Delete	Insert
STATE, DEPARTMENT OF, AND SECRETARY OF STATE		
Historical Resources, Division Of		
In Section 06 On Page 315		
2072A Grants And Aids To Local Governments And Nonprofit Organizations		
Grants And Aids - Special Categories - Acquisition, Restoration Of Historic Properties		

Following Specific Appropriation 2072A delete all of said proviso and INSERT new proviso:

Funds in Specific Appropriation 2072A are provided to fund the historic preservation projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's legislative budget request for 1997-98, except that $72,000 are provided for the Women in Military Service for America Memorial Foundation (WIMSA).

Senator Bankhead moved the following amendment which was adopted:

Amendment 134—

In Section: 06 On Page: 322 Specific Appropriation: 2131

	Delete	Insert
STATE, DEPARTMENT OF, AND SECRETARY OF STATE		
Historic Preservation Boards		
Historic Palm Beach County Preservation Board		
In Section 06 On Page 322		
2131 Special Categories		
Risk Management Insurance		

Following Specific Appropriation 2131 INSERT proviso:

From the funds in Specific Appropriation 2112 through 2131, the Department of State is authorized to use unexpended balances to provide regional preservation services, continue operations and maintenance of historic properties, or enter into contracts with municipalities or non-profit organizations to continue operations and maintenance of historic properties.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 134** was adopted.

Senator Bankhead moved the following substitute amendment which was adopted:

Substitute Amendment 134—

In Section: 06 On Page: 321 Specific Appropriation: 2116

	Delete	Insert
STATE, DEPARTMENT OF, AND SECRETARY OF STATE		
Historic Preservation Boards		
Historic St Augustine Preservation Board		

In Section 06 On Page 321

2116 Special Categories
Risk Management Insurance

Following Specific Appropriation 2116 INSERT proviso:

From the funds in Specific Appropriation 2112 through 2116, the Department of State is authorized to use unexpended balances as of January 1, 1998 to enter into contracts with the City of St. Augustine to continue operations and maintenance of historic properties.

Senators Jenne, Kurth and Forman offered the following amendment which was moved by Senator Jenne:

Amendment 135—

In Section: 02 On Page: 011 Specific Appropriation: 38

Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Office Of Deputy Commissioner For
Planning, Budgeting And Management

In Section 02 On Page 011

38 Fixed Capital Outlay
Community College Projects

In Section 02 on page 11, delete ALL proviso following Specific Appropriation 38, and INSERT the following:

The following community college projects are included in the funds provided in Specific Appropriation 38:

Sys - Land & Facilities Acquisition $23,181,988
Brevard-Gen ren/rem, Stu Ctr & Criminal Just Bldg - Mel..... 1,150,000
Rem/ren Classroom & Library - Cocoa partial..... 2,755,000
Broward - Student Ctr Second Floor Addition/Rem-Central complete (c, e). 3,373,327
Gen ren/rem, Chiller, HVAC, energy mgt, comm sys, ADA, site improv..... 1,750,000
Student Svcs Ctr - North partial (c)... 6,500,029
Rem/ren Bldg 47 / Computer & Reading Labs - North partial..... 1,839,421
Central Florida-Gen ren/rem, critical mech/elec, ADA, roofing, site improvements..... 891,600
Rem/ren Bldg 2, 7, 9 & 19 - Main..... 350,000
Chipola-Public Service Tech Bldg..... 624,406
English/Clsrms Building complete(c,e). 2,808,749
Gen ren/rem, ADA, PE fields, site improvements..... 300,000
Daytona Beach-Allied Health/Science Bldg Addition & Parking-Main partial (p,c). 700,000
Gen ren/rem, undergrd utilities, Bldgs 8, 25, 27, LRC plg, fields..... 2,409,479
Edison-Clsrms/Dis Lng/Video Fac Handicap req & parking impv (p,c,e)..... 1,260,000
Gen ren/rem, energy proj 13 Bldgs, Fire safety, HVAC, site imprv..... 544,234
Florida @ Jacksonville-Clsrms/Labs/Lib/ Stu Svsc PhII - Nassau partial..... 545,900
Gen ren/rem, ADA, HVAC, remove fuel tanks, lights, util, roof..... 1,175,474
Rem/ren Deerwood Center partial (spc).. 2,842,419
Florida Keys-Gen ren/rem, roofs, sew plt, telecomm, HVAC, ADA, site imprv..... 572,000
Gulf-Gen ren/rem, HVAC, energy mgt sys Soc Sci & LRC..... 576,050
Rem/ren Fine Arts Bldg partial..... 1,338,000
Crim Just Labs/Econ Dev mtch-Gulf complete (c,e)..... 500,000
Hillsborough-Clsrms/Science Labs/Office Bldg - Dale Mabry complete (e)..... 908,510
Gen ren/rem, HVAC, energy mgt, parking ADA, utilities, hazrds mat..... 1,075,000
Rem/ren Library, Science, Hum Bldg - DM partial..... 719,434

Indian River-Allied Health Inst Fac complete (c,e)..... 1,682,000
Gen ren/rem, roofs, ADA, utilities, parking, site improv, HVAC..... 900,000
Lake City-Gen ren/rem, lockers, HVAC, Tech Bldg..... 500,000
Lake Sumter-South Lake County Ctr complete (c,e)..... 2,278,695
Gen ren/rem, roofs, comm sys, site imp, ADA, lighting, HVAC..... 350,000
Library/Student Svcs Ctr/w County & School Bd match Sumter (p,c)..... 385,000
Manatee-Comprehensive Student Center Fac - Main complete (c, e)..... 300,000
Gen ren/rem, utilities, fire main, HVAC, ducts, roofs, ADA..... 702,600
Miami-Dade-Gen ren/rem collegewide..... 7,206,753
Rem/ren clrms/labs/sup fac-Wolfson partial..... 1,748,120
North Florida-Gen ren/rem, site imp, roofing, handicap access, ADA..... 729,455
Okaloosa-Walton-Gen ren/rem, utilities, parking, site imps, safety, elec, cooling towers..... 520,000
Palm Beach-Gen ren/rem, flood cntr, safety, roofs, parkg, utilities, lights, rds..... 1,800,000
Pasco-Gen ren/rem, roofs, HVAC, elec/light sys, ADA..... 583,351
Rem/ren Bus DP Labs Bldgs 4 & 5 - West. 884,802
Rem/ren 1 Classrooms, Labs - North partial..... 868,585
Pensacola-Gen ren/rem, roofs, HVAC, engy mgt, lights - Districtwide..... 809,634
Polk-Gen ren/rem, HVAC, elec alarm sys, ADA, lights, parking, comm sys..... 632,868

Student Center Addition (50/50 match) complete (p, c, e)..... 774,445
St. Johns River-Student Svcs Ctr - Orange Park complete (c, e)..... 190,000
Gen ren/rem, HVAC, Sci, Tech & LRC, ADC req elev, auto drs..... 592,000
JT/Clay Co Schs-Clsrms/Auditorium w/ County mtch partial (p)..... 168,750
St. Petersburg-Clsrms, Labs, Offices Ph II - TS partial (p)..... 400,000
Gen ren/rem, Bldgs, roofs, HVAC, ADA, site improvements..... 2,353,800
Rem/ren Food Ssvcs, Admin Bldgs & Gym - SP/G..... 2,002,930
Rem/ren TA, LA, FA, FH w/addition- CL partial..... 2,402,166
Rem/ren Med Tech, Vet Tech & Funrl Srvcs const-HEC, Allstate..... 547,386
Classrooms/labs/offices Phase II w/city match Seminole Partial(p,c)..... 2,195,000
Santa Fe-Science Lab Bldg complete (e).. 337,313
Gen ren/rem, HVAC, ADA, utilities sys.. 839,244
Rem/ren Bldg G Bookstore to Dev Lab/ clsrms partial..... 357,126
Seminole-Science Laboratory Bldg

Addition complete (e)..... 727,442
Clsrms/Sci Labs/Office Bldgs - East
Ctr. Ph I partial (c)..... 7,350,234
Ren/rem energy mgt sys, road, comm sys,
site dev..... 750,000
Rem/ren Science Bldg floors 2 & 3
partial..... 224,877
South Florida-Public Service Tech Bldg
partial (s, c)..... 750,000
Gen ren/rem, roofing, asbestos removal. 693,730
Tallahassee-Gen Classrooms/Laboratory
Building complete (p, c, e)..... 4,000,000
Gen ren/rem, extended studies safety,
ed fac const, utilities..... 1,500,000
Valencia-Lib Arts/Health Ph I Bldg II-
Osceola partial (c, e).....11,206,009
Gen ren/rem & site improvements-
collegewide..... 1,200,000
Rem/ren Modules 1,2,4 & 6/Clasrms,
Labs, Stu Svcs-West partial..... 310,000

Senator Jenne moved the following amendment to **Amendment 135** which was adopted:

Amendment 135A—

In Section: 02 On Page: 011 Specific Appropriation: 38

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Office Of Deputy Commissioner For Planning, Budgeting And Management		
In Section 02 On Page 011		
38 Fixed Capital Outlay Community College Projects		
In the list of projects on page 1 of Amendment B135, for the first project listed "Sys - Land & Facilities Acquisition"		

DELETE “$23,181,988” and INSERT “$22,834,588”

In the list of projects on page 2 of Amendment B135, for the project listed “Manatee Gen ren/rem, utilities, fire main, HVAC, ducts, roofs, ADA.....702,600 DELETE “702,600” and INSERT “450,000”

In the list of projects on page 2 of Amendment B135, add the project below following the last project for Manatee

INSERT: Neel House Auditorium remodeling...600,000

Amendment 135 as amended was adopted.

Senator Gutman moved the following amendment:

Amendment 136—

In Section: 02 On Page: 048 Specific Appropriation: 173

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
In Section 02 On Page 048		
173 Lump Sum Educational And General Activities		
From General Revenue Fund	1,030,913,478	1,030,659,478
Private Colleges And Universities		
In Section 02 On Page 021		
76A Special Categories University Of Miami - School Of Communication		
From General Revenue Fund		254,000

Senator Gutman moved the following substitute amendment which was adopted:

Substitute Amendment 136—

In Section: 02 On Page: 048 Specific Appropriation: 173

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
In Section 02 On Page 048		
173 Lump Sum Educational And General Activities		
From General Revenue Fund	1,030,913,478	1,030,659,478
Private Colleges And Universities		
In Section 02 On Page 020		
73 Special Categories University Of Miami - Bs/Motion Pictures Contract		
From General Revenue Fund	290,657	544,657
Insert the following proviso after the Line Item 73:		

Funds in Specific Appropriation 73, $254,000 for the purchase of equipment.

Amendments 137 and **138** were withdrawn.

Senator Casas moved the following amendment which was adopted:

Amendment 139—

In Section: 02 On Page: 025 Specific Appropriation: 102

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 02 On Page 025		
102 Aid To Local Governments Grants And Aids - Innovative Practices Grants		
At the end of the second line of the third paragraph of proviso following Specific Appropriation 102 on page 25,		

DELETE the period and INSERT

, and $10,000 is provided for the Florida High School Project.

Amendment 140 was withdrawn.

Senators Dudley and Kurth offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 141—

In Section: 02 On Page: 027 Specific Appropriation: 105

DELETE INSERT

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 027

105 Aid To Local Governments
Grants And Aids - Florida Educational
Finance Program

In the third line of the second paragraph of proviso following Specific Appropriation 105 on page 26:

DELETE "$2,966.55" and INSERT "$2,982.54"

and in the middle of the page on page 27 following the words "...cost factors for 1997-98 as follows:"
DELETE

1. Basic Programs
   A. K-3 Basic 1.054
   B. 4-8 Basic 1.000
   C. 9-12 Basic 1.179

2. Special Programs for Exceptional Students
   A. ESE Support Level I 1.350
   B. ESE Support Level II 2.086
   C. ESE Support Level III 3.309
   D. ESE Support Level IV 4.129
   E. ESE Support Level V 6.906
   F. Adult Handicapped 0.891

3. Special Programs for At-Risk Students
   A. Dropout Prevention 1.000
   B. Teenage Parent 1.416
   C. ESOL K-3 1.254
   D. ESOL 4-8 1.267
   E. ESOL 9-12 1.288

4. Grades 6-12 Vocational Programs
   A. Vocational Support Level I 1.190
   B. Vocational Support Level II 1.220
   C. Vocational Support Level III 1.292
   D. Vocational Support Level IV 1.400
   E. Vocational Support Level V 1.650

and INSERT:

1. Basic Programs
   A. K-3 Basic 1.054
   B. 4-8 Basic 1.000
   C. 9-12 Basic 1.169
   D. K-3 Mainstream 2.108
   E. 4-8 Mainstream 2.000
   F. 9-12 Mainstream 2.338

2. Special Programs for Exceptional Students
   A. Educable Mentally Handicapped 1.951
   B. Trainable Mentally Handicapped 3.072
   C. Physically Handicapped 3.072
   D. Physical and Occupational Therapy Part-Time 12.904
   E. Speech, Language and Hearing Part-Time 5.249
   F. Speech, Language and Hearing 2.714
   G. Visually Handicapped Part-Time 17.102
   H. Visually Handicapped 5.249
   I. Emotionally Handicapped Part-Time 4.224
   J. Emotionally Handicapped 2.714
   K. Specific Learning Disability Part-Time 2.714
   L. Specific Learning Disability 1.951
   M. Gifted Part-Time 1.637
   N. Hospital and Homebound Part-Time 12.904
   O. Profoundly Handicapped 4.224
   P. Adult Handicapped 0.891

3. Special Programs for At-Risk Students
   A. Dropout Prevention 1.000
   B. Teenage Parent 1.438
   C. ESOL K-3 1.245
   D. ESOL 4-8 1.245
   E. ESOL 9-12 1.245

4. Grades 6-12 Vocational Programs
   A. Vocational Support Level 1 1.190
   B. Vocational Support Level 2 1.220
   C. Vocational Support Level 3 1.292
   D. Vocational Support Level 4 1.400
   E. Vocational Support Level 5 1.650
   F. Vocational Mainstream 1.923

Full implementation of the revised funding model for exceptional student education programs will begin on July 1, 1998. Districts with summer programs that span both the 1997-98 and 1998-99 school years may begin at the beginning of the first regular term of the 1998-99 school year with Department of Education approval. All school districts shall provide training approved by the Department of Education to all exceptional education teachers and site administrators on the matrix of services by October 1, 1997. School districts shall provide information to parents on the impact of the revised funding model. All districts shall complete a matrix of services for all exceptional students and report the results to the Department of Education in a manner prescribed by the Department by November 15, 1997. School districts shall take appropriate actions to adjust school allocation formulas and procedures for implementation of the revised funding model.

The Department of Education shall review the results of the matrix of services submitted by districts to determine their consistency statewide and, if necessary, shall take appropriate action to correct any deficiencies prior to the submission of enrollment projections for the 1998-99 school year. The Department shall work with school district personnel to develop procedures and data required to identify costs associated with programs 251 - 255. The Commissioner of Education is authorized to grant existing schools piloting the revised funding model waivers for applicable statutes and State Board of Education rules.

Amendment 142 was withdrawn.

Senator Grant moved the following amendment:

Amendment 143—

In Section: 02 On Page: 036 Specific Appropriation: 125

Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 036
125 Special Categories
Grants And Aids - Public Broadcasting

From General Revenue Fund 8,891,702 8,787,876

On page 36, the last sentence in the first paragraph following Line Item 125,

DELETE: "and $103,825 for radio station WMNF."

Universities, Division Of
Educational And General Activities

In Section 02 On Page 048
173 Lump Sum
Educational And General Activities

From General Revenue Fund 1,030,913,478 1,031,017,304

On page 51, the 2nd full paragraph of proviso which lists issues funded:

ADD:

17) $300,000 for the Entrepreneurship and Management of Technology Program.

Senator Grant moved the following substitute amendment which was adopted:

Substitute Amendment 143—

In Section: 02 On Page: 036 Specific Appropriation: 125
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 036
125 Special Categories
Grants And Aids - Public Broadcasting

From General Revenue Fund 8,891,702 8,787,876

Universities, Division Of
Educational And General Activities

In Section 02 On Page 048
173 Lump Sum
Educational And General Activities

From General Revenue Fund 1,030,913,478 1,031,017,304

173- Lump Sum
Educational And General Activities

In Section 02 on page 051 the second full paragraph of proviso which lists issues funded INSERT:

17) $103,826 for the Entrepreneurship and Management of Technology Program at USF.

Amendments 144—147 were withdrawn.

Senator Jenne moved the following amendment which was adopted:

Amendment 148—

In Section: 02 On Page: 048 Specific Appropriation: 173
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 048

173 Lump Sum
Educational And General Activities

In Section 02 on page 51 following the last paragraph of proviso, INSERT the following:

From the increased funding in Specific Appropriation 173 for Technology Equipment, $10,000 shall be allocated to the SUS Press for additional production costs.

Senators Holzendorf, Thomas, Hargrett, Turner and Jones offered the following amendment which was moved by Senator Holzendorf:

Amendment 149—

In Section: 02 On Page: 048 Specific Appropriation: 173
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 048

173 Lump Sum
Educational And General Activities

Insert new proviso following Line Item 173 after the last paragraph of proviso on page 51.

From the funds in Specific Appropriation 173, $4,500,000 shall be allocated to FAMU and $1,000,000 shall be allocated to each of the following: Bethune-Cookman College, Edward Waters College and Florida Memorial College for the Office of Civil Rights Settlement. Funding is contingent upon the development of clearly measurable outcomes, including the development of longitudinal and comparative data. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and each of these institutions.

Senators Holzendorf, Thomas, Hargrett, Turner, Meadows and Jones offered the following substitute amendment which was moved by Senator Holzendorf and adopted:

Substitute Amendment 149—

In Section: 02 On Page: 048 Specific Appropriation: 173
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 048

173 Lump Sum
Educational And General Activities

Insert new proviso following Line Item 173 after the last paragraph of proviso on page 51.

From the funds in Specific Appropriation 173, $1.4 million shall be allocated to FAMU and $1,000,000 shall be allocated to each of the following: Bethune-Cookman College, Edward Waters College and Florida Memorial College for increasing access, retention and graduation of minority students. Funding is contingent upon the development of clearly measurable outcomes, including the development of longitudinal and comparative data. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Board of Regents and the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and each of these institutions.

Senators Hargrett and Thomas offered the following amendment which was moved by Senator Hargrett:

Amendment 150—

In Section: 02 On Page: 052 Specific Appropriation: 174

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 052		
174	Lump Sum Institute Of Food And Agricultural Sciences Operations		
	From General Revenue Fund	100,353,920	100,700,671
	Board Of Regents General Office		
	In Section 02 On Page 054		
191	Special Categories Challenge Grants		
	From General Revenue Fund	3,965,146	3,618,395
	Educational And General Activities		
	In Section 02 On Page 052		
174	Lump Sum Institute Of Food And Agricultural Sciences Operations		
	On page 52, following Line Item 174, insert the following:		

Specific Appropriation 174 includes funding for the following:

1) $346,751 for the Tropical Aquaculture Lab at Ruskin and the Aquaculture Demonstration Farm at Blountstown.

Senators Hargrett and Thomas offered the following substitute amendment which was moved by Senator Hargrett and adopted:

Substitute Amendment 150—

In Section: 02 On Page: 052 Specific Appropriation: 174

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 052		
174	Lump Sum Institute Of Food And Agricultural Sciences Operations		
	From General Revenue Fund	100,353,920	100,700,671
	In Section 02 On Page 048		
173	Lump Sum Educational And General Activities		
	From General Revenue Fund	1,030,913,478	1,030,566,727
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 052		
174	Lump Sum Institute Of Food And Agricultural Sciences Operations		
	On page 52, following Line Item 174, insert the following:		

Specific Appropriation 174 includes funding for the following:

1) $346,751 for the Tropical Aquaculture Lab at Ruskin and the Aquaculture Demonstration Farm at Blountstown.

Senators Holzendorf, Hargrett and Thomas offered the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 151—

In Section: 02 On Page: 054 Specific Appropriation: 191

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Board Of Regents General Office		
	In Section 02 On Page 054		
191	Special Categories Challenge Grants		
	From General Revenue Fund	3,965,146	3,522,929
	Educational And General Activities		
	In Section 02 On Page 048		
173	Lump Sum Educational And General Activities		
	From General Revenue Fund	1,030,913,478	1,031,355,695
	From Education And General Student And Other Fees Trust Fund	336,272,402	336,480,185
	On page 51, the 2nd full paragraph of proviso which lists issues funded:		

Change the amount in #13 for the FAMU Program in Public Health from "100,000" to "750,000".

Amendment 152 was withdrawn.

Senators Diaz-Balart, Scott and Jenne offered the following amendment which was moved by Senator Diaz-Balart:

Amendment 153—

In Section: 02 On Page: 054 Specific Appropriation: 191

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Board Of Regents General Office		
	In Section 02 On Page 054		
191	Special Categories Challenge Grants		
	From General Revenue Fund	3,965,146	2,465,146
	In Section 02 On Page 055		
195	Special Categories Grants And Aids - First Accredited Medical School		

From General Revenue Fund 14,145,202 14,645,202

Following Line Item 195 on page 55:

DELETE "$28,290.40" and INSERT "$29,290.40"

Educational And General Activities

In Section 02 On Page 052
175 Lump Sum
University Of South Florida Medical
Center Operations

From General Revenue Fund 39,905,450 40,405,450

176 Lump Sum
University Of Florida Health Center
Operations

From General Revenue Fund 82,950,819 83,450,819

Senators Diaz-Balart, Scott, Jenne, Gutman, Silver and Cowin offered the following substitute amendment which was moved by Senator Diaz-Balart and adopted:

Substitute Amendment 153—

In Section: 02 On Page: 055 Specific Appropriation: 195
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Board Of Regents General Office

In Section 02 On Page 055
195 Special Categories
Grants And Aids - First Accredited
Medical School

From General Revenue Fund 14,145,202 14,645,202

Following Line Item 195 on page 55:

DELETE "$28,290.40" and INSERT "$29,290.40"

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 052
175 Lump Sum
University Of South Florida Medical
Center Operations

From General Revenue Fund 39,905,450 40,405,450

176 Lump Sum
University Of Florida Health Center
Operations

From General Revenue Fund 82,950,819 83,450,819

Senators Silver and Bankhead offered the following amendment which was moved by Senator Bankhead:

Amendment 154—

In Section: 03 On Page: 063 Specific Appropriation: 233
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Services

In Section 03 On Page 063

233 Special Categories
Hospital Inpatient Services

In the second paragraph of the proviso following
Specific Appropriation 233, DELETE the following:

"to children under 21" and on the next line "one Agency Area."

And INSERT the following:

"two Agency Areas."

Senators Silver and Bankhead offered the following substitute amendment which was moved by Senator Bankhead and adopted:

Substitute Amendment 154—

In Section: 03 On Page: 063 Specific Appropriation: 233
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Services

In Section 03 On Page 063

233 Special Categories
Hospital Inpatient Services

In the second paragraph of the proviso following
Specific Appropriation 233, DELETE the following:

"to children under 21" and on the next line "one Agency Area."

And INSERT the following:

two Agency Areas. Either children only or adults only programs shall be operated at each site. No pilot shall serve both the adult and child populations. If the waiver is not approved for adults then both pilots shall serve children.

Senators Myers and Hargrett offered the following amendment which was moved by Senator Myers and adopted:

Amendment 155—

In Section: 03 On Page: 063 Specific Appropriation: 233
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Services

In Section 03 On Page 063
233 Special Categories
Hospital Inpatient Services

From General Revenue Fund 123,547,659 123,156,829

At the end of existing proviso language, following
Specific Appropriation 233, INSERT:

The funds in Specific Appropriation 233 represent a reduction of $390,830 from General Revenue and $490,410 from the Medical Care Trust Fund resulting from the implementation by the Agency for Health Care Administration of a Medicaid disease management initiative for persons with AIDS.

From Medical Care Trust Fund 703,578,921 703,088,511

In Section 03 On Page 066
248 Special Categories
Physician Services

From General Revenue Fund	200,073,049	200,323,049
From Medical Care Trust Fund	251,179,470	251,429,470

At the end of existing proviso language, following Specific Appropriation 248, INSERT:

The funds in Specific Appropriation 248 represent an increase of $250,000 from the General Revenue Fund and $250,000 from the Medical Care Trust Fund resulting from increasing the number of Medicaid-covered maximum visits for Chiropractic Services from 18 to 24.

HEALTH, DEPARTMENT OF
Children's Medical Services

In Section 03 On Page 109
494 Special Categories
Sickle Cell Education And Screening

From General Revenue Fund	549,856	690,686

Insert proviso immediately following Specific Appropriation 494:

Of the funds in Specific Appropriation 494, $140,830 is provided to contract with the Florida State Sickle Cell Foundation.

Amendments 156—160 were withdrawn.

Senator Sullivan moved the following technical amendment which was adopted:

Amendment 161—

In Section: 02 On Page: 026 Specific Appropriation: 105
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 026

105 Aid To Local Governments
Grants And Aids - Florida Educational
Finance Program

In the first line of the eighth full paragraph of proviso following Specific Appropriation 105 on page 30:

DELETE "The Department of Education" and INSERT "The Auditor General"

Senator Myers moved the following technical amendments which were adopted:

Amendment 162—

In Section: 03 On Page: 069 Specific Appropriation: 267
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION
Health Care Regulation

In Section 03 On Page 069

267 Lump Sum
Health Care Quality Improvement Program

DELETE all of proviso following Specific Appropriation 267.

INSERT the following after the title, HEALTH CARE REGULATION, which preceeds Specific Appropriation 266:

From the funds provided in Specific Appropriations 266 through 271, the Health Care Quality Improvement Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to ensure that all Floridians have access to quality health care and services through the licensure and certification of facilities, and to consumer complaints about facilities, services and practitioners.

STATE REGULATION OF HEALTH CARE PRACTITIONERS

OUTCOMES:

Direct the agency to develop a means of measuring complainants', practitioners' and consumer inquirers' satisfaction with the agency's performance - incorporate outcome measures in FY 1998-1999 budget.

Percentage of Priority I practitioner investigations resulting in emergency actions.

Ratio of emergency actions that result in license revocation, license suspension, reprimand, probation with conditions, or administrative fines.

Average length of time to take emergency action on Priority I practitioner investigations.

Percentage of practitioner facility inspections that do not result in an investigation.

Percentage of investigations of alleged unlicensed practitioners that result in cease and desist orders.

Percentage of cease and desist orders issued to unlicensed practitioners in which another complaint of unlicensed activity is subsequently filed against the same practitioner.

Percentage of licensed practitioners involved in:
1. serious incidents
2. peer review discipline reports

Percentage of complaints not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.

OUTPUTS:

Number of complaints closed administratively as not legally sufficient.

Number of complaints determined legally sufficient.

Number of legally sufficient complaints resolved by:
1. Findings of no probable cause, including:
   a. Nolle prosse
   b. Letters of guidance
   c. Notice of noncompliance
   d. Issuance of citation for minor violations
2. Stipulations or informal hearings.
3. Formal hearings.

Number of complaint investigations completed by priority classification:
1. Priority I
2. Priority II
3. Other

Average amount of time (in days) to complete complaint investigations by priority classification:
1. Priority I
2. Priority II
3. Other

Number of emergency actions taken.

Average cost per practitioner complaint investigation.

Average number of practitioner complaint investigations per FTE.

Number of practitioner facility inspections completed.

Average number of mandated practitioner facility inspections per FTE.

Average work hours per practitioner facility inspection (excludes travel time).

Average cost per practitioner facility inspection.

Number of cease and desist orders issued.

Number of inquiries to the call center regarding practitioner licensure and disciplinary information.

STATE LICENSURE AND FEDERAL CERTIFICATION OF HEALTH CARE FACILITIES AND PROGRAMS

OUTCOMES:

Percentage of investigations of alleged unlicensed facilities and programs that result in cease and desist orders.

Percentage of cease and desist orders issued to unlicensed facilities and programs in which another complaint of unlicensed activity is subsequently filed against the same facility or program.

Percentage of positive interview responses from nursing home residents and families regarding satisfaction with care and services.

Direct the agency to develop a means of measuring consumers, facilities and programs satisfaction with the agency's performance - incorporate outcome measures in the FY 1998-1999 budget.

Percentage of cases referred to the Subscriber-Provider Assistance Panel that are resolved by the Panel.

Percentage of Class I consumer complaints about licensed facilities and programs that are investigated within 48 hours.

Percentage of health care facilities and programs that have been sent a written statement of deficiencies within 10 days of the completion of the on-site survey.

Percentage of accredited HMOs that have been cited by the agency for not complying with quality of care standards.

Percentage of accredited hospitals and ambulatory surgical centers that have been cited for not complying with lifesafety, licensure or emergency access standards.

Percentage of accreditation validation surveys that result in findings of licensure deficiencies.

Percentage of nursing homes and assisted living facilities in which deficiencies are found that pose a serious threat to the health, safety or welfare of the public.

Direct the agency to develop a similar measure for home health agencies, hospitals, clinical laboratories and ambulatory surgical centers - incorporate outcome measures in the FY 1998-1999 budget.

Percentage of hospital failures to report serious incidents and peer review disciplinary actions that are identified by the agency that result in sanctions against the hospital.

Percentage of field surveyors that have less than 1 year of surveying experience.

Percentage of Medicare/Medicaid certified facilities and programs that are not licensed by the state that the agency recommends be decertified.

OUTPUTS:

Number of facility emergency actions taken.

Average annual quality-of-care survey costs per survey.

Average amount of annual quality-of-care surveyor time per regulated facility.

Total number of full facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Total number of follow-up facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Total number of facility quality-of-care complaint investigations conducted, by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Number of cases processed by the Subscriber-Provider Assistance Panel.

Average processing time for Subscriber-Provider Assistance Panel case resolution.

Average processing time for initial facility license application.

Average annual cost to process licensure/certification applications per regulated facility.

Average annual combined cost of facility application processing and quality-of-care survey activity per facility.

Number of failures by hospitals to report serious incidents and peer review disciplinary actions that are identified by the agency.

Number of certification recommendations processed by the agency for Medicare/Medicaid certified facilities and programs that are not licensed by the state.

HEALTH FACILITY PLANS AND CONSTRUCTION REVIEW

OUTCOMES:

Percentage of facility construction plans reviewed in which defects were identified relating to the NFPA 101 Life Safety Code or physical plant requirements and engineering system codes and standards stated in 59A-3, 4, and 5, F.A.C.

Percentage of inspections which identified construction defects relating to engineering systems performance or physical plant requirements.

Percentage of plans and specifications submitted that are approved or disapproved within 60 days after receipt of the fee for review of plans.

OUTPUTS:

Number of plans and construction reviews performed by type:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Average number of hours for plans and construction survey and review:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Number of projects receiving approval after review of initial construction documents.

Number of construction projects receiving approval after an initial final survey.

Amendment 163—

In Section: 03 On Page: 099 Specific Appropriation: 421

		Delete	Insert
	ELDER AFFAIRS, DEPARTMENT OF		
	In Section 03 On Page 099		
421	Special Categories		
	Grants And Aids - Local Services Programs		

In the proviso following Specific Appropriation 421, DELETE:

$300,000

In the proviso following Specific Appropriation 421, INSERT:

$310,233

Amendment 164—

In Section: 03 On Page: 104 Specific Appropriation: 455

		Delete	Insert
	HEALTH, DEPARTMENT OF		
	Health Services		
	In Section 03 On Page 104		
455	Aid To Local Governments		
	Contribution To County Health Units		
	From General Revenue Fund	115,265,181	114,265,181
	In Section 03 On Page 105		
462	Aid To Local Governments		
	School Health Services		
	From General Revenue Fund	16,521,881	17,521,881

Senator Silver moved the following technical amendment which was adopted:

Amendment 165—

In Section: 04 On Page: 149 Specific Appropriation: 909A

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF		
	Assistant Secretary For Program Planning		
	In Section 04 On Page 149		
909A	Special Categories		
	Grants And Aids - Motor Vehicle Theft Prevention		
	From Grants And Donations Trust Fund	5,100,000	6,300,000
	District Operations		
918	Special Categories		
	Grants And Aids - Contracted Services		
	From Grants And Donations Trust Fund	5,056,771	3,856,771
	In Section 04 On Page 151		

In Section 04 on page 151, in the first paragraph of proviso, DELETE the following:

and $1,200,000 from Grants and Donations Trust funds may be used for non-recurring diversion programs statewide

Senator Harris moved the following amendment which was adopted:

Amendment 167—

In Section: 04 On Page: 149 Specific Appropriation: 918

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF		
	District Operations		
	In Section 04 On Page 149		
918	Special Categories		
	Grants And Aids - Contracted Services		

In the proviso following Specific Appropriation 918, on page 150, in the next to the last paragraph, after the words "Sarasota Juvenile Assessment Center", add a new sentence:

Operational funding for the Sarasota Juvenile Assessment Center shall go to the existing lead agency at the assessment center.

Senator Jenne moved the following amendment which was adopted:

Amendment 168—

In Section: 06 On Page: 295 Specific Appropriation: 1929A

		Delete	Insert
	MANAGEMENT SERVICES, DEPARTMENT OF		
	Facilities Program		
	In Section 06 On Page 295		
1929A	Fixed Capital Outlay		
	Renovation Of Collins Building - New Tenants - Dms Mgd		
	From Supervision Trust Fund		100,000

Senators Jenne, Dyer, Rossin, Kurth, Campbell, Holzendorf, Meadows, Silver, Forman and Klein offered the following amendment which was moved by Senator Jenne and adopted:

Amendment 170—

In Section: 01 On Page: 001 Specific Appropriation: 2

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION		
	Public Schools, Division Of		

In Section 01 On Page 001

2 Aid To Local Governments
Grants And Aids - District
Discretionary Lottery Funds

Insert the following new proviso as the final paragraph of proviso following Specific Appropriation 2 on page 1:

Funds provided in Specific Appropriation 2 shall not be released to any school district until the Administration Commission has been satisfied by each school district that these funds will be used solely for enhancement purposes.

Senators Jenne, Sullivan and Horne offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 173—

In Section: 01 On Page: 001 Specific Appropriation: 2

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 01 On Page 001		
2 Aid To Local Governments Grants And Aids - District Discretionary Lottery Funds		

Delete the first full paragraph of proviso following Specific Appropriation 2 on page 2 and insert the following new proviso:

From the funds provided in Specific Appropriation 2, school boards must allocate at least $20 per unweighted FTE student to be used at the discretion of the School Advisory Committee or, in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of that money should be used for implementing the school improvement plan. The improvement plan shall be based on the needs of the students and shall be consistent with the statewide and district-wide school improvement plan.

Amendment 174 was withdrawn.

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 176—

In Section: 03 On Page: 058 Specific Appropriation:

	Delete	Insert
In Section 03 on page 058, INSERT the following text immediately after the last paragraph and prior to the first Department title:		

From the funds in Specific Appropriations 272 through 403 for the Department of Children and Families, 13,920 positions shall be eliminated and $222.0 million shall be transferred to Specific Appropriation 37 for the Department of Education to establish a source to fund public school new construction projects.

From the funds in Specific Appropriations 426 through 511A for the Department of Health, 2,467 positions shall be eliminated and $65.8 million shall be transferred to Specific Appropriation 37 for the Department of Education to establish a source to fund public school new construction projects.

ADMINISTERED FUNDS

In Section 06 On Page 240
1492 Lump Sum
Salary Increases

In Section 06 on page 240, INSERT the following:

From the funds in Specific Appropriation 1492, $12.8 million currently provided for salary increases associated with the deleted positions in Section 3 shall be transferred to Specific Appropriation 37 for the Department of Education to establish a source to fund public school new construction projects.

Senators Myers and Brown-Waite offered the following amendment which was moved by Senator Myers and adopted:

Amendment 177—

In Section: 03 On Page: 071 Specific Appropriation: 267-

	Delete	Insert
BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION Health Care Regulation		
In Section 03 On Page 071		
267- Lump Sum Practitioner Profile		
Positions	0	98.5
From Health Care Trust Fund		7,037,605

Amendment 178 was withdrawn.

Senator Rossin moved the following amendment which was adopted:

Amendment 183—

In Section: 02 On Page: 036 Specific Appropriation: 125

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 02 On Page 036		
125 Special Categories Grants And Aids - Public Broadcasting		
From General Revenue Fund	8,891,702	8,791,702
Universities, Division Of Educational And General Activities		
In Section 02 On Page 048		
173 Lump Sum Educational And General Activities		
From General Revenue Fund	1,030,913,478	1,031,013,478
In Section 02 On Page 051		
In Section on page 051 following the second paragraph which lists issues funded, INSERT the following:		

17) $100,000 for WXEL.

Senator Bankhead moved the following amendments which were adopted:

Amendment 187—

In Section: 03 On Page: 087 Specific Appropriation: 350B

	Delete	Insert
CHILDREN AND FAMILIES, DEPARTMENT OF District Services Children And Family Services		
In Section 03 On Page 087		
350B Special Categories Child Care - Working Poor And At-Risk Families		

INSERT proviso language immediately following existing proviso following Specific Appropriation 350B, Special Categories Child Care - Working Poor and At-Risk Families:

In addition to the eight percent match required from local sources by this proviso, the sum of $4 million appropriated in Specific Appropriation 350B shall be matched, dollar by dollar, by an equal amount of $4 million from local funds for the provision of child care slots for working poor and at-risk families.

Amendment 189—

In Section: 03 On Page: 087 Specific Appropriation: 350A

	Delete	Insert
CHILDREN AND FAMILIES, DEPARTMENT OF District Services Children And Family Services		
In Section 03 On Page 087		
350A Special Categories Child Care - Wages		
INSERT proviso language following Specific Appropriation 350A, Special Categories, Child Care - WAGES:		

The sum of $4 million appropriated in Specific Appropriation 350A shall be matched, dollar for dollar, by an equal amount of $4 million from local funds for the provision of child care for WAGES participants

Senator Forman moved the following amendment which was adopted:

Amendment 190—

In Section: 03 On Page: 063 Specific Appropriation: 233

	Delete	Insert
BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid Services		
In Section 03 On Page 063		
233 Special Categories Hospital Inpatient Services		
From General Revenue Fund	123,547,659	123,214,822
CHILDREN AND FAMILIES, DEPARTMENT OF District Services Alcohol, Drug Abuse And Mental Health Services		
In Section 03 On Page 082		
329 Special Categories Grants And Aids - Children's Mental Health Services		
From General Revenue Fund	16,260,824	16,286,824
Following Specific Appropriation 339, INSERT:		

Of the funds in Specific Appropriation 339, $56,837 from general revenue is provided for Parent Education/Parent Support (PEPS), a child abuse prevention program in Broward County.

HEALTH, DEPARTMENT OF Program Planning, Support And Regulation		
In Section 03 On Page 100		
428 Expenses		
From General Revenue Fund	2,120,942	2,270,942
At the end of existing proviso language, following Specific Appropriation 485D, INSERT:		

Of the funds in Specific Appropriation 485D, $25,000 shall be used for equipment for Health Choice Network and $25,000 for a medivan for Elderly Interest Fund of Broward County.

In Section 03 On Page 060		
216 Expenses		
From General Revenue Fund	10,773,427	10,823,427
At the end of existing proviso language, following Specific Appropriation 216, INSERT:		

Of the funds in Specific Appropriation 216, $50,000 shall be used to fund a Medicaid work group contingent upon SB 2214 or similar legislation authorizing such a group becoming law.

From Medical Care Trust Fund	703,578,921	703,161,278
HEALTH, DEPARTMENT OF Health Services		
In Section 03 On Page 108		
485D Fixed Capital Outlay Design, Construction, Renovation And Equipment - Health Care Facilities - Local		
From General Revenue Fund	7,525,000	7,575,000
In Section 03 on page 63, INSERT proviso following existing proviso after Specific Appropriation 233:		

The funds in Specific Appropriation 233 represent a reduction of $332,837 from General Revenue and $417,643 from the Medical Care Trust Fund resulting from the implementation by the Agency for Health Care Administration of a disease management initiative for hemophilia.

HEALTH, DEPARTMENT OF Program Planning, Support And Regulation		
In Section 03 On Page 100		
428 Expenses		
In Section 03 on page 100 following Specific Appropriation 428, INSERT the following:		

Of the funds in Specific Appropriation 428, $150,000 of general revenue is provided to develop and implement a Healthy Communities Healthy People communication campaign.

Children And Family Services		
In Section 03 On Page 085		
339 Special Categories Grants And Aids - Child Abuse Program		
From General Revenue Fund	2,442,374	2,499,211
Following Specific Appropriation 329, INSERT:		

Of the funds in Specific Appropriation 329, $26,000 is provided to fund I'm Thumbody, a children's mental health prevention program of Broward County.

Senator Latvala moved the following amendment which was adopted:

Amendment 191—

In Section: 03 On Page: 099 Specific Appropriation: 425B

		Delete	Insert
	ELDER AFFAIRS, DEPARTMENT OF		
	In Section 03 On Page 099		
425B	Grants And Aids To Local Governments And Nonprofit Organizations Adult Day Care		
	From General Revenue Fund		375,000

Funds in Specific Appropriation 425B are provided for an Adult Day Care Program in Palm Harbor.

	HEALTH, DEPARTMENT OF Health Services		
	In Section 03 On Page 108		
485A	Fixed Capital Outlay Construction, Renovation And Repairs - State Tuberculosis Hospital		
	From General Revenue Fund	8,000,000	7,625,000

RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 191** was adopted.

Senators Latvala and Brown-Waite offered the following substitute amendment which was moved by Senator Brown-Waite and adopted:

Substitute Amendment 191—

In Section: 03 On Page: 099 Specific Appropriation: 425B

		Delete	Insert
	ELDER AFFAIRS, DEPARTMENT OF		
	In Section 03 On Page 099		
425B	Grants And Aids To Local Governments And Nonprofit Organizations Adult Day Care		
	From General Revenue Fund		375,000

Funds in Specific Appropriation 425B are provided for an Adult Day Care Program in Palm Harbor and the Pasco County Center in Zephyrhills.

	HEALTH, DEPARTMENT OF Health Services		
	In Section 03 On Page 108		
485A	Fixed Capital Outlay Construction, Renovation And Repairs - State Tuberculosis Hospital		
	From General Revenue Fund	8,000,000	7,625,000

Senator Kirkpatrick moved the following amendment:

Amendment 192—

In Section: 02 On Page: 026 Specific Appropriation: 103A

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 026		
103A	Aid To Local Governments Grants And Aids - Special Emphasis Program		

Add the following new proviso at the end of the second paragraph of proviso following Specific Appropriation 103A on page 26:

School districts may use as much as ten percent of their allocation of funds provided in Specific Appropriation 103A to address the "Year 2000" computer date problem.

Senator Dudley moved the following amendment to **Amendment 192** which was adopted:

Amendment 192A—

In Section: 02 On Page: 026 Specific Appropriation: 103A

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 026		
103A	Aid To Local Governments Grants And Aids - Special Emphasis Program		

Add the following new proviso at the end of the second paragraph of proviso following Specific Appropriation 103A on page 26:

School districts may use as much of their allocation of funds provided in Specific Appropriation 103A to address the "Year 2000" computer date problem as may be approved by DOE.

Amendment 192 as amended was adopted.

THE PRESIDENT PRESIDING

MOTIONS

On motion by Senator Sullivan, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments and technical changes in **SB 2400** as necessary.

On motion by Senator Sullivan, by two-thirds vote **SB 2400** as amended was read the third time by title and ordered engrossed.

On motion by Senator Sullivan, the vote on final passage on **SB 2400** was postponed until Monday, April 14, pursuant to Joint Rule 2.1 and Senate Rule 4.15, relating to the constitutional requirement for a 72-hour public review period on general appropriations bills.

RECESS

On motion by Senator Bankhead, the Senate recessed at 2:06 p.m. to reconvene at 2:35 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:52 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sullivan—

SB 2402—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

—was read the second time by title.

Senator Myers offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (with title amendment)—On page 6, between lines 10 and 11, insert:

Section 5. *For the purpose of implementing Specific Appropriations Items 214 through 265 of the 1997-1998 General Appropriations Act, the Agency for Health Care Administration will not capitate health maintenance organizations for the behavioral health care of adults who have a serious mental illness or substance abuse diagnosis or children with a serious emotional disturbance. The Agency for Health Care Administration will complete an evaluation of the delivery of behavioral health care in the District 6 and 14 pilot progam by January 31, 1998, and will as part of that evaluation determine and compare the administrative and direct service expenditures associated with the different contracting and payment methodologies used in the pilot area.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time;

Senator Klein moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 6, lines 11-22, delete all of those lines and insert:

Section 5. In order to implement Specific Appropriations 272 through 403 and 426 through 511A of the 1997-1998 General Appropriations Act, paragraph (c) of subsection (14) of section 216.181, Florida Statutes, 1996 Supplement, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(14)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funds appropriated to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services in Specific Appropriations *272* ~~304~~ through *403* ~~519~~ *and the Department of Health in Specific Appropriations 426 through 511A* of the *1997-1998* ~~1996-1997~~ General

And the title is amended as follows:

On page 1, line 17, after "Services" insert: and the Department of Health

Senator McKay moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 7, between lines 5 and 6, insert:

Section 7. *The Departments of Children and Families and Juvenile Justice shall undertake a study to determine the applicability of utilizing local funds as state match for eligible Title IV-E and Medicaid clients. This study shall consider the effect these local funds would have on the departments' ability to expand existing programs. Program expansion information shall include projected local fund totals, their specific effect on program component funding and expanded service categories. The departments, in conjunction with the Agency for Health Care Administration, shall request any waivers needed to implement these programs during fiscal year 1998-1999. A report on their efforts will be submitted by the involved agencies on their findings no later than January 1, 1998 to the Senate President, the Speaker of the House of Representatives and the Governor.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: directing the Departments of Children and Families and Juvenile Justice to conduct a study of certain funds as a state match for specified funds;

Senator Forman moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 7, between lines 5 and 6, insert:

Section 7. *For the purpose of implementing Specific Appropriations 272 through 403, Specific Appropriations 426 through 511A, and Specific Appropriations 898 through 936, the Department of Children and Family Services, the Department of Health, and the Department of Juvenile Justice shall collaboratively study and develop recommendations for a district budget flexibility initiative. This study must include participation by the Florida League of Cities, the Florida Association of Counties, staff of the Executive Office of the Governor, legislative staff, and other interested parties. The study must, at a minimum, address the following issues:*

(1) Allocation methodology to be used to distribute appropriations to the district and county level.

(2) Methodology and the process for interdistrict and intercounty reallocation of resources.

(3) Performance-based measures that will be used to monitor the success of such an initiative.

(4) Selection process and criteria for application of the initiative.

(5) Criteria for the local management team or organizational entity.

(6) Performance and financial reporting requirements.

(7) Legislative or executive oversight responsibilities.

(8) Applicability of chapter 216, Florida Statutes, to the initiative.

(9) Timeframes within which the initiative should operate.

The results of this study shall be completed by December 1, 1997, and shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by that date.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: requiring the Department of Children and Family Services, the Department of Health, and the Department of Juvenile Justice to use specified appropriations to conduct a study and develop recommendations for a district budget flexibility initiative; providing requirements for the study; requiring a report to the Governor and the Legislature;

Senator Burt moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 7, between lines 5 and 6, insert:

Section 7. *For the purpose of implementing Specific Appropriation 552 of the 1997-1998 General Appropriations Act, the Correctional Privatization Commission and the Department of Juvenile Justice may expend appropriated funds to assist in defraying impact costs that are incurred by a municipality or county and are associated with the opening and operating of a facility under the authority of the Correctional Privatization Commission or a facility operated under the authority of the Department of Juvenile Justice as a privatized facility located within that municipality or county. The amount paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality, or imposed by the county if the facility is located in the unincorporated portion of the county. This section is repealed on July 1, 1998.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to expend appropriated funds to defray impact costs of municipalities and counties associated with opening and operating a facility;

MOTIONS

On motion by Senator Sullivan, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments and technical changes in **SB 2402** as necessary.

On motion by Senator Sullivan, by two-thirds vote **SB 2402** as amended was read the third time by title and ordered engrossed.

On motion by Senator Sullivan, the vote on final passage on **SB 2402** was postponed until Monday, April 14, pursuant to Joint Rule 2.1 and Senate Rule 4.15, relating to the constitutional requirement for a 72-hour public review period on general appropriations bills.

On motion by Senator Horne—

CS for SB 1546—A bill to be entitled An act relating to public school financial reporting; amending s. 236.685, F.S., the Education Funding Accountability Act; requiring annual school financial reports; specifying reporting requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1546** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 1376—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; amending s. 230.2317, F.S.; revising provisions relating to a multiagency service network for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; repealing s. 230.23185, F.S., relating to a statewide crime watch program; amending s. 230.303, F.S., relating to compensation for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms "graduation rate," "habitual truancy rate," and "dropout rate"; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendments which were adopted:

Amendment 1—On page 53, line 1 through page 58, line 8, delete those lines and insert:

~~(5) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, must be prepared according to instructions issued by the Commissioner of Education and must include, without limitation:~~

(c)~~(a) A description of the program curriculum and assurances that~~ The program curriculum *must* ~~will~~ be developmentally appropriate according to current nationally recognized recommendations for high-quality prekindergarten programs.

~~(b) The estimated number of children who will participate in the program based upon a needs assessment that considers existing services and unmet needs.~~

~~(c) The projected percentage of children who will participate in the program and who are economically disadvantaged.~~

~~(d) The criteria used by the district to establish a sliding fee scale for participants who are not economically disadvantaged, and a description of the sliding scale.~~

~~(e) A description of the program's administrative and supervisory structure.~~

(d)~~(f)~~ The ratio of direct instructional staff to children~~. The ratio~~ must be 1 adult to 10 children, or a lower ratio. Upon written request from a school district, the commissioner may grant permission for a ratio of up to 1 adult to 15 children for individual schools or centers for which a 1-to-10 ratio would not be feasible.

(e)~~(g) Information on the training and qualifications of program staff, including an assurance that~~ All staff *must meet* ~~will have met~~ the following minimum requirements:

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Health and Rehabilitative Services to include the following areas: state and local rules that govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Beginning October 1, 1994, principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

5. ~~To be eligible for state funding, all program plans must include a requirement that~~ All personnel who are not certified under s. 231.17 must comply with screening requirements under ss. 231.02 and 231.1713.

~~(h) A description of proposed staff development activities, including arrangements for staff access to training in child growth and development and developmentally appropriate early childhood curriculum and integration with district master inservice plans required under s. 236.0811.~~

~~(i) A description of the number and location of all program sites and how each site is considered easily accessible to the population to be served and to coordinated services.~~

~~(j) A description of the arrangements for transporting children to and from the program sites and their homes, if appropriate.~~

(f)~~(k) A requirement that~~ Student participation *must* be contingent upon parental involvement.~~, and a description of~~ The parental involvement activities integral to the program~~, which~~ must include program site-based parental activities designed to fully involve parents in the program and ~~which~~ may include parenting education, home visitor activities, family support services coordination, and other activities.

~~(l) A description of the interagency coordinating council and efforts made to coordinate and maximize use of existing funds and community facilities, equipment, medical, educational, and social services, including coordination with adult literacy and vocational programs.~~

(g)~~(m) Identification of the days and hours when~~ Services are to be provided *during*~~, including~~ a school day and school year equal to or exceeding the requirements for kindergarten under ss. 228.041 and 236.013. ~~and~~ Strategies to provide care before school, after school, and 12 months a year, when needed,~~. The strategies specified by this paragraph~~ must be developed by the school district in cooperation with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services and ~~must be approved by~~ the district interagency coordinating council ~~established under subsection (11)~~. Programs may be provided on Saturdays and through other innovative scheduling arrangements.

~~(n) A description of the developmental and health screening and referral services to be provided each child in the program and assurances that needed developmental and health services will be provided through interagency coordination to the extent possible.~~

~~(o) A written description of the role of the program in the school district's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. The written description of the plan to involve the groups listed above must be submitted annually.~~

~~(p) A description of how the program will be coordinated with the district program for grades K through 3 and with district preschool programs for children with disabilities and migrant children, the teen parent program, and Chapter I programs.~~

~~(q) A tentative budget.~~

(h)~~(r)~~ *Parents must be provided an* ~~Strategies to allow for parental~~ option regarding a child's participation at a school-based site or among contracted sites, when such an option is appropriate and within the school district. The school district may consider availability of sites, transportation, staffing ratios, costs, and other factors in determining the assignment and setting district guidelines. Parents may request and be assigned a site other than one first assigned by the district, provided the parents pay the cost of transporting the child to the site of the parents' choice.

(i)~~(s)~~ *The* ~~Strategies for~~ school district *must coordinate* ~~coordination~~ with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services to verify family participation in the WAGES Program, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph (3)(a).

~~(6) PLAN APPROVAL.—The Commissioner of Education has the final authority to approve or disapprove plans and amended plans.~~

(4)~~(7)~~ EVALUATION.—Each school district shall conduct an evaluation of the effectiveness of the prekindergarten early intervention program. This evaluation shall include measures of the following:

(a) The children's achievement as measured by assessments upon entry into the program and upon completion of the program; and

(b) The children's readiness for kindergarten as measured by the instrument the district uses to assess the school readiness of all children entering kindergarten. The results of this evaluation must be maintained by the school district and made available to the public upon request.

Amendment 2—On page 65, lines 15-21, delete those lines and insert: *assign students to a program for disruptive students.* The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.

(b)~~2.~~ *Students in grades 4-12 shall be eligible for drop-out prevention programs. Eligible dropout prevention students shall be*

Amendment 3—On page 81, line 30, after the comma (,) insert: *or in accordance with s. 230.23175,*

Senator Lee moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 121, line 28 through page 124, line 26, delete those lines and insert:

Section 39. Subsection (4) of section 232.425, Florida Statutes, 1996 Supplement, is amended to read:

232.425 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(4) The student standards for participation in interscholastic extracurricular activities *must* ~~shall~~ be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the school district*; however, a school district may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students. Evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 232.02 to home education students generally. A home education student must be permitted access to any curricular activity, class, or program that is a prerequisite or corequisite of an interscholastic extracurricular activity for which the student has registered under subparagraph (3)(c)5.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 4, lines 9 and 10, delete those lines and insert: extracurricular student activities; providing for the

MOTION TO RECONSIDER AMENDMENT

Senator Rossin moved that the Senate reconsider the vote by which **Amendment 4** was adopted. The motion failed.

Senator Grant moved the following amendment which was adopted:

Amendment 5—On page 21, lines 23-31, delete those lines and insert: nominations of persons to fill such positions. The school board may reject for good cause any employee nominated. If the third nomination by the superintendent for any position is rejected for good cause, if the superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the school board, or if the superintendent fails to submit a nomination for reemployment within the time prescribed by law, the school board may proceed on its own motion to fill such position.

SENATOR CHILDERS PRESIDING

THE PRESIDENT PRESIDING

Senator Hargrett moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 84, lines 28-30, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 4 and 5, delete those lines and insert: amending s.

Pursuant to Rule 4.19, **CS for SB 1376** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jenne—

CS for SB 1992—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; prescribing guidelines for expenditure of lottery funds allocated to public schools; amending s. 229.58, F.S.; revising provisions relating to the establishment of school advisory councils; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1—On page 3, lines 7-9, delete those lines and insert: *The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of insuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large.* The school board shall review the membership

Senator Jenne moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, line 22, after the period (.) insert: ~~Business and other community members shall be selected by the school according to a procedure established by the school board.~~

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1992** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 197** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Latvala—

CS for HB 197—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing duties of school principals; amending s. 232.2462, F.S.; revising provisions relating to definition of high school credit; providing an effective date.

—a companion measure, was substituted for **CS for SB 178** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 197** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 398** was deferred.

On motion by Senator Meadows—

CS for SB 586—A bill to be entitled An act relating to education; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over the age of 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 232.17, F.S.; revising procedures relating to habitual truancy; amending s. 232.19, F.S.; revising procedures relating to habitual truancy; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (12) and (73) of section 39.01, Florida Statutes, 1996 Supplement, are amended to read:

39.01 Definitions.—When used in this chapter:

(12) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family

mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to *ss. 232.17 and 232.19* ~~s. 232.19~~ and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

The State Attorney may file a child-in-need-of-services petition after referring a child who is subject to compulsory school attendance and who either has 15 unexcused absences within 90 school days or fails to enroll in school to the appropriate agency for evaluation and after consulting with that agency.

(73) "To be habitually truant" means that:

(a) The child has 15 unexcused absences within 90 *school* days with or without the knowledge or justifiable consent of the child's parent or legal guardian*, is subject to compulsory school attendance under s. 233.01,* and is not exempt *under* ~~from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) ~~In addition to the actions described in s. 232.17, the school administration has completed the following~~ Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior *under ss. 232.17 and 232.19 have been completed.*~~:~~

~~1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;~~

~~2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;~~

~~3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and~~

~~4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.~~

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in *ss. 232.17 and 232.19* ~~this paragraph~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant *and shall be passed;*~~. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.~~

(c) A *school representative, designated according to school board policy* ~~school social worker or other person designated by the school administration, if the school does not have a school social worker~~, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 2. Subsections (28) and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has 15 unexcused absences within 90 *school* days with or without the knowledge or consent of the student's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01, and is not exempt under* ~~and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in~~ s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 39.

(29) DROPOUT.—A dropout is a student *not subject to* ~~over the age of~~ compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage or entrance into the military, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.0601, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Students not exempt from attendance pursuant to s. 232.06 and *who are subject to* ~~under the age of~~ compulsory school attendance *under s. 232.01 and* who stop attending school *are* ~~shall be known as~~ habitual truants as defined in subsection (28) and are not ~~to be~~ considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 3. Subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)(a) All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

(c) A child who attains the age of 16 years during the school year *is* ~~shall~~ not *subject to compulsory school attendance* ~~be required to attend school~~ beyond the date upon which he or she attains that age *if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must be signed by the child and the child's parent or legal guardian. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.*

(d) Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. 230.23166, pregnant or parenting teens shall be entitled to participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

(e) Beginning with the 1991-1992 school year and consistent with rules adopted by the state board, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services under rules adopted by the school board. Exceptional children who are deaf or hard of hearing, visually impaired, dual sensory impaired, severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have established conditions, or exhibit developmental delays, below age 3 may be eligible for special programs; or, if enrolled in other prekindergarten or day care programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.

(f) Homeless children, as defined in s. 228.041, must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist homeless children to meet the requirements of ss. 232.03, 232.0315, and 232.032, as well as local requirements for documentation.

Section 4. Section 232.17, Florida Statutes, 1996 Supplement, is amended to read:

232.17 *Enforcement of school attendance* ~~Attendance assistants; qualifications; compensation; duties.~~—*Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.* ~~Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:~~

~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE ASSISTANTS.—The school board, upon the recommendation of the superintendent, may employ and fix the compensation, including reimbursement for travel, of a sufficient number of qualified attendance assistants to guarantee regular attendance at school of all children of the district within compulsory school-age requirements who are not herein exempted from attendance.~~

~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:~~

~~(a) Maintain records.—Pupil accounting records, unless maintained by others assigned by the superintendent, shall be kept by attendance assistants. These records shall be on forms approved pursuant to regulations of the state board.~~

(1)~~(b)~~ Investigate nonenrollment and unexcused absences.—*A designated school representative* ~~In accordance with procedure established by the state board, attendance assistants~~ shall investigate cases of nonenrollment and unexcused absences from school of all children *subject to compulsory school attendance* ~~within the compulsory school age~~.

(2)~~(c)~~ Give written notice.—Under the direction of the superintendent, *a designated school representative* ~~the attendance assistant~~ shall give written notice, ~~either~~ in person or by *return-receipt* ~~registered~~ mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school or when the child has a minimum of 3 but fewer than 15 unexcused absences within 90 *school* days, requiring enrollment or attendance within 3 days *after* ~~from~~ the date of notice. If *the* ~~such~~ notice and requirement are ignored, the *designated school representative* ~~attendance assistant~~ shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions of s. 232.19(3) have been met. The superintendent may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. ~~No further written notice of the child's absence from school is required to be given to the parent, guardian, or other person having control unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.~~

(3)~~(d)~~ Return child to parent.—*A designated school representative* ~~The attendance assistant~~ shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is *not enrolled or is* absent from school during school hours *without an excuse*, and, when *the* ~~such~~ child *is* ~~has been~~ found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

~~(e) Visit home.—The attendance assistant shall visit promptly the home of each child of school age in his or her attendance district not in attendance upon the school, and of any child who should attend the Florida State School for the Deaf and the Blind, and who is reported as not enrolled in that school or as absent without excuse.~~

(4) Written notice.—If no valid reason is found for such nonenrollment or absence, ~~from such school or schools~~ the *designated school representative* ~~attendance assistant~~ shall give written notice to the parent, requiring the child's enrollment or attendance ~~as prescribed above~~. The *designated school representative* ~~attendance assistant~~ shall secure the written approval of the president of the Florida State School for the Deaf and the Blind before he or she directs or requests the parents of any child to take or send such child to that school. Ten days' notice must be given in the case of a child who is ordered sent to that school. On refusal or failure of the parent to meet such requirement, the *designated school representative* ~~attendance assistant~~ shall report the same to the superintendent, and that official shall proceed to take such action as is prescribed in s. 232.19(2).

(5)~~(f)~~ Report to the Division of Jobs and Benefits.—*A designated school representative* ~~The attendance assistant~~ shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(6)~~(g)~~ Right to inspect.—*An authorized school representative* ~~The attendance assistant~~ shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The *designated school representative* ~~attendance assistant~~ shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

(7)~~(h)~~ *Records* ~~Record of visits.~~—*Each designated school representative who performs duties according to this section* ~~The attendance assistant~~ shall keep an accurate record of all children returned to schools or homes, of all cases prosecuted, and of all other service performed. A written report of all such activities shall be made quarterly to the school board and shall be filed in the office of the superintendent.

(8) Pattern of nonattendance.—If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.

Section 5. Section 232.19, Florida Statutes, 1996 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, children under the provisions of this chapter. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a child who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the superintendent shall institute a criminal prosecution against the child's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor under its jurisdiction who accumulates 15 unexcused absences in a period of 90 school days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home-education program, may provide the department with the legal name, sex, date of birth, and social security number of each minor under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091 to the Department of Highway Safety and Motor Vehicles. The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor pursuant to the provisions of s. 322.091.

(3) HABITUAL TRUANCY CASES.—*In accordance with procedures established by the district school board, the school social worker or a designated school representative* ~~The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant~~ shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have 15 unexcused absences within 90 *school* days with or without the knowledge or consent of the child's parent or legal guardian, *must be subject to compulsory school attendance, and must not be exempt under* ~~and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to 15 unexcused absences within 90 *school* days, one or more meetings must have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the ~~school attendance assistant or~~ school social worker *or the designated school representative* has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.

3. ~~Educational evaluation, which may include~~ Psychological evaluation, *if recommended by the case-staffing committee,* must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(4) COOPERATIVE AGREEMENTS.—

~~(c)~~ The district manager of the Department of Juvenile Justice or the district manager's designee, *the district administrator of the Department of Children and Family Services or the district administrator's designee,* and the superintendent of the local school district or the superintendent's designee must *develop* ~~have developed~~ a cooperative interagency agreement *that:* ~~which~~

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families*;*~~.~~

(b) Identifies and implements measures to resolve and reduce truant behavior; ~~The interagency agreement shall specify that the participants~~

(c) Addresses ~~address~~ issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans;~~. The interagency agreement shall~~

(d) Delineates ~~delineate~~ timeframes for implementation and *identifies* ~~identify~~ a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed*; and*~~. The cooperative agreement may designate~~

(e) Designates which agency shall be responsible for the intervention steps in s. 39.01(73), or this section, *to* ~~if such designation shall~~ yield more effective and efficient intervention services.

(5)~~(4)~~ ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of pupils at a public, parochial, denominational, or private school, or of pupils taught by a private tutor, kept in compliance with rules and regulations of the state board is prima facie evidence of the facts which it is required to show. A certified copy of any rule or regulation and a statement of the date of its adoption and promulgation by the state board is admissible as prima facie evidence of the provisions of such rule or regulation and of the date of its adoption or promulgation.

(6)~~(5)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under the provisions of this chapter may be begun by the superintendent, by an attendance assistant, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education.

(7)~~(6)~~ PENALTIES.—The penalties for refusing or failing to comply with the provisions of this chapter shall be as follows:

(a) The parent.—A parent who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), is guilty of a misdemeanor of the second degree, punishable as provided by law. *A person convicted under this section may be sentenced to pay a fine, according to*

s. 775.083, in lieu of or in addition to the punishment provided by s. 775.082. Notwithstanding any other provision of this section, $25 shall be added to a fine imposed pursuant to this section, the proceeds of which shall be allocated annually by the county commission for use in truancy prevention programs. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, the court of the appropriate jurisdiction, upon finding that the parent has made a bona fide and diligent effort to control and keep the child in school, shall excuse the parent from any criminal liability prescribed herein and shall refer the parent and child for counseling, guidance, or other needed services.

(b) The principal or teacher.—A principal or teacher in charge of a school, public, parochial, denominational, or private, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—An employer who fails to notify the superintendent when he or she ceases to employ a child is guilty of a misdemeanor of the second degree, punishable as provided by law.

Section 6. Subsections (1) and (2) of section 322.05, Florida Statutes, 1996 Supplement, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(1) To a person who is under the age of 16 years, except that the department may issue a learner's driver's license to a person who is at least 15 years of age and who meets the requirements of *ss. 322.1615 and 322.091* ~~s. 322.161~~ and of any other applicable law or rule.

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person *meets the requirements of s. 322.091 and* holds a valid:

(a) Learner's driver's license for at least 6 months before applying for a license; or

(b) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 7. Subsection (3) is added to section 322.09, Florida Statutes, 1996 Supplement, as amended by section 4 of chapter 93-144, Laws of Florida, to read:

322.09 Application of minors.—

(3) The department may not issue a driver's license or learner's driver's license to any applicant under the age of 18 years who is not in compliance with the requirements of s. 322.091.

Section 8. Section 322.091, Florida Statutes, is created to read:

322.091 Attendance requirements.—

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:

(a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

(b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

(c) Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

(e) Has been issued a certificate of exemption according to s. 232.06; or

(f) Has received a hardship waiver under this section.

The department may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.—

(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 232.19, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.

(b) The minor, or the parent or guardian of the minor, has 15 calendar days following the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).

(c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver's license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver's license or learner's driver's license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.

(d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver's license or learner's driver's license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver's license or learner's driver's license and who was denied a hardship waiver.

(e) The department may not issue a driver's license or learner's driver's license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (5).

(3) HARDSHIP WAIVER AND APPEAL.—

(a) A minor, or the parent or guardian of a minor, has 15 calendar days following the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours of receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall take into consideration the recommendations of teachers, other school officials, guidance counselors, or academic advisers before waiving the requirements of subsection (1).

(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.

(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.

(4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance

for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years old or otherwise satisfies the requirements of subsection (1), whichever occurs first.

(5) REPORTING AND ACCOUNTABILITY.—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 9. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to enforcement of compulsory school attendance; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over the age of 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 232.17, F.S.; revising procedures relating to habitual truancy; amending s. 232.19, F.S.; revising procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or a learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for an additional fine to be imposed against a parent who fails to comply with the compulsory school-attendance requirements; providing that proceeds of the fine be used to fund truancy prevention programs; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home-education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school-attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school-attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 586** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 128** was deferred.

On motion by Senator Clary—

CS for SB 398—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing for rulemaking by the Florida Prepaid Postsecondary Education Expense Board; providing technical revisions; authorizing the board to construct contracts for dormitory residence; deleting the requirement that the board construct contracts for dormitory residence; providing for exemption from securities transactions laws; providing for refunds associated with the conversion of registration plans; reviving and readopting s. 240.552, F.S., relating to the Florida Prepaid Tuition Scholarship Program; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, line 31 through page 4, line 9, delete those lines and insert: *defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.* ~~The board shall solicit answers to applicable ruling requests from the Internal Revenue Service regarding the tax status of fees paid pursuant to an advance payment contract to the purchaser or qualified beneficiary and from the Securities and Exchange Commission regarding the application of federal securities laws to the trust. The board shall make the status of such requests known before entering into an advance payment contract.~~

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: defining the term "Internal Revenue Code of 1986"; deleting a requirement that the board, before entering into certain advance payment contracts, seek and disseminate certain information about the applicability of federal tax and securities laws to those contracts;

Pursuant to Rule 4.19, **CS for SB 398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jenne—

SB 72—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Jenne:

Amendment 1—On page 1, lines 11, 16 and 17 delete "1 million" and insert: 900,000

On motion by Senator Jenne, further consideration of **SB 72** with pending **Amendment 1** was deferred.

MOTION

On motion by Senator Ostalkiewicz, by two-thirds vote **SB 386** was removed from the Special Order Calendar and withdrawn from further consideration.

On motion by Senator Williams—

CS for SB 2004—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the

Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending ss. 255.28, 255.30, 255.507, F.S.; eliminating references to rules; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an appropriation; expressing legislative intent to reorganize the Department of Management Services and to revise the laws relating to the Career Service and Select Exempt Service Systems, the Innovation Investment Program, public property and publicly owned buildings, and the Correctional Privatization Commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 9, line 25 through page 10, line 17, delete those lines and insert:

(g) *In consultation with the Executive Office of the Governor, the department shall facilitate the statewide planning of the career service broadbanding compensation and classification system.*

1. Upon approval by the Executive Office of the Governor, the department shall begin developing the broadbanding system to ensure agency flexibility and accountability on a statewide basis, and shall have the authority to determine system modifications necessary to permit use by all agencies. The proposed structure shall address all issues raised in the January 1997 report on the "Review of the Department of Transportation Model Classification Plan" submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Department of Management Services shall provide alternatives for a rate funding formula that will not exceed the statewide cost under the current formula and will ensure that agencies are able to effectively recruit and retain employees. The Department of Transportation shall continue to use the model system it developed under s. 334.0445 until July 1, 1998.

2. Once the Executive Office of the Governor has approved a statewide broadbanding compensation and classification system, state agencies will come under the uniform personnel system based on an implementation schedule developed by the Department of Management Services and approved by the Executive Office of the Governor.

Amendment 2 (with title amendment)—On page 26, lines 20-25, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 13-19, delete those lines and insert: amending s. 957.03,

Pursuant to Rule 4.19, **CS for SB 2004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 1066—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; adding educational units to the definition of the term "agency"; amending s. 120.54, F.S.; deleting the requirement for rule development for rule repeal; authorizing an alternative method by which a person may receive a copy of a preliminary draft of a rule; clarifying that an agency's decision to use negotiated rulemaking is not final agency action; deleting references to the Department of Commerce; clarifying the time by which the small business ombudsman must provide regulatory alternatives to an agency; extending the period for filing a rule upon provision of regulatory alternatives to a rule; clarifying times for filing when a notice of change to a rule must be filed; extending the period for filing a rule; amending s. 120.541, F.S.; extending the period for filing a rule if a written alternative for a lower cost regulatory alternative to a rule is provided; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; authorizing an agency to limit grants of variance or waiver only to the extent necessary to achieve the purpose of the underlying statute; clarifying that agencies may not grant a variance or waiver to rules required by the Federal Government; requiring uniform rules of procedures to contain certain procedures related to waiver and variance; clarifying the procedure by which an agency may request additional necessary information during the review of a petition for waiver or variance; amending s. 120.56, F.S.; providing that a proceeding to determine a violation of s. 120.54(1), F.S., may be consolidated with other proceedings; eliminating authority to bring such an action in conjunction with certain other proceedings; amending s. 120.569, F.S.; conforming references; amending s. 120.57, F.S.; clarifying provisions governing expedited hearings; adding a decision, opinion, order or report of the presiding officer to the record of hearings not involving disputed facts; requiring agencies to use uniform bid protest procedural rules; amending s. 120.573, F.S.; clarifying the time when mediation is authorized; amending s. 120.574, F.S.; providing that intervenors are governed by the decision of the original parties regarding the summary-hearing process; amending s. 120.595, F.S.; providing an exception to the award of attorney's fees when an agency demonstrates that a statement is required by the Federal Government to implement or retain a delegated or approved program or to meet a condition to receipt of federal funds; amending s. 120.60, F.S.; requiring a notice of intent to deny a license to specify the grounds or basis; providing an exception; specifying criteria for procedures for agencies to take emergency action with respect to licenses; amending s. 120.65, F.S.; providing requirements for the director of the Division of Administrative Hearings; amending s. 120.66, F.S.; clarifying that a presiding officer may be an agency head or designee; amending s. 120.68, F.S.; providing for judicial review; amending s. 120.74, F.S.; specifying the frequency of rule reviews; amending s. 120.81, F.S.; providing that educational units and local units of government need not publish notices or the text of proposed rules in the Florida Administrative Weekly; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 14, line 31, after "*rule*" insert: *in s. 120.54(3)(e)2.*

Amendment 2—On page 23, line 19, after "*contain*" insert: *the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which the waiver or variance is sought,*

Amendment 3—On page 31, delete line 5 and insert:

2. Give parties or their counsel *the option* ~~an opportunity~~, at a

Amendment 4—On page 44, line 5, delete "*shall*" and insert: *need*

Pursuant to Rule 4.19, **CS for SB 1066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 1160—A bill to be entitled An act relating to historic preservation boards; repealing parts II, V, VI, VII and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; redesignating part IV of ch. 266, F.S., the Historic Tallahassee Preservation Board of Trustees, as part III of that chapter; amending s. 267.061, F.S., relating to state policy and responsibilities with respect to historic properties; providing that the Division of Historical Resources of the Department of State shall establish regional offices for the purpose of assisting in the delivery of historic preservation services; providing locations at which regional offices are to be established; providing for the establishment of citizen

support organizations; requiring the Department of State to contract with the City of St. Augustine for the management of state-owned properties managed by the Historic St. Augustine Preservation Board of Trustees; providing for use of proceeds from management of state-owned properties by the City of St. Augustine; providing for the transfer of specified funds to the City of St. Augustine; providing for transfer of ownership and responsibility of specified items to assist in the transition of the management of state-owned properties; requiring the Department of State to contract with specified nonprofit corporations for the purpose of continuing work performed by specified historic preservation boards; providing for use of proceeds from the management of state-owned properties by such corporations; providing for the transfer of specified funds to such corporations; providing specified requirements in the contracts; providing legislative intent with respect to the 1997-1998 General Appropriations Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1160** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 268—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; clarifying the liability of sureties; amending ss. 48.021, 98.015, eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0003, 266.0013, 266.0023, 266.0033, 266.0043, 266.0053, 266.0063, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation boards; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19 or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1—On page 13, lines 10 and 25, after the period (.) insert: *When a sheriff is appointed to fill a vacancy, a bond may not be a prerequisite to succession in office; however, if the county commission requires a bond for the office of sheriff the commission shall allow a period of 10 days after the effective date of the appointment in which the bond may be provided.*

Pursuant to Rule 4.19, **SB 268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 206—A bill to be entitled An act relating to environmental control; repealing s. 403.708(10)(b), F.S., which prohibits the distribution or sale of certain polystyrene foam or plastic-coated paper products; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 206** to **CS for HB 107**.

Pending further consideration of **SB 206** as amended, on motion by Senator McKay, by two-thirds vote **CS for HB 107** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator McKay—

CS for HB 107—A bill to be entitled An act relating to environmental control; repealing s. 403.708(3) and (10)(b), F.S., relating to the sale of containers connected to other containers by a separate holding device composed of plastic rings and to the prohibition on the sale of certain

biodegradable products used in conjunction with food for human consumption; providing an effective date.

—a companion measure, was substituted for **SB 206** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 107** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 26—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing that certain environmental permits are not required for maintenance dredging of portions of natural waterbodies within approved rights-of-way or drainage easements; providing limitations for such maintenance dredging; providing for notice to the water management district or the Department of Environmental Protection; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 26** to **CS for HB 57**.

Pending further consideration of **CS for SB 26** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 57** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motions by Senator Bronson, by two-thirds vote—

CS for HB 57—A bill to be entitled An act relating to environmental protection; amending s. 253.03, F.S.; prohibiting the control, regulation, permitting, or imposition of charges on certain severed materials; amending s. 369.20, F.S.; authorizing certain riparian owners to remove aquatic plants without certain permits under certain circumstances; exempting certain permits from certain water pollution operation permit requirements; amending s. 403.813, F.S.; exempting installation and repair of certain piers and docking facilities from certain permitting requirements; providing that certain environmental permits are not required for maintenance dredging of certain portions of natural water bodies within approved rights-of-way or drainage easements; providing limitations; specifying activities for which certain permits are not required under certain circumstances; prohibiting the Department of Environmental Protection from adopting certain rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 26** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 57** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 52—A bill to be entitled An act relating to asbestos removal programs; amending s. 376.60, F.S.; providing for the Department of Environmental Protection to reimburse local governments that have been approved to conduct asbestos removal programs under certain circumstances; removing fees for inspection of residential dwellings; exempting specified persons from the fees; prohibiting local governments from charging certain fees while being reimbursed by the department; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 52** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 360—A bill to be entitled An act relating to the Coastal Zone Protection Act of 1985; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 360** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1008** was deferred.

On motion by Senator Dantzler—

SB 1104—A bill to be entitled An act relating to citrus canker; amending s. 602.065, F.S.; revising disposition of funds received from the Federal Government for eradication of citrus canker; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1104** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

CS for SB's 530 and 848—A bill to be entitled An act relating to breast cancer treatment; creating s. 627.64171, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.64172, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6419, F.S.; including insureds who have been free from breast cancer for a period of time in the coverage requirements; prohibiting an insurer from denying, canceling, or failing to renew a health or accident insurance policy or exclude coverage or benefits under certain conditions; amending s. 627.651, F.S.; applying certain requirements for group coverage to multiple-employer welfare arrangements; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66121, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.66122, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; creating s. 641.31096, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 641.31, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by health maintenance organizations; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; providing a statement that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Senators Scott, Campbell, Grant and Williams offered the following amendment which was moved by Senator Scott and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.6417, Florida Statutes, is amended to read:

627.6417 ~~Optional~~ Coverage for surgical procedures and devices incident to mastectomy.—

(1) *Any* ~~An accident or~~ health insurance policy ~~issued, amended, delivered, or renewed in this state~~ that provides coverage for mastectomies must *also provide* ~~make available to the policyholder, as part of the application,~~ coverage for ~~the initial~~ prosthetic *devices* ~~device~~ and *breast* reconstructive surgery incident to the mastectomy. The insurer may charge an appropriate additional premium for the coverage required by this subsection. The coverage for prosthetic devices and *breast* reconstructive surgery *shall be* ~~is~~ subject to *any* ~~the~~ deductible and coinsurance conditions ~~applied to the mastectomy,~~ and all other terms and conditions applicable to other benefits. *Breast reconstructive surgery must be in a manner chosen by the treating physician, consistent with prevailing medical standards, and in consultation with the patient.* ~~If a mastectomy is performed and there is no evidence of malignancy, the coverage may be limited to the provision of the initial prosthetic device~~

~~and reconstructive surgery within 2 years after the date of the mastectomy.~~

(2) As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician, *and the term "breast reconstructive surgery" means surgery to reestablish symmetry between the two breasts.*

(3) This section does not apply to disability income, specified disease *other than cancer,* or hospital indemnity policies.

Section 2. Section 627.64171, Florida Statutes, is created to read:

627.64171 Coverage for length of stay and outpatient postsurgical care.—

(1) Any health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any health insurance policy that provides coverage for mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(3) An insurer subject to subsection (1) may not:

(a) Deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the policy for the purpose of avoiding the requirements of this section;

(b) Provide monetary payments or rebates to an insured patient to accept less than the minimum protections available under this section;

(c) Penalize or otherwise reduce or limit the reimbursement of an attending provider solely because the attending provider provided care to an insured patient under this section;

(d) Provide incentives, monetary or otherwise, to an attending provider solely to induce the provider to provide care to an insured patient in a manner inconsistent with this section; or

(e) Subject to the other provisions of this section, restrict benefits for any portion of a period within a hospital length of stay or outpatient care as required by this section in a manner that is less than favorable than the benefits provided for any preceding portion of such stay.

(4)(a) This section does not require an insured patient to have the mastectomy in the hospital or stay in the hospital for a fixed period of time following the mastectomy.

(b) This section does not prevent a policy from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits under this section, except that such cost-sharing may not exceed cost-sharing with other benefits.

(5) Except as provided in subsection (3), this section does not affect any agreement between an insurer and a hospital or other health care provider with respect to reimbursement for health care services provided, rate negotiations with providers, or capitation of providers, and does not prohibit appropriate utilization review or case management by the insurer.

(6) This section does not apply to disability income, specified diseases other than cancer, or hospital indemnity policies.

(7) As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

Section 3. Section 627.64172, Florida Statutes, is created to read:

627.64172 Requirements with respect to breast cancer and routine followup care.—Routine followup care to determine whether a breast cancer has recurred in a person who has been previously determined to be free of breast cancer does not constitute medical advice, diagnosis, care, or treatment for purposes of determining preexisting conditions, unless evidence of breast cancer is found during or as a result of the followup care.

Section 4. Section 627.6419, Florida Statutes, is amended to read:

627.6419 Requirements with respect to *breast cancer* ~~fibrocystic conditions.~~—

(1) An insurer may not deny the issuance or renewal of, or cancel, a policy of accident insurance or health insurance, nor include any exception or exclusion of benefits in a policy~~,~~ solely because the insured has been diagnosed as having a fibrocystic condition or a nonmalignant lesion that demonstrates a predisposition, unless the condition is diagnosed through a breast biopsy that demonstrates an increased disposition to developing breast cancer.

(2) An insurer may not deny the issuance or renewal of, or cancel, a policy of accident insurance or health insurance, nor include any exception or exclusion of benefits in a policy solely due to breast cancer, if the insured has been free from breast cancer for more than 2 years before the applicant's request for health insurance coverage.

(3) This section also applies to a policy of group, blanket, or franchise accident or health insurance and to a contract or evidence of coverage issued by a health maintenance organization.

Section 5. Subsection (4) of section 627.651, Florida Statutes, is amended to read:

627.651 Group contracts and plans of self-insurance must meet group requirements.—

(4) This section does not apply to any plan which is established or maintained by an individual employer in accordance with the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, or to a multiple-employer welfare arrangement as defined in s. 624.437(1), except that a multiple-employer welfare arrangement shall comply with ss. 627.419, 627.657, 627.6575, 627.6576, 627.6578, 627.6579, *627.6612, 627.66121, 627.66122,* 627.6615, 627.6616, and 627.662(6). This subsection does not allow an authorized insurer to issue a group health insurance policy or certificate which does not comply with this part.

Section 6. Subsection (2) of section 627.6515, Florida Statutes, 1996 Supplement, is amended to read:

627.6515 Out-of-state groups.—

(2) This part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(a) The policy is issued to an employee group the composition of which is substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group that is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; and

(c) The policy provides the benefits specified in ss. 627.419, 627.6574, 627.6575, 627.6579, *627.6612, 627.66121, 627.66122,* 627.6613, 627.667, 627.6675, and 627.6691.

Section 7. Section 627.6612, Florida Statutes, is amended to read:

627.6612 ~~Optional~~ Coverage for surgical procedures and devices incident to mastectomy.—

(1) *Any* ~~A~~ group, blanket, or franchise accident or health insurance policy ~~issued, amended, delivered, or renewed in this state~~ that provides coverage for mastectomies must *also provide* ~~make available to the policyholder~~ coverage for ~~the initial~~ prosthetic *devices* ~~device~~ and *breast* reconstructive surgery incident to the mastectomy. The insurer may charge an appropriate additional premium for the coverage required by this subsection. The coverage for prosthetic devices and *breast* reconstructive surgery *shall be* ~~is~~ subject to *any* ~~the~~ deductible and coinsurance conditions ~~applied to the mastectomy~~, and all other terms and conditions applicable to other benefits. *Breast reconstructive surgery must be in a manner chosen by the treating physician under contract with the health maintenance organization, consistent with prevailing medical standards, and in consultation with the patient.* ~~If a mastectomy is performed and there is no evidence of malignancy, the coverage may be limited to the provision of the initial prosthetic device and reconstructive surgery to within 2 years after the date of the mastectomy.~~

(2) As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician, *and the term "breast reconstructive surgery" means surgery to reestablish symmetry between the two breasts.*

Section 8. Section 627.66121, Florida Statutes, is created to read:

627.66121 Coverage for length of stay and outpatient post surgical care.—

(1) Any group, blanket, or franchise accident or health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any group, blanket, or franchise accident or health insurance policy that provides coverage for mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(3) An insurer subject to subsection (1) may not:

(a) Deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the policy for the purpose of avoiding the requirements of this section;

(b) Provide monetary payments or rebates to an insured patient to accept less than the minimum protections available under this section;

(c) Penalize or otherwise reduce or limit the reimbursement of an attending provider solely because the attending provider provided care to an insured patient under this section;

(d) Provide incentives, monetary or otherwise, to an attending provider solely to induce the provider to provide care to an insured patient in a manner inconsistent with this section; or

(e) Subject to the other provisions of this section, restrict benefits for any portion of a period within a hospital length of stay or outpatient care as required by this section in a manner that is less than favorable than the benefits provided for any preceding portion of such stay.

(4)(a) This section does not require an insured patient to have the mastectomy in the hospital or stay in the hospital for a fixed period of time following the mastectomy.

(b) This section does not prevent a policy from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits under this section, except that such cost-sharing may not exceed cost-sharing with other benefits.

(5) Except as provided in subsection (3), this section does not affect any agreement between an insurer and a hospital or other health care provider with respect to reimbursement for health care services provided, rate negotiations with providers, or capitation of providers and does not prohibit appropriate utilization review or case management by the insurer.

(6) This section does not apply to disability income, specified diseases other than cancer, or hospital indemnity policies.

(7) As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

Section 9. Section 627.66122, Florida Statutes, is created to read:

627.66122 Requirements with respect to breast cancer and routine followup care.—Routine followup care to determine whether a breast cancer has recurred in a person who has been previously determined to be free of breast cancer does not constitute medical advice, diagnosis, care, or treatment for purposes of determining preexisting conditions unless evidence of breast cancer is found during or as a result of the followup care.

Section 10. Subsection (12) of section 627.6699, Florida Statutes, 1996 Supplement, is amended to read:

627.6699 Employee Health Care Access Act.—

(12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT PLANS.—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment. As alliances are established under s. 408.702, each alliance shall also appoint an additional member to the committee.

2. The committee shall develop changes to the form and level of coverages for the standard health benefit plan and the basic health benefit plan, and shall submit the forms, and levels of coverages to the department by September 30, 1993. The department must approve such forms and levels of coverages by November 30, 1993, and may return the submissions to the committee for modification on a schedule that allows the department to grant final approval by November 30, 1993.

3. The plans shall comply with all of the requirements of this subsection.

4. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

5. After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.

(b)1. Each small employer carrier issuing new health benefit plans shall offer to any small employer, upon request, a standard health benefit plan and a basic health benefit plan that meets the criteria set forth in this section.

2. For purposes of this subsection, the terms "standard health benefit plan" and "basic health benefit plan" mean policies or contracts that a small employer carrier offers to eligible small employers that contain:

a. An exclusion for services that are not medically necessary or that are not covered preventive health services; and

b. A procedure for preauthorization by the small employer carrier, or its designees.

3. A small employer carrier may include the following managed care provisions in the policy or contract to control costs:

a. A preferred provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a

small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary. A carrier may use preferred provider arrangements or exclusive provider arrangements to the same extent as allowed in group products that are not issued to small employers.

b. A procedure for utilization review by the small employer carrier or its designees.

This subparagraph does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions, subject to the approval of the department, which have potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers. The carrier may use such provisions to the same extent as authorized for group products that are not issued to small employers.

4. The standard health benefit plan shall include:

a. Coverage for inpatient hospitalization;

b. Coverage for outpatient services;

c. Coverage for newborn children pursuant to s. 627.6575;

d. Coverage for child care supervision services pursuant to s. 627.6579;

e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;

f. Coverage for mammograms pursuant to s. 627.6613;

g. Coverage for handicapped children pursuant to s. 627.6615;

h. Emergency or urgent care out of the geographic service area; and

i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

5. The standard health benefit plan and the basic health benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the standard health benefit plan or the basic health benefit plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule amounts by 4 percent annually.

6. The basic health benefit plan shall include all of the benefits specified in subparagraph 4.; however, the basic health benefit plan shall place additional restrictions on the benefits and utilization and may also impose additional cost containment measures.

7. Sections 627.419(2), (3), and (4), 627.6574, *627.6612, 627.66121, 627.66122,* 627.6616, 627.6618, and 627.668 apply to the standard health benefit plan and to the basic health benefit plan. However, notwithstanding said provisions, the plans may specify limits on the number of authorized treatments, if such limits are reasonable and do not discriminate against any type of provider.

8. Each small employer carrier that provides for inpatient and outpatient services by allopathic hospitals may provide as an option of the insured similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available and the osteopathic hospital agrees to provide the service.

(c) If a small employer rejects, in writing, the standard health benefit plan and the basic health benefit plan, the small employer carrier may offer the small employer a limited benefit policy or contract.

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract for any small employer, the small employer carrier shall provide such employer group with a written statement that contains, at a minimum:

a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;

b. An explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization; and

c. An explanation of the primary and preventive care features of the policy or contract.

Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.

2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:

a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;

b. Acknowledges the limited nature of the coverage and an understanding of the managed care and cost control features of the policy or contract;

c. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and

d. If a limited plan is requested, acknowledges that the prospective policyholder had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.

A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.

3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.

4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

(e)1. A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the insurer has filed it with the department and the department has approved it under ss. 627.410, 627.4106, and 627.411.

2. A small employer carrier must file with the department by December 1, 1993, the standard and basic health benefit plan that it intends to initially use to comply with this subsection during calendar year 1994, together with the rates therefor, and the department must approve the submissions by January 1, 1994.

Section 11. Section 641.31096, Florida Statutes, is created to read:

641.31096 Requirements with respect to breast cancer and routine followup care.—Routine followup care to determine whether a breast cancer has recurred in a person who has been previously determined to be free of breast cancer does not constitute medical advice, diagnosis, care, or treatment for purposes of determining preexisting conditions unless evidence of breast cancer is found during or as a result of the followup care.

Section 12. Subsections (29) and (30) are added to section 641.31, Florida Statutes, 1996 Supplement, to read:

641.31 Health maintenance contracts.—

(29)(a) Health maintenance contracts that provide coverage, benefits, or services for breast cancer treatment may not limit inpatient hospital coverage for mastectomies to any period that is less than that determined

by the treating physician under contract with the health maintenance organization to be medically necessary in accordance with prevailing medical standards and after consultation with the covered patient. Such contract must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional under contract with the health maintenance organization qualified to provide postsurgical mastectomy care. The treating physician under contract with the health maintenance organization, after consultation with the covered patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the covered patient.

(b) A health maintenance organization subject to this subsection may not:

1. Deny to a covered person eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the contract for the purpose of avoiding the requirements of this subsection;

2. Provide monetary payments or rebates to a covered patient to accept less than the minimum protections available under this subsection;

3. Penalize or otherwise reduce or limit the reimbursement of an attending provider solely because the attending provider provided care to a covered patient under this subsection;

4. Provide incentives, monetary or otherwise, to an attending provider solely to induce the provider to provide care to a covered patient in a manner inconsistent with this subsection; or

5. Subject to the other provisions of this subsection, restrict benefits for any portion of a period within a hospital length of stay or outpatient care as required by this subsection in a manner that is less than favorable than the benefits provided for any preceding portion of such stay.

(c)1. This subsection does not require a covered patient to have the mastectomy in the hospital or stay in the hospital for a fixed period of time following the mastectomy.

2. This subsection does not prevent a contract from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits pursuant to this subsection, except that such cost-sharing shall not exceed cost-sharing with other benefits.

(d) Except as provided in paragraph (b), this subsection does not affect any agreement between a health maintenance organization and a hospital or other health care provider with respect to reimbursement for health care services provided, rate negotiations with providers, or capitation of providers, and does not prohibit appropriate utilization review or case management by the health maintenance organization.

(e) As used in this subsection the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

(30) A health maintenance contract that provides coverage for mastectomies must also provide coverage for prosthetic devices and breast reconstructive surgery incident to the mastectomy. As used in this subsection, the term "breast reconstructive surgery" means surgery to reestablish symmetry between the two breasts. Such surgery must be in a manner chosen by the treating physician under contract with the health maintenance organization, consistent with prevailing medical standards, and in consultation with the patient. The health maintenance organization may charge an appropriate additional premium for the coverage required by this subsection. The coverage for prosthetic devices and breast reconstructive surgery shall be subject to any deductible and coinsurance conditions.

Section 13. *This act fulfills an important state interest.*

Section 14. This act shall take effect October 1, 1997, and shall apply to policies and contracts issued or renewed after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to breast cancer treatment; amending s. 627.6417, F.S.; requiring certain health insurance policies to provide coverage for breast reconstructive surgery and prosthetic devices; creating s. 627.64171, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.64172, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6419, F.S.; including insureds who have been free from breast cancer for a period of time in the coverage requirements; prohibiting an insurer from denying, canceling, or failing to renew a health or accident insurance policy or exclude coverage or benefits under certain conditions; amending s. 627.651, F.S.; applying certain requirements for group coverage to multiple-employer welfare arrangements; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; amending s. 627.6612, F.S.; requiring certain health insurance policies to provide coverage for breast reconstructive surgery and prosthetic devices; creating s. 627.66121, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.66122, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; creating s. 641.31096, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 641.31, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by health maintenance organizations; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; requiring health maintenance organization contracts to provide coverage for breast reconstructive surgery and prosthetic devices; providing a statement that the act fulfills an important state interest; providing an effective date.

Pursuant to Rule 4.19, **CS for SB's 530 and 848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead—

SB 602—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; including Flagler County within a list of counties excluded from the provisions of the Water and Wastewater System Regulatory Law; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 602** to **HB 555**.

Pending further consideration of **SB 602** as amended, on motion by Senator Bankhead, by two-thirds vote **HB 555** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Bankhead—

HB 555—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; including Collier, Flagler, and Hernando counties within a list of counties excluded from the provisions of the Water and Wastewater System Regulatory Law; providing an effective date.

—a companion measure, was substituted for **SB 602** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 555** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 558—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; requiring the Public Service Commission to extend time periods and reschedule events by the number of days a utility is late in providing discovery; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, following the period (.) insert: *In addition to the time extension caused by the delay, the commission shall have 120 days to hold the final hearing.*

Pursuant to Rule 4.19, **CS for SB 558** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 1008—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that all dates tied to the date of the second primary remain unchanged; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (with title amendment)—On page 1, line 21 through page 2, line 2, delete those lines and insert:

Section 1. *Notwithstanding section 100.091, Florida Statutes, or any other law to the contrary, the date of the second primary election in 1998 is changed from Tuesday, September 29, 1998, to Thursday, October 1, 1998. However, for purposes of the 1998 general election cycle, all dates in the Florida Election Code tied to the date of the second primary election remain set as if the second primary election were to be held on September 29, 1998, except that elections to be held in conjunction with the second primary election shall be held on October 1, 1998, and restrictions on changes in party affiliation between the first and second primary elections shall remain in effect for the extended period resulting from the change in the date of the second primary election effected by this act.*

And the title is amended as follows:

On page 1, line 5, after "unchanged" insert: , with specified exceptions

Senator Campbell moved the following amendment:

Amendment 2 (with title amendment)—On page 2, lines 3 and 4, delete those lines and insert:

Section 2. Effective January 1, 1998, subsection (4) of section 106.141, Florida Statutes, as amended by CS/HB 461, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.

2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

3. Give *not more than $10,000 of* the funds that have not been spent or obligated to the political party of which such candidate is a member.

4. Give the funds that have not been spent or obligated:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, lines 5 and 6, delete those lines and insert: second primary remain unchanged, with specified exceptions; amending s. 106.141, F.S.; restricting the amount of surplus funds that may be given to a political party; providing effective dates.

POINT OF ORDER

Senator Burt raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

The President referred the point of order, amendment and the bill to the Committee on Rules and Calendar.

Further consideration of **SB 1008** as amended was deferred.

Consideration of **CS for SB 800** was deferred.

On motion by Senator Gutman—

CS for SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to personnel of such laboratories; amending s. 483.061, F.S.; authorizing the agency to perform on-site or off-site inspections; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 4, line 18, delete "*1997*" and insert: *1998*

Pursuant to Rule 4.19, **CS for SB 270** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 486—A bill to be entitled An act relating to assistive technology devices; creating part III of chapter 427, F.S.; creating the "Assistive Technology Device Warranty Act"; providing definitions; requiring an express warranty for manufacturers who sell assistive technology devices; requiring refund, replacement, or repair of nonconforming assistive technology devices; requiring disclosure of reasons for return before resale or re-lease; allowing consumers the option of submitting disputes to arbitration; permitting action for damages for violation of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott, by two-thirds vote **CS for HB 541** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Scott—

CS for HB 541—A bill to be entitled An act relating to the management and regulation of financial institutions; amending s. 280.02, F.S.; revising a definition; amending s. 655.005, F.S.; revising definitions; amending s. 655.0322, F.S.; applying prohibited acts and practices provisions to state or federal savings banks; providing penalties; amending s. 655.045, F.S.; deleting a report requirement; amending s. 655.41, F.S.; revising a definition; amending s. 655.414, F.S.; requiring approval by the Department of Banking and Finance for a financial entity to acquire

certain financial entities; providing for a nonrefundable filing fee; deleting a requirement to file a separate application for each branch office; amending s. 658.21, F.S.; revising criteria for approval of applications; amending s. 658.23, F.S.; clarifying information required in articles of incorporation; amending s. 658.26, F.S.; providing for approval of a branch application under certain circumstances; revising provisions providing for relocation of certain offices in this state; providing a definition; amending s. 658.295, F.S.; revising certain acquisition criteria; deleting an obsolete provision; amending s. 658.2953, F.S.; correcting a threshold date reference; deleting certain requirements for notice of establishment and maintenance of a branch in this state by an out-of-state bank; revising certain filing requirements and trust powers; amending s. 658.73, F.S.; revising application fee provisions; providing for partial refund under certain circumstances; amending s. 663.06, F.S.; providing for indefinite operation of an international banking corporation; deleting temporary operation provisions; amending s. 663.12, F.S.; clarifying certain filing fee provisions; creating ss. 667.001-667.013, F.S.; providing a short title; providing definitions; providing applicability; providing for a name; providing for reorganization, merger, or consolidation; providing for conversion of certain banks or associations to capital stock savings banks; providing requirements; imposing a fee; providing powers and duties of the department under certain circumstances; providing for acquisition of assets or control of savings banks; providing criteria and requirements; specifying powers of savings banks; providing for loans and loan expenses; providing for dealing with successors in interest; providing for foreign savings banks; amending s. 737.101, F.S.; clarifying application of principal place of administration provisions to certain trusts; exempting certain financial institutions resulting from an interstate merger transaction from certain prohibitions; providing for future repeal; repealing s. 658.295(6)(e), F.S., relating to certain notice of acquisitions; providing effective dates.

—a companion measure, was substituted for **CS for SB 410** and read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 48, between lines 2 and 3, insert:

Section 17. Subsection (1) of section 280.03, Florida Statutes, 1996 Supplement, is amended to read:

280.03 Public deposits to be secured; exceptions.—

(1)*(a)* All public deposits shall be secured as provided in this chapter. *Notwithstanding the provisions of any other law, a public deposit as defined in s. 280.02(13) may be deposited in a qualified public depository as defined in s. 280.02(16).*

(b) Public funds shall not be deposited directly or indirectly in negotiable certificates of deposit. Except as otherwise provided by law, no public deposit may be made except in a qualified public depository.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 280.03, F.S.; allowing for the deposit of state and local government funds in qualified public depositories;

Pursuant to Rule 4.19, **CS for HB 541** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

SB 406—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.0605, F.S.; providing a fee for a saltwater fishing license for fishing from any pier attached to the land at the discretion of the owner, operator, or custodian of the pier; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 406** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 10.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 9, 1997: SB 2400, SB 2402, CS for SB 1546, CS for SB 1376, CS for SB 1992, CS for SB 178, CS for SB 398, CS for SB 586, SB 128, SB 72, SB 386, CS for SB 2004, CS for SB 1066, CS for SB 1160, SB 268, SB 206, CS for SB 26, SB 52, CS for SB 360, SB 1008, SB 1104, CS for SB's 530 and 848, SB 602, CS for SB 558, CS for SB 800, CS for SB 270, SB 486, CS for SB 410, SB 406

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 674 with 1 amendment, SB 2180 with 1 amendment, SB 2230 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 494 with 1 amendment, SB 2076 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2064 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1844 with 2 amendments

The Committee on Education recommends the following pass: SB 1458

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2342

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: CS for SB's 552, 1960 and 822 with 3 amendments

The Committee on Community Affairs recommends the following pass: SB 1470 with 1 amendment

The Committee on Transportation recommends the following pass: SB 2272 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1362

The Committee on Health Care recommends the following pass: CS for HB 69 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1954 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1050, CS for SB 1778 with 2 amendments, SB 2040

The Committee on Criminal Justice recommends the following pass: SB 314

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 838 with 3 amendments

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Community Affairs recommends the following pass: SB 950

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Executive Business, Ethics and Elections recommends the following pass: SJR 452 with 1 amendment, SB 1856

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 716 with 5 amendments, SB 862

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends the following pass: CS for SB 1420 with 3 amendments

The Committee on Banking and Insurance recommends the following pass: SB 714 with 1 amendment, SB 1060, CS for SB 2066 with 2 amendments

The Committee on Children, Families and Seniors recommends the following pass: SB 1044, SB 1750

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1018 with 4 amendments, SB 1158, SB 1828 with 1 amendment, SB 1908 with 1 amendment

The Committee on Community Affairs recommends the following pass: SJR 184, CS for SB 722, SB 902, SB 2282

The Committee on Criminal Justice recommends the following pass: SB 874, SB 1304 with 1 amendment, SB 2002

The Committee on Education recommends the following pass: CS for HB 703 with 2 amendments, SB 1604 with 2 amendments, SB 2372

The Committee on Governmental Reform and Oversight recommends the following pass: SB 408, SB 988 with 1 amendment, SB 1932

The Committee on Health Care recommends the following pass: CS for SB 362, SB 1676 with 1 amendment, CS for SB 1836 with 1 amendment, SB 2250

The Committee on Transportation recommends the following pass: CS for SB 1968 with 2 amendments, SB 2248, SB 2416

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 210, SB 1186, SB 1848

The Committee on Criminal Justice recommends the following pass: SB 1652 with 1 amendment, SB 1874

The Committee on Education recommends the following pass: SB 1734

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 1714 with 1 amendment, SB 2222

The Committee on Health Care recommends the following pass: SB 1372 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SB 1706

The bill was laid on the table.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 548

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 2232, SB 2234

The bills with committee substitutes attached were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1782

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2138

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2154

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: Senate Bills 916 and 1150

The Committee on Community Affairs recommends a committee substitute for the following: SB 612

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 496

The Committee on Health Care recommends committee substitutes for the following: SB 872, SB 1218

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 246, SB 470

The bills with committee substitutes attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Community Affairs and Senator Turner—

CS for SB 246—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

By the Committee on Community Affairs and Senator Gutman—

CS for SB 470—A bill to be entitled An act relating to alcoholic beverages; amemding s. 561.01, F.S.; defining the term "entertainment/resort complex"; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

By the Committees on Governmental Reform and Oversight; Health Care and Senators Brown-Waite, Grant and Forman—

CS for CS for SB 496—A bill to be entitled An act relating to the regulation of orthotists and prosthetists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating and educational programs task force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that provisions relating to the regulation and licensure of orthotic fitters or orthotic fitter assistants is not applicable to licensed pharmacists under certain conditions; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Gutman—

CS for SB 548—A bill to be entitled An act relating to retirement funds; amending s. 175.071, F.S.; prescribing authorized investments for firefighters' pension trust funds; amending s. 185.06, F.S.; prescribing authorized investments for municipal police officers' retirement trust funds; providing an effective date.

By the Committee on Community Affairs and Senator Brown-Waite—

CS for SB 612—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

By the Committee on Health Care and Senators Forman, Gutman, Grant, Brown-Waite, Campbell, Sullivan and Klein—

CS for SB 872—A bill to be entitled An act relating to trauma centers; amending s. 395.402, F.S.; providing legislative recognition of pediatric trauma referral centers; providing legislative intent regarding factors to be considered in devising planning guidelines; prescribing the number and types of patients to be treated at pediatric trauma referral centers; amending s. 395.4025, F.S.; providing for the selection of state-approved trauma centers and pediatric trauma referral centers; amending procedures for renewing verification; entitling an applicant hospital to receive copies of certain information; providing an effective date.

By the Committee on Banking and Insurance; and Senators Grant and Williams—

CS for SB's 916 and 1150—A bill to be entitled An act relating to breast reconstructive surgery; amending ss. 627.6417, 627.651, 627.6515, 627.6612, 627.6699, F.S.; requiring certain health insurance policies to provide coverage for breast reconstructive surgery and prosthetic devices; amending s. 641.31, F.S.; requiring health maintenance organization contracts to provide coverage for breast reconstructive surgery and prosthetic devices; declaring that the act fulfills an important state interest; providing an effective date.

By the Committee on Health Care and Senator Dudley—

CS for SB 1218—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.7015, F.S.; exempting free-standing radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Meadows—

CS for SB 1782—A bill to be entitled An act relating to fathers; amending ss. 383.0112, 383.0113, 383.216, F.S., relating to the Commission on Responsible Fatherhood; postponing date of a statewide symposium; revising appointment of commission members; providing terms; providing for assignment to the Department of Health; providing for inclusion of certain programs in the plan of each prenatal and infant health care coalition; amending s. 414.028, F.S.; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Myers—

CS for SB 2138—A bill to be entitled An act relating to bond validation; amending s. 75.07, F.S.; providing intervention by interested persons; amending s. 75.08, F.S.; prescribing those parties entitled to appeal an action to validate bonds; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Ostalkiewicz—

CS for SB 2154—A bill to be entitled An act relating to efficiency in government; providing legislative intent; directing the Department of Management Services to work with executive agencies to reduce the layers of management in agencies and to increase agency-wide employee-to-supervisor ratios; providing for reports; requiring notification; directing the department to simplify the state's job classification system;

providing for reports; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 2232—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S., the Home Medical Equipment Provider Licensure Act; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of a toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; amending s. 400.464, F.S.; requiring licensure of a home infusion therapy provider as a home health agency; defining the term "home infusion therapy provider"; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 2234—A bill to be entitled An act relating to public records; providing an exemption from the Public Records Law for certain information about patients who are customers of home medical equipment providers; providing an exemption from the Public Records Law for applicants for licensure as home medical equipment providers; providing an exemption from the Public Records Law for certain information about prospective employees of a home medical equipment provider; providing for future review and repeal of exemptions; providing findings of public necessity; providing a contingent effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Board of Auctioneers		
Appointee:	Cretul, Jimmy, Ocala	10/31/2000
Florida Corrections Commission		
Appointee:	Sansom, Ray, Destin	06/30/2000
Board of Directors, Florida International Trade and Economic Development Board		
Appointee:	Hendry, Robert Ryon, Winter Park	11/21/2000
Board of Hearing Aid Specialists		
Appointee:	Currow, Neal C., Panama City	10/31/1997
Board of Opticianry		
Appointee:	Rowley, Harry Clayton, Port Orange	10/31/1997
Public Employees Relations Commission		
Appointee:	Gertz, Sally Caroline, Tallahassee	01/01/2001
Northeast Florida Regional Planning Council, Region 4		
Appointee:	Burney, Betty Seabrook, Jacksonville	10/01/1998
Board of Professional Surveyors and Mappers		
Appointee:	Woodward, Charles George, Merritt Island	10/31/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the Northwest Florida Water Management District		
Appointees:	Middlemas, John Robert, Jr., Southport	03/01/2001
	Roberts, Charles W., Tallahassee	03/01/2001
Governing Board of the St. Johns River Water Management District		
Appointee:	Mason, Otis Alphonso, St. Augustine	03/01/2001
Governing Board of the Suwannee River Water Management District		
Appointee:	Howell, Maceo, Jr., Jennings	03/01/2001

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 57 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Water and Resource Management; and Representative Ball and others—

CS for HB 57—A bill to be entitled An act relating to environmental protection; amending s. 253.03, F.S.; prohibiting the control, regulation, permitting, or imposition of charges on certain severed materials; amending s. 369.20, F.S.; authorizing certain riparian owners to remove aquatic plants without certain permits under certain circumstances; exempting certain permits from certain water pollution operation permit requirements; amending s. 403.813, F.S.; exempting installation and repair of certain piers and docking facilities from certain permitting requirements; providing that certain environmental permits are not required for maintenance dredging of certain portions of natural water bodies within approved rights-of-way or drainage easements; providing limitations; specifying activities for which certain permits are not required under certain circumstances; prohibiting the Department of Environmental Protection from adopting certain rules; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 7 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 70; Cowin—SB 1638; Dyer—SB 70; Forman—SB 70, CS for SB 546; Harris—SJR 2286; Klein—SB 70, CS for SB's 530 and 848, SB 1008; Kurth—SB 1842; Meadows—SB 70; Myers—SB 1044; Rossin—SB 70; Silver—SB 70; Sullivan—CS for SB 1312; Turner—SB 70

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, April 10.

Journal of the Senate

Number 13—Regular Session **Thursday, April 10, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Excused: Senator Horne at 2:48 p.m.

PRAYER

The following prayer was offered by the Rev. Dan Johnson, Pastor, Trinity United Methodist Church, Gainesville:

Gracious and all wise God, we ask that you enable these folks to be receptive and responsive to your will, and to do what is right in your sight. Amen.

PLEDGE

Senate Pages, Katina Demps of Boynton Beach and Wilmide Philossaint of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Williams—

By Senators Williams, Kirkpatrick, Horne, Jenne, Crist, Childers, McKay, Grant, Thomas, Ostalkiewicz, Dyer, Holzendorf, Meadows, Rossin, Harris, Jones, Klein, Turner, Casas, Bronson, Hargrett, Lee, Campbell, Scott and Bankhead—

SR 2334—A resolution declaring April 10, 1997, as FSU Day, in recognition of the 50th anniversary of its transformation into a major research university.

WHEREAS, the 50th anniversary of The Florida State University comes in the 146th year since the establishment of the institution by the Florida Legislature as the Seminary West of the Suwannee River, and

WHEREAS, its Tallahassee campus is the oldest continuous site of higher education in Florida, and

WHEREAS, building on one of the nation's finest liberal arts Colleges for Women, Florida State, by 1960, had become nationally recognized as a major research university, and

WHEREAS, sources cite this conversion from a woman's liberal arts college to a research university as one of the few successful such conversions in the United States, and

WHEREAS, today, Florida State University is ranked as a Carnegie I Research Institution, and

WHEREAS, the far-sighted support of the Legislature to provide state funding for the development of scientific research laboratories, which led to unprecedented federal support for, and recognition of, the emerging university, contributed to the early success of Florida State University, and

WHEREAS, state support for these scholarly activities continues today, and

WHEREAS, while developing internationally recognized programs in the Fine and Performing Arts and in the Basic and Social Sciences, Florida State University has also developed strong student life programs including one of the major Intercollegiate Athletic programs in the country, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 10, l997, is recognized as FSU Day in Tallahassee and in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Talbot "Sandy" D'Alemberte, President of The Florida State University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Williams, **SR 2334** was read the second time in full and adopted.

SPECIAL GUEST

Senator Williams introduced Sandy D'Alemberte, President of The Florida State University, who was present in the chamber.

Upon request of the President, Senators Williams, Childers, Horne, Grant, Crist, McKay and Jenne, all FSU Alumni, escorted President D'Alemberte to the rostrum where he was presented a copy of the resolution.

At the request of Senator Clary—

By Senator Clary—

SR 726—A resolution designating April 10, 1997, as "Submarine Sailors Day."

WHEREAS, all men and women who have so proudly served their country in the uniform of the United States Armed Forces are deserving of the gratitude and appreciation of all Americans, and

WHEREAS, veterans from all branches of our Armed Forces have contributed so meaningfully to our national defense and have helped to preserve our freedom here at home, and

WHEREAS, among the many organizations representing the various branches of our Armed Forces, the United States Submarine Veterans represent a special and dedicated group of sailors who have bravely served their nation, and

WHEREAS, American military personnel serving aboard submarines perform a uniquely rigorous type of military service which involves long periods of isolation and confinement, requires tremendous discipline, endurance, and self-control, and which places them in frequent danger, and

WHEREAS, it is important and appropriate that the citizens of the State of Florida recognize and commend all United States submarine sailors, past and present, for their accomplishments and their supreme devotion to duty, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 10, 1997, as "Submarine Sailors Day" in honor of the extraordinary military service performed by American military personnel, past and present, serving aboard submarines.

—**SR 726** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 330**, **SB 372**, **SB 426**, **CS for SB 1686** and **CS for SB 716** were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead, by two-thirds vote **SB 2386** was withdrawn from the Committee on Community Affairs; **CS for SB's 1216 and 2024** was withdrawn from the Committee on Ways and Means and referred to the Committees on Commerce and Economic Opportunities; and Criminal Justice; and **CS for SB's 552, 1960 and 822** was withdrawn from the Committee on Criminal Justice.

MOTIONS

On motion by Senator Bankhead, a deadline of 3:00 p.m. Friday, April 11, was set for filing amendments to Bills on Third Reading to be considered Monday, April 14.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1546—A bill to be entitled An act relating to public school financial reporting; amending s. 236.685, F.S., the Education Funding Accountability Act; requiring annual school financial reports; specifying reporting requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for SB 1546** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 1376—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; amending s. 230.2317, F.S.; revising provisions relating to a multiagency service network for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; amending s. 230.303, F.S., relating to compensation for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms "graduation rate," "habitual truancy rate," and "dropout rate"; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; providing for the accessibility of such activities to home education students; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program,

comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Cowin, **CS for SB 1376** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 1992—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; prescribing guidelines for expenditure of lottery funds allocated to public schools; amending s. 229.58, F.S.; revising provisions relating to the establishment of school advisory councils; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Jenne, **CS for SB 1992** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Dantzler	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for HB 197—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent; providing for end-of-high-school destinations; providing for student progression toward a chosen destination; providing Department of Education duties; providing course requirements; providing duties of school principals; amending s. 232.2462, F.S.; revising provisions relating to definition of high school credit; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for HB 197** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 398—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing for rulemaking by the Florida Prepaid Postsecondary Education Expense Board; providing technical revisions; authorizing the board to construct contracts for dormitory residence; deleting the requirement that the board construct contracts for dormitory residence; defining the term "Internal Revenue Code of 1986"; deleting a requirement that the board, before entering into certain advance payment contracts, seek and disseminate certain information about the applicability of federal tax and securities laws to those contracts; providing for exemption from securities transactions laws; providing for refunds associated with the conversion of registration plans; reviving and readopting s. 240.552, F.S., relating to the Florida Prepaid Tuition Scholarship Program; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Clary, **CS for SB 398** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jenne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Kurth

CS for SB 586—A bill to be entitled An act relating to enforcement of compulsory school attendance; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over the age of 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory

school attendance requirements; amending s. 232.17, F.S.; revising procedures relating to habitual truancy; amending s. 232.19, F.S.; revising procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or a learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for an additional fine to be imposed against a parent who fails to comply with the compulsory school-attendance requirements; providing that proceeds of the fine be used to fund truancy prevention programs; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home-education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school-attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school-attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; providing an effective date.

—as amended April 9 was read the third time by title.

Senator Meadows moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 3, lines 17 and 28 and on page 4, lines 4 and 5, delete "Health and Rehabilitative" and insert: *Children and Family* ~~Health and Rehabilitative~~

Amendment 2—On page 6, delete line 10 and insert: determined to be habitually truant *and shall be passed. The State Attorney may file a child-in-need-of-services petition after referring a child who is subject to compulsory school attendance and who either has 15 unexcused absences within 90 school days or fails to enroll in school to the appropriate agency for evaluation and after consulting with that agency.* ~~If a~~

Amendment 3—On page 4, lines 14-19, delete those lines

On motions by Senator Meadows, **CS for SB 586** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 2004—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending ss. 255.28, 255.30, 255.507, F.S.; eliminating references to rules; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an appropriation; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Williams, **CS for SB 2004** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 1066—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; adding educational units to

the definition of the term "agency"; amending s. 120.54, F.S.; deleting the requirement for rule development for rule repeal; authorizing an alternative method by which a person may receive a copy of a preliminary draft of a rule; clarifying that an agency's decision to use negotiated rulemaking is not final agency action; deleting references to the Department of Commerce; clarifying the time by which the small business ombudsman must provide regulatory alternatives to an agency; extending the period for filing a rule upon provision of regulatory alternatives to a rule; clarifying times for filing when a notice of change to a rule must be filed; extending the period for filing a rule; amending s. 120.541, F.S.; extending the period for filing a rule if a written alternative for a lower cost regulatory alternative to a rule is provided; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; authorizing an agency to limit grants of variance or waiver only to the extent necessary to achieve the purpose of the underlying statute; clarifying that agencies may not grant a variance or waiver to rules required by the Federal Government; requiring uniform rules of procedures to contain certain procedures related to waiver and variance; clarifying the procedure by which an agency may request additional necessary information during the review of a petition for waiver or variance; amending s. 120.56, F.S.; providing that a proceeding to determine a violation of s. 120.54(1), F.S., may be consolidated with other proceedings; eliminating authority to bring such an action in conjunction with certain other proceedings; amending s. 120.569, F.S.; conforming references; amending s. 120.57, F.S.; clarifying provisions governing expedited hearings; adding a decision, opinion, order or report of the presiding officer to the record of hearings not involving disputed facts; requiring agencies to use uniform bid protest procedural rules; amending s. 120.573, F.S.; clarifying the time when mediation is authorized; amending s. 120.574, F.S.; providing that intervenors are governed by the decision of the original parties regarding the summary-hearing process; amending s. 120.595, F.S.; providing an exception to the award of attorney's fees when an agency demonstrates that a statement is required by the Federal Government to implement or retain a delegated or approved program or to meet a condition to receipt of federal funds; amending s. 120.60, F.S.; requiring a notice of intent to deny a license to specify the grounds or basis; providing an exception; specifying criteria for procedures for agencies to take emergency action with respect to licenses; amending s. 120.65, F.S.; providing requirements for the director of the Division of Administrative Hearings; amending s. 120.66, F.S.; clarifying that a presiding officer may be an agency head or designee; amending s. 120.68, F.S.; providing for judicial review; amending s. 120.74, F.S.; specifying the frequency of rule reviews; amending s. 120.81, F.S.; providing that educational units and local units of government need not publish notices or the text of proposed rules in the Florida Administrative Weekly; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Williams, **CS for SB 1066** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Dantzler	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Grant	Latvala	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Cowin	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer

CS for SB 1160—A bill to be entitled An act relating to historic preservation boards; repealing parts II, V, VI, VII and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; redesignating part IV of ch. 266, F.S., the Historic Tallahassee Preservation Board of Trustees, as part III of that chapter; amending s. 267.061, F.S., relating to state policy and responsibilities with respect to historic properties; providing that the Division of Historical Resources of the Department of State shall establish regional offices for the purpose of assisting in the delivery of historic preservation services; providing locations at which regional offices are to be established; providing for the establishment of citizen support organizations; requiring the Department of State to contract with the City of St. Augustine for the management of state-owned properties managed by the Historic St. Augustine Preservation Board of Trustees; providing for use of proceeds from management of state-owned properties by the City of St. Augustine; providing for the transfer of specified funds to the City of St. Augustine; providing for transfer of ownership and responsibility of specified items to assist in the transition of the management of state-owned properties; requiring the Department of State to contract with specified nonprofit corporations for the purpose of continuing work performed by specified historic preservation boards; providing for use of proceeds from the management of state-owned properties by such corporations; providing for the transfer of specified funds to such corporations; providing specified requirements in the contracts; providing legislative intent with respect to the 1997-1998 General Appropriations Act; providing an effective date.

—was read the third time by title.

Senator Williams moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 2, lines 28-30, delete those lines and insert:

Section 2. *Part IV of chapter 266, Florida Statutes, consisting of sections 266.0021, 266.0022, 266.0023, 266.0024, 266.0025, 266.0026, 266.0027, and 266.00275, Florida Statutes, and section 266.0028, Florida Statutes, as amended by section 12 of chapter 96-406, Laws of Florida, is repealed.*

And the title is amended as follows:

On page 1, lines 3-15, delete those lines and insert: boards; repealing parts II, IV, V, VI, VII, and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Tallahassee Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; amending

Amendment 2 (with title amendment)—On page 6, between lines 3 and 4, insert:

Section 11. *All remaining funds in the Historic Tampa/Hillsborough County Preservation Board Operating Trust Fund and the Historic Palm Beach Preservation Board Operating Trust Fund shall be transferred to the Department of State, Division of Historical Resources Operating Trust Fund.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: providing for the transfer of certain remaining fund balances to the Division of Historical Resources Operating Trust Fund;

Amendment 3 (with title amendment)—On page 5, line 7, after the period (.) insert: *The Department of State is authorized to use the unexpended balance of up to $500,000 in general revenue funds, as provided in the 1997-1998 General Appropriations Act for the St. Augustine Preservation Board, to enter into contracts with the City of St. Augustine to continue the operations and maintenance of historic properties.*

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: authorizing certain contracts with the City of St. Augustine and the expenditure of funds therefor;

Amendment 4—On page 5, lines 8-23, delete those lines and insert:

Section 9. *In order to continue the work performed by the Historic Tallahassee Preservation Board of Trustees and the Historic Florida Keys Preservation Board of Trustees, the Department of State may contract with not-for-profit corporations established for the purpose of advancing historic preservation in these areas to manage the various state-owned properties presently managed by the Historic Tallahassee Preservation Board of Trustees and the Historic Florida Keys Preservation Board of Trustees. The contract, which shall at a minimum contain those requirements provided in section 267.17, Florida Statutes, for citizen support organizations, including the use of public property and the performance of an annual audit, shall provide that the not-for-profit corporations may use all proceeds derived from the management of state-owned buildings and for the purpose of advancing historic preservation in their areas. Additionally, the department may appropriate all remaining funds in the Historic Florida Keys Preservation Board Operating Trust Fund and the Historic Tallahassee Preservation Board Operating Trust Fund to the not-for-profit corporations for their use.*

SENATOR GRANT PRESIDING

RECONSIDERATION OF AMENDMENT

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 3** was adopted.

On motion by Senator Williams, further consideration of **CS for SB 1160** with pending **Amendment 3** was deferred.

SB 268—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; clarifying the liability of sureties; amending ss. 48.021, 98.015, eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0003, 266.0013, 266.0023, 266.0033, 266.0043, 266.0053, 266.0063, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation boards; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19 or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Burt, **SB 268** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Hargrett	Latvala	Scott
Crist	Harris	Lee	Silver
Dantzler	Holzendorf	McKay	Sullivan
Diaz-Balart	Jenne	Meadows	Thomas
Dudley	Jones	Myers	Turner
Dyer	Klein	Ostalkiewicz	Williams
Forman	Kurth	Rossin	

Nays—None

Vote after roll call:

Yea—Madam President, Grant, Kirkpatrick

CS for HB 107—A bill to be entitled An act relating to environmental control; repealing s. 403.708(3) and (10)(b), F.S., relating to the sale of containers connected to other containers by a separate holding device composed of plastic rings and to the prohibition on the sale of certain biodegradable products used in conjunction with food for human consumption; providing an effective date.

—was read the third time by title.

On motions by Senator McKay, **CS for HB 107** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

CS for HB 57—A bill to be entitled An act relating to environmental protection; amending s. 253.03, F.S.; prohibiting the control, regulation, permitting, or imposition of charges on certain severed materials; amending s. 369.20, F.S.; authorizing certain riparian owners to remove aquatic plants without certain permits under certain circumstances; exempting certain permits from certain water pollution operation permit requirements; amending s. 403.813, F.S.; exempting installation and repair of certain piers and docking facilities from certain permitting requirements; providing that certain environmental permits are not required for maintenance dredging of certain portions of natural water bodies within approved rights-of-way or drainage easements; providing limitations; specifying activities for which certain permits are not required under certain circumstances; prohibiting the Department of Environmental Protection from adopting certain rules; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for HB 57** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Childers	Diaz-Balart	Harris
Bronson	Clary	Dudley	Holzendorf
Brown-Waite	Cowin	Dyer	Horne
Campbell	Crist	Forman	Jones
Casas	Dantzler	Grant	Kirkpatrick
Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Turner
Latvala	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett

SB 52—A bill to be entitled An act relating to asbestos removal programs; amending s. 376.60, F.S.; providing for the Department of Environmental Protection to reimburse local governments that have been approved to conduct asbestos removal programs under certain circumstances; removing fees for inspection of residential dwellings; exempting specified persons from the fees; prohibiting local governments from charging certain fees while being reimbursed by the department; providing an appropriation; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **SB 52** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dantzler	Jones	Ostalkiewicz
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Campbell	Dyer	Kurth	Silver
Casas	Forman	Latvala	Sullivan
Childers	Grant	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Holzendorf	Meadows	Williams
Crist	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett

CS for SB 360—A bill to be entitled An act relating to the Coastal Zone Protection Act of 1985; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 360** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Bankhead	Diaz-Balart	Klein	Scott
Bronson	Dudley	Kurth	Silver
Brown-Waite	Dyer	Latvala	Sullivan
Campbell	Forman	Lee	Thomas
Casas	Grant	McKay	Turner
Childers	Harris	Meadows	Williams
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	
Dantzler	Jones	Rossin	

Nays—None

Vote after roll call:

Yea—Madam President, Clary

SB 1104—A bill to be entitled An act relating to citrus canker; amending s. 602.065, F.S.; revising disposition of funds received from the Federal Government for eradication of citrus canker; providing an effective date.

—was read the third time by title.

On motions by Senator Dantzler, **SB 1104** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dantzler	Jenne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dudley	Kirkpatrick	Rossin
Campbell	Dyer	Klein	Scott
Casas	Forman	Kurth	Silver
Childers	Grant	Latvala	Sullivan
Clary	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President

CS for SB's 530 and 848—A bill to be entitled An act relating to breast cancer treatment; amending s. 627.6417, F.S.; requiring certain health insurance policies to provide coverage for breast reconstructive surgery and prosthetic devices; creating s. 627.64171, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.64172, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6419, F.S.; including insureds who have been free from breast cancer for a period of time in the coverage requirements; prohibiting an insurer from denying, canceling, or failing to renew a health or accident insurance policy or exclude coverage or benefits under certain conditions; amending s. 627.651, F.S.; applying certain requirements for group coverage to multiple-employer welfare arrangements; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; amending s. 627.6612, F.S.; requiring certain health insurance policies to provide coverage for breast reconstructive surgery and prosthetic devices; creating s. 627.66121, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.66122, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; creating s. 641.31096, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 641.31, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by health maintenance organizations; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; requiring health maintenance organization contracts to provide coverage for breast reconstructive surgery and prosthetic devices; providing a statement that the act fulfills an important state interest; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Scott, **CS for SB's 530 and 848** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Clary	Forman	Kirkpatrick
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Hargrett	Kurth
Burt	Dantzler	Harris	Latvala
Campbell	Diaz-Balart	Holzendorf	Lee
Casas	Dudley	Jenne	McKay
Childers	Dyer	Jones	Meadows
Myers	Scott	Sullivan	Turner
Ostalkiewicz	Silver	Thomas	Williams
Rossin			

Nays—None

Vote after roll call:

Yea—Madam President

HB 555—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; including Collier, Flagler, and Hernando counties within a list of counties excluded from the provisions of the Water and Wastewater System Regulatory Law; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **HB 555** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President

CS for SB 558—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; requiring the Public Service Commission to extend time periods and reschedule events by the number of days a utility is late in providing discovery; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Cowin, **CS for SB 558** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President

CS for SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating

to personnel of such laboratories; amending s. 483.061, F.S.; authorizing the agency to perform on-site or off-site inspections; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

—as amended April 9 was read the third time by title.

On motions by Senator Myers, **CS for SB 270** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President

The Senate resumed consideration of—

CS for SB 1160—A bill to be entitled An act relating to historic preservation boards; repealing parts II, V, VI, VII and VIII of chapter 266, F.S.; eliminating the Historic St. Augustine Preservation Board of Trustees, the Historic Florida Keys Preservation Board of Trustees, the Historic Palm Beach County Preservation Board of Trustees, and the Historic Tampa-Hillsborough Preservation Board of Trustees; redesignating part III of chapter 266, F.S., the Historic Pensacola Preservation Board of Trustees as part II of said chapter; redesignating part IV of ch. 266, F.S., the Historic Tallahassee Preservation Board of Trustees, as part III of that chapter; amending s. 267.061, F.S., relating to state policy and responsibilities with respect to historic properties; providing that the Division of Historical Resources of the Department of State shall establish regional offices for the purpose of assisting in the delivery of historic preservation services; providing locations at which regional offices are to be established; providing for the establishment of citizen support organizations; requiring the Department of State to contract with the City of St. Augustine for the management of state-owned properties managed by the Historic St. Augustine Preservation Board of Trustees; providing for use of proceeds from management of state-owned properties by the City of St. Augustine; providing for the transfer of specified funds to the City of St. Augustine; providing for transfer of ownership and responsibility of specified items to assist in the transition of the management of state-owned properties; requiring the Department of State to contract with specified nonprofit corporations for the purpose of continuing work performed by specified historic preservation boards; providing for use of proceeds from the management of state-owned properties by such corporations; providing for the transfer of specified funds to such corporations; providing specified requirements in the contracts; providing legislative intent with respect to the 1997-1998 General Appropriations Act; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3** by Senator Williams was adopted by two-thirds vote.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (with title amendment)—On page 6, between lines 3 and 4, insert:

Section 11. Subsection (1) of section 266.0013, Florida Statutes, is amended to read:

266.0013 Board; membership; terms of office; compensation; expenses; bond; removal.—

(1) The board consists of seven members appointed by the Governor and confirmed by the Senate. The Governor shall appoint members to 4-year terms which run from July 1 through June 30. The appointments must be confirmed by the Senate in the following legislative session. ~~A member may only be appointed to two terms.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: amending s. 266.0013, F.S.; removing term limits for members of the Historic Pensacola Preservation Board of Trustees;

On motions by Senator Williams, **CS for SB 1160** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Holzendorf	Meadows
Bronson	Dantzler	Jenne	Myers
Brown-Waite	Diaz-Balart	Jones	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Rossin
Campbell	Dyer	Klein	Scott
Casas	Forman	Kurth	Silver
Childers	Grant	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

SB 486—A bill to be entitled An act relating to assistive technology devices; creating part III of chapter 427, F.S.; creating the "Assistive Technology Device Warranty Act"; providing definitions; requiring an express warranty for manufacturers who sell assistive technology devices; requiring refund, replacement, or repair of nonconforming assistive technology devices; requiring disclosure of reasons for return before resale or re-lease; allowing consumers the option of submitting disputes to arbitration; permitting action for damages for violation of the act; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **SB 486** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President

CS for HB 541—A bill to be entitled An act relating to the management and regulation of financial institutions; amending s. 280.02, F.S.;

revising a definition; amending s. 655.005, F.S.; revising definitions; amending s. 655.0322, F.S.; applying prohibited acts and practices provisions to state or federal savings banks; providing penalties; amending s. 655.045, F.S.; deleting a report requirement; amending s. 655.41, F.S.; revising a definition; amending s. 655.414, F.S.; requiring approval by the Department of Banking and Finance for a financial entity to acquire certain financial entities; providing for a nonrefundable filing fee; deleting a requirement to file a separate application for each branch office; amending s. 658.21, F.S.; revising criteria for approval of applications; amending s. 658.23, F.S.; clarifying information required in articles of incorporation; amending s. 658.26, F.S.; providing for approval of a branch application under certain circumstances; revising provisions providing for relocation of certain offices in this state; providing a definition; amending s. 658.295, F.S.; revising certain acquisition criteria; deleting an obsolete provision; amending s. 658.2953, F.S.; correcting a threshold date reference; deleting certain requirements for notice of establishment and maintenance of a branch in this state by an out-of-state bank; revising certain filing requirements and trust powers; amending s. 658.73, F.S.; revising application fee provisions; providing for partial refund under certain circumstances; amending s. 663.06, F.S.; providing for indefinite operation of an international banking corporation; deleting temporary operation provisions; amending s. 663.12, F.S.; clarifying certain filing fee provisions; creating ss. 667.001-667.013, F.S.; providing a short title; providing definitions; providing applicability; providing for a name; providing for reorganization, merger, or consolidation; providing for conversion of certain banks or associations to capital stock savings banks; providing requirements; imposing a fee; providing powers and duties of the department under certain circumstances; providing for acquisition of assets or control of savings banks; providing criteria and requirements; specifying powers of savings banks; providing for loans and loan expenses; providing for dealing with successors in interest; providing for foreign savings banks; amending s. 737.101, F.S.; clarifying application of principal place of administration provisions to certain trusts; exempting certain financial institutions resulting from an interstate merger transaction from certain prohibitions; providing for future repeal; repealing s. 658.295(6)(e), F.S., relating to certain notice of acquisitions; providing effective dates.

—as amended April 9 was read the third time by title.

On motions by Senator Scott, **CS for HB 541** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President

SB 406—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.0605, F.S.; providing a fee for a saltwater fishing license for fishing from any pier attached to the land at the discretion of the owner, operator, or custodian of the pier; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **SB 406** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary
Cowin	Grant	Klein	Ostalkiewicz
Crist	Hargrett	Kurth	Rossin
Dantzler	Harris	Latvala	Scott
Diaz-Balart	Holzendorf	Lee	Silver
Dudley	Jenne	McKay	Thomas
Dyer	Jones	Meadows	Turner
Forman	Kirkpatrick	Myers	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 800—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S.; specifying conditions under which retail revolving accounts are considered to be signed or accepted; specifying that the seller has the burden of proving authorized use; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 800** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

SB 128—A bill to be entitled An act relating to education; requiring the Department of Children and Family Services and the Department of Education to develop minimum performance standards for all early education and care programs that serve children from birth through 5 years of age; requiring those departments to submit a joint report to the Legislature by October 1, 1997, presenting the performance standards and recommending funding procedures; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 1, lines 21 and 22, delete "*handicapped program*" and insert: *program for children with disabilities*

Amendment 2—On page 1, line 22, before the period (.) insert: *, but does not include family day care homes until one year after other program recommendations are made and implemented*

Amendment 3—On page 2, line 15 through page 3, line 14, delete those lines and insert:

(c) Specifying the federal waivers that are necessary, and which the departments are pursuing, to achieve the provisions of this section and to accomplish the foregoing recommendations.

(d) Providing sanctions for each school district and each service district in the Department of Children and Family Services for programs specified in subsection (1) if there is not an established plan toward meeting the minimum set of performance standards and if there is not measurable progress toward meeting the standards.

(e) Proposing procedures to develop a local plan to assist each school district in meeting the first state education goal, readiness to start school. The procedures must provide guidelines to enable each school board and the health and human services board for the service area of the school district to develop and jointly approve a plan that includes:

1. A method to implement the performance standards for early childhood programs developed by the Department of Education and the Department of Children and Family Services; and

2. A report of the number of 4-year-old children in the school district who are eligible for a publicly supported preschool program and a schedule for serving all eligible 4-year-old children in programs of quality by the 2000-2001 school year.

Senator Grant offered the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 4 (with title amendment)—On page 3, delete line 15 and insert:

Section 2. Effective June 1, 1999, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *August 1* ~~September 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *August 1* ~~September 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 3. Effective June 1, 2000, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, as amended by section 1 of this act, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *July 1* ~~August 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *July 1* ~~August 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 4. Effective June 1, 2001, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, as amended by section 2 of this act, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *June 1* ~~July 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *June 1* ~~July 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 5. Section 232.04, Florida Statutes, is amended to read:

232.04 In kindergartens.~~ For the 1983-1984 school year and thereafter,~~ Children who will have attained the age of 5 years on or before *the date prescribed in this section during* ~~September 1 of~~ the school year shall be eligible for admission to public kindergartens during that school year under rules prescribed by the school board. *For the school year 1998, the child must have attained the age of 5 years on or before August 1, 1998. For the school year 1999, the child must have attained the age of 5 years on or before July 1, 1999. For the school year 2000 and thereafter, the child must have attained the age of 5 years on or before June 1 of the school year.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 232.01, F.S.; revising the age at which students must begin school; amending s. 232.04, F.S.; revising the age at which students must begin kindergarten;

Pursuant to Rule 4.19, **SB 128** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 72** was deferred.

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1022, SB 1822, SB 2086

The bills with committee substitutes attached were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1842

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Transportation recommends committee substitutes for the following: SB 1568, SB 2310

The bills with committee substitutes attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1020

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 1248, SB 2068

The bills with committee substitutes attached were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2194

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2044

The Committee on Criminal Justice recommends committee substitutes for the following: SB 570, SB 1930

The Committee on Education recommends committee substitutes for the following: SB 1404, SB 1638, SB 1728, SB 2224

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: CS for SB 514, SB 1068, CS for SB's 2028 and 394

The Committee on Health Care recommends committee substitutes for the following: SB 598, SB 1132

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 920

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1282

The Committee on Education recommends a committee substitute for the following: SB 1900

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 1322, SB 1396

The Committee on Health Care recommends a committee substitute for the following: CS for SB 364

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Health Care; Banking and Insurance; and Senator Brown-Waite—

CS for CS for SB 364—A bill to be entitled An act relating to the confidentiality of information obtained by the Agency for Health Care Administration and the Department of Insurance; amending s. 408.7056, F.S.; exempting from the public records law information that identifies a subscriber, or the spouse, relative, or guardian of a subscriber, who has filed a grievance under the Statewide Provider and Subscriber Assistance Program; exempting from the public records law information that constitutes a trade secret or that relates to internal risk management programs and which is contained in a document reviewed by the review panel or obtained by the Agency for Health Care Administration or the Department of Insurance; exempting from the public meetings law and public records law a meeting or document, or portion thereof, that specifically discloses personal and sensitive information regarding a subscriber's medical treatment or medical history, trade secrets, or internal risk-management information; providing for future legislative repeal and review; providing a finding of public necessity; providing a contingent effective date.

By the Committees on Governmental Reform and Oversight; Criminal Justice; and Senators Burt, Horne, Gutman and Brown-Waite—

CS for CS for SB 514—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 775.21, F.S.; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

By the Committee on Criminal Justice and Senator Clary—

CS for SB 570—A bill to be entitled An act relating to the Department of Juvenile Justice; amending s. 39.024, F.S.; changing the membership of the Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; defining the term "sexual misconduct"; providing that it is a second-degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing certain exceptions; prohibiting the employment of any person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reason to suspect that sexual misconduct has been committed, to report such incident to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first-degree misdemeanor to fail to make a report as required or to submit inaccurate or untruthful information; providing that it is a third-degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; prohibiting the introduction, removal, or possession of contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing an effective date.

By the Committee on Health Care and Senator Casas—

CS for SB 598—A bill to be entitled An act relating to foreign-trained physicians; creating s. 458.3124, F.S.; providing for certain foreign-

trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules; providing an effective date.

By the Committee on Banking and Insurance; and Senator Childers—

CS for SB 920—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term "motor vehicle" with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; prescribing the time period within which a consumer may transfer the agreement; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element relating to assignability in home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 1020—A bill to be entitled An act relating to juvenile sex offenders; amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to seek a court order to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing an effective date.

By the Committee on Criminal Justice and Senator Klein—

CS for SB 1022—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 39.0145, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 39.025, F.S., relating to district juvenile justice boards; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove requirement for participation of the Department of Health and Rehabilitative Services; amending s. 39.044, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing that cause for a continuance shall be found under certain circumstances and, under those circumstances, the 72-hour hearing requirement will not apply until a child has been detained for more than 45 days; reenacting ss. 39.038(4), 39.042(2)(b), 39.0445, 39.049(5), 39.064(1), 790.22(8), relating to release or delivery from custody, use of detention, juvenile domestic violence offenders, release or delivery from custody, process and service, detention of furloughed or escaped child, and weapons or firearms offenses by minors to incorporate said amendment in references; amending s. 39.0471, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining "truant student" to include enrolled students between 6 years of age and 18 years of age; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining first degree misdemeanor criminal mischief offense to include damage to property greater than $200 but less than $500, and providing penalties therefor; redefining third degree felony criminal mischief to include certain damages of $500 or greater, and providing penalties therefor; amending s. 921.0012, F.S., relating to the sentencing guidelines offense penalties, to conform a cross-reference; amending s. 812.014, F.S., relating to theft; providing second-degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 39.052(3)(a) and 538.23(2), F.S., relating to transfer of a child for prosecution and offenses by secondary metal recyclers, to incorporate said amendment in references; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring a report; amending s. 39.069, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senator Silver—

CS for SB 1068—A bill to be entitled An act relating to retirement; providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility; providing an effective date.

By the Committee on Health Care and Senator Casas—

CS for SB 1132—A bill to be entitled An act relating to foreign-licensed physicians; amending s. 498.3115, F.S.; revising requirements for the availability of examinations administered to certain foreign-licensed physicians; providing an effective date.

By the Committee on Community Affairs and Senator Dudley—

CS for SB 1248—A bill to be entitled An act relating to firesafety; creating the Independent Special Fire Control District Act; prescribing uniform criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for conformance by existing districts; authorizing certain exceptions; providing for officers of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing requirements and procedures for issuance of bonds; providing for referenda; providing for organization of county fire chiefs; providing requirements for creation, expansion, and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; requiring existing fire control districts to submit draft codified charters to the Legislature for codification; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1282—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; providing for the court to commit the child to the Department of Juvenile Justice for a treatment program until the child is age 21 or sooner if discharged by the department; removing a provision relating to court-ordered-plan of community control; providing for availability of presentence investigation report prior to the sentencing hearing and removing certain references to predisposition report and hearing; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Gutman—

CS for SB 1322—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified personal information relating to licensed and certified health care clinicians and certified educational personnel of the Department of Corrections and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Cowin—

CS for SB 1396—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct which statement reveals personal identifying information about the victim; authorizing access by a governmental agency; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1404—A bill to be entitled An act relating to postsecondary education; requiring the Division of Community Colleges and the Department of Education to conduct a study; amending s. 229.551, F.S.; authorizing certain courses to be designated as upper-division and lower-division; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.301, F.S.; deleting conflicting provisions; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.115, F.S.; authorizing national accreditation as a criterion for public technical centers to participate in the common course numbering system; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; amending s. 240.319, F.S.; authorizing community colleges to adopt rules; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 240.404, F.S.; deleting a requirement for participation in a testing program; requiring achievement of certain academic requirements as a condition for receiving state student financial aid; deleting a requirement; amending s. 240.412, F.S.; amending s. 240.437, F.S.; deleting a CLAST requirement; providing an effective date.

By the Committee on Transportation and Senator Latvala—

CS for SB 1568—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; defining the term "traffic-infraction detector"; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance that provides for the use of a traffic-infraction detector to enforce traffic laws that require the driver of a vehicle to stop when facing a steady red traffic signal; providing for authorization of a traffic-infraction detector officer; requiring the Department of Transportation to develop standards for traffic-infraction detector officers; requiring public notice prior to the use of a traffic-infraction detector; providing for fines; requiring that a person be required to attend a driver improvement course following a second violation of the ordinance; providing that an emergency medical transportation vehicle is exempt from the ordinance; providing for a portion of the proceeds of the fines imposed under the ordinance to be deposited into the Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles; providing for the remainder of the proceeds to be used to fund positions for law enforcement officers and correctional officers; amending s. 316.0745, F.S.; requiring that a traffic-infraction detector meet requirements established by the Department of Highway Safety and Motor Vehicles; providing for testing such detectors; creating s. 316.1971, F.S.; providing procedures for imposing a fine for violations of an ordinance that provides for the use of a traffic-infraction detector; providing a procedure under which the operator of a vehicle may establish that the vehicle was in the care, custody, or control of another person at the time of the violation; providing for the violation to be contested; providing that an image produced by a traffic-infraction detector is prima facie evidence that the violation occurred; amending s. 320.03, F.S.; requiring the tax collector to withhold issuing a license plate or revalidation sticker if a person's name appears on a list of outstanding fines; requiring that a county or municipality that operates a traffic-infraction detector report to the Department of Highway Safety and Motor Vehicles; providing for a summary of such reports to be submitted to the Governor and the Legislature; providing an effective date.

By the Committee on Education and Senators McKay, Horne, Grant, Ostalkiewicz, Bronson, Harris and Cowin—

CS for SB 1638—A bill to be entitled An act relating to education; creating a public-private partnership pilot program; providing intent and definitions; providing eligibility requirements for private schools, nonprofit organizations, and home education program parents; providing for flexibility in educating students; providing for payment of funds; requiring certain funds to be sent to a direct-support organization for specified use; providing student eligibility; providing for rules; requiring the Department of Education to establish a choice information center; requiring legislative review; requiring reports; providing for severability; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 1728—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; revising provisions relating to educational benefits for Florida National Guard members; authorizing payment of the full cost of tuition and fees by the Department of Military Affairs under certain circumstances; amending ss. 240.235 and 240.35, F.S.; conforming cross-references; providing an effective date.

By the Committee on Criminal Justice and Senators Cowin and Gutman—

CS for SB 1822—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.037, F.S.; providing for a law enforcement officer to take a juvenile into custody if the officer has probable cause to believe that the juvenile is in violation of community control, furlough, or aftercare supervision; amending s. 39.042, F.S.; revising requirements for detaining a juvenile in secure detention if the juvenile is charged with domestic violence; amending s. 39.044, F.S.; authorizing the detention of a juvenile who is charged with a felony offense of domestic violence; providing for detaining a juvenile in a consequence unit if the juvenile violates the conditions of community control or aftercare supervision; amending s. 39.052, F.S.; providing for the transfer of pending cases when a juvenile is prosecuted as an adult; amending s. 39.054, F.S.; providing for disposition of a juvenile who has violated conditions of community control or aftercare; providing for a juvenile to be taken into custody; requiring a hearing; providing circumstances under which the court may place the juvenile in a consequence unit; providing additional

sanctions; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for the department to return a juvenile to the custody of the sentencing court if the department determines that the court has imposed sanctions that are unsuitable for the juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

By the Committee on Community Affairs and Senators Jones and Kurth—

CS for SB 1842—A bill to be entitled An act relating to community redevelopment; creating the urban development program; providing purpose; providing legislative intent; providing definitions; providing criteria for eligibility to be certified and funded as a tier I or tier II urban development project; providing duties and responsibilities of the Office of Tourism, Trade, and Economic Development; providing duties of community redevelopment agencies; providing requirements for the use of funds that are allocated to an urban development account in the Community Redevelopment Trust Fund; allowing the issuance of bonds; requiring local leveraging of urban development project funds in a specified ratio; providing factors that a community redevelopment agency may consider in selecting a project; requiring each community redevelopment agency that has a certified project to maintain certain records; requiring each such community redevelopment agency to submit an annual report, as specified, to the Office of Tourism, Trade, and Economic Development; amending s. 212.20, F.S.; providing for certain tax proceeds collected under part I of ch. 212, F.S., to be distributed monthly in specified amounts to community redevelopment areas; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 1900—A bill to be entitled An act relating to school district improvement; amending s. 229.0535, F.S.; clarifying State Board of Education authority to enforce school and school district improvement; providing legislative intent that the State Board of Education and the school district work in partnership to achieve improvement; requiring consultation with the superintendent; expanding the authority of the state board to intervene in the operation of a district school system under described circumstances; providing for recommended actions and sanctions; requiring the state board to make specified recommendations; amending s. 230.23, F.S., to conform; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; providing an effective date.

By the Committees on Governmental Reform and Oversight; Transportation; and Senators Hargrett, Grant and Horne—

CS for CS for SB's 2028 and 394—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver's license records, to conform; providing a finding of public necessity; providing an effective date.

By the Committees on Community Affairs, Agriculture and Senator Bronson—

CS for CS for SB 2044—A bill to be entitled An act relating to agriculture; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying provisions; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.121, F.S.; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying who must compile a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising the definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the

deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising the definition of the term "agricultural products"; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; designating a state facility; providing an effective date.

By the Committee on Community Affairs and Senator Lee—

CS for SB 2068—A bill to be entitled An act relating to emergency medical services; amending ss. 365.171, 395.1027, F.S.; requiring a local governmental entity that operates a "911" emergency telephone system to enter into an agreement with the regional poison control center; requiring that the agreement include a protocol under which the poison control center is consulted with respect to each emergency call that involves exposure to a toxic substance; creating s. 365.172, F.S.; limiting the liability of persons and entities involved in the wireless provision of emergency "911" service; providing an effective date.

By the Committee on Criminal Justice and Senator Bankhead—

CS for SB 2086—A bill to be entitled An act relating to juvenile justice; creating chapter 985, F.S., relating to certain juvenile proceedings; creating s. 985.01, F.S.; providing purposes and intent; creating s. 985.02, F.S.; providing legislative intent for the juvenile justice system; creating s. 985.03, F.S.; providing definitions; renumbering and amending s. 39.045, F.S., relating to oaths, records, and confidential information; creating s. 985.05, F.S.; providing for court records; renumbering and amending s. 39.0573, F.S., relating to statewide information sharing; renumbering s. 39.0574, F.S., relating to school district and law enforcement information sharing; renumbering and amending s. 39.0585, F.S., relating to information systems; renumbering and amending s. 39.022, F.S., relating to court jurisdiction; renumbering and amending s. 39.014, F.S., relating to legal representation for delinquency cases; renumbering and amending s. 39.041, F.S., relating to the right to counsel; renumbering s. 39.0476, F.S., relating to powers with respect to certain children; creating s. 985.205, F.S.; providing that hearings are open to the public; renumbering and amending s. 39.0515, F.S., relating to rights of victims; renumbering and amending s. 39.037, F.S., relating to taking a child into custody; renumbering and amending s. 39.064, F.S., relating to detention of furloughed children or escapees; renumbering s. 39.0471, F.S., relating to juvenile justice assessment centers; renumbering and amending s. 39.047, F.S., relating to intake and case management; renumbering and amending s. 39.038, F.S., relating to release or delivery from custody; renumbering and amending s. 39.039, F.S., relating to fingerprinting and photographing a minor; renumbering and amending s. 39.042, F.S., relating to the use of detention; renumbering s. 39.043, F.S., relating to prohibited uses of detention; renumbering and amending s. 39.044, F.S., relating to detention; transferring and renumbering s. 39.0145, F.S., relating to punishment for contempt of court; renumbering and amending s. 39.0445, F.S., relating to juvenile domestic violence offenders; renumbering s. 39.048, F.S., relating to petitions for delinquency; renumbering and amending s. 39.049, F.S., relating to process and service; renumbering and amending s. 39.0495, F.S., relating to threatening or dismissing employees; renumbering s. 39.073, F.S., relating to court and witness fees; renumbering s. 39.051, F.S., relating to answers to petitions; renumbering and amending s. 39.0517, F.S., relating to incompetency in juvenile delinquency cases; renumbering and amending s. 39.046, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examinations and treatment; creating s. 985.225, F.S.; providing for indictment of a juvenile; providing for sentencing; creating s. 985.226, F.S.; providing criteria for waiver of juvenile court jurisdiction; creating s. 985.227, F.S.; providing for prosecution of juveniles as adults; creating s. 985.228, F.S.; providing for adjudicatory hearings, withheld adjudications, and orders of adjudication; creating s. 985.229, F.S.; providing for predisposition reports; creating s. 985.23, F.S.; providing for disposition hearings in delinquency cases; creating s. 985.231, F.S.; providing powers of disposition in delinquency cases; renumbering s. 39.078, F.S., relating to commitment forms; creating s. 985.233, F.S.; providing dispositional powers and procedures and alternatives for juveniles prosecuted as adults; renumbering s. 39.069, F.S., relating to appeals; renumbering s. 39.0711, F.S., relating to additional grounds for appeals by the state; renumbering s. 39.072, F.S., relating to orders or decisions when the state appeals; renumbering and amending s. 39.0255, F.S., relating to civil citations; renumbering s. 39.019, F.S., relating to teen courts; renumbering and amending s. 39.0361, F.S., relating to the Neighborhood Restorative Justice Act; renumbering and amending s. 39.026, F.S., relating to community arbitration; renumbering and amending s. 39.055, F.S., relating to early delinquency intervention; renumbering s. 39.0475, F.S., relating to delinquency pretrial intervention; renumbering s. 39.0551, F.S., relating to juvenile assignment centers; renumbering s. 39.0571, F.S., relating to juvenile sexual offender commitment programs; renumbering and amending s. 39.057, F.S., relating to boot camps for children; renumbering and amending s. 39.058, F.S., relating to serious or habitual juvenile offenders; renumbering and amending s. 39.0582, F.S., relating to intensive residential treatment; renumbering and amending s. 39.0583, F.S., relating to intensive residential treatment programs; renumbering s. 39.0581, F.S., relating to maximum-risk residential programs; renumbering and amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; renumbering and amending s. 39.05841, F.S., relating to vocational work training programs; renumbering s. 39.067, F.S., relating to furlough and intensive aftercare; renumbering and amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; renumbering s. 39.085, F.S., relating to the Alternative Education Institute; renumbering s. 39.0572, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering and amending s. 39.021, F.S., relating to administering the juvenile justice continuum; creating s. 985.405, F.S.; requiring the Department of Juvenile Justice to adopt rules; renumbering s. 39.024, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Training Trust Fund; renumbering s. 39.076, F.S., relating to contracting and personnel; renumbering s. 39.075, F.S., relating to consultants; creating s. 985.409, F.S.; providing for participation in the Florida Casualty Insurance Risk Management Trust Fund; renumbering s. 39.074, F.S., relating to facilities siting; renumbering and amending s. 39.0215, F.S., relating to county and municipal delinquency programs and facilities; creating s. 985.412, F.S.; providing for quality assurance; renumbering and amending s. 39.025, F.S., relating to district juvenile justice boards; creating s. 985.414, F.S.; providing for county juvenile justice councils; creating s. 985.415, F.S.; providing for county juvenile justice partnership grants; creating s. 985.416, F.S.; providing for innovation zones; renumbering s. 39.062, F.S., relating to transferring children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 39.063, F.S., relating to transferring children to other treatment services; renumbering s. 39.065, F.S., relating to contracts for the transfer of children under federal custody; renumbering s. 39.51, F.S., relating to the Interstate Compact on Juveniles; renumbering s. 39.511, F.S., relating to execution of the compact; renumbering s. 39.512, F.S., relating to the juvenile compact administrator; renumbering s. 39.513, F.S., relating to supplementary agreements; renumbering s. 39.514, F.S., relating to financial arrangements; renumbering s. 39.515, F.S., relating to responsibility of state departments, agencies, and officers; renumbering s. 39.516, F.S., relating to additional procedures with respect to the compact; creating s. 984.01, F.S.; providing purposes and intent with respect to children and families in need of services; creating s. 984.02, F.S.; providing legislative intent; creating s. 984.03, F.S.; providing definitions; renumbering and amending s. 39.42, F.S., relating to children in need of services and families in need of services; renumbering and amending s. 39.015, F.S., relating to rules relating to habitual truants; renumbering and amending s. 39.4451, F.S., relating to oaths, records, and confidential information; renumbering s. 39.447, F.S., relating to appointed counsel; renumbering and amending s. 39.017, F.S., relating to attorney's fees; creating s. 984.09, F.S.; providing for punishment for contempt of court; renumbering and amending s. 39.423, F.S., relating to intake of children; renumbering and amending s. 39.424, F.S., relating to services to families in need of services; renumbering s. 39.426, F.S., relating to staffing for treatment and services to families in need of services; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; renumbering and amending s. 39.422, F.S., relating to shelter placement of certain children; renumbering and amending s. 39.436, F.S., relating to petitions for children in need of services; renumbering s. 39.437, F.S., relating to process and service; renumbering s. 39.438, F.S., relating to response to petition and representation of parties; renumbering s. 39.4431, F.S., relating to referral of children-in-need-of-services cases to mediation; renumbering and amending s. 39.446, F.S., relating to examination and treatment of certain children; renumbering s. 39.44, F.S., relating to hearings for children-in-need-of-services cases; renumbering s. 39.441, F.S., relating to orders of adjudication; renumbering and amending s. 39.442, F.S., relating to powers of disposition; renumbering s. 39.4375, F.S., relating to court and witness fees; renumbering s.

39.4441, F.S., relating to appeals; amending s. 39.01, F.S.; revising definitions applicable to ch. 39, F.S.; repealing ss. 39.0205, 39.0206, F.S., relating to a short title and a definition; renumbering s. 39.061, F.S., relating to escapes from detention or residential commitment facilities; repealing s. 39.419, F.S., relating to a definition; repealing ss. 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, 39.036, F.S., relating to community arbitration, which provisions are otherwise incorporated into this act; repealing ss. 39.052, 39.053, 39.054, 39.059, F.S., relating to adjudicatory hearings, adjudication, powers of disposition, and community control or commitment of children prosecuted as adults, which provisions are otherwise incorporated into this act; repealing ss. 39.05842, 39.05843, 39.05844, 39.05845, F.S., relating to vocational/work programs, which provisions are otherwise incorporated into this act; repealing s. 39.056, F.S., relating to early delinquency intervention, which provision is otherwise incorporated into this act; amending s. 39.002, F.S.; providing legislative intent for the juvenile justice system; amending s. 39.012, F.S.; providing for the Department of Children and Family Services to adopt rules; designating and naming parts of ch. 985, F.S.; providing legislative intent with respect to other acts; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 2194—A bill to be entitled An act relating to Medicaid; amending s. 236.0812, F.S.; revising the school-based services that are eligible for Medicaid funds under the certified school match program; excluding certain services from the program; deleting certain requirements with respect to the deposit and allocation of federal Medicaid funds; amending s. 409.9071, F.S.; requiring the Agency for Health Care Administration to obtain certain federal waivers; revising requirements for school districts that receive Medicaid reimbursements under the program; requiring the Agency for Health Care Administration to review a school district before it enrolls in the program; requiring the agency to develop a reimbursement schedule; amending s. 409.908, F.S.; revising requirements for the Agency for Health Care Administration in reimbursing school districts for services provided under the program; providing that certain school district employees are exempt from agency requirements for background investigations; amending s. 409.9122, F.S.; providing requirements for managed-care plans with respect to executing agreements with school districts and county health departments; requiring the Agency for Health Care Administration and the Department of Education to develop certain procedures for providing services under the certified school match program; amending s. 409.9126, F.S., relating to the Children's Medical Services network; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 2224—A bill to be entitled An act relating to education; amending s. 240.36, F.S.; revising provisions relating to the Florida Academic Improvement Trust Fund for Community Colleges; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 2310—A bill to be entitled An act relating to the DUI Programs Coordination Trust Fund; amending s. 322.293, F.S.; providing for an offender security account; providing for assessments; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 462 which became law without his signature on April 9, 1997.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 295, HB 421, HB 423, HB 429, HB 517, HB 519, HB 521, HB 567, HB 569, HB 593, HB 597, HB 621, HB 623; has passed as amended HB 425, HB 427, HB 515, HB 571, HB 619 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Gay—

HB 295—A bill to be entitled An act relating to Lee and Charlotte Counties; amending chapter 96-507, Laws of Florida, the Gasparilla Island Bridge Authority Act; revising the powers and duties of the authority to eliminate the requirement that electors authorize the maximum toll and maximum ad valorem tax in a single vote of the electors; eliminating the requirement that the proceeds of tolls and ad valorem taxes may only be used for certain purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Livingston and others—

HB 421—A bill to be entitled An act relating to the North Fort Myers Fire Control and Rescue Service District, Lee County, amending ch. 30925, Laws of Florida, 1955, as amended; providing for emergency medical and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston and others—

HB 423—A bill to be entitled An act relating to the Iona McGregor Fire Protection and Rescue Service District, Lee County; amending ch. 75-421, Laws of Florida, as amended; authorizing the board of the district to establish and maintain emergency and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston and others—

HB 429—A bill to be entitled An act relating to the Estero Fire Protection and Rescue Service District, Lee County; amending ch. 76-408, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical and rescue response services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 517—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 91-358, Laws of Florida; providing an alternate provision for runoff elections; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Representative Posey—

HB 519—A bill to be entitled An act relating to Indian River County; amending chapter 79-480, Laws of Florida; providing for certain restrictions on the harvesting of shellfish; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jacobs—

HB 521—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; amending chapter 25784, Laws of Florida, 1949, as amended, relating to the civil service act of the city; amending provisions relating to exclusion of certain employees; revising layoff and recall procedures; clarifying procedures relating to reductions in force due to a change in work; providing for return to a civil service position under certain circumstances; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston and others—

HB 567—A bill to be entitled An act relating to the Sanibel Island Fire Control District, Lee County; amending ch. 30930, Laws of Florida, 1955, as amended; providing for the establishment and maintenance of emergency medical and advanced life support and rescue services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 569—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; limiting benefits to employees beyond the rank of captain; deleting a provision which preserves current benefits when a new sheriff takes office; providing for construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 593—A bill to be entitled An act relating to Palm Beach County; amending s. 1 of ch. 59-994, Laws of Florida; providing for the annexation of lands into the Northern Palm Beach County Improvement District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

HB 597—A bill to be entitled An act relating to the Greater Boca Raton Beach Tax District, Palm Beach County; amending sections 1, 2, and 7 of chapter 74-423, Laws of Florida, as amended, providing for a redesignation of the Greater Boca Raton Beach Tax District, compensation of commissioners, and purchases of supplies, equipment, and material; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Smith—

HB 621—A bill to be entitled An act relating to Putnam County; repealing chapter 71-884, Laws of Florida, relating to the Putnam County Nursing Home Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bainter—

HB 623—A bill to be entitled An act relating to Lake County; repealing subsection I of section 4 of chapter 95-508, Laws of Florida, relating to alternative revenue raising capabilities of the Board of Trustees of the North Lake County Hospital District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 425—A bill to be entitled An act relating to Lee County; amending chapter 76-414, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical services and acquire and maintain rescue, medical, and other emergency equipment; amending the date the board elects its officers; increasing the minimum rate of ad valorem taxes that may be levied to provide funds for the district; providing for a referendum; reporting the actions of the board and accounting of its funds in accordance with chapter 189, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 427—A bill to be entitled An act relating to Lee County; amending chapter 76-411, Laws of Florida, as amended; amending the Enabling Act of the San Carlos Park Fire Protection and Rescue Service District; excluding certain lands within the district and revising powers of the board of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Greene—

HB 515—A bill to be entitled An act relating to Pelican Lake Water Control District, Palm Beach County; amending chapter 77-625, Laws of Florida, as amended; providing that the Board of Supervisors shall be composed of three citizens of the United States who shall be resident freeholders of the State of Florida; repealing chapter 28417, Laws of Florida, 1953, which authorizes Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District; amending chapter 26739, Laws of Florida, 1951, as amended; deleting land from Pelican Lake Water Control District and annexing land into Pahokee Water Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Frankel—

HB 571—A bill to be entitled An act relating to Indian Trail Water Control District, Palm Beach County; changing the name of the district to Indian Trail Improvement District; clarifying the district's authority to provide, finance, construct, operate, and maintain and include as a component of roads, bridges, parkways, and other elements; providing for adoption by resolution of rules and procedures for the letting of contracts; providing alternative methods to amend, modify, and change the district's water management plans; authorizing the district to accept for maintenance additional facilities; ratifying all existing water management plans as amended and constructed; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources; and Rules and Calendar.

By Representative Livingston—

HB 619—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; repealing ss. 12, 13, 14, and 15 of ch. 63-1558, Laws of Florida, as amended, relating to emergency ambulance service, annual assessments therefor, adoption of fees or service charges, and requirement of a referendum election in order to dissolve the district; creating new ss. 12 and 13 of ch. 63-1558, Laws of Florida, as amended; providing for emergency medical rescue response services; providing for the levying of taxes to support same; renumbering subsequent sections of ch. 63-1558, Laws of Florida, as amended; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

ENROLLING REPORTS

SB 68, CS for SB 160, CS for SB 284, CS for SB 290, SB 332 and CS for SB 778 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 10, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 9 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 396; Campbell—CS for SB 442; Casas—SB 738, SB 1552, SB 1554, SB 1576, CS for SB 1718; Grant—SB 2296; Myers—CS for SB 722, SB 1092; Turner—CS for SB 134

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:35 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 4:15 p.m., Monday, April 14.

Journal of the Senate

Number 14—Regular Session **Monday, April 14, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 4:15 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senator Lee at 5:07 p.m.

PRAYER

The following prayer was offered by Dr. Ken Dyal, Pastor, First Baptist Church of Argyle, Jacksonville:

Lord, thank you for this priceless privilege of prayer. Today I have the distinct honor to pray for your elected leaders.

Lord, I pray that you would fortify their faith—let it be fervent, let it be felt; that you would fulfill the needs of their families, their family members, their finances and their friends; that you would assist them as they focus on the future—give them courage, give them compassion; that you would grant them the window of wisdom—you teach us to ask for wisdom, you trust us to appropriate wisdom; that you would provide them patience—when there is conflict, when there is cooperation; that you would multiply the money—let there be solid stewardship, let there be a sensitive spirit.

And, Lord, we thank you for your grace—for your sovereign grace, for your strengthening grace, for your saving grace, and for your sufficient grace.

For it is in your holy name, Yahweh and Jesus, I pray. Amen.

PLEDGE

Senate Pages, Scott Brannon of Freeport and Jennifer Wilson of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Lee—

By Senator Lee—

SR 2502—A resolution honoring the Brandon High School Eagles Wrestling Team for setting a new national record for consecutive dual-meet wins in American high school athletics.

WHEREAS, on January 17, 1997, the Brandon High School Eagles Wrestling Team defeated A.P. Leto High School by a score of 73-4, which was the 292nd straight dual-meet win for the team, and

WHEREAS, on January 18, 1997, the Brandon High School Eagles extended their streak to 293 straight dual-meet wins by defeating Chamberlain Senior High School by a score of 59-14, and

WHEREAS, the victory against A.P. Leto High School tied the national record held by the Amherst, New York Sweet Home High School volleyball team for most consecutive dual-meet wins by any high school team in the United States in any sport, and

WHEREAS, the victory against Chamberlain Senior High School established a new national record, removing Amherst's Sweet Home High School from the national record books, and

WHEREAS, the record had been set by Sweet Home High School over a nine-year period from 1978 to 1987, and

WHEREAS, Brandon High's record-setting streak began in January 1974 under Coach Jim Graves, who retired in 1980 with a record of 97 wins, 11 losses, and one tie, and has continued under the coaching of Russ Cozart, whose dual-meet record at Brandon is 218 wins and no losses, and

WHEREAS, the Brandon High School Eagles Wrestling Team won state titles in 1977, 1982, 1984, 1985, 1988, 1991, 1992, 1993, 1995, and 1997, and

WHEREAS, the accomplishments of the Brandon High School Eagles Wrestling Team is a source of pride for Brandon High School, for the members of the wrestling team from 1974 to present, for their families, for their community, and for the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate congratulates and applauds the Brandon High School Eagles Wrestling Team, its coaches and wrestlers, for their outstanding achievements and in particular for establishing a new national record for consecutive dual-meet wins in American high school athletics.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Patrick Gregory, principal of Brandon High School, to Coach Russ Cozart, to Assistant Coach Bob Hendrickson, and to each of the following members of the Brandon High School Eagles Wrestling Team: Ben Bateman, John Brooks, Sean Carmody, Ryan Clark, Kervin Dinard, Juan Edwards, Wayne Giese, Will Hollingsworth, Josh Lambrecht, Zach Lambrecht, Mike Pucillo, Joel Tanaka, Richard Tiemann, Ben Valladares, and Claude Ware as a tangible token of the sentiments of the Florida Senate.

—**SR 2502** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 864**, **SB 1470** and **SB 2272** were withdrawn from the Committee on Criminal Justice.

On motion by Senator Burt, by two-thirds vote **SB 1418** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 946** and **SB 2342** were also referred to the Committee on Ways and Means; and **CS for SB 148**, **SB 162**, **CS for SB 176**, **CS for SB 250**, **CS for SB 362**, **CS for SB 490**, **CS for SB 570**, **CS for SB 650**, **CS for SB 872**, **CS for SB 948**, **SB 1028**, **CS for SB 1228**, **CS for SB 1288**, **SB 1320**, **CS for SB 1360** and **CS for CS for SB 2044** were withdrawn from the Committee on Ways and Means.

On motion by Senator Holzendorf, by two-thirds vote **SB 896**, **SB 942**, **SB 944**, **SB 1606**, **SB 1330** and **SB 668** were withdrawn from the committees of reference and further consideration.

CONSIDERATION OF BILLS ON THIRD READING

COMMUNICATION

The Honorable Toni Jennings, President April 10, 1997
The Florida Senate

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the engrossed Senate Appropriations Bills, **SB 2400** and **SB 2402** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 10, 1997 at 8:50 a.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

SB 2400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was taken up pending roll call, having been amended and read the third time on April 9. On motions by Senator Sullivan, **SB 2400** was read by title, passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—2

Ostalkiewicz Turner

SB 2402—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Departments of Children and Families and Juvenile Justice to conduct a study of certain funds as a state match for specified funds; requiring the Department of Children and Family Services, the Department of Health, and the Department of Juvenile Justice to use specified appropriations to conduct a study and develop recommendations for a district budget flexibility initiative; providing requirements for the study; requiring a report to the Governor and the Legislature; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to expend appropriated funds to defray impact costs of municipalities and counties associated with opening and operating a facility; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

—was taken up pending roll call, having been amended and read the third time on April 9. On motions by Senator Sullivan, **SB 2402** was read by title, passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Turner

CS for SB 800—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S.; specifying conditions under which retail revolving accounts are considered to be signed or accepted; specifying that the seller has the burden of proving authorized use; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 800** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Forman	Jones
Bankhead	Clary	Grant	Kirkpatrick
Bronson	Cowin	Gutman	Klein
Brown-Waite	Crist	Harris	Kurth
Burt	Dantzler	Holzendorf	Latvala
Campbell	Dudley	Horne	Lee
Casas	Dyer	Jenne	McKay

Meadows	Rossin	Sullivan	Turner
Myers	Scott	Thomas	Williams
Ostalkiewicz	Silver		

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SB 128—A bill to be entitled An act relating to education; requiring the Department of Children and Family Services and the Department of Education to develop minimum performance standards for all early education and care programs that serve children from birth through 5 years of age; requiring those departments to submit a joint report to the Legislature by October 1, 1997, presenting the performance standards and recommending funding procedures; amending s. 232.01, F.S.; revising the age at which students must begin school; amending s. 232.04, F.S.; revising the age at which students must begin kindergarten; providing an effective date.

—as amended April 10 was read the third time by title.

On motions by Senator Kirkpatrick, **SB 128** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Scott
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kurth

REPORTS OF COMMITTEES

The Committee on Natural Resources recommends the following pass: SB 768 with 1 amendment

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Education recommends the following pass: SB 1810, SB 1812

The bills were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 1964 with 3 amendments

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Natural Resources recommends the following pass: SB 712 with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Education recommends the following pass: SB 2256

The Committee on Natural Resources recommends the following pass: SB 1038

The Committee on Regulated Industries recommends the following pass: SB 592 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following pass: SB 1684

The Committee on Judiciary recommends the following pass: CS for SB 724 with 4 amendments, SB 766

The Committee on Natural Resources recommends the following pass: CS for SB 1466 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Regulated Industries recommends a committee substitute for the following: Senate Bills 1216 and 2024

The bills with committee substitute attached were referred to the Committee on Commerce under the original reference.

The Committee on Natural Resources recommends committee substitutes for the following: SB 1074, SB 1476, SB 2428

The bills with committee substitutes attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: Senate Bills 910, 302 and 2300

The bills with committee substitute attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1532

The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 860

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2316

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: Senate Bills 234 and 456

The bills with committee substitute attached were referred to the Committee on Natural Resources under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1754

The Committee on Education recommends committee substitutes for the following: SB 1434, SB 1548, SB 1578

The Committee on Natural Resources recommends a committee substitute for the following: SB 1064

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 170

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1598

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Claudia Davenport and Ellin Goetz as members of the **Big Cypress Basin Board** for terms ending March 1, 1999; Earl S. Haugabook as a member of the **Alafia River Basin Board** for a term ending March 1, 1999; Lois J. Gaston and Calvin A. Kuenzel as members of the **Hillsborough River Basin Board** for terms ending March 1, 1999; John T. Hamner and Judith L. Jones as members of the **Manasota Basin Board** for terms ending March 1, 1998; Berryman T. Longino and Charles E. Williams as members of the **Manasota Basin Board** for terms ending March 1, 1999; Gwendolyn S. Tillotson and Janette Meredith Wester as members of the **Northwest Hillsborough County Basin Board** for terms ending March 1, 1999; William Keith Davis as a member of the **Peace River Basin Board** for a term ending March 1, 1999; Adelle L. Spigelman and Jay B. Starkey III as members of the **Pinellas-Anclote River Basin Board** for terms ending March 1, 1999; Eleanor Pat Dixon as a member of the **Withlacoochee River Basin Board** for a term ending March 1, 1998; and Julia Haile and Andrew W. Lee as members of the **Withlacoochee River Basin Board** for terms ending March 1, 1999.

[The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dyer—

SB 2468—A bill to be entitled An act relating to dangerous dogs; amending s. 767.12, F.S.; revising procedures relating to the classification of dogs as dangerous; amending s. 767.12, F.S.; specifying circumstances under which a dog may not be destroyed; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Childers—

SB 2470—A bill to be entitled An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2472—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for annexation of the unincorporated areas known as "Southwest Ranches" and "Sunshine Ranches" and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2474—Not referenced.

By Senator Gutman—

SB 2476—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 2478—A bill to be entitled An act relating to criminal sentencing; amending s. 39.052, F.S.; providing for a magistrate to hear evidence in cases in which a juvenile is certified by a state attorney to be tried as an adult; amending s. 921.0014, F.S.; providing for a reduction in points assessed for offenders who are juveniles under certain conditions; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Senator Gutman—

SB 2480—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 631.8809, F.S.; providing an exemption from public records requirements for reports and recommendations regarding the insolvency or impairment of a workers' compensation insurer; providing a finding of public necessity; creating s. 631.8810, F.S.; providing an exemption from open public meetings requirements for negotiations between a workers' compensation insurer and the Florida Workers' Compensation Guaranty Association; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

SR 2482—Not referenced.

By Senator Dudley—

SB 2484—A bill to be entitled An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for a referendum; provid-

ing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2486—A bill to be entitled An act relating to Collier County; to extinguish, because of nonuse, certain perimeter and bisecting easements within the Golden Gate Estates subdivisions; providing that all of such easements shall be extinguished and be void as of midnight, December 31, 1999, except to the extent that an easement, on or before December 31, 1999, is in actual use as a road, for drainage, or for utility facilities, and a proper notice of claim to the easement is recorded in the official records of Collier County, not later than December 31, 1999; providing that this act shall not modify any effect chapter 712, Florida Statutes, may have over easements; providing that this special act shall be published in a newspaper of general circulation prior to July 1, 1997, for the next 3 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

SB 2488—A bill to be entitled An act relating to workers' compensation; creating s. 631.8811, F.S.; creating the Florida Workers' Compensation Guaranty Association Account; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Senator Gutman—

SB 2490—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; redefining the terms "employee" and "catastrophic injury"; amending s. 440.05, F.S.; providing for an exemption; amending s. 440.09, F.S.; requiring findings by a psychiatrist for certain coverage; revising coverage for alcohol and drug-related injuries and for professional athletes; amending s. 440.10, F.S.; providing for employer and independent contractor liability; providing for a rate reduction on October 1, 1998, for construction industry codes; amending s. 440.13, F.S.; providing for medical treatment in a managed care arrangement; directing the adoption of guidelines for medical practice parameters; amending s. 440.134, F.S.; providing definitions for managed care arrangements; authorizing employers who self-insure to opt out of mandatory managed care arrangements; providing procedures for managed care arrangement grievances; authorizing the Agency for Health Care Administration to suspend an insurer under certain circumstances; amending s. 440.14, F.S.; revising the determination of average weekly wages and the applicability of attorney's fees; amending s. 440.15, F.S.; revising eligibility for permanent total disability, temporary total disability, and permanent impairment and wage-loss benefits; establishing a system for wage-loss benefits; revising compensation for temporary partial disability; amending s. 440.191, F.S.; requiring employees to provide additional notice when seeking benefits; requiring the Attorney General to provide legal representation for employees involved in small medical billing claims and disputed wage issues; amending s. 440.34, F.S.; providing standards and procedures for the award of attorney's fees; amending s. 440.49, F.S.; providing for reimbursement of claims from the Special Disability Trust Fund; extending the Special Disability Trust Fund assessment for another year; revising effective dates and providing for an election to withdraw from participation in the trust fund; amending s. 624.5094, F.S.; providing for the calculation of annual assessments for the trust fund; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 631.52, F.S.; eliminating workers' compensation insurance from the Florida Insurance Guaranty Association Act; creating ss. 631.830, 631.831, 631.832, 631.833, 631.834, 631.835, 631.836, 631.837, 631.838, 631.839, 631.840, 631.841, 631.842, 631.843, 631.844, 631.845, 631.846, 631.847, 631.848, 631.849, 631.8495, 631.850, 631.851, 631.852, 631.853, 631.854, 631.855, 631.856, 631.857, 631.858, 631.859, 631.860, 631.861, 631.862, 631.863, 631.864, 631.865, 631.866, 631.867, 631.868, 631.8685, 631.869, 631.870, 631.871, 631.872, 631.873, 631.874, 631.875, 631.876, 631.877, 631.878, 631.879, 631.880, 631.8801, 631.8802, 631.8803, 631.8804, 631.8805, 631.8806, 631.8807, 631.8808, 631.8812, 631.8814, F.S.; creating the Florida Workers' Compensation Insurance Guaranty Association Act; providing a title, purposes, and definitions; providing for commencement of delinquency proceedings; providing for automatic stay, relief from stay, injunctions, and reopening of default judgments; providing grounds for rehabilitation; providing for the appointment of a receiver; providing grounds for liquidation; providing grounds for conservation for foreign and alien workers' compensation insurers; providing grounds for ancillary liquidation; providing for the order of rehabilitation and termination; providing for the order of liquidation of insurers; providing for subordination of claims for noncooperation; providing for the conduct of delinquency proceedings; providing for intervention in proceedings; providing for the disposition of funds or other property in possession of a third person; providing for agents' balances, premiums, and unearned commissions; providing for claims of residents and nonresidents against insurers; providing for the filing and proof of claims; providing for special deposit and secured claims; providing for the allowance of claims; providing for attachment and garnishment of assets; providing standards and procedures for a receiver in facilitating the rehabilitation, liquidation, conservation, or dissolution of an insurer; providing for continuation of coverage; providing for voidable transfers and transfers prior to and after a petition; providing for the priority of distribution of claims; providing for medical and indemnity benefits; providing for attorney's fees; providing for offsets; providing for the assessment of assets; providing for notice of insolvency to policyholders; providing for seizure under order of the court, the department, or the association; providing for the cooperation of officers, employees, and independent contractors; providing for immunity; providing for use of marshaled assets; providing for the recovery of distributions made to an affiliate; creating the Florida Workers' Compensation Guaranty Association and the composition of its board of directors; providing for an organizational meeting of the association; providing for a plan of operations and the powers and duties of the association; providing for assessments to fund the association; requiring the Department of Insurance to examine records and supervise the operations of the association; providing for the effect of paid claims; providing for the prevention of insolvencies; providing for prohibitions against advertising; providing for liability of insurers for unpaid claims; amending s. 631.915, F.S.; redefining the term "covered claim" and providing for its retroactive application to pre-1994 claims; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Senators Kirkpatrick and Williams—

SB 2492—A bill to be entitled An act relating to the Alachua County School Board; amending s. 1, ch. 95-466, Laws of Florida; specifying an alternative method of qualification for candidates for election to the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2494—2504—Not referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary, Criminal Justice and Senator Gutman—

CS for CS for SB 170—A bill to be entitled An act relating to offenses involving intent to defraud persons who hire or lease personal property or equipment; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver

hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; specifying circumstances under which failure upon demand to pay amounts due for the full rental period constitutes such fraudulent intent; providing an effective date.

By the Committee on Regulated Industries and Senators Gutman, Silver, Latvala, Forman, Myers, Klein and Sullivan—

CS for SB's 234 and 456—A bill to be entitled An act relating to the funding for beach management; amending s. 161.091, F.S.; requiring the Department of Environmental Protection to identify a dedicated revenue source for the beach management plan; providing an effective date.

By the Committee on Criminal Justice—

CS for SB 860—A bill to be entitled An act relating to criminal justice; amending s. 27.005, F.S.; providing definitions; amending s. 27.51, F.S.; clarifying the procedure by which the court may issue an order stating that a defendant will not be imprisoned if convicted; creating s. 27.512, F.S.; requiring the court to issue an order of no imprisonment in each case in which the defendant is not subject to imprisonment if convicted; prohibiting the court from appointing a public defender to represent the defendant following issuance of such an order; providing for the appointment of a public defender upon the withdrawal of an order of no imprisonment; amending s. 27.52, F.S.; providing for the court to appoint a conflict attorney to represent an indigent defendant if the public defender certifies that the defendant cannot be represented due to a conflict of interest or an excessive caseload; revising requirements for the court in determining whether a defendant is indigent; providing for the determination of indigency to be verified by an indigency examiner; requiring a defendant who claims indigency to pay an application fee; requiring the collecting entity to assign the first $20 to the Crimes Compensation Trust Fund; authorizing the county to retain the remaining fee collected; deleting a provision that authorizes the court to find a defendant indigent but able to contribute; requiring that an indigent defendant agree to report any change in his or her financial situation; amending ss. 27.53, 925.036, F.S., relating to appointed counsel; prohibiting an attorney appointed to assist the public defender from reassigning the case to another attorney; amending s. 27.56, F.S.; providing for the application fee to be included in the judgment assessed against a defendant following conviction; deleting certain provisions that authorize a defendant to execute a lien upon real or personal property as security for payment of fees and costs; amending s. 27.562, F.S.; providing for the disposition of fees and costs collected from a defendant; amending s. 215.22, F.S.; providing that funds in the Indigent Criminal Defense Trust Fund are exempt from certain deductions; amending s. 948.03, F.S.; providing for payment of the indigency application fee to be a condition of probation or community control; amending s. 925.037, F.S.; providing meeting requirements for the circuit conflict committee; amending s. 948.08, F.S.; revising criteria under which an offender may be admitted to a pretrial intervention program; prohibiting the appointment of a public defender to represent an offender released to a pretrial intervention program; requiring the Justice Administrative Commission to submit certain reports to the Legislature to assist the Legislature in determining the fiscal effect of certain revisions in the law for establishing the indigency of defendants; providing an effective date.

By the Committee on Judiciary and Senators Dudley, Harris and Campbell—

CS for SB's 910, 302 and 2300—A bill to be entitled An act relating to protection against domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent's conviction of a felony involving domestic violence; providing for evidence of domestic violence or child abuse to be considered by the court as evidence of detriment to the child; providing for consideration of false allegations of domestic violence or child abuse in custody proceedings; amending s. 741.28, F.S.; redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for indication of specified information on the face of a temporary or final judgment for protection against domestic violence; prescribing conditions under which persons may present evidence or recommendations; providing for information through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of counseling, treatment, batterers' intervention programs; requiring the court administrator to maintain a registry of program providers; providing for petitioners to be ordered to counseling; providing for petitioners to be provided a list of counseling programs; providing for payment of a petitioner's counseling; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross references; providing certain immunity from civil liability to law enforcement officer; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 1064—A bill to be entitled An act relating to dry cleaning solvent cleanup; amending s. 376.3078, F.S.; providing legislative intent; clarifying certain rehabilitation liability provisions; providing additional criteria for determining eligibility for rehabilitation; providing additional authority for the Department of Environmental Protection to consider certain information in determining rehabilitation eligibility; providing for continuing application of certain immunity for real property owners; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1074—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; providing for an Intended Use Plan; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to

have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation to the Department of Environmental Protection; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from certain loan repayment funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries and Senators Silver, Gutman, Casas, Childers, Diaz-Balart, Grant, Turner and Bronson—

CS for SB's 1216 and 2024—A bill to be entitled An act relating to the Beverage Law; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; creating s. 561.5101, F.S.; requiring all malt beverages brought into this state to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney's fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing an exception for sacramental alcoholic beverages; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1434—A bill to be entitled An act relating to education finance; creating the "Capital Improvement Millage Reform Act"; amending s. 236.25, F.S., relating to district school tax; raising the maximum millage a school district may levy for capital outlay purposes; authorizing the use of additional funds for certain lease-purchase agreements by school districts with high student growth; defining high student growth and providing for calculation; providing an expenditure requirement; providing an effective date.

By the Committee on Natural Resources and Senator Williams—

CS for SB 1476—A bill to be entitled An act relating to air pollution; amending s. 403.0872, F.S.; providing procedures, timeframes, and revised requirements for major source air operation permits; amending s. 403.182, F.S.; providing that certain local rules do not apply to any facility permitted and under construction; providing an effective date.

By the Committee on Regulated Industries and Senator Holzendorf—

CS for SB 1532—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.111, F.S.; revising procedures for licensure by examination; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating s. 489.1455, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; creating s. 489.5335, F.S.; providing for reciprocity with respect to journeyman electricians; providing for a committee to study and report on the construction industry; providing effective dates.

By the Committee on Education and Senators Horne and Clary—

CS for SB 1548—A bill to be entitled An act relating to educational facilities and funding; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities by district school boards, community college boards of trustees, and state universities; requiring validation by the Department of Education; amending s. 235.26, F.S.; specifying requirements of the State Uniform Building Code for Public Educational Facilities with regard to new school construction; amending s. 235.435, F.S.; providing criteria for recommending funding from the Special Facility Construction Account; restricting 3-year priority lists for capital outlay funding of community colleges and the State University System; exempting district school boards from local landscape ordinances; restricting the use of funds from the Public Education Capital Outlay Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund for certain new construction; specifying duties of the Department of Education; authorizing a 1-year public-private partnership for the construction of public schools; providing for the allocation of available funds from the Public Education Capital Outlay and Debt Service Trust Fund to the school districts of Bay County, Palm Beach County, and Dade County; providing for distribution and use of funds; specifying duties of the Commissioner of Education; requiring the remittance of certain excess allocations; amending s. 236.25, F.S.; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of

the expenditure restrictions; providing an exception to the expenditure restrictions; creating the Florida School Construction Commission to maintain oversight of public school construction; providing membership; providing duties; requiring school boards to provide information on construction projects to the commission for review; providing an exception; authorizing district school boards to pledge certain lottery moneys for the construction of neighborhood lottery schools; providing for notice and hearing; providing for issuing bonds; prescribing standards for neighborhood lottery schools; prescribing duties of the Division of Bond Finance and the Department of Education; amending s. 236.39, F.S.; providing an exemption from requirements for an election; requiring the Department of Education to recommend certain incentives; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1578—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for the charter of a school-within-a-school; revising procedures for appeal to the State Board of Education; revising student eligibility criteria; revising reporting requirements; providing for waiver of certain statutes; providing for contracts for personnel services; revising leave procedures; providing for the distribution of funds; providing for the use of facilities and property of the sponsor; authorizing the Commissioner of Education to adopt rules; authorizing the creation of charter technical institutes; prescribing powers and duties of the Commissioner of Education, the Department of Education, the district school boards, and the Workforce Development Board of Enterprise Florida, Inc., with respect to charter technical institutes; prescribing powers and duties of charter technical institutes and their boards of trustees; providing for funding charter technical institutes; prescribing rights and duties of employees of charter technical institutes and of district school board employees working at charter technical institutes; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; revising the definition of "covered group" within the Florida Retirement System to include charter technical institutes; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical institute; providing an effective date.

By the Committee on Regulated Industries and Senators Kurth, Kirkpatrick, Meadows, Childers, Gutman, Myers, Forman, Diaz-Balart, Casas, Silver and Turner—

CS for SB 1598—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.106, F.S.; providing that an excavator who excavates with hand tools is liable for any damage to an operator's underground facilities which occurs during the excavation; amending s. 556.108, F.S.; revising exemptions to the requirement to give notice before excavating; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 1754—A bill to be entitled An act relating to international economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; requiring Enterprise Florida, Inc., to develop a list of assigned duties and performance measures for foreign offices; requiring that Enterprise Florida, Inc., address the performance of foreign offices in its annual report; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing Enterprise Florida, Inc., to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 320.20, F.S.; providing for the Florida Seaport Transportation and Economic Development Program; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; authorizing the Office of Tourism, Trade, and Economic Development to provide a grant to the Florida Association of Voluntary Agencies for Caribbean Action for maintaining an office in south Florida; providing for an appropriation to the Florida Export Finance Corporation; expressing legislative intent that the corporation reach administrative self–sufficiency; providing an effective date.

By the Committee on Regulated Industries and Senator Silver—

CS for SB 2316—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments which add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing qualifications of trustees and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee's certificate of compliance; providing for the manner of sale; providing for the effect of the trustee's sale; providing for the issuance of a trustee's deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee's deed; providing for the application of the part; providing an effective date.

By the Committee on Natural Resources and Senators Diaz-Balart and Kirkpatrick—

CS for SB 2428—A bill to be entitled An act relating to environmental mitigation; creating s. 373.4139, F.S.; providing for mitigation for mining activities within the Dade County Lake Belt; providing for the imposition of a fee on mined limerock and sand; providing procedures; providing for transferring proceeds into the Mitigation Trust Fund administered by Dade County; providing for the Department of Revenue to administer fee collection; providing for rulemaking, forms, audit procedures, and assessment of delinquent fees; providing for adjusting fee rates; providing uses for the fee proceeds; providing for the approval of expenditures from the trust fund; providing that payment of the fee satisfies specified mitigation requirements; amending s. 373.414, F.S.; continuing an exemption from environmental resource permitting requirements for certain existing mines; amending s. 373.4149, F.S.; redesignating and amending the Dade County Lake Belt Plan, formerly known as the Northwest Dade County Freshwater Lake Plan; providing legislative intent; defining the boundaries of the Dade County Lake Belt Area; amending the membership of the implementation committee; revising deadlines; requiring a Phase II report; allowing certain state agencies to enter into agreements with private individuals and entities and with governmental agencies, as specified; deleting a requirement for studies; requiring state agencies to make certain lands available to the committee to be used for land exchanges under this act; creating s. 373.4415, F.S.; providing for the Department of Environmental Protection to delegate to Dade County authority to implement the permitting program for limerock mining in the Dade County Lake Belt; creating s. 378.4115, F.S.; providing for the Department of Environmental Protection to certify the Dade County Department of Environmental Resource Management to implement the reclamation program for limerock mining activities within the Dade County Lake Belt; providing restrictions; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 681, HB 835; has passed as amended CS for HB 387, CS for HB 493, HB 793; has adopted HM 1963 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Futch—

HB 681—A bill to be entitled An act relating to campaign financing; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 99.092, 99.103, and 105.031, F.S.; eliminating the transfer of a portion of filing fees to the trust fund and reducing filing fees accordingly, to conform; amending s. 99.093, F.S.; eliminating the transfer of a portion of municipal election assessments to the trust fund and reducing the municipal election assessment accordingly, to conform; amending s. 102.112, F.S.; providing for deposit of fines assessed for late county election returns into general revenue rather than the trust fund, to conform; amending ss. 106.04 and 106.07, F.S.; providing for deposit of fines assessed for late campaign financing reports into general revenue rather than the trust fund, to conform; eliminating the separate reporting dates for candidates receiving contributions from the trust fund, to conform; amending s. 106.141, F.S.; eliminating deposit of surplus campaign funds into the trust fund, to conform; amending s. 106.22, F.S.; eliminating the required audits of campaign accounts of candidates receiving contributions from the trust fund, to conform; amending s. 106.265, F.S.; providing for deposit of civil penalties into general revenue instead of the trust fund, to conform; repealing ss. 199.052(14) and 320.02(13), F.S., and amending ss. 322.08, 327.25, and 607.1622, F.S., to eliminate provisions that authorize voluntary contributions to the trust fund, to conform; amending ss. 370.12, 732.9215, and 732.9216, F.S.; correcting cross references, to conform; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Representative Ziebarth and others—

HB 835—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; authorizing, rather than requiring, taxpayers who are required to remit taxes by electronic funds transfer to make returns in a form initiated through an electronic data interchange; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Water and Resource Management; and Representative Feeney—

CS for HB 387—A bill to be entitled An act relating to wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—was referred to the Committees on Natural Resources and Criminal Justice.

By the Committee on Governmental Operations and Representative Sindler—

CS for HB 493—A bill to be entitled An act relating to the confidentiality of information of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing certain exemptions from public records and public meetings requirements with respect to the council; providing exemptions for portions of meetings at which certain confidential records are discussed and for portions of records generated at exempt portions of meetings; providing for future review and repeal; providing a finding of public necessity; providing that the council is a criminal justice agency for purposes of chapter 119, F.S., relating to public records; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

By Representative Thrasher—

HB 793—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; providing for a public hearing; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Garcia and others—

HM 1963—A memorial to the Congress of the United States, urging Congress to take immediate action to repeal new federal legislation which removes financial assistance to legal residents.

—was referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 10 was corrected and approved.

CO-SPONSORS

Senator McKay—CS for SB 586

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 16.

SENATE PAGES

April 14-18

Megan Berrigan, Tallahassee; Christopher Bowden, Santa Rosa Beach; Scott Aaron Brannon, Freeport; Melbin Cannon, Tallahassee; Laura Kathryn Cotton, Tallahassee; Bryan Richard Dearolf, Tampa; Amanda Harkins, Orlando; Samantha Anne Karp, Sarasota; Zachariah (Zach) Kramer, Crawfordville; Jackie Reshard, Tallahassee; Emir Abraham Sirker, Homestead; Adam Stephens, Dade City; Brandy Sweeney, Oviedo; Tim Taylor, Tampa; Allison (Allie) VanLandingham, Quincy; Raymond Washington, Jr., Alachua; Jennifer Wilson, Tallahassee

Journal of the Senate

Number 15—Regular Session **Wednesday, April 16, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Excused: Senators Childers and Lee

PRAYER

The following prayer was offered by Lucy Hadi, Lay Eucharistic Minister, St. John's Episcopal Church, Tallahassee:

In peace and with reverence we pray to you, Lord God. We ask your blessings on the Senate family and, especially, on these men and women who have been chosen to lead and to serve.

In times of stress and struggle, fill them with your peace. When they grow weary, refresh their spirits and sharpen their senses. When cynicism threatens, lead them to look for joy in the simple blessings of life, in the warmth of friendship and in the wonder and beauty of nature.

May they find and nurture all that is good and noble in themselves and in each other. When they are tempted to speak hastily or hurtfully, still their anger and renew their patience.

Empower them to do your will in all they undertake. Give them strength and courage to serve you and those they represent with vigor and with honor.

All this we ask in your Holy Name. Amen.

PLEDGE

Senate Pages, Samantha Karp of Sarasota and Adam Stephens of Dade City, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 594** was withdrawn from the Committee on Judiciary; **SB 2054** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 2064** and **SB 1746** were withdrawn from the Committee on Commerce and Economic Opportunities; and **CS for SB 936** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Hargrett, by two-thirds vote **SB 1802** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 496**, **CS for SB 612**, **SB 864**, **SB 902**, **CS for SB 908**, **SB 988**, **CS for SB 1018**, **CS for SB 1068**, **CS for SB 1420**, **SB 1470**, **CS for SB 1542**, **CS for SB 1578**, **CS for SB 1592**, **CS for SB 1718**, **CS for SB 1728**, **CS for SB 1948**, **SB 2250** and **SB 2272** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 1508** was withdrawn from the Committee on Transportation; and **CS for SB 940** was withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to add **SB 2**, **CS for SB 716** and **CS for SB 1384** to the agenda at the meeting this day.

On motion by Senator Bankhead, the rules were waived and the Committee on Governmental Reform and Oversight was granted permission to add **CS for SB 946**, **SB 1292** and **SB 1508** to the agenda at the meeting on April 17.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 17.

SPECIAL ORDER CALENDAR

On motion by Senator Clary, by two-thirds vote **CS for HB 411** was withdrawn from the Committee on Health Care.

On motion by Senator Clary—

CS for HB 411—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

—a companion measure, was substituted for **CS for SB 1312** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 411** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 358—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.702, F.S.; providing immunity from liability for members of the board of directors of a community health purchasing alliance, and its employees and agents, in the performance of the board's duties; correcting a cross-reference; amending s. 408.703, F.S.; providing that a small employer member of an alliance remains eligible for coverage for a specified period following an expansion of business; repealing s. 408.705, F.S., relating to the boards of directors of community health purchasing alliances; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Brown-Waite and adopted:

Amendment 1—On page 2, line 20, after "*50*" insert: *and less than 75*

Amendment 2—On page 2, line 22, delete "*an*" and insert: *not more than one*

Pursuant to Rule 4.19, **SB 358** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, between lines 2 and 3, insert:

(10) A contract between a prepaid limited health service organization and a provider of limited health care services may not contain any provision restricting the provider's ability to communicate information to the provider's patient regarding care or treatment options for the patient when the provider deems knowledge of such information by the patient to be in the best interest of the health of the patient.

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: prohibiting certain provisions from being included in contracts;

Amendment 2—On page 2, delete line 12 and insert:

Section 3. Subsections (8), (9), and (10) are added to

Senator Rossin moved the following amendment:

Amendment 3 (with title amendment)—On page 3, between lines 2 and 3, insert:

Section 4. Section 636.0145, Florida Statutes, is created to read:

636.0145 Certain entities contracting with Medicaid.—Notwithstanding the requirements of s. 409.912(3)(b), an entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties through a capitated, prepaid arrangement pursuant to the federal waiver provided for in s. 409.905(5) may become licensed under chapter 636. Any entity licensed under this chapter which provides services solely to Medicaid recipients under a contract with Medicaid shall be exempt from ss. 636.017, 636.018, 636.022, 636.028, and 636.034.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: creating s. 636.0145, F.S.; providing that certain Medicaid providers operating under a federal waiver may be licensed under chapter 636, F.S.; exempting from certain regulatory requirements those prepaid limited health services organizations that serve only Medicaid clients;

Senator Rossin moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 1, line 26, delete "*may become licensed under chapter 636*" and insert: *must become licensed under chapter 636 by December 31, 1998*

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

SB 244—A bill to be entitled An act relating to managed care; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; amending s. 641.31, F.S.; requiring health maintenance organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1 (with title amendment)—On page 1, line 24, after the period (.) insert: *The term "direct patient access" means the ability of an insured to obtain such services without a referral or other authorization before receiving services.*

And the title is amended as follows:

On page 1, line 7, after "compliance;" insert: providing a definition;

Amendment 2 (with title amendment)—On page 2, line 6, after the period (.) insert: *The term "direct patient access" means the ability of a subscriber to obtain such services without a referral or other authorization before receiving services.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing a definition;

Senator Myers moved the following amendment which was adopted:

Amendment 3—On page 1, line 28 and on page 2, line 10, after the period (.) insert: *The criteria may include a maximum of 5 office visits to a dermatologist without prior authorization for a dermatologic problem within a 12-month period.*

Pursuant to Rule 4.19, **SB 244** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 266—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the

Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; deleting the provision relating to the levy of a tax and issuance of bonds for certain purposes; authorizing the board of supervisors to issue bonds for a certain amount of non-ad valorem assessments; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Latvala, the rules were waived to allow the following amendment to be considered:

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 298.005, Florida Statutes, is amended to read:

298.005 *Definitions* ~~The word "owner" defined~~.—*As used in this chapter, the term:*

(1) "Jurisdictional water management district" means the chapter 373 water management district or districts within which the lands encompassed by a water control district are located.

(2) "Owner" means the owner of the freehold estate, as appears by the deed record. The term does not include reversioners, remaindermen, or mortgagees, who are not to be counted and need not be notified by publication or served by process, but are to be represented by the present owners of the freehold estate in any proceeding under this chapter.

(3) "Water control district" means a special district established in accordance with s. 298.01 and operating under this chapter.

(4) "Water control plan" means the comprehensive operational document that describes the activities and improvements to be conducted by a water control district authorized under this chapter. Alternatively described as a "plan of reclamation" or "water management plan" prior to October 1, 1998, a water control plan details the system of water management implemented by a water control district. ~~The word "owner," as used in this chapter, shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, trustees or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under this chapter.~~

Section 2. Section 298.11, Florida Statutes, is amended to read:

298.11 Election of board of supervisors; *duties of* Department of Environmental Protection *and Governor* ~~duties~~.—

(1) Within 20 days after *the effective date of a special act creating a district, notice of a landowners' meeting shall be given as provided in the special act. The notice shall be published* ~~any district shall have been organized and incorporated under the provisions of this chapter, the clerk of the circuit court in which the petition has been filed shall, upon giving notice by causing publication thereof to be made~~ once a week for 2 consecutive weeks in *a* ~~some~~ newspaper *of general circulation* ~~published~~ in each county in which lands of the district are *located* ~~situate~~, the last *publication* ~~insertion~~ to be not less than 10 nor more than 15 days before the *date* ~~day~~ of *the* ~~such~~ meeting. *The*~~, call a~~ meeting of the owners of the lands *located* ~~situate~~ in *the* ~~said~~ district *shall be scheduled,* at a day and hour specified, at some public place in the county *within* ~~in~~ which *most of* the district *lands are located* ~~was organized~~, for the purpose of electing a board of three supervisors, to be composed of owners of the lands in *the* ~~said~~ district and residents of the county or counties in which *the* ~~such~~ district is *located* ~~situate~~.

(2) The landowners, when assembled, shall organize by the election of a chair and secretary of the meeting, who shall conduct the election.~~;~~ At *the* ~~such~~ election, each and every acre of land in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy in writing duly signed, for every acre of land owned by him or her in *the* ~~such~~ district, and the three persons receiving the highest number of votes shall be declared elected as supervisors. *The appointment of proxies shall comply with s. 607.0722.* Landowners owning less than 1 acre *in the aggregate* shall be entitled to one vote. *Landowners with more than 1 acre are entitled to one additional vote for any fraction of an acre owned, when all of the landowners' acreage has been aggregated for purposes of voting.* The landowners shall at such election determine the length of the terms of office of each supervisor so elected by them, which shall be respectively 1, 2, and 3 years, and they shall serve until their successors shall have been elected and qualified.

(3) The Department of Environmental Protection, at any such meeting, may represent the state, and shall have the right to vote for supervisors, or upon any matter that may come properly before said meeting to the extent of the acreage owned by the state in such district, *provided such acreage is subject to assessment by the water control district,* which vote may be cast by any person designated by said department. Guardians may represent their wards, executors and administrators may represent estates of deceased persons, and private corporations may be represented by their officers or duly authorized agents. The owners of a majority of the acreage included in such district shall be necessary to constitute a quorum for the purpose of holding such election, or any election thereafter, and in case the owners of a majority of the acreage included in such district are not present in person or duly represented, at the time and the place stated in the notice calling such meeting, then no election shall be held, and notice of such failure shall be given in writing by any person interested to the *Governor, who* ~~department, which~~ shall as soon as practicable appoint three competent persons who own land in such district as such supervisors for the term of 1, 2, and 3 years respectively, and who shall hold their office until their successors are elected or appointed and qualified.

(4) Any *elected or appointed* ~~such~~ supervisor ~~so appointed by the department~~ may be removed by the *Governor for malfeasance, misfeasance,* ~~department for~~ dishonesty, incompetency, or failure to perform the duties imposed upon him or her by this chapter, and any vacancies which may occur in any such office so filled by appointment shall be filled by the *Governor* ~~said department~~ as soon as practicable.

~~(5) The Melbourne-Tillman Water Control District shall have five supervisors. Three supervisors shall be elected by the landowners pursuant to the applicable provisions of this section. Two supervisors, who are district residents, shall be appointed by the Brevard County Board of County Commissioners by majority vote at a regularly scheduled commission meeting for a term of 3 years. The commission may publish notice of this meeting and may take any public testimony which, in its discretion, it feels might bear upon such appointments. Should the landowners fail to elect a supervisor for any reason, the department shall not have power to appoint; instead, the Brevard County Board of County Commissioners shall appoint a competent person who owns land in said district within 30 days. A supervisor so appointed shall hold office until a successor is elected or appointed. Any supervisor appointed by the Brevard County Board of County Commissioners may be removed by the board for dishonesty, incompetency, or failure to perform the duties imposed on him or her by this chapter.~~

Section 3. Subsection (1) of section 298.12, Florida Statutes, is amended to read:

298.12 Annual election of supervisors; term of office; vacancy.—

(1) Every year in the same month after the time for the election of the first board of supervisors, it shall call a meeting of the landowners in the district in the same manner as is provided for in s. 298.11, and the

owners of land in such district shall meet at the stated time and place and elect one supervisor therefor, or in case of their failure to elect, the *Governor* ~~Department of Environmental Protection~~ shall appoint such supervisor, in like manner as prescribed in s. 298.11, who shall hold the supervisor's office for 3 years or until his or her successor is elected and qualified; and in case of a vacancy in any office of supervisor elected by the landowners, the remaining supervisors, or if they fail to act within 30 days, the *Governor* ~~Department of Environmental Protection,~~ may fill such vacancy until the next annual meeting, when a successor shall be elected for the unexpired term.

Section 4. Section 298.15, Florida Statutes, is amended to read:

298.15 Record of proceedings.—The board of supervisors of any district organized under this chapter shall cause to be kept a well-bound book, entitled "record of board of supervisors of . . . . district," in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and any and all corporate acts, which record shall at all times be open to the inspection of anyone interested, whether taxpayer or bondholder. Copies of the record of proceedings shall be filed ~~with the clerk of the circuit court of the county or counties in which district lands are located and~~ with the *jurisdictional water management district upon request* ~~Department of Environmental Protection~~. Any interested person, whether landowner or not, shall be permitted to inspect the record of proceedings.

Section 5. Subsections (2) and (3) of section 298.16, Florida Statutes, are amended to read:

298.16 Appointment of chief engineer; engineer's bond and duties.—

(2) The chief engineer shall have control of the engineering work in said district and may, whenever he or she deems it necessary, confer with ~~the chief engineer of this state, or~~ the *jurisdictional water management district* ~~Department of Environmental Protection~~, and he or she may, by and with the consent of the board of supervisors, consult any eminent engineer and obtain his or her opinion and advice concerning the reclamation of lands in said districts. The said engineer shall make all necessary surveys of the lands within the boundary lines of said district, as described in the petition, and of all lands adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted.

(3) The engineer shall make a report in writing to the board of supervisors, with maps and profiles of said surveys, which report shall contain a full and complete *water control* plan for draining and reclaiming the lands described in the petition, or adjacent thereto, from overflow or damage by water, with the length, width, and depth of such canals, ditches, dikes or levees, or other works that may be necessary, in conjunction with any canals, drains, ditches, dikes, levees or other works heretofore constructed or built by the Board of Trustees of the Internal Improvement Trust Fund, or any other person, that may now be in process of construction, or which may be hereafter built by them, that may be necessary or which can be advantageously used in such *water control* plan ~~for reclamation~~; and also, an estimate of the costs of carrying out and completing the *water control* plan ~~of reclamation~~, including the cost of superintending the same and all incidental expenses in connection therewith. Maps and profiles shall also indicate so far as necessary the physical characteristics of the lands, and location of any public roads, railroads and other rights-of-way, roadways and other property or improvements located on such lands. A copy of the report required by this section shall be filed with the *jurisdictional water management district* ~~Department of Environmental Protection~~.

Section 6. Section 298.22, Florida Statutes, is amended to read:

298.22 Powers *of* ~~given~~ supervisors ~~to effect reclamation of land in district. In order to effect the drainage, protection, and reclamation of the land in the district subject to tax,~~ The board of supervisors *of the district has full power and authority to excavate, construct, and complete any and all works and improvements necessary to execute the water control plan. Subject to the applicable provisions of chapter 373 or chapter 403, the board of supervisors:*

(1) May employ persons and purchase machinery to directly supervise, construct, maintain, and operate the works and improvements described in the water control plan, or may contract with others for the supervision, construction, maintenance, and operation of such works and improvements either as a whole or in part. Contracts must be advertised and let to the lowest and best bidder, who shall give a good and approved bond, with ample security, upon the condition that he or she will well and promptly carry out the contract for the described works and improvements. Each contract must be in writing and have attached to it complete plans and specifications for the work to be done and improvements to be made under the contract, which plans and specifications must be prepared by the chief engineer of the district. Each contract shall be prepared by the attorney for the district, approved by the board of supervisors, and executed in duplicate by its president and the contractor. The chief engineer of the district must be the superintendent of all district works and improvements.

(2)~~(1)~~ May clean out, straighten, open up, widen, or change the course and flow, alter or deepen any canal, ditch, drain, river, watercourse, or natural stream; and concentrate, divert, or divide the flow of water in or out of said district; construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and siphons, and may connect same, or any of them, with any canals, drains, ditches, levees, or other works that may have been heretofore, or which may be hereafter constructed by the Department of Environmental Protection *or jurisdictional water management district*, and with any natural stream, lake, or watercourse in or adjacent to said district.

(3)~~(2)~~ May build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district; acquire, construct, operate, maintain, use, sell, convey, transfer or otherwise provide for pumping stations, including pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices or equipment.

(4)~~(3)~~ May contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of the said pumping stations, machinery, motive equipment, electric lines and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.

(5)~~(4)~~ May construct or enlarge, or cause to be constructed or enlarged, any and all bridges that may be needed in or out of said district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill or cut; construct roadways over levees and embankments; construct any and all of said works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut, in or out of said district; remove any fence, building or other improvements, in or out of said district.

(6)~~(5)~~ Shall have the right to hold, control and acquire by donation or purchase and if need be, condemn any land, easement, railroad right-of-way, sluice, reservoir, holding basin or franchise, in or out of said district, for right-of-way, holding basin for any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for drainage, protecting and reclaiming the lands in said district.

(7)~~(6)~~ May condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court on the report of the commissioners assessing benefits and damages, and shall follow the procedure set out in chapter 73. Such powers to condemn or acquire any land or property within or without the district shall also be available for implementing requirements imposed on those districts subject to s. 373.4592.

(8)~~(7)~~ May adopt *resolutions and policies* ~~rules~~ to implement the purposes of this chapter.

(9)~~(8)~~ May assess and collect reasonable fees for the connection to and use of the works of the district.

(10)~~(9)~~ May implement and authorize *the comprehensive water control activities, including flood protection, water quantity management, and water quality protection and improvement, described* ~~construction of only those improvements outlined~~ in the *water control* plan ~~of reclamation~~.

Section 7. Section 298.225, Florida Statutes, is created to read:

298.225 Water control plan; plan development and amendment.—

(1) Effective October 1, 1998, any plan of reclamation or water management plan developed and implemented by a water control district created by this chapter or by special act of the Legislature will be referred to as a "water control plan."

(2) By October 1, 2000, the board of supervisors of each water control district must develop or revise the district's water control plan to reflect the minimum requirements set forth in subsection (3).

(3) Each water control plan must contain, at a minimum:

(a) Narrative descriptions of the statutory responsibilities and powers of the water control district.

(b) A map delineating the legal boundary of the water control district and identifying any subdistricts or units within the district.

(c) Narrative descriptions of land use within the district and all existing district facilities and their purpose and function, and a map depicting their locations.

(d) Engineering drawings and narrative sufficient to describe each facility's capacity for the management and storage of surface waters and potable water supply, if applicable.

(e) A description of any environmental or water quality program that the water control district has implemented or plans to implement.

(f) A map and narrative description of any area outside the water control district's legal boundary for which the district provides services.

(g) Detailed descriptions of facilities and services that the water control district plans to provide within 5 years.

(h) A description of the administrative structure of the water control district.

(i) Copies of any agreements between the water control district and other governmental entities.

(j) The engineer's report prepared for plan adoption or revision.

(k) The water control district's budget and revenue sources for the current year.

(4) Before final adoption of the water control plan or plan amendment under s. 298.301, the board of supervisors must submit the plan to the jurisdictional water management district for review. Within 90 days after receipt of the water control plan, the governing board of the jurisdictional water management district, or the executive director or designee, if delegated, must review the plan for consistency with the applicable water resource plans and policies and recommend to the board of supervisors any proposed changes. If the jurisdictional water management district determines that the plan is incomplete, it may notify the water control district and request additional information. Upon such request, the deadline for review may be extended as agreed by the water control district and the jurisdictional water management district. Within 60 days after receipt of the applicable water management district's recommended changes, the board of supervisors shall include the recommendations in the water control plan or plan amendment to the extent practicable. If the recommendations are not incorporated, the board of supervisors must specify its reasons in the water control plan or plan amendment adopted. A copy of the water control plan must be filed with the jurisdictional water management district and each local general purpose government within which all or a portion of the district's lands are located.

(5) The review or approval of the water control plan by the applicable water management district shall not constitute the granting of any permit necessary for the construction or operation of any water control district work and cannot be relied upon as any future agency action on a permit application.

(6) The board of supervisors must review the water control plan at least every 5 years following its initial development and adoption, and to the extent necessary, amend the plan in accordance with s. 298.301.

(7) If the preparation of a water control plan under this section does not result in revision of the district's current plan or require the alteration or increase of any levy of assessments or taxes, a change in the use of such assessments or taxes, or a substantial change to district facilities, s. 298.301(2)-(9) do not apply to the plan adoption process.

Section 8. Section 298.23, Florida Statutes, is amended to read:

298.23 Supervisors authorized to take land for rights-of-way, etc.; payment.—The board of supervisors of a district organized under this chapter shall not have the right to enter upon, or appropriate, any land for rights-of-way, holding basins or other works of the district, until the prices awarded to the owners of such land shall have been paid to such owners, or into the hands of the clerks of the circuit courts *of the county or counties within which the respective lands are located* ~~organizing such district~~ for the use of such owners; and if the sums awarded be not so paid within 5 years from the date of filing the *engineer's* ~~commissioner's~~ reports, all proceedings as to the taking of such property for rights-of-way, holding basins and other works, not so paid for, shall abate at the cost of said district. Whenever any land is acquired by any district under the provisions of this chapter and the price of such property has been paid the owner by the district, the title, use, possession and enjoyment of such property shall pass from the owner and be vested in the district, and subject to its use, profit, employment and final disposition. The price awarded for all lands acquired by any district for rights-of-way, holding basins, or other works, and the amount of damage assessed by the board of *supervisors* ~~commissioners and confirmed by the court~~ to any tract or parcel of land or other property in the district, shall be paid in cash to the owner thereof or to the clerk of the court for the use of such owner, and that portion of any tract or parcel of land not taken for use of the district shall be assessed for the benefits accruing in accordance with the provisions in this chapter.

Section 9. Section 298.24, Florida Statutes, is amended to read:

298.24 Bridge construction.—All bridges contemplated by this chapter and all enlargements of bridges already in existence shall be built and enlarged according to and in compliance with the plans, specifications and orders made or approved by the chief engineer of the district. If any such bridge shall belong to any corporation, or be needed over a public highway or right-of-way of any corporation, the secretary of said board of supervisors shall give such corporation notice by delivering to its agent or officer, in any county wherein said district is situate, a copy of the order of the board of supervisors of said district declaring the necessity for the construction or enlargement of said bridge. A failure to construct or enlarge such bridge, within the time specified in such order, shall be taken as a refusal to do said work by said corporation, and thereupon the said board of supervisors shall proceed to let the work of constructing or enlarging the same at the expense of the corporation for the cost thereof, which costs shall be collected by said board of supervisors from said corporation, by suit therefor, if necessary. But before said board of supervisors shall let such work, it shall give some agent or officer of said corporation, authorized by the laws of this state to accept service of summons, or upon whom service of summons for said corporation might be made, at least 20 days' actual notice of the time and place of letting such work. Any owner of land, within or without the district, may, at the owner's expense, and in compliance with the terms and provisions of this chapter, construct a bridge across any drain, ditch, canal, or excavation in or out of said district. Each district shall have full authority to construct and maintain any ditch or lateral provided in its *water control plan*, ~~"plan of reclamation,"~~ across any of the public highways of this state, without proceedings for the condemnation of the same, or being liable for damages therefor. Within 10 days after a dredge boat or any other excavating machine shall have completed a ditch across any public highway, a bridge shall be constructed and maintained over such drainage ditch where the same crosses such highway; provided, however, the word corporation as used in this section shall not apply to counties.

Section 10. Section 298.25, Florida Statutes, is amended to read:

298.25 Type of bridges over drains in large counties.—Whenever any district cuts or digs a drain, canal or ditch across any public highway, in counties having a population of not less than 130,000, according to the last preceding state census, the style, type and character of such bridge shall be determined by the engineer of the county and the chief engineer of the district, and approved by a majority of the board of county commissioners ~~as soon as the plan of reclamation, locating such canals, drains or ditches, is filed in the office of the clerk of the circuit court~~ of the county or counties in which the lands within the district are located; and the cost of the same, as estimated by the chief engineer of the district,

shall be included by ~~the commissioners of~~ the district *board of supervisors* in the assessment for the construction of the *water control* plan ~~of reclamation~~.

Section 11. Section 298.26, Florida Statutes, is amended to read:

298.26 Chief engineer to make annual reports to supervisors; approval of reports; water *control* ~~management~~ plan.—The chief engineer shall make a report in writing to the board of supervisors once every 12 months *or as directed by the board* ~~and oftener, if said board shall so require~~. *The report shall describe the progress made and activities undertaken in furtherance of the water control plan, and may include suggestions and recommendations to the board as the chief engineer deems appropriate.* Upon receipt of the final report of said engineer concerning the surveys made of the lands contained in the district organized and the lands adjacent thereto and for reclaiming the same, the board of supervisors shall adopt such report, or any modification thereof approved by the chief engineer, after consulting with him or her or someone representing the chief engineer. Thereafter such adopted report shall be the plan for draining or reclaiming such lands from overflow or damage by water, and it shall, after such adoption, be *part of* ~~known and designated as~~ the water *control* ~~management~~ plan~~, which plan shall be filed with the secretary of the board of supervisors and copied by the secretary into the records of the district~~. ~~A copy of all such annual reports and the water management plan shall be filed with the Department of Environmental Protection. At least once each 5 years the department shall review the water management plan and propose such modifications as it may deem proper.~~

Section 12. Section 298.28, Florida Statutes, is amended to read:

298.28 Watercourses to be connected with drainage of district; connecting drains after completion of plan of drainage.—At the time of the construction, in any district incorporated under this chapter, of *the water control plan* ~~"the plan of reclamation"~~, all canals, ditches or systems of drainage already constructed in said district and all watercourses shall, if necessary to the drainage of any lands in said district, be connected with and made a part of the works and improvements of the plan of drainage of said district, but no canals, ditches, drains, or systems of drainage constructed in said district, after the completion of the aforesaid plan of drainage of said district, shall be connected therewith, unless the consent of the board of supervisors shall be first had and obtained; which consent shall be in writing and shall particularly describe the method, terms and conditions of such connection, and shall be approved by the chief engineer. Said connection, if made, shall be in strict accord with the method, terms, and conditions laid down in said consent. If the landowners wishing to make such connection are refused by the board of supervisors, or decline to accept the consent granted, the said landowners may file a petition for such connection in the circuit court having jurisdiction in said district, and the matter in dispute shall in a summary manner be decided by said court, which decision shall be final and binding on the district and landowners. No connection with the works or improvements of said plan of drainage of said district, or with any canal, ditch, drain or artificial drainage, wholly within said district, shall be made, caused or affected by any landowners, company or corporation, municipal or private, by means of, or with, any ditch, drain, cut, fill, roadbed, levee, embankment or artificial drainage, wholly without the limits of said district, unless such connection is consented to by the board of supervisors, or in the manner provided for in this chapter.

Section 13. Section 298.301, Florida Statutes, is created to read:

298.301 District water control plan adoption; plan amendment; notice forms; objections; hearings; assessments.—

(1) District infrastructure and works must be implemented pursuant to a water control plan. In the execution of the powers and authorities granted in this chapter, the district's action must be consistent with any adopted local government comprehensive plan within which the lands of the district are located. The board of supervisors may, by resolution at a regularly scheduled meeting, consider the adoption of a district water control plan or plan amendment. Notice, hearing, and final adoption of any proposed water control plan or plan amendment must comply with the provisions of this chapter. Lands may be added to or deleted from a district only by legislative modification of the special act that contains the charter of the district.

(2) Before adopting a water control plan or plan amendment, the board of supervisors must adopt a resolution to consider adoption of the proposed plan or plan amendment. As soon as the resolution proposing the adoption or amendment of the district's water control plan has been filed with the district secretary, the board of supervisors shall give notice of a public hearing on the proposed plan or plan amendment by causing publication to be made once a week for 3 consecutive weeks in a newspaper of general circulation published in each county in which lands and other property described in the resolution are situated. The notice must be in substantially the following form:

Notice of Hearing

To the owners and all persons interested in the lands corporate, and other property in and adjacent to the [name of district] District.

You are notified that the [name of district] District has filed in the office of the secretary of the district a resolution to consider approval of a water control plan or an amendment to the current water control plan to provide [here insert a summary of the proposed water control plan or plan amendment]. On or before its regularly scheduled meeting of (date and time) *at the district's offices located at* (list address of offices) *written objections to the proposed plan or plan amendment may be filed at the district's offices. A public hearing on the proposed plan or plan amendment will be conducted at the regularly scheduled meeting and written objections will be considered at that time. At the conclusion of the hearing the board of supervisors may determine to proceed with the process for approval of the proposed plan or plan amendment and direct the district engineer to prepare an engineer's report identifying property to be taken, assessing benefits and damages, and estimating the cost of improvement associated with the proposed plan or plan amendment. A final hearing on approval of the proposed plan or plan amendment and engineer's report shall be duly noticed and held at a regularly scheduled board of supervisors meeting within 60 days after filing of the engineer's report with the secretary of the district.*

Date of first publication: . . . . . , 19 . . . .

. . . . . .

(Chairman, Board of Supervisors)

. . . . . County, Florida

(3) In addition to the publication of notice, a copy of the notice shall be served by first class mail on any owner of land within the district as shown on the current tax rolls, the water management district created under chapter 373 within which the district is located, the board of county commissioners of the county, and the governing body of any municipality within which the district is located.

(4) The engineer may at any time call upon the attorney of the district for legal advice and information relative to his duties. The engineer shall proceed to view the premises and determine the value of all lands, within or without the district, to be acquired by purchase or condemnation and used for rights-of-way, or other works set out in the proposed plan or plan amendment. The engineer shall assess the amount of benefits and the amount of damages, if any, that will accrue to each subdivision of land (according to ownership), from carrying out and putting into effect the proposed plan or plan amendment. The engineer shall assess only those benefits that are derived from the construction of the works and improvements set out in the proposed plan or plan amendment. The engineer has no power to change the proposed plan or plan amendment without board approval.

(5) The engineer shall prepare a report arranged in tabular form, the columns of which are to be headed as follows: column one, "owner of property assessed"; column two, "description of property assessed"; column three, "number of acres assessed"; column four, "amount annual assessment assessed"; column five, "total assessments"; column six, "number of acres to be taken for rights-of-way, district works, etc."; column seven, "increased value of property from improvement." The engineer shall also, by and with the advice of other employees and consultants of the district, estimate the cost of the works set out in the proposed plan or plan amendment, including the cost of and the probable expense of organization and administration. If the engineer's estimate of increased property value exceeds the total amount of assessments to be levied against a parcel, benefits are deemed to exceed damages. A maintenance assessment recommendation must also be included in each engineer's report. However, the maintenance assessment may not be considered as part of the costs of installation or construction specified by the proposed

plan or plan amendment in determining whether benefits exceed damages. The report shall be signed by the engineer and filed in the office of the secretary of the district. The secretary of the district, or deputy thereto, shall assist as needed in preparation of the report.

(6) Upon the filing of the engineer's report, the board of supervisors shall give notice thereof by arranging the publication of the report together with a geographical depiction of the district once a week for 2 consecutive weeks in a newspaper of general circulation in each county in the district. The notice must be substantially as follows:

Notice of Filing Engineer's Report for
. . . . . District

Notice is given to all persons interested in the following described land and property in . . . . . County (or Counties), Florida, viz.: (Here describe land and property) included within the . . . . . district that the engineer hereto appointed to assess benefits and damages to the property and lands situated in the district and to appraise the cash value of the land necessary to be taken for rights-of-way and other works of the district, within or without the limits of the district, under the proposed water control plan or plan amendment, filed his report in the office of the secretary of the district, located at (list address of district offices), on the . . . . . day of . . . . . , 19 . . . . , and you may examine the report and file written objections with the secretary of the district to all, or any part thereof, on or before (enter date 20 days after the last scheduled publication of this notice, which date must be before the date of the final hearing). The report recommends (describe assessment schedule). If approved, the assessment will be collected by the county tax collector. A final hearing to consider approval of the report and proposed water control plan or plan amendment shall be held (time, place, and date at least 30 days after the last scheduled publication of this notice, but no later than 60 days after filing of the engineer's report).

Date of first publication: . . . . . , 19 . . . .

. . . . . .

(Chairman, Board of Supervisors)

. . . . . County, Florida

(7) Any party identified in subsection (3) may file written objections with the secretary of the district to any part or all of the engineer's report and the proposed plan or plan amendment, within 20 days after the last published notice of filing of the engineer's report.

(8) All objections must be heard and determined by the board of supervisors at the public hearing so as to carry out liberally the purposes and needs of the district. If the board of supervisors determines at the final public hearing, upon examination of the engineer's report and upon hearing all of the objections, that the estimated cost of construction of improvements contemplated in the plan or plan amendment is less than the benefits assessed against the lands in the district, the board of supervisors shall approve and confirm the engineer's report; but, if the board of supervisors determines that any of the objections should be sustained, it shall order the report changed to conform with its findings, and when changed the board of supervisors shall approve and confirm or disapprove, as appropriate, the report and enter its order approving or disapproving, as appropriate, the report and proposed plan or plan amendment. When any land or other property is shown by the engineer's report to be needed for rights-of-way, or other works, the board of supervisors may institute proceedings under chapter 73 or chapter 74 in the circuit court of the proper county to condemn the lands and other property that must be taken or damaged in the making of improvements, with the right and privilege of paying into court a sum to be fixed by the circuit court judge and of proceeding with the work, before the assessment by the jury.

(9) Any party identified in subsection (3) may challenge the decision of the board in the manner and time provided by the Florida Rules of Civil and Appellate Procedure. If it is determined by court order that any tract or lot of land or parts thereof, upon which a non-ad valorem assessment is authorized and levied, will not be benefited by or receive any benefit from the completion of the plan or plan amendment, or will be burdened disproportionately to other similarly benefited land, then the non-ad valorem assessment may not be levied against that land.

Section 14. Section 298.305, Florida Statutes, is created to read:

298.305 Assessing land for development; apportionment of assessment.—

(1) After the engineer's report has been approved by the board of supervisors, the proposed water control plan or plan amendment has been finally adopted, and the lists of lands with the assessed benefits have been filed in the office of the secretary of the district, then the board of supervisors shall levy a non-ad valorem assessment as approved by the board on all lands in the district to which benefits have been assessed, to pay the costs of the completion of the proposed works and improvements, as shown in the adopted plan or plan amendment and in carrying out the objectives of the district; and, in addition thereto, 10 percent of the total amount for contingencies. The assessment must be apportioned to and levied on each assessable tract of land in the district. Under s. 298.54, the board of supervisors may also levy a maintenance assessment on all lands in the district to which benefits have been assessed as may be necessary to operate and maintain the district works and activities and to defray the current expenses of the district. A maintenance assessment recommendation for the operation and maintenance of the district works and activities must be included in each engineer's report considered by the board.

(2) The board of supervisors may issue bonds in accordance with s. 298.47 to pay the cost of the works and improvements described in the water control plan. Upon such determination, the board of supervisors shall levy a non-ad valorem assessment in a sum not less than an amount, 90 percent of which shall be equal to the principal of said bonds. In no event shall the total amount of all bonds to be issued by the district exceed 90 percent of the benefits assessed upon the lands of the district. Bonds issued under this section shall draw interest at a rate provided by general law and shall be made payable at such time and place as the board of supervisors may determine. The amount of the interest that will accrue on the bonds, as estimated by the board of supervisors, shall be included and added to the assessment, but the interest to accrue on the bonds shall not be included as part of the cost of construction in determining whether or not the expenses and costs of making the improvements shown in the water control plan are equal to, or in excess of, the benefits assessed.

Section 15. Section 298.329, Florida Statutes, is created to read:

298.329 When works insufficient, supervisors have power to make a new or amended plan; additional levy; issuance of bonds; procedure.—

(1) If the works set out in the district water control plan are found insufficient to develop, in whole or in part, any or all of the lands of the district, the board of supervisors shall have the right to formulate a new or amended water control plan, containing new or modified public infrastructure or other authorized works, and additional assessments may be made in conformity with s. 298.305, the same to be made in proportion to the increased benefits accruing to the lands because of the additional works. Such new or amended plan shall be subject to review by the applicable water management district in accordance with subsection 298.225(4).

(2) If the board of supervisors determines at any time that the amount of total assessments levied under this chapter or the funds derived from the sale of bonds are insufficient to pay the cost of works set out in the water control plan, the board of supervisors may make an additional levy to provide funds to complete the works and, in addition, up to 10 percent of the total amount for contingencies; and, may issue bonds to finance the increased cost of completing the works described in the water control plan; however, the principal amount of the additional bonds and the principal amount of any bonds previously issued to finance the works must not, in the aggregate, exceed 90 percent of the benefits assessed.

(3) If the board of supervisors determines at any time that the water control plan requires modification and that the amount of the total assessments levied under this chapter or the funds derived from the sale of bonds are insufficient to carry out the water control plan with the proposed modification, the board of supervisors may initiate plan amendment proceedings.

(4) After the engineer's report has been approved and the resolution amending the water control plan adopted by the board of supervisors, the board may levy a non-ad valorem assessment on all lands in the district to which benefits have been assessed to pay the increased cost of completing the works and improvements described in the water control plan as amended. The assessment may include the cost of maintaining and operating the facilities and all incidental expenses in connection therewith, plus an additional 10 percent of the total amount for contingencies. The

additional assessments authorized to be levied under this section must be levied and collected in the same manner as the original assessments.

(5) The issuance of bonds under the provisions of this section must comply with the provisions of s. 298.47. Any additional tax authorized to be levied for completion of the works and improvements described in the water control plan must be apportioned to and levied upon each tract of land in the district in proportion to the benefits assessed against it and not in excess thereof; and, if bonds are issued, the amount of the interest that will accrue on the bonds, as estimated by the board of supervisors, must be included and added to the additional levy. The interest to accrue on the bonds must not be included as part of the cost of construction in the determination of whether or not the expenses and costs of making the improvements shown in the water control plan are equal to or in excess of the benefits assessed.

Section 16. Section 298.333, Florida Statutes, is created to read:

298.333 Assessments and costs; a lien on land against which levied.—All non-ad valorem assessments provided for in this chapter, together with all penalties for default in payment of the same and all costs in collecting the same, constitutes, from the date of assessment thereof until paid, a lien of equal dignity with the liens for county taxes and other taxes of equal dignity with county taxes upon all the lands against which such assessments have been levied and assessed, pursuant to s. 197.3632.

Section 17. Section 298.337, Florida Statutes, is created to read:

298.337 Levies of assessments on land less than 1 acre.—In levying assessments based upon acreage, each tract or parcel of land less than 1 acre in area is to be assessed as a full acre.

Section 18. Section 298.341, Florida Statutes, is created to read:

298.341 When unpaid assessments delinquent; penalty.—All non-ad valorem assessments provided for in this chapter become delinquent and bear penalties on the amount of the assessments in the same manner as county taxes. The assessments constitute a lien until paid on the property against which assessed and are enforceable in the same manner as county taxes.

Section 19. Section 298.345, Florida Statutes, is created to read:

298.345 Enforcement of non-ad valorem assessments.—The collection and enforcement of all non-ad valorem assessments levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith, apply to the district and the delinquent and unpaid assessments and taxes of the district to the same extent as if the statutory provisions were expressly set forth in this chapter. All non-ad valorem assessments are subject to the same discounts as county taxes.

Section 20. Section 298.349, Florida Statutes, is created to read:

298.349 Uniform initial acreage assessment for payment of expenses.—There is levied upon each acre of land within a water control district created on or after July 1, 1997, a uniform initial assessment of $50 per acre for the year in which the district is created, to be used by the district, through its board of supervisors, for the purpose of district administration, paying expenses incurred or to be incurred in making surveys of the lands in the district, assessing benefits and damages, and other expenses necessarily incurred, as estimated or determined by the board of supervisors, before the board collects or receives funds under the remaining provisions of this chapter. The assessment constitutes a lien upon the lands in the district from the effective date of the special act creating the district and must be collected by the district. If the board of supervisors determines that it is necessary to obtain funds to pay any expenses incurred or to be incurred in organizing the district, or any other expenses relating to the conduct and operation of the district, before a sufficient sum can be obtained by collecting the acreage assessment levied by this section, the board may borrow a sufficient sum of money for any of those purposes, may issue notes or bonds therefor, and may pledge any and all assessments of the initial acreage assessment levied under the provisions of this section for the repayment thereof. The board of supervisors may issue notes or bonds to any person or persons performing work or services or furnishing anything of value in the organization of the district or for any other expenses necessarily incurred before the receipt of funds arising from assessments or benefits.

Section 21. Section 298.353, Florida Statutes, is created to read:

298.353 Unit development; powers of board of supervisors to designate units of district; financing assessments for each unit.—The board of supervisors of the district may designate areas of parts of the district as separate administrative and financial "units." Units must be created or modified as a part of and through the adoption of a water control plan or plan amendment as provided in this chapter. The units into which the district is divided must be given appropriate numbers or names by the board of supervisors so that the units can be readily identified and distinguished. The board may fix and determine the location, area, and boundaries of the lands to be included in each unit, the type and amount of work required in the unit and the order of development, and the method of carrying on the work in each unit. The unit system provided by this section may be conducted, and all the proceedings by this section and this chapter authorized in respect to such unit or units may be carried on and conducted, whenever the board of supervisors finds that it is appropriate. If the board finds that it is advisable to implement the district infrastructure and service plans by units, as authorized by this section, the board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct the work accordingly, and shall proceed through the water control plan adoption or amendment process described in s. 298.301 to fix the number, location, boundaries, and description of lands within each unit or units and give them appropriate numbers or names. All provisions of this chapter shall apply within all units, and the enumeration of or reference in this section to specific powers or duties of the supervisors does not limit or restrict the application of any and all of the proceedings and powers in this chapter within all units. For water control plans applicable to one or more units, but to less than the entire district, the notices to district landowners required under s. 298.301 need be provided only to owners of lands within the affected unit or units and immediately contiguous properties within the district. All assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any unit or units constitute a lien and charge solely and only upon the lands in the unit or units, respectively, for the benefit of which the same have been levied, made, or issued, and not upon the remaining units or lands in the district. The board of supervisors may at any time amend the location and description of lands in any unit or units by proceeding in accordance with the provisions of this section for the original creation of the unit or units. If, after the approval of the engineer's report of benefits in any unit or units or the issuance of bonds or other obligations that are payable from taxes or assessments for benefits levied upon lands within any unit or units, the board of supervisors finds that the infrastructure or service plan for the unit or units is insufficient or inadequate for efficient development, the plan may be amended or changed and the unit or units may be amended or changed as provided in this section, by changing the location and description of lands in the unit or units, by detaching lands therefrom, or by adding lands thereto pursuant to this chapter. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit or the district.

Section 22. Section 298.36, Florida Statutes, is amended to read:

298.36 Assessing land for reclamation; apportionment of tax; lands belonging to state assessed; drainage tax record.—

~~(1) After the lists of lands, with the assessed benefits and the decree and judgment of court, have been filed in the office of the clerk of the circuit court as provided in s. 298.34, then the board of supervisors shall, without any unnecessary delay, levy a tax of such portion of said benefits, on all lands in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements, as shown in said plan of reclamation and in carrying out the objects of said district; and, in addition thereto, 10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof.~~

~~(2) In case bonds are issued, as provided in this chapter, a tax shall be levied in a sum not less than an amount, 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the plan of reclamation~~

~~shall be ascertained and determined by the board of supervisors; provided, however, that the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest (as estimated by said board of supervisors), which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed.~~

(1)~~(3)~~ The benefits, and all lands in said district belonging to the state, shall be assessed to, and the taxes thereon shall be paid by, the state out of funds on hand, or which may hereafter be obtained, derived from the sale of lands belonging to the state. This provision shall apply to all taxes in any district including maintenance and ad valorem taxes, either levied under this or any other law, and to taxes assessed for preliminary work and expenses, as provided in s. *298.349* ~~298.29~~, as well as to the taxes provided for in this section.

(2)~~(4)~~ The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well-bound book, which book shall be endorsed and named "DRAINAGE TAX RECORD OF . . . . WATER CONTROL DISTRICT . . . . COUNTY, FLORIDA," which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

Section 23. Subsection (1) of section 298.47, Florida Statutes, is amended to read:

298.47 Supervisors may issue bonds.—

(1) The board of supervisors may, if in their judgment it seems best, issue bonds not to exceed 90 percent of the total amount of the *non-ad valorem assessments* ~~taxes~~, exclusive of the amount for interest, levied under the provisions of s. *298.305* ~~298.36~~, in denominations of not less than $100, bearing interest from date at rate as provided by general law, payable semiannually, to mature at annual intervals within 30 years, commencing after a period of years not later than 10 years, to be determined by the board of supervisors, both principal and interest payable at some convenient banking house or trust company's office to be named in said bonds, which said bonds shall be signed by the president of the board of supervisors, attested with the seal of said district and by the signature of the secretary of the said board. Section 12, Art. VII of the State Constitution shall be complied with as to all such bonds as are within its purview. All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works and improvements in the district. Said treasurer shall, at the time of the receipt by him or her of said bonds, execute and deliver to the president of the board of said district, a bond with good and sufficient sureties to be approved by the said board of supervisors, conditioned that the treasurer shall account for and pay over, as required by law and as ordered to do by said board of supervisors, any and all money received by him or her on the sale of such bonds, or any of them, and that the treasurer will only sell and deliver such bonds to the purchaser or purchasers thereof, under and according to the terms herein prescribed, and that the treasurer will return, duly canceled, any and all bonds not sold to the board of supervisors when ordered by said board so to do, which said surety bond shall remain in the custody of the said president of said board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do.

Section 24. Section 298.59, Florida Statutes, is amended to read:

298.59 Supervisors authorized to obtain consent of United States.—In case the *water control* plan ~~of reclamation~~ of any district organized and incorporated under this chapter and the improvement provided thereunder be of such nature as requires the permission or consent of the Government of the United States, or any department or officer of the Government of the United States, the board of supervisors of the district may obtain the required permission or consent of the Government of the United States or any proper officer or department thereof; and to that end the board of supervisors may bind the district to comply with any conditions that may be attached to such permission or consent, including the giving of any bond or other obligation for the faithful performance of such conditions.

Section 25. Subsection (6) of section 190.013, Florida Statutes, is amended to read:

190.013 Water management and control plan.—In the event that the board assumes the responsibility for providing water management and control for the district as provided in s. 190.012(1)(a) which is to be financed by benefit special assessments, the board shall proceed to adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:

(6) Within 20 days after the final adoption of the plan by the board, the board shall proceed pursuant to *s. 298.301* ~~ss. 298.30-298.34~~.

Section 26. Section 298.77, Florida Statutes, is amended to read:

298.77 Readjustment of assessments; procedure, notice, hearings.—

(1) Whenever ~~the board of supervisors or~~ the owners of 25 percent or more of the acreage of the land of any district situated wholly in a single county existing under the general drainage laws of this state, now this chapter, joined by the holders of not less than 95 percent of the indebtedness outstanding against that district, shall file a petition with the *board of supervisors* ~~clerk of the circuit court having jurisdiction over the district~~, stating that there has been a material change in the value of the property in the district since the last previous assessment of benefits, contributed to by the drainage system; that a relatively large portion or portions of the district have become nontaxable for the purpose of paying the indebtedness of such district; that a named person, corporation, or agency has purchased the obligations of the district at a discount and under circumstances whereby the district is expected to pay in discharge of its obligations a sum greatly less than the par value of such obligations; that improvements within the district made possible or practicable by the drainage effected have been such as to enhance values in a portion or portions thereof more than in other portions of the district; and that developments in all parts of the district are believed to have been retarded by the inability of property owners to pay assessments and discharge individual properties from the lien of the drainage tax; and praying for readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes to pay the indebtedness of such district and to maintain its drainage system, the *board of supervisors* ~~clerk~~ shall give notice of the filing and hearing of the petition in the manner and for the time provided for in *s. 298.301* ~~s. 298.07~~.

(2) Such notice may be in the following form:

NOTICE IS HEREBY GIVEN to all persons interested in the lands included within the . . . . Water Control District that a petition has been filed *with the district* ~~in the office of the Clerk of the Circuit Court of . . . . County, Florida,~~ praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes against the various pieces and parcels of land in said district to pay its indebtedness and maintain its drainage system, and that said petition will be heard by the *board of supervisors* ~~said circuit court~~ on the . . . . day of . . . . , 19 . . . . .

Dated . . . . , 19 . . . . .

. . . . (*Secretary of* _____ *District* ~~Clerk of the Circuit Court~~) . . . .

. . . . County

(3) Any interested person may file an answer to the petition before the return day and, if so, shall be duly heard, but, if not, the cause shall proceed ex parte. Upon the hearing of the petition, if the *board* ~~court~~ shall find that there has been a material change in the values of the lands in the district since the last previous assessment of benefits, contributed to by the drainage system, and that the other material allegations of the petition herein required to be set forth are substantially true, the *board of supervisors* ~~court~~ shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy further and future taxes for the payment of the obligations of, and maintaining the drainage system in, the district. Thereupon, the *board of supervisors* ~~court~~ shall *proceed under s. 298.301* ~~appoint three commissioners possessing the qualifications of commissioners appointed under s. 298.30~~ to make such readjustment of assessment of benefits to each piece or parcel of land which has accrued or will

accrue as a result of the drainage system. ~~in the manner provided in s. 298.32, and the commissioners shall make their report, and the proceeding shall be had thereupon as nearly as may be as provided for the assessment of benefits accruing for original construction;~~ Provided, in making the readjustment of the assessment of benefits, the *board of supervisors* ~~commissioners~~ shall not increase the existing assessment, or unpaid portion thereof, on any piece or parcel of land; provided, further, that after the making of such readjustment, the limitation of 10 percent of the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted.

Section 27. *Sections 298.07, 298.27, 298.29, 298.30, 298.31, 298.32, 298.33, 298.34, 298.35, 298.467, and 298.55, Florida Statutes, are repealed.*

Section 28. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, and 298.77, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; modifying notice requirements for readjustment of assessment; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 266** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term "curtilage" for purposes of the crimes of burglary and trespass; amending s. 810.09, F.S.; repealing the offense of trespass on property other than a structure or conveyance if the property is the unenclosed curtilage of a dwelling; repealing the definition of the term "unenclosed curtilage"; amending s. 812.014, F.S.; repealing the offense of grand theft of the third degree; repealing the offense of petit theft of the first degree; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1014** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1282** was deferred.

On motion by Senator Forman—

CS for SB 956—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 956** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

SB 656—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 96—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 96** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 210—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting a provision that prohibits community and public notification of certain sexual predators, and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting a provision that provides for community and public notification under former s. 775.225, F.S., and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1282—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; providing for the court to commit the child to the Department of Juvenile Justice for a treatment program until the child is age 21 or sooner if discharged by the department; removing a provision relating to court-ordered-plan of community control; providing for availability of presentence investigation report prior to the sentencing hearing and removing

certain references to predisposition report and hearing; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

—was read the second time by title.

Senator Turner moved the following amendment:

Amendment 1—On page 2, delete line 12 and insert: sanctions must be in writing, but is presumed appropriate, and

Senator Turner moved the following substitute amendment which failed:

Amendment 2—On page 2, lines 12 and 13, delete those lines and insert: sanctions must be in writing, but is presumed appropriate, and the court is ~~not~~ required to set forth specific findings or

The question recurred on **Amendment 1** which was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1282** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 958** was deferred.

On motion by Senator Gutman, by two-thirds vote **HB 273** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motions by Senator Gutman, by two-thirds vote—

HB 273—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

—a companion measure, was substituted for **CS for SB's 312 and 478** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 273** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 532** was deferred.

On motion by Senator Gutman—

SB 796—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

—was read the second time by title.

Senator Lee offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—On page 3, between lines 5 and 6, insert:

Section 4. Subsection (2) of section 775.084, Florida Statutes, 1996 Supplement, is amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(2) For the purposes of this section, the placing of a person on probation *or community control* without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which the person is to be sentenced was committed during such probationary *or community control* period.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense;

Pursuant to Rule 4.19, **SB 796** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 46—A bill to be entitled An act relating to the rights of accused persons; creating the Speedy Trial Reform Act of 1996; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; providing for determining the period that constitutes a speedy trial; amending s. 39.048, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1—In title, on page 1, line 4, delete "1996" and insert: 1997

Pursuant to Rule 4.19, **SB 46** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 182—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 6 and 7, insert:

Section 2. Subsection (2) of section 775.084, Florida Statutes, 1996 Supplement, is amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(2) For the purposes of this section, the placing of a person on probation *or community control* without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which the person is to be sentenced was committed during such probationary *or community control* period.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense;

Pursuant to Rule 4.19, **SB 182** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 245** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Latvala—

CS for HB 245—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 532** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1872—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming terminology and a cross-reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1—On page 1, line 21, delete "*minor*" and insert: *juvenile*

Pursuant to Rule 4.19, **SB 1872** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 154—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 154** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

SB 328—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; requiring that the court require a person to perform a specified number of hours of community service if the person is found guilty of, or pleads guilty or nolo contendere to, a second or subsequent violation of chapter 893, F.S., relating to offenses that involve controlled substances; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 14-16, delete those lines and insert:

Section 1. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), and paragraph (c) of subsection (6) of section 893.13, Florida Statutes, 1996 Supplement, are amended, and paragraph (c) is added to subsection (8) of that section, to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances;

Pursuant to Rule 4.19, **SB 328** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1862—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1862** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner, by two-thirds vote **CS for HB 97** was withdrawn from the Committees on Criminal Justice and Community Affairs.

On motion by Senator Turner—

CS for HB 97—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

—a companion measure, was substituted for **CS for SB 246** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 97** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 164** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 850—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability, or advanced age; providing definitions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 850** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 10—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate's location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 10** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 152—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any controlled substance within a specified distance of property used for religious services or property on which specified business enterprises conduct business; amending s. 921.0012, F.S.; prescribing sentencing guideline offense levels; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 16 through page 2, line 12, delete those lines and insert:

Section 1. Paragraph (b) of subsection (1) of section 893.13, Florida Statutes, 1996 Supplement, is amended, paragraph (e) is added to that subsection, and paragraph (b) of subsection (2), paragraph (c) of subsection (6), and sections (8), (9), and (10) of that section are amended, to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances;

Pursuant to Rule 4.19, **SB 152** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 180—A bill to be entitled An act relating to minors; amending s. 562.13, F.S.; prohibiting the employment of a minor by a vendor licensed under the Beverage Law when the employment involves nudity, as defined, on the part of the minor; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, lines 4-7, delete those lines and insert: *However, a minor to whom this subsection otherwise applies may not be employed if the employment, whether as a professional entertainer or otherwise, involves nudity, as defined in s. 847.001, on the part of the minor and such nudity is intended as a form of adult entertainment.*

And the title is amended as follows:

On page 1, lines 5 and 6, delete those lines and insert: the employment involves nudity, as defined, on the part of the minor as a form of adult entertainment; providing an effective

Pursuant to Rule 4.19, **SB 180** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 396** was deferred.

On motion by Senator Brown-Waite—

CS for SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, after "*agreement*" insert: *and shall comply with s. 112.0515, if applicable*

Pursuant to Rule 4.19, **CS for SB 378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 962—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; deleting a requirement that certain parties participate in the application for such a grant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 962** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 630—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms "evening child care" and "weekend child care"; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1—On page 7, lines 23-29, delete those lines and insert:

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, maintenance of immunization records, mimimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Pursuant to Rule 4.19, **CS for SB 630** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 188** was deferred.

On motion by Senator Myers—

CS for SB 1112—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; providing applicability of the section to certain contracts; amending s. 466.003, F.S.; expanding the definition of "dentistry"; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; providing applicability of the section to certain contracts; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing applicability of the section to certain contracts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1112** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1726—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S.; revising an exemption from the definition of investment adviser for certified public accountants; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendments which were adopted:

Amendment 1—On page 3, line 12, delete "*partners*" and insert: *shareholders*

Amendment 2—On page 4, delete line 3 and insert:

(d) All noncertified public accountant members are engaged

Pursuant to Rule 4.19, **CS for SB 1726** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

SB 2222—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising provisions governing the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2222** to **HB 255**.

Pending further consideration of **SB 2222** as amended, on motion by Senator Jones, by two-thirds vote **HB 255** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Jones—

HB 255—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—a companion measure, was substituted for **SB 2222** as amended and read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, lines 28 and 29, delete those lines and insert:

Section 2. Subsection (7) of section 250.10, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General and representatives of the Board of Regents, the State Board of Community Colleges, and the State Board of Education shall design and develop a *tuition assistance* program *for members* ~~wherein a member~~ in good standing of the active Florida National Guard who ~~is enrolled, or who may~~ enroll~~,~~ in a public institution of higher learning in the state *in accordance with the provisions of subsection (8)* ~~shall be exempt from payment of one-half of the cost of tuition and fees, provided such member meets regular admission requirements and is admitted on a space-available basis. Such exemption shall not exceed a period of 10 years from the date of enrollment in the tuition waiver program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier~~.

(a) The program shall set forth application requirements which include, but are not limited to, requirements that the applicant shall:

1. Be 17 years of age or older.

2. Be presently domiciled in the state.

3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.

5. Agree in writing to serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted.

(b) The program shall include, but not be limited to, the following penalties:

1. When a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during such academic term, the exemption shall immediately be forfeited and the member shall be required to pay to the institution all tuition charges and student fees for the current academic term for which the exemption has been granted.

2. When a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period such member had agreed to serve after completing the courses for which exemptions were granted, the member shall be required to reimburse the state for all tuition charges and student fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances.

3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving exemption benefits, the exemption shall be immediately forfeited and the member shall pay to the institution all tuition charges and student fees for the current academic term for which the member has received an exemption.

(c) The program shall define those members of the active Florida National Guard ineligible to participate in the program and those courses of study not authorized for the program.

1. Such members shall include, but not be limited to:

a. Any member, commissioned officer or warrant officer or enlisted person, who has a baccalaureate degree.

b. Any member who has 15 years or more of total military service creditable toward retirement.

c. Any member who has not completed basic military training.

2. Courses not authorized include noncredit courses, courses which do not meet degree requirements, or courses which do not meet requirements for completion of vocational-technical training.

(d) The Adjutant General, together with the Board of Regents, the State Board of Community Colleges, and the State Board of Education, shall promulgate rules for the overall policy, guidance, administration, implementation, and proper utilization of the program. Such rules shall include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in paragraph (b).

~~(e) The number of National Guard members to receive waivers pursuant to this subsection shall be limited to 1,000 annually.~~

(8) The Department of Military Affairs is authorized to administer an educational tuition assistance program for members of the Florida National Guard who qualify pursuant to subsection (7).

(a) Members of the Florida National Guard as of June 30, 1997, shall be exempt from payment of one-half of tuition and fees subject to the following limitations:

1. Participation in the program shall not exceed a period of 10 years from the date of enrollment in the tuition assistance program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.

2. Florida National Guard members shall be admitted on a space-available basis.

(b) Notwithstanding paragraph (a) and subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who were members as of June 30, 1997, if a member is unable to obtain admittance on a space-available basis and, at least on one previous occasion, the member was denied admission to the required course.

(c) Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who enlist after June 30, 1997.

Section 3. Subsection (8) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(8) The Board of Regents shall exempt one-half of all tuition and course-related fees for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10*(8)*~~(6)~~.

Section 4. Paragraph (a) of subsection (4) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10*(8)*~~(6)~~.

Section 5. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 9, insert: amending s. 250.10, F.S.; revising provisions relating to educational benefits for Florida National Guard members; authorizing payment of the full cost of tuition and fees by the Department of Military Affairs under certain circumstances; amending ss. 240.235 and 240.35, F.S.; conforming cross-references;

Pursuant to Rule 4.19, **HB 255** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 359** was withdrawn from the Committee on Natural Resources.

On motion by Senator Bronson—

HB 359—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—a companion measure, was substituted for **SB 1134** and read the second time by title.

Pursuant to Rule 4.19, **HB 359** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **CS for CS for HB 3** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator McKay—

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly benefit amount for unemployment compensation benefits; providing an additional amount under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 188** and read the second time by title.

On motion by Senator McKay, further consideration of **CS for CS for HB 3** was deferred.

On motion by Senator Jenne—

SB 1284—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—was read the second time by title.

Senator Childers offered the following amendment which was moved by Senator Jenne and adopted:

Amendment 1 (with title amendment)—On page 1, lines 9-15, delete those lines and insert:

Section 1. Paragraph (e) of subsection (2) and subsection (3) of section 468.453, Florida Statutes, are amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) Has provided sufficient information, *and a full set of the applicant's fingerprints which has been taken by an authorized law enforcement officer,* which must be submitted by the department for a criminal records check through the Federal Bureau of Investigation.

(3) Members of The Florida Bar are exempt from the *requirements of this part* ~~state laws and rules component, and the fee for such, of the examination required by this section~~.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check;

Pursuant to Rule 4.19, **SB 1284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, the Senate resumed consideration of—

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly benefit amount for unemployment compensation benefits; providing an additional amount under certain circumstances; providing effective dates.

—which was previously considered this day.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for CS HB 3**, and completion of motions and messages.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Notwithstanding section 443.131(3), Florida Statutes, for the 1998 calendar year or any quarter thereof, the division shall subtract 0.5 percent from each employer's assigned tax rate, except for those employers who are assigned the initial rate or who have been assigned a contribution rate of 5.4 percent or higher for more than 36 months. Notwithstanding section 443.131(2), Florida Statutes, for the 1998 calendar year, each employer whose employment record has been chargeable with benefit payments for less than eight calendar quarters shall pay contributions at the initial rate of 2 percent.*

Section 2. Paragraph (n) of subsection (19) of section 443.036, Florida Statutes, 1996 Supplement, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(19) EMPLOYMENT.—"Employment," subject to the other provisions of this chapter, means any service performed by an employee for the person employing him.

(n) Exclusions generally.—The term "employment" does not include:

1. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in paragraph (g).

2. Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

3. Service performed by an individual in, or as an officer or member of the crew of a vessel while it is engaged in, the catching, taking,

harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed by any such individual as an ordinary incident to any such activity, except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes.

b. Service performed on, or in connection with, a vessel of more than 10 net tons, determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

4. Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of *21* ~~18~~ in the employ of his father or mother.

5. Service performed in the employ of the United States Government or of an instrumentality of the United States which is:

a. Wholly or partially owned by the United States.

b. Exempt from the tax imposed by s. 3301 of the Internal Revenue Code by virtue of any provision of federal law which specifically refers to such section, or the corresponding section of prior law, in granting such exemption; except that to the extent that the Congress shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this law shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. If this state is not certified for any year by the Secretary of Labor under s. 3304 of the federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in s. 443.141(6) with respect to contributions erroneously collected.

6. Service performed in the employ of a state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more states or political subdivisions, except as provided in paragraph (b), and any service performed in the employ of any instrumentality of one or more states or political subdivisions, to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by s. 3301 of the Internal Revenue Code.

7. Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, except as provided in paragraph (c).

8. Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress.

9.a. Service performed in any calendar quarter in the employ of any organization exempt from income tax under s. 501(a) of the Internal Revenue Code, other than an organization described in s. 401(a), or under s. 521, if the remuneration for such service is less than $50.

b. Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

10. Service performed in the employ of a foreign government, including service as a consular or other officer or employee of a nondiplomatic representative.

11. Service performed in the employ of an instrumentality wholly owned by a foreign government:

a. If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

b. The Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

12. Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to a state law; service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school chartered or approved pursuant to state law; and service performed by a patient of a hospital for such hospital.

13. Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission, except for such services performed in accordance with 26 U.S.C.S. s. 3306(c)(7) and (8). For purposes of this subsection, those benefits excluded from the definition of wages pursuant to subparagraphs (33)(b)2.-6., inclusive, shall not be considered remuneration.

14. Service performed by an individual for a person as a real estate salesman or agent, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

15. Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

16. Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law.

17. Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers.

18. Service performed by an individual for a person as a barber, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

19. Casual labor not in the course of the employer's trade or business.

20. Service performed by a speech therapist, occupational therapist, or physical therapist who is nonsalaried and working pursuant to a written contract with a home health agency as defined in s. 400.462.

21. Service performed by a direct seller. For purposes of this subparagraph, the term "direct seller" means a person:

a.(I) Who is engaged in the trade or business of selling or soliciting the sale of consumer products to buyers on a buy-sell basis or a deposit-commission basis, or on any similar basis, for resale in the home or in any other place that is not a permanent retail establishment; or

(II) Who is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or in any other place that is not a permanent retail establishment;

b. Substantially all of whose remuneration for services described in sub-subparagraph a., whether or not paid in cash, is directly related to sales or other output, rather than to the number of hours worked; and

c. Who performs such services pursuant to a written contract with the person for whom the services are performed, which contract provides that the person will not be treated as an employee with respect to such services for federal tax purposes.

22. Service performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or subparagraph (J) of s. 101(a)(15) of the Immigration and Nationality Act, and which is performed to carry out the purpose specified in subparagraph (F) or subparagraph (J), as the case may be.

23. Service performed by an individual for remuneration for a private, for-profit delivery or messenger service, if the individual:

a. Is free to accept or reject jobs from the delivery or messenger service and the delivery or messenger service has no control over when the individual works;

b. Is remunerated for each delivery, or the remuneration is based on factors that relate to the work performed, including receipt of a percentage of any rate schedule;

c. Pays all expenses and the opportunity for profit or loss rests solely with the individual;

d. Is responsible for operating costs, including fuel, repairs, supplies, and motor vehicle insurance;

e. Determines the method of performing the service, including selection of routes and order of deliveries;

f. Is responsible for the completion of a specific job and is liable for any failure to complete that job;

g. Enters into a contract with the delivery or messenger service which specifies the relationship of the individual to the delivery or messenger service to be that of an independent contractor and not that of an employee; and

h. Provides the vehicle used to perform the service.

24. Service performed in agricultural labor by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to ss. 101(a)(15)(H) and 214(c) of the Immigration and Nationality Act.

Section 3. Subsection (3) and paragraph (a) of subsection (5) of section 443.111, Florida Statutes, 1996 Supplement, are amended to read:

443.111 Payment of benefits.—

(3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than $32 or more than $250. *For claims with benefit years beginning July 1, 1997, through June 30, 1998, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed $262. For benefit years beginning July 1, 1998, an individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than $32 or more than $275.* Such weekly benefit amount, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.

(5) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed $6,500. *For claims with benefit years beginning July 1, 1997, through June 30, 1998, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed $6,596. For benefit years beginning July 1, 1998, any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed $7,150.* However, such total amount of benefits, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. Such benefits shall be payable at a weekly rate no greater than the weekly benefit amount.

2. For the purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 9, lines 4-31, delete those lines and insert: *with benefit years beginning July 1, 1997, through December 31, 1997, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed $262. For benefit years beginning January 1, 1998, an individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than $32 or more than $275. For claims with benefit years beginning January 1, 1998, through June 30, 1998, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed $288.* Such weekly benefit amount, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.

(5) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed $6,500. *For claims with benefit years beginning July 1, 1997, through December 31, 1997, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed $6,596. For benefit years beginning January 1, 1998, any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed $7,150. For claims with benefit years beginning January 1, 1998, through June 30, 1998, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed $7,254.* However, such total amount of benefits, if not a multiple of $1, shall be rounded downward

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 3** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 2400, with amendment(s), and requests the concurrence

of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Pursuant to Rule 7.6, **House Amendments 1, 2, 3, 4** and **5** constituted an entirely new bill and were not published in the Journal.

MOTION

On motion by Senator Sullivan, the Senate refused to concur in the House amendments to **SB 2400** and acceded to the request for a conference committee.

CONFEREES ON SB 2400 APPOINTED

The President appointed Senator Sullivan, Chairman; Subcommittee A: Senators Childers, Chairman, Bronson, Dantzler, Latvala, Harris and Hargrett; and alternates, Senators Lee and Jones; Subcommittee B: Senators Horne, Chairman, Grant, Kirkpatrick, Holzendorf, Dyer, Diaz-Balart and Jenne; and alternates, Senators Cowin and Clary; Subcommittee C: Senators Myers, Chairman, Bankhead, Kurth, Brown-Waite and Rossin; and alternates, Senators Forman and McKay; Subcommittee D: Senators Silver, Chairman, Dudley and Gutman; and alternates, Senators Campbell, Klein and Meadows; At Large: Senators Thomas, Scott and Casas; as conferees on **SB 2400**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees on the part of the House.

Representative Garcia - Chair; Representatives Morse, Posey and Logan, at large; Representative Starks, at large F&T

Health and Human Services - Fiscal: Representative Sanderson - Chair; Representatives Hafner, Jones, Littlefield, Smith, Albright (alternate) and Dennis (alternate)

Education-Fiscal: Representative Sublette - Chair; Representatives Chestnut, Constantine, Edwards, Horan, Mackenzie, Stabins, Thrasher, Wise, Culp (alternate), Lynn (alternate) and Wasserman Schultz (alternate)

Criminal Justice - Appropriations: Representative Villalobos - Chair; Representatives Flanagan, Meek, Bainter (alternate) and Crady (alternate)

General Government - Fiscal: Representative K. Pruitt - Chair; Representatives Lawson, Mackey, Bronson (alternate) and Gay (alternate)

Transportation & Economic - Fiscal: Representative Merchant - Chair; Representatives Feeney, Minton, Reddick, Bradley (alternate) and Sembler (alternate)

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 2402, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2402—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Departments of Children and Families and Juvenile Justice to conduct a study of certain funds as a state match for specified funds; requiring the Department of Children and Family Services, the Department of Health, and the Department of Juvenile Justice to use specified appropriations to conduct a study and develop recommendations for a district budget flexibility initiative; providing requirements for the study; requiring a report to the Governor and the Legislature; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to expend appropriated funds to defray impact costs of municipalities and counties associated with opening and operating a facility; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

MOTION

On motion by Senator Sullivan, the Senate refused to concur in the House amendment to **SB 2402** and acceded to the request for a conference committee.

CONFEREES ON SB 2402 APPOINTED

The President appointed Senator Sullivan, Chairman; Subcommittee A: Senators Childers, Chairman, Bronson, Dantzler, Latvala, Harris and Hargrett; and alternates, Senators Lee and Jones; Subcommittee B: Senators Horne, Chairman, Grant, Kirkpatrick, Holzendorf, Dyer, Diaz-Balart and Jenne; and alternates, Senators Cowin and Clary; Subcommittee C: Senators Myers, Chairman, Bankhead, Kurth, Brown-Waite and Rossin; and alternates, Senators Forman and McKay; Subcommittee D: Senators Silver, Chairman, Dudley and Gutman; and alternates, Senators Campbell, Klein and Meadows; At Large: Senators Thomas, Scott and Casas; as conferees on **SB 2402**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees on the part of the House.

Representative Garcia - Chair; Representatives Morse, Posey and Logan, at large; Representative Starks, at large F&T

Health and Human Services - Fiscal: Representative Sanderson - Chair; Representatives Hafner, Jones, Littlefield, Smith, Albright (alternate) and Dennis (alternate)

Education-Fiscal: Representative Sublette - Chair; Representatives Chestnut, Constantine, Edwards, Horan, Mackenzie, Stabins, Thrasher,

Wise, Culp (alternate), Lynn (alternate) and Wasserman Schultz (alternate)

Criminal Justice - Appropriations: Representative Villalobos - Chair; Representatives Flanagan, Meek, Bainter (alternate) and Crady (alternate)

General Government - Fiscal: Representative K. Pruitt - Chair; Representatives Lawson, Mackey, Bronson (alternate) and Gay (alternate)

Transportation & Economic - Fiscal: Representative Merchant - Chair; Representatives Feeney, Minton, Reddick, Bradley (alternate) and Sembler (alternate)

John B. Phelps, Clerk

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 17.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 16, 1997: CS for SB 1312, SB 358, CS for SB 968, SB 244, CS for SB 266, CS for SB 1014, CS for SB 1282, CS for SB 956, SB 656, CS for SB 96, CS for SB 210, SB 958, CS for SB's 312 and 478, SB 532, SB 796, SB 46, SB 182, SB 1872, SB 154, SB 328, CS for SB 1862, CS for SB 246, SB 164, CS for SB 850, CS for SB 10, SB 152, SB 180, CS for SB 396, CS for SB 378, CS for SB 962, CS for SB 630, CS for CS for SB 188, CS for SB 1112, CS for SB 1726, SB 2222, SB 1134, SB 1284, SB 1344, CS for CS for SB 786, CS for SB 880, CS for SB 444, SB 1042, SB 1108, CS for SB 990, SB 898, CS for SB's 1286 and 1446, SB 392, SB 684, CS for SB 842, SB 528, SB 1130, SB 1186, SB 664, CS for SB 852, SB 1922

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1584 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Agriculture recommends the following pass: SB 768

The Committee on Children, Families and Seniors recommends the following pass: SB 1292 with 2 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1244 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 1708 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Agriculture recommends the following pass: SB 992 with 1 amendment, SB 1262

The bills were referred to the Committee on Natural Resources under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2466

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2270 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 806 with 1 amendment

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: CS for SB 1822 with 1 amendment, SB 2076, CS for SB 2086, SB 2230 with 4 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 618, SB 622 with 1 amendment, CS for SB 1842, SB 1844, SB 2150

The Committee on Community Affairs recommends the following pass: CS for SB 1074 with 4 amendments, SB 1826, SB 2252 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 252, SB 1016, SJR 2030

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 908 with 1 amendment, CS for SB 1248, SB 1462, CS for SB 1632 with 8 amendments, CS for SB 1814 with 5 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends the following pass: SB 830, CS for SB 1832, CS for SB 1840

The Committee on Criminal Justice recommends the following pass: SB 1192 with 1 amendment, SB 1710

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 996 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 2068

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary recommends the following not pass: SB 1926

The bill was laid on the table.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1594

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2038

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1500

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 746

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2180

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 1846 and 1876

The Committee on Education recommends committee substitutes for the following: SB 1654, SB 1864, SB 1866, SB 1948

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: CS for SB 690, SB 1362

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Clary—

SB 2506—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising provisions relating to the Civil Service System for certain employees of Santa Rosa County; providing for the appointment of the fifth member to the board; providing for transfers within the Civil Service System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 2508—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dantzler—

SB 2510—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for said district with respect to any failure of such water management structures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Williams—

SB 2512—A bill to be entitled An act relating to Gilchrist County; amending chapter 59-1308, Laws of Florida, as amended, relating to the Gilchrist County Development Authority; increasing the number of members of the authority from 5 to 9; providing that the membership of the Gilchrist County Development Authority be the same as the membership of the Gilchrist County Industrial Development Authority and that the Gilchrist County Development Authority and the Gilchrist County Industrial Development Authority operate as one authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Williams—

SB 2514—A bill to be entitled An act relating to Gilchrist County; allowing the establishment of a capital fund for the construction, expansion, improvement, equipping, furnishing, and initial-year operation of a County Law Enforcement Complex, including a county detention/corrections facility, to be funded from the Gilchrist County Law Enforcement Trust Fund, state forfeitures, supplemented by federal forfeiture funds, both of which contain proceeds from the sale of certain contraband; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2516—Not referenced.

By Senator Forman—

SB 2518—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the Board of Commissioners of the North Broward Hospital District to enter into interest rate swap agreements and certain other derivative instruments; to invest available funds of the pension plan in accordance with certain provisions of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2520—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; reducing the number of members of the Board of Supervisors of the North Lauderdale Water Control District from a board of seven members to a board of five members to be composed of sitting members of the City Council of the City of North Lauderdale within 30 days after this act becomes a law; providing intent with respect to the election of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Reform and Oversight; Education; and Senator Dudley—

CS for CS for SB 690—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting the

purchase or lease of certain items by certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

By the Committee on Health Care and Senators Clary, Horne, Grant, Brown-Waite, Ostalkiewicz and Cowin—

CS for SB 746—A bill to be entitled An act relating to informed consent; creating the "Woman's Right-To-Know Act"; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary action; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date

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By the Committee on Governmental Reform and Oversight; and Senator Thomas—

CS for SB 1362—A bill to be entitled An act relating to propane gas; creating ss. 527.20-527.23, F.S.; creating the Florida Propane Gas Education, Safety, and Research Act; providing a statement of legislative purpose; providing definitions; establishing the Florida Propane Gas Education, Safety, and Research Council; providing for membership, duties, and responsibilities; providing for marketing orders and requirements; providing referendum requirements; providing for industry assessments; providing for rules; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Harris—

CS for SB 1500—A bill to be entitled An act relating to public officers and employees; amending s. 112.3173, F.S., which provides for the forfeiture of retirement benefits by a public officer or employee convicted of specified felony offenses involving breach of the public trust or whose office or employment is terminated by reason of his or her commission or aiding in the commission of such offense; specifying additional offenses for which such forfeiture is required; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Thomas, Williams, Bronson and Kirkpatrick—

CS for SB 1594—A bill to be entitled An act relating to outdoor power equipment; creating ss. 686.60-686.614, F.S.; regulating sales and distribution of, and dealer relationships relating to, outdoor power equipment; providing a short title; providing legislative findings and intent; providing definitions; providing application; providing for warranty agreements; providing for claims and compensation of dealers; providing for parts availability and return; providing for repurchase of inventory under certain circumstances; providing for compensation for inventory under certain circumstances; providing for indemnification of dealers under certain legal actions; specifying unlawful acts and practices; specifying unenforceable contracts or agreements; providing remedies; providing for effect on other remedies; providing an effective date.

By the Committee on Education and Senator Ostalkiewicz—

CS for SB 1654—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Clary, Dantzler and Dudley—

CS for SB's 1846 and 1876—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; repealing a requirement that operators of vending machines submit quarterly reports to the Department of Revenue relating to gross receipts from such machines and tax thereon; repealing a related penalty; providing that a penalty for displaying a required notice is optional, rather than mandatory; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1864—A bill to be entitled An act relating to trust funds; creating s. 235.51, F.S.; creating the School Infrastructure Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Education and Senator Grant—

CS for SB 1866—A bill to be entitled An act relating to education; providing for a review over a 4-year period of the portions of the Florida School Code that govern the public schools; establishing the School Infrastructure Trust Fund Program; providing purposes; requiring the Commissioner of Education to review rules and recommend repeal; authorizing school district participation in the program and providing requirements; requiring review and recommendation for awards; restricting the use of program awards by the Legislature; authorizing the repeal of statutes; providing for annual funding; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 1948—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1998-1999 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing an effective date.

By the Committee on Criminal Justice and Senator Latvala—

CS for SB 2038—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 283.31, F.S., relating to records of executive agency publications; removing requirement for financial and performance audits of the corporation by the Auditor General; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising

objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts; defining the term "revenue-generating contracts"; amending s. 946.512, F.S., relating to inmate compensation plan; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S.; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; amending s. 946.516, F.S.; requiring a performance audit in 1999, and thereafter at the request of the Joint Legislative Auditing Committee, of the corporation by the Office of Program Policy Analysis and Government Accountability; authorizing the Auditor General to conduct a financial audit at least once every five years or upon request of the Joint Legislative Auditing Committee; amending s. 945.04, F.S., deleting certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; deleting the prohibition against the department removing inmates assigned to certain work programs with specified exceptions; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; creating s. 946.520, F.S.; requiring the department to assign certain inmates to specified work programs; requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs; providing an exclusion to the percentage requirement for certain institutions; prohibiting the department from removing inmates from specified work assignments except under certain circumstances; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Turner—

CS for SB 2180—A bill to be entitled An act relating to welfare reform; amending s. 414.065, F.S.; providing formulas for determining the number of hours of work participation in community service work experience required for adult participants in the WAGES Program; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 273 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Sindler and others—

HB 273—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 788 and SB 1104.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 541, as amended.

John B. Phelps, Clerk

JOINT SELECT COMMITTEE APPOINTED

The Honorable Faye W. Blanton April 15, 1997
Secretary of the Senate

The Honorable John B. Phelps
Clerk of the House of Representatives

Dear Madam Secretary and Mr. Clerk:

Pursuant to Section 11.14(4), Florida Statutes, we have created the Joint Select Committee on Collective Bargaining.

The Senators appointed to serve on the joint committee are: Senator Charles Williams, Co-Chair; Senator Charlie Crist; Senator Alberto Gutman; Senator Katherine Harris; and Senator Tom Rossin.

The Members of the House of Representatives appointed to serve are: Representative Bill Posey, Co-Chair; Representative Mike Fasano; Representative Everett Kelly; Representative Al Lawson; and Representative Ken Pruitt.

Sincerely,

Toni Jennings — President of the Senate
Daniel Webster — Speaker of the House

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 14 was corrected and approved.

CO-SPONSORS

Senators Burt—SB 958; Clary—CS for SB 1660; Klein—CS for SB 1726; Latvala—CS for SB 1726

Senator Brown-Waite withdrew as a co-sponsor of SB 1438.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 17.

Journal of the Senate

Number 16—Regular Session **Thursday, April 17, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Bishop Frank C. Cummings, Presiding Bishop, 11th Episcopal District, Jacksonville:

O Thou, who is everywhere at the same time and knows everything, we extol you for your greatness. We bless your name forever and give you thanks for the opportunity to behold your beautiful kingdom. We acknowledge your presence in the world as we observe the mountains decorated with your roses and trees; and see the shining star of hope against the long night; and hear the birds in concert as they sing to announce your sunrise.

Mighty God, we adore you for placing people in leadership and setting the boundary of nations. We pray that you will give direction in the discussion among the elected leaders, as they work untiringly and harmoniously in charting a course for the people of this state. Be an enabler for this body to provide for every child to have an opportunity to get the best education possible, for every person who can work, to have an opportunity to work, and for health care to be available to all.

Creator and Sustainer, let righteousness enter every heart, let beauty be in every character, harmony in every home, order in this state, and let peace be in the world.

In your name we pray. Amen.

PLEDGE

Senate Pages, Megan Berrigan of Tallahassee and Zach Kramer of Crawfordville, led the Senate in the pledge of allegiance to the flag of the United States of America.

RECOGNITION OF FORMER PRESIDENT

The President introduced the following guests of Senator Scott: Janice, his wife; and Stacy, his daughter. The President invited Senator Scott and his wife to join her at the rostrum.

The following special guests were also introduced: Donald Renner, the artist; Shirley, his wife; Carol Venook and Gail Sanderson, his daughters; Dana Venook, Erin and Kate Sanderson, his granddaughters; and Lori Parrish, Commissioner of Broward County.

The President recognized the Speaker of the House of Representatives, Daniel Webster, and invited him to join her at the rostrum. Representatives Warner, Lippman, Tobin, Mackenzie, Sanderson and Andrews; Bob Crawford, Commissioner of Agriculture; and Ann Wainwright, former staff director of the Committee on Rules and Calendar, were also present in the chamber.

MOTION

On motion by Senator Grant, the following remarks were ordered spread upon the Journal:

Senator Thomas: I consider it a real honor to stand and make a few brief remarks about Jim Scott. Jim likes to put a lot of distance between the time we arrived here and point out how long I've been here; but Jim came about the same time I did, or two years after I did and he hit the ground running.

I had known Jim back when he was a bright, young legislative aide. I probably have known him as long as anybody on this floor, other than maybe Senator Childers. Jim and Janice, and Frank and Stacy have certainly been an indelible part of the institution of the Florida Senate.

I called the rocky and stormy times that we went through on the service tax and other issues the transition years. Jim was always the guy you could depend on for guidance and counsel; be you a Democrat, Republican, or Independent. He's great to counsel with. I must say I don't think I have known many people that have truly cared for their colleagues in this body as he has.

Jim Scott comes from Kentucky. A very devout man, he has spent a lot of time in things other than government. I know that he spent a lot of time with his church, a lot of time with the children's programs of this state. I know that it's been Jim who, in strong turbulence would carry us through that turbulence. He's been recognized by his colleagues. There was a time when the body would take a secret ballot to recognize certain leadership qualities. In his freshman class, and it was a large class, he was the Outstanding Freshman. I thought that was pretty good because I had been the honoree the preceding year. He was the Most Outstanding and Effective in Debate. I was impressed because that was also a secret ballot. He was the Most Effective Member of the Senate. I think the only award that Senator Scott has never received, and probably never will, will be from the Tallahassee Chapter of the Florida Restaurant Association. I don't know why they don't like him because he's truly a wonderful, wonderful person.

I think of what Senator Dantzler said about a conversation he had with Curtis Peterson. He said that when you come to the Senate, you're going to meet some of the finest people in the world. I've always thought

he meant somebody like Jim Scott when he made that observation because Jim is, indeed, a most caring, sincere person. He gets nervous if he thinks he's hurt your feelings. He cares about every single person, including the staff.

He has followed me, been one step behind me, through the Commerce Committee, Rules Chairmanship, Appropriations process, and the Presidency and it looks like we're going to be wall-mates a long time. He'll be following me around that wall for a hundred years. So, isn't it a joy to have somebody that you will be that close to for a hundred years. Then we will go on to the Old Capitol, Jim, where we'll have more time together. I'm proud, I'm truly proud to have known Janice and Jim, and Frank and Stacy. The Senate, the State of Florida, mankind, humankind has been made better by their passage through here. Thank you, Madam President.

President Jennings: Thank you, Senator Thomas, well said. We have a visitor who has come from the other chamber to be with us. Speaker Webster, thank you for being with us. Would you like to come sit up here for a few minutes? Representative Warner came with him to guard him. Yesterday, the Speaker and I were walking down the hall together and we were by ourselves, and somebody looked over and said, "Do you need a guard?" The Broward bunch is starting to come in and is growing larger. Representative Lippman and Representative Tobin and Representative Mackenzie are here with us today. Senator Childers, did you have some thoughts about Senator Scott?

Senator Childers: I can't talk as long as Pat. He's got this gel on his hands and the microphone just stays stuck to it. I've served under a lot of Presidents, more than anyone in this chamber and there was never a more fair President than Jim Scott. I've served under more chairmen of committees than any other member in this chamber or the Legislature. There's never been a more fair chairperson of a committee than Jim Scott. There's never been a more honest person, more forthright person that I can ever remember. I changed parties during his administration and I caught hell from all angles. But, do you know that there supporting me was the President of the Senate, Jim Scott, and the Chairman of Rules, Toni Jennings. When it looked like everybody in the world was against me, those two people stood by me. Let me tell you, those two people will stand by you if you have a problem and you're having a difficult time. Jim has always been willing to help people, even though he disagreed with their philosophical persuasion. He's a fair man.

President Jennings: Thank you, Senator Childers. Senator Kirkpatrick, before we recognize you, I wanted to offer the courtesy to my counterpart in the House to say a couple of words from our rostrum. He was kind enough to let us visit his chamber and let me speak, so I'd like to do the same. I bet he has a couple of thoughts about Jim Scott. Mr. Speaker.

Speaker Webster: Do you have to suspend the rules here to do that?

President Jennings: Yes.

Speaker Webster: Probably should. Well, I will tell you it's been my privilege to have been mentored by Jim Scott. It just so happened that I became Republican Leader in the House when Jim Scott became the President of the Senate and he included me in everything that was going on, and I really appreciated that. Had he not done that, I think I would certainly be less than I am today. I think the real test of a person, the real test of a life, the real test of a man or woman is whether other people are affected and bettered by that person. I can tell you this, I believe my life, my political life and my personal life, have been bettered by knowing Jim Scott. I appreciate him and what he's done for me.

President Jennings: Thank you Speaker Webster. Thanks for being here, as well. Senator Kirkpatrick, some thoughts on Senator Scott?

Senator Kirkpatrick: I just wanted to say a few words about Senator Scott's leadership as President of the Senate. As most of you know, I'm sort of a workaholic in this process and from time to time, through the history of the 17 years I've been here, a lot of legislators were not allowed to try to innovate and create. The years that Senator Scott was President of this body, the thing I remember most about it is the fact that he allowed change to take place. In this system where we're attempting to try to do the business of the State of Florida as it changes, headed toward the next millennium, Senator Scott was one of those tremendously effective leaders who recognized the vision of what is happening in this state and allowed us to make some changes and to push the envelope of change very strongly. He was very supportive of the things we attempted to do. He has always tried to create the best public policy that we could possibly create in this body. I think we owe Jim a great deal of gratitude and appreciation for his attempt to make this chamber much more effective in dealing with the tough mission that we have as we move toward the next century. I want to personally thank him. I also want to thank his wife, Janice, for the support that she's always given to this body. She's always had that beautiful smile no matter what the situation was. It meant a lot to me personally, Jim, and I know it meant a lot to the others of us that were not the top leaders, but the folks that are down in the trenches trying to do the work. We appreciate your support.

President Jennings: Thank you, Senator Kirkpatrick. We've had some more friends of Jim join us; Commissioner Bob Crawford and Ann Wainwright, it's nice to have you with us. For those of you who don't remember, when Bob was President, Jim was Bob's Rules Chairman and Ann was Jim's Staff Director. It was actually Ann that kept us on track. More of the Broward bunch is entering the chamber. Representative Sanderson and Representative Andrews have joined us. You're kind of the Palm Beach bunch, aren't you, Bill? Thanks to reapportionment, Jim goes everywhere. Senator Grant for a few words.

Senator Grant: Madam President, many of us can share experiences that we've had with Jim Scott here in the Senate. Having served here for eleven years, I have many remembrances of working with Jim Scott, most of them pleasant. Jim has been a great person to work with. I want to just share the first experience I had with Jim Scott, which was before I came to the Senate. It's the experience that I always think of when I think of Jim Scott and one reason why I'm so indebted to him and why I appreciate him so much.

I served for seven years in the House and when a vacancy occurred in the Senate eleven years ago, I made a decision to leave my House seat and run in a very difficult district for a Republican, to run for a Senate seat to succeed Senator Castor when she decided to run for Commissioner of Education. It was a tough race. All of us who have had tight races know how it gets about two weeks before the election. You're running out of money and you haven't gone all the places that you wanted to go, and you're down emotionally, and you're tired physically, and it just gets to be a rough time. You're saying, "Hey, win or lose, just get it over with." I'll never forget one of the days I got out of bed, and it was just kind of the low point of the campaign. I had just run out of gas. I didn't know how I was going to make it the next two weeks. I wasn't sure if I was going to lose; in fact, I was sure I was probably going to lose. Senator Jenne was over in my district, working hard to make sure that that happened. And I was just—

Senator Jenne: And it almost did.

Senator Grant: That's right. It almost did, but it didn't. I was just tying my tie early one morning, getting ready to go out for a full day of campaign activities. I had never met Jim Scott. I knew who he was, probably had shaken his hand but, to my knowledge, never had a conversation with him. The door bell rang. I went down to open the door and Jim Scott was standing on my doorstep. The first thing he asked me for was my pledge for him being President. I opened the door and here was Jim Scott. He said, "John, I don't know what you're doing today, but I'm here to do it with you. I just want to drive you around and encourage you and spend the day." Jim, you'll never know how much that meant to me and how it gave me the rejuvenation to go the extra laps and beat Senator Jenne. We went on to some great things. I just want to tell you, whenever I think of Jim Scott, I always picture opening my door that morning and seeing his smiling face and his saying, "I don't know what you're doing today, but I'm here to do it with you." Jim, I'll always appreciate your friendship and your leadership in the Florida Senate.

President Jennings: Senator Meadows, part of the Broward bunch, you are recognized.

Senator Meadows: Madam President, many of you don't know it, but Jim Scott was my Senator for about 15 or 16 years before I became a Senator myself. My most memorable experiences were when we were on the campaign trail in 1992. Jim and I went around together from different places, and we were on the campaign trail in Palm Beach and

Broward Counties. Most of you don't know that I had represented 22 municipalities. So Jim is on the east coast and I'm sort of in between him and between, I guess, Senator Jenne and Senator Myers meeting me on the north end. So, we sort of run together back and forth. Senator Klein is to the west as well. But Senator Scott and I grew to be pretty good friends on the campaign trail. His wife was there. My wife and his wife would share war stories of how they have to go with us on the campaign trail throughout the entire time. I just want to stand and say to some of the friends up in the gallery up there and others that shared some of the evenings together with Jim Scott, his wife, and my wife that, Jim, I'm not going to shoot pool with you anytime soon until you get on the same side when I'm breaking the balls, okay?

President Jennings: That sounds like an inside story there. Thank you, Senator Meadows. We appreciate it. I'll come back around. Another member of the Broward bunch, Senator Forman.

Senator Forman: Madam President, in deference to age, not beauty, and seniority, I'm going to yield just a moment to my very dear colleague in the House, Representative Jack Tobin.

Representative Tobin: Madam President, will this be an appropriate time to announce that I'm running against Senator Scott? No, I don't think so.

It's just a pleasure to be here and join the Senate in honoring a distinguished member of our delegation.

Senator Forman: Madam President, I'm learning new things every day, even though I've been here nine years, but I just want to say a few things about Jim Scott, and Janice Scott, too.

Jim Scott was elected to the Senate the same day I was elected to the Broward County Commission. I think it was November 5, 1976. It was the same day that Jimmy Carter was elected President. So I'm going back just a little bit in time. I first met Jim Scott on the campaign trail that day. He was running for the Senate in that old district that stretched from Ft. Lauderdale over to Naples. I ran countywide for the County Commission and we both won on election day. We are of different parties. We both had a very nice victory.

To me, he was kind of a younger southern gentleman. He's evolved into more of a middle-aged southern gentleman. Jim and I don't always agree on every issue, but he handles himself with dignity on every issue before him and he treats everyone with respect. His door is always open and he's a reasonable guy. He always knows that a compromise isn't necessarily the place that is midpoint between two sides of an argument. He tries to look for the fair and just solution to the problem.

Now let me tell you something about Janice. One time when Jim was running for reelection in the Senate, my wife and I were watching TV and there was Janice Scott on TV. I said, "Susan, what's Janice doing on there?" It was a political ad for Jim Scott so my wife said, "He ought to use Janice for everything." Janice is a lovely, gracious lady. She is a great hostess, a great mother, and she's always at Jim's side. She is an inspiration to us all. Jim, I'm proud to call you my friend.

Senator Crist: Madam President, I rise to speak about this great friend, Jim Scott and his lovely wife, Janice. When you think of Jim Scott, you think of a guy who's pretty low-key; and generally, he is. But I can tell you there is a fire that burns within him that is hard to measure. Whatever he believes in, he believes in fervently and he fights for it very, very hard. I'm just proud to have served under you while you were our President, Jim. It was an honor to do so. You are a great Senator, you were a great President, but most of all, you are a gentleman and a dear friend. The word that also comes to mind when I think of Jim Scott is loyalty. Certain principles that stand out—integrity, honesty and loyalty—all apply to you, my friend. Thank you.

Senator Diaz-Balart: Madam President, it's a great honor to be able to speak about someone whom I consider a great friend and also a great leader. If we think of what President Scott's legacy is, it's rather extensive. He once had in his office a sign that read, "We always do things this way." The sign had a slash over it because he wanted to do things differently; and do things differently, he did.

I'll never forget a very specific agenda which he spoke about here on the floor of the Senate. He had it in writing and he allowed everybody to see it. One item was, he was going to make Florida a safer place. All the experts, Jim, said it was not possible. We couldn't afford it. I was honored by you by being your chairman of Ways and Means. I remember from time to time, I'd go see you and, you know, finances were tight in those days and you would always say, "We cannot afford to not get it done." How much does it cost the people of Florida to have a situation where people are serving a 30 percent average of sentence time in prison? You thought it was unacceptable and you led us through that process, despite what many of the experts said, and despite what many of the leaders in this state said. You made it possible, and yes, you did so without raising taxes. But you also said that education was going to be a priority and that we're going to make it not only a priority to fund education, as you well did, but also that we were going to start a serious process of reform. That process continues and I think it swept not only the Legislature, it's sweeping the state. I think a great deal of that is owed to your leadership, Senator Scott.

Economic development was one of those priorities that you mentioned and you said that people had to be educated, but they also had to find jobs later. All of that you said could be done without raising taxes. I think a lot of people, Senator Scott, thought that you were crazy, that you were going to fail, that you were going to be a miserable failure, because you were too ambitious. You were trying to do too much and it could not be done, at least not without raising taxes. Well, you got it done.

What a legacy, Senator Scott, you've left all of us and the people of the State of Florida. When I think of Senator Scott, I think of those moments when things were tough and when all the editorials were blasting us for not raising taxes and everything else. I tell you, it was so great to be able to go to see the President and rely on his courage, on his leadership, on his strength, on his love for the people of the State of Florida, on his love for Janice, and his love for this institution. Senator Scott, all of us are greatly indebted to you for your leadership, for your courage. We are grateful. For me, it has been a great honor to serve with you, my friend. Thank you.

Senator Beard: Madam President, I think it's super nice of you to give him a trial before the hanging. Mary Ellen and I have known Jim and Janice for some eighteen years and I can tell you they are some of the nicest people we've ever known. We are very proud to call you our friends. Jim is someone, whether you are counseling with or confiding in, you always feel so comfortable. He makes you feel comfortable. I served under him when he was President and I just appreciate him so much. I asked him this morning, "Did Janice have anything to do with selecting the artist to paint the portrait?" He said, "Well, she had a little to do with it." I said, "Listen, that lady never has a little to do with anything."

The other day I was walking down the beach and a bottle came ashore there on the beach. I picked it up and it had a cork in it. I like to pull corks out of bottles, so I pulled it out and a little genie came out and the genie said, "Mister, I'm so glad you let me out of this bottle. I've been there so long. Anything you want, one wish you can have." I said, "I know exactly what I want. I want peace in this world. I want peace in Bosnia. I want peace in the Holy Land. Just a minute, let me show you a map. This is what I want you to do." She said, "Wait a minute—I can do anything, but you are asking a lot. Isn't there something else that you would just as soon have?" I said, "Well, as matter of fact, there is. I understand they are painting a portrait of Jim Scott and I want him to come out looking like a statesman. I want him to be handsome." She said, "Wait a minute. You mind if I take another look at that map?" Jim, you are going to make a handsome addition to the portraits up there with all the people who preceded you in the Senate. We are real proud of you. I will remain your friend forever. Thank you very much.

Senator Silver: Madam President, I am very privileged to speak today about my good friends, Jim and Janice Scott. We don't know what is under that red drape over there, but I would hope for the people of Florida's sake—and for our sake in the chamber—that it is a picture of Janice rather than of Jim. I know Jim agrees with that, too.

I just want to say that of all the tributes that have been paid to him today—and I agree with all these fine attributes—one that has not been mentioned, which I think really describes Jim Scott, is his dedication to his constituency back home. He puts his constituency ahead of his party and all other matters. He always has, and I know this personally, because of the tough work in condominiums that we've had to endure and the condominium groups that he has represented. He has always put those groups far ahead of anything else. I think that is what we are all

about here, and what we should be about, and Jim exemplifies that, I think, better than any person here. So I pay tribute to you. I am proud to call you my friend, and you too, Janice.

I wanted to say one other thing. Jim's greatest moment, I think, as a father, was when his daughter and I entered into a debate one time. She just knocked me out in that debate. He was so very proud of that—more so than he could do. Thank you very much, Madam President.

Senator Sullivan: Madam President, on behalf of the doctors in the Senate I would like to give credit to Jim for having done more to control the weight of the Senate than most people here.

I would like to say that as a young member of the Senate, and I can still consider myself one of the rookies, that when you arrive in this body there are certain people that catch your eye. They have a breadth of knowledge, a sense of policy and a sense of direction that others don't have. You begin to watch those people. Jim Scott was one of those people that I chose to watch because, to me, Jim excelled in not only the mechanical process of getting legislation through, but he had that vision and that scope—the broad scope of government—that few other people did. He was kind enough during all of his activities as President to take the time to always stop and talk to me about strategy, about policy, about the way that this organization runs.

There are the rules, but we know that there's a magic about this that makes it run, and there are very few people that have that insight into that magic. Jim, I wanted to say that in all the years I've been here, one of the people I have watched the closest was you because of your knowledge of this, the touch that you have and the strategy and vision you have. I'm proud, and I hope this is a tradition that comes in the future because with term limits, we're going to need this. The Senate needs to develop the tradition of teaching the newer members. We all need to take time to stop and teach them. Jim, I consider you one of the people who is best at teaching newer members. I'm proud to have known you. I'm very proud to have learned from you and perhaps I should address you as "teacher." Thank you very much.

Senator Campbell: I know I'm a freshman, but Senator Scott and I have had the luxury, and I've really enjoyed it, of flying back and forth to our district over the weekends for the last couple of weeks and from all standpoints, Jim Scott is a statesman. We talk a lot in the plane about Florida. One of the things you have to understand is that Jim Scott has told me that for the twenty years he has been in the Senate he has taken the responsibility, and he considers it a privilege, of trying to make the next generation have what we all want them to have—a good education and good health care. These are not partisan issues; Jim's a Republican, I'm a Democrat. Jim, one thing that you have done for me is inspired me, and I want to thank you as a mentor because these are nonpartisan issues. We learn from Jim Scott to be a statesman; and not to worry about the next election but to worry about our next generation. That's what he is, he is a statesman. I thank you.

Senator Hargrett: Madam President and Senators, a lot has been said but not everybody has said it. I've been here since 1992, and in the Legislature going on 15 years, and having interacted with Senator Scott, having a chance to do business—I come from a business background—I've found that doing the public's business with Senator Scott has been a rare privilege. He is one of the most principled persons that I've ever had the pleasure of conducting the people's business with. He deals with it from a point of integrity. You know that when you shake hands, or when he gives his word, you can take it to the bank. Being a former banker, I just appreciate the integrity that he's brought to this process. Thank you, Senator Scott, for all you've done for the people of Florida.

Senator McKay: Madam President, all of us in this process from time to time have our differences and certainly Senator Scott and I are not any different. So, when I came in this morning he asked me if I was going to stand up and say anything good about him. I told him I'd say that "you have a good golf swing." But, Senators, I think we're bound in this body by honesty and integrity and I can't lie to you. He doesn't have a good golf swing. In fact, Janice's is much better.

Senator Scott, I would like to tell you that you have led us, during the two years of your administration, with a goal in mind and with focus on that goal, and determination. You were undeterred. There were those of us that questioned it from time to time, but the proof of the pudding was when we arrived at that goal and we were all proud of it. I was proud to be a member of your leadership team and I thank you for that opportunity.

I first met Senator Scott in 1990, when the Republicans were celebrating his nomination as the next President. It was an event that was pretty impressive to a candidate. It was unfortunate that he did not succeed in that attempt at the Presidency, because the Republicans did not take a majority at that time. I've read over the past few months that the measure of a person is whether they don't give up. You lose when you give up, when you fail to get off the ground. Senator Scott, I would like to congratulate you for not giving up, for continuing in your effort to achieve your goal of leading the State of Florida as the President of the Senate. I thank you for that, as well as congratulate you, because if you had not had that determination, we would not be at this point today.

Senator Bankhead: We've heard from the bankers and from the physicians. I guess from the perspective of the railroaders, I want to thank you for keeping the train on the track and keeping our focus. I think that there are many distractions in this process, as has been mentioned, but I think it's worth mentioning again that there are many, many opportunities to get off on the wrong track; there are many opportunities to lose sight of the ultimate goals which you really want to accomplish. I think that you've helped us all to keep the ultimate goals in mind and to focus on the long term and not the momentary distractions of the short term.

Further, I would tell you that each of us in some way has had some personal experiences with Jim and Janice Scott. We've had many occasions to be together and we've been at their home a number of times. Thank you for purchasing a very nice place here that we could join you in—on behalf of all of us, that was very thoughtful of you. In one way or another you've had a great impact on each of us. I want to thank you both. Those are lessons, or memories, that we will carry with us for a long, long time and I do appreciate your service, Jim; and your contribution and sacrifice, Janice. Thank you.

Senator Jenne: Jim, as the opposition leader to you, sometimes we were on the same side, sometimes we were not. But you were always on the same page in Florida—trying to make it a better, stronger place. It's very difficult sometimes in a community to always agree or disagree with the President of the Senate when you are in the opposition.

People always talk about Broward County and how it exists. Why it exists is that there are people like Jim Scott who realize that party or geographic location in a particular community does not matter; but rather, that you work for a community. I think that as people talk about this state, this nation and now this body, the thing that I remember about Jim Scott is that he loves his community. He helped his community to grow and he made it a better place for all of us in Broward County.

I appreciate what you did in this chamber. I think that all of us from the Broward Delegation say "thank you" for making our community a much better place. Thank you and God bless you.

Senator Clary: I particularly enjoy being here as a freshman and experiencing this moment with all of you to recognize Jim and his family. There have been comments from people who have known him for 4 years or 7 years, 11, 15, and 18 years. I have had an opportunity to know him for 22 weeks. In that short time, I think we have become very good friends.

I am proud for Jim and his family to share in this time of recognition. From one low-key Senator to another, I want to say that I appreciate this moment for you. Thank you.

President Jennings: Representative Lippman, you are recognized.

Representative Lippman: Members of the Senate, a lot of you have said you have known Jim Scott from 22 weeks to 20 years. Senator Scott and Janice, and my wife and I have been friends since the late 60s. We were taught well, as was Senator Jenne and Attorney General Butterworth. We all come from the same crucible of politics.

The important thing for you to understand is how much we cherish the good work that Senator Scott has given to us—not as a Senator, not as the President of the Senate, but as a friend and a citizen of Broward County.

Janice and Jim and Judy and I have had the opportunity to laugh and to cry. One of the significant things that I have always heard is that when you meet a person, don't measure them by their smile; measure them by their tears. I can tell you that there is tremendous love that comes from Jim Scott and Janice Scott. I also can tell you that the people of Broward County are very, very proud of the fact that we have Jim Scott's portrait, soon to be hung in this chamber, as the first one of a Broward Countian; but more importantly as a son of Broward County.

Senator Scott, my friend, I am here to honor you. Janice, congratulations.

President Jennings: I would now like to recognize Jim and Janice's daughter, Stacy.

Stacy Scott: You do not know how proud it makes me to hear all of you speak of my father using such words as integrity, character, and all the things that he represents to me. He has supported me in all of my life. I wouldn't be here, in the place that I'm in without him and my mom. I wanted to say that I'm so proud to be here. I'm so proud that all of you, who are also wonderful people of great character, can say such great things about my father, things that I know are true. I know he brags on me all of the time. He brags to all of you, probably too much, and he doesn't hear me brag about him. I do. When people talk about politicians in not-so-nice ways, I say, "I know of many, and I especially know of one, who are honest people who care about the state. People who are trying to do their best to make this a better place."

Congratulations, Dad. I am so proud of you.

President Jennings: Stacy, you don't get to talk any more. Stacy and Frank have grown up with us. It is wonderful when you look at your friends' children and know what a wonderful life they have ahead and the contributions that they have made. Stacy is with the State's Attorney Office in Alachua County and doing a great job. It is wonderful to have her here. Frank is all the way across the country and could not be here today.

We said so many nice things about Senator Scott. I really had hopes that we would have a little levity here as we went along. I have to share with you that last evening Senator Thomas was making a recommendation after he talked about that hundred years of you following him around the wall. He recommended that we start out with your picture over there. They had already moved them when I got here this morning, so it didn't work.

We are at the fun part. This has all been fun, but this is the really fun part; the presentation of gifts to Janice and Jim.

The President presented gifts to Senator Scott and Janice on behalf of the members of the Senate.

Mrs. Janice Scott: Thank you very much. You really didn't have to do this, but I'm so glad you did. This is really a beautiful gold medallion; I want all of you to see it. It will always remind me of all the good times and all the good friends we've made over the years, and I thank you very much. Stacy, I love you.

President Jennings: As many of you know, Jim and Janice are big water sports enthusiasts. Their home in Broward County is on the water, as many homes are. I went with Jim and Janice once on this boat ride. We went up and down the Intracoastal Waterway. We saw all these lovely houses and great big boats. We got to Jim and Janice's and their boat was there. It wasn't as big as some of those other boats I saw, but I understand that they have acquired a new boat.

In looking for a present for President Scott, we had the suggestion that something for the boat might be in order. Senator Scott, I will let you open it and then I'll tell the rest of you what it is. You know that Janice and I were in cahoots.

Now that we are so computer literate in the Florida Senate, and Senator Scott will remind us that he brought it to us, this is a Lowrance Global Map 2000. It has the most advanced combination of sonar and GPS features available. Does anybody know what that is? It includes a map link cartridge that allows you to use highly detailed IMS smart maps and IMS world maps. Where are you going in this boat? Along with, now we know, the advanced fish and depth symbols. I guess it's a fish finder. It sounds complicated, but Janice swears that this is what they both needed—so Janice would know where Jim was at all times. We understand it will be a great addition to your new boat. We hope both of you enjoy it. Some of us that have been here awhile have seen the most interesting group of presents for Presidents. We have seen dogs, trips, luggage, bird houses, all kinds of things. I am here to tell you that this is the first time we have seen a global map and fish finder. Senator Scott will you share a few words with the body.

Senator Scott: I just love this kind of talk. It is going to be a little hard to be my humble self that all of you know I am. I want to thank everyone.

I want to start with President Jennings. I want to thank you for this time; for taking this time to honor me and my family. Time is what you learn to appreciate, especially when you talk about how fast twenty years go by. I want to especially thank Janice. Thirty-one years we've been married, and some of you may not know that I'm not always perfect; I appreciate her sticking with me. Stacy, I'm not saying much about you because I'll start needing Kleenex again, but it was so nice of you to be here today. I really thought Senator Clary was low-key until he came out with the Darth Vader mask on yesterday. Thank you, Senator Beard and Mary Ellen for being here today, for being our friends for so long. Someone said about me, that you could take it to the bank; well Malcolm Beard could tell you something and six years later, you might go back and say, "Now, Malcolm, I'm thinking about running for President, again." He would say, "I told you I committed to you six years ago." That's the wonderful kind of guy he is, a tower of strength and big shoes. We have a great young Senator who has taken his place.

Thank you, each one of you, for all the nice things that you've said; for all the support. I know there were some jokes made here, about a couple of programs. They were actually Senator Jennings' idea, but I took the rap for her, out of concern for our institution and for sticking with me on some tough issues. Some of them were mentioned, like welfare reform. She was a loyal colleague and trooper. The summer after the 1995 session, I was out West and the Governor was threatening Special Session. I called Senator Jennings and said, "I want to create this committee on Social Services Reform—Welfare Reform." She said, "Oh, that's a great idea." I said, "Well, you really like that idea?" She said, "Yes." I said, "Good, I want you to be the Chairman." She said, "I don't know if this is such a good idea after all."

Without the friendship and the great members of the Senate, without having a team and members who are just so great and so dedicated, even when sometimes they didn't particularly agree with the program, no one can be a leader. It has been a great experience. Thanks to my Broward County colleagues, and to Bob Crawford and Ann Wainwright.

The staff here, from the Secretary's Office on down, Ways and Means, all of them; we have the best staff in the nation. In all of my years here, they have always been so devoted, especially during the years when I have been either Chairman of Ways and Means or as President. It has just been tremendous. They really make the place run and they never get enough credit. The way it works is, if it turns out good, I get the credit; if it turns out bad, it's the staff's fault.

I think it is a tremendous institution. I've said this before, but I'm so happy that my long-time friend, Toni Jennings, is President. I guess we're going to be "wall-mates", too. A hundred years or more, Senator Thomas. I'm honored by all of your friendships. If there is anything I can do to repay your loyalty, friendship and support, to each of you, my colleagues, call on me anytime. Thank you so much for this GPS, sometimes you really do forget where you are and GPS is the global positioning system. It will tell you within three feet of where you are. This one especially, with the maps, will keep us from getting lost on my boat. It's not exactly a yacht—it's a twenty-three foot boat. If we go to the Bahamas, we won't get lost. Senator Jenne, the Democratic Leader, thank you for your comments. We've worked together for a long time, as Representative Lippman pointed out, thank you. Again, a special thanks to you, President Jennings, for this time. To you all, thank you. Thank you.

UNVEILING OF PORTRAIT

The official portrait of Senator Scott was unveiled by the Secretary and the Sergeant at Arms and presented to the Senate.

President Jennings: Don Renner, the artist, attended the Chicago Academy of Fine Arts. He studied with professional portrait painters and studied to be a professional portrait painter. He has completed many

portraits. Jim told us that Don has painted many movie stars. Now he has painted Jim. You have to be of a certain vintage to know these movie stars: William Bendix, Robert Wagner (Jim especially liked that one, he thought there was a similarity there), James MacArthur, Mary Frann, Dan Dailey, Maureen O'Sullivan, Howard Duff, Michael Rennie, Edward Everette Horton and Virginia Graham, if you remember who she is.

Mr. Renner's most recent distinctions include having three portraits hanging at Camp Blanding Museum; 32 paintings on the ceiling of the Parker Playhouse in Ft. Lauderdale, and completion of a number of paintings for the Seminole Tribe, some of which are hanging in the tribal headquarters in Hollywood, Florida.

Having looked at lots of portraits, Jim, it looks just like you. Jim told us all along that his was going to be a little bit different. We had great anticipation and Mr. Renner, thank you very much for depicting our President in such a life-like way.

True to form, I forgot a present. Jim, you want to come back up here? I was so anxious to see what this picture looked like. Speaking of pictures, we have one more. It's the Florida Senate during the time of Senator Scott's presidency with all of our names there. Just in case he ever forgets us.

Senator Scott: Thank you once again. I forgot to mention that Don Renner, the artist, is from Plantation. I'm not sure if he is in my district or in Senator Jenne's district, but I really think the portrait is great, Don. His grandchildren are here and one of them came in this morning. As soon as she saw me, she said, "I've seen your picture." I said, "Well, you're one up on me." Senator Crawford, you're recognized for something nice, I hope.

Commissioner Crawford: Thank you, former President and Madam President. I didn't want to get in on all that spreading earlier. Now that I see the portrait, I've got to tell you a little story. About three or four months ago, I knew Jim was having the portrait painted. I told him, they say there's a tradition that if you slip the portrait artist an extra five hundred bucks, he will take ten years off the picture. Of course, Senator Scott in his very humble way, and we all know how humble he is, said, "Well, actually, I did slip him five hundred dollars because I am embarrassed that the other Presidents looked so old. I wanted to add ten years to my portrait." But, as we can now see, Senator Scott, the five hundred dollars was well spent.

Senator Holzendorf: Madam President, prior to Senator Scott being President of the Senate, he was Appropriations Chairman when I chaired the Florida Conference of Black State Elected Officials. This was when the House was Democratic, the Senate was tied, and then the Senate became Republican. Senator Scott proved to be as good a colleague as any person on the other side of the hall. I do share in all those compliments that everyone made to him.

SPECIAL PRESENTATION

The President announced the birth of Regan Carey Lee, born April 15, 1997, daughter of Senator Tom Lee and Amy, his wife.

Upon request of the President, Senator Lee joined her at the rostrum where she presented him with gifts on behalf of the members of the Senate and her staff.

ADOPTION OF RESOLUTIONS

On motion by Senator Holzendorf—

By Senator Holzendorf—

SR 982—A resolution honoring the Jacksonville Jaguars football team.

WHEREAS, in Chicago, Illinois, at 4:12 p.m., Eastern Time, on November 30, 1993, Jacksonville, Florida, was awarded the 30th franchise in the National Football League, and

WHEREAS, since September 3, 1995, when the Jacksonville Jaguars played their inaugural game in the Jacksonville Municipal Stadium against the Houston Oilers, Jacksonville has become passionate with Jaguars fever, boasting the greatest football fans in the nation, and

WHEREAS, in the 1996 regular season, the Jacksonville Jaguars ranked second in the NFL in offense, and

WHEREAS, the Jacksonville Jaguars became the NFL's first second-year team ever to win two playoff games, scoring 60 points, the most points scored by any NFL team in its first two postseason games, and

WHEREAS, the Jaguars became the first team ever to beat the Buffalo Bills at Rich Stadium in the playoffs and only the second team to defeat the Denver Broncos at Mile High Stadium in the playoffs, and

WHEREAS, advancing to the AFC Championship game and ending its second season just one game short of the Super Bowl, the Jacksonville Jaguars have become one of the elite teams in the NFL, and

WHEREAS, the Jaguars Foundation has led the NFL in community efforts, including grantmaking, the Playbooks reading program, its youth anti-smoking initiative, the "Straight Talk" effort to reduce teen pregnancy, holiday food drives, and the unique Honor Rows Program that uses seats as incentives for youth to earn their way to home games, and

WHEREAS, the Jaguars Foundation programs have been nationally recognized in The New York Times, Osgood File radio show, and "Grantmakers in Health" and have received the Governor's Community Investment Award and WTLV Channel 12 "Top of the Class" Award, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes and congratulates the Jacksonville Jaguars on the team's impressive accomplishments during its first two years of competition in the National Football League.

—was introduced out of order and read by title. On motion by Senator Holzendorf, **SR 982** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Holzendorf introduced the following guests who were present in the chamber: Don Connor, Vice President of the Jacksonville Jaguars Football Team and Jacksonville Mayor John Delaney.

Upon request of the President, Senators Holzendorf, Horne and Bankhead escorted the guests to the rostrum where they were presented a copy of the resolution.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 998** was withdrawn from the Committee on Judiciary; **CS for SB 806** was withdrawn from the Committee on Transportation; and **SB 1742** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means; and referred to the Committees on Criminal Justice; Regulated Industries; and Ways and Means.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1426**, **SJR 1730**, **SB 1736**, **SB 78** and **SB 2140** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 248**, **SB 676**, **CS for SB 756**, **SB 776**, **SB 874**, **SB 1016**, **SB 1060**, **SB 1158**, **CS for SB 1248**, **SB 1304**, **CS for SB 1346**, **CS for SB 1822**, **CS for SB 1930**, **CS for SB 2048**, **SB 2248** and **SB 2282** were withdrawn from the Committee on Ways and Means.

On motion by Senator Turner, by two-thirds vote **SB 1352**, **SB 1356**, **SB 1910**, **SB 1912**, **SB 2264** and **SB 2348** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1958** was withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 1438** and **CS for SB 1568** were withdrawn from the Committee on Community Affairs.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Criminal Justice was granted permission to add **SB 1742** to the agenda at the meeting on April 18.

On motion by Senator Bankhead, the rules were waived and the Committee on Judiciary was granted permission to meet April 23 from 1:00 p.m. until 2:00 p.m.

On motion by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 23 at 9:30 a.m. to establish the Special Order Calendar for Thursday, April 24.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Wednesday, April 23, was set for filing amendments to Bills on Third Reading to be considered Thursday, April 24.

CONSIDERATION OF BILLS ON THIRD READING

CS for HB 411—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for HB 411** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 358—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.702, F.S.; providing immunity from liability for members of the board of directors of a community health purchasing alliance, and its employees and agents, in the performance of the board's duties; correcting a cross-reference; amending s. 408.703, F.S.; providing that a small employer member of an alliance remains eligible for coverage for a specified period following an expansion of business; repealing s. 408.705, F.S., relating to the boards of directors of community health purchasing alliances; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Brown-Waite, **SB 358** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Dantzler
Diaz-Balart	Holzendorf	Latvala	Scott
Dudley	Horne	Lee	Silver
Forman	Jenne	McKay	Sullivan
Grant	Jones	Meadows	Thomas
Gutman	Kirkpatrick	Myers	Turner
Hargrett	Klein	Ostalkiewicz	Williams
Harris	Kurth	Rossin	

Nays—None

Vote after roll call:

Yea—Dyer

CS for SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; prohibiting certain provisions from being included in contracts; creating s. 636.0145, F.S.; providing that certain Medicaid providers operating under a federal waiver may be licensed under chapter 636, F.S.; exempting from certain regulatory requirements those prepaid limited health services organizations that serve only Medicaid clients; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, **CS for SB 968** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Dyer

SB 244—A bill to be entitled An act relating to managed care; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing a definition; amending s. 641.31, F.S.; requiring health maintenance organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing a definition; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Myers, **SB 244** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—28

Madam President	Campbell	Diaz-Balart	Holzendorf
Bankhead	Casas	Dudley	Kirkpatrick
Bronson	Childers	Grant	Klein
Brown-Waite	Clary	Hargrett	Latvala
Burt	Cowin	Harris	Lee

Meadows	Ostalkiewicz	Silver	Thomas
Myers	Scott	Sullivan	Williams

Nays—11

Crist	Forman	Jenne	Rossin
Dantzler	Gutman	Jones	Turner
Dyer	Horne	Kurth	

Vote after roll call:

Yea—McKay

Consideration of **CS for SB 266** and **CS for SB 1014** was deferred.

CS for SB 1282—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; providing for the court to commit the child to the Department of Juvenile Justice for a treatment program until the child is age 21 or sooner if discharged by the department; removing a provision relating to court-ordered-plan of community control; providing for availability of presentence investigation report prior to the sentencing hearing and removing certain references to predisposition report and hearing; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 1282** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 956—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 956** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

Consideration of **SB 656** was deferred.

CS for SB 96—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for SB 96** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Silver

CS for SB 210—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting a provision that prohibits community and public notification of certain sexual predators, and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting a provision that provides for community and public notification under former s. 775.225, F.S., and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **CS for SB 210** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 273—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **HB 273** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 245—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for HB 245** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 796—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Lee, **SB 796** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 656—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **SB 656** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term "curtilage" for purposes of the crimes of burglary and trespass; amending s. 810.09, F.S.; repealing the offense of trespass on property other than a structure or conveyance if the property is the unenclosed curtilage of a dwelling; repealing the definition of the term "unenclosed curtilage"; amending s. 812.014, F.S.; repealing the offense of grand theft of the third degree; repealing the offense of petit theft of the first degree; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for SB 1014** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	McKay
Campbell	Dudley	Jenne	Meadows
Casas	Dyer	Jones	Myers
Childers	Forman	Kirkpatrick	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

Vote after roll call:

Yea—Hargrett

On motion by Senator Latvala, by two-thirds vote **CS for HB 501** was withdrawn from the Committee on Natural Resources.

On motions by Senator Latvala, by two-thirds vote—

CS for HB 501—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, and 298.353, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—a companion measure, was substituted for **CS for SB 266** as amended and by two-thirds vote read the second time by title. On motions by Senator Latvala, by two-thirds vote **CS for HB 501** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 46—A bill to be entitled An act relating to the rights of accused persons; creating the Speedy Trial Reform Act of 1997; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; providing for determining the period that constitutes a speedy trial; amending s. 39.048, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, **SB 46** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 182—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Gutman, **SB 182** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **SB 1872** and **SB 154** was deferred.

SB 328—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances; requiring that the court require a person to perform a specified number of hours of community service if the person is found guilty of, or pleads guilty or nolo contendere to, a second or subsequent violation of chapter 893, F.S., relating to offenses that involve controlled substances; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Kirkpatrick, **SB 328** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1862—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 1862** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 97—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

—was read the third time by title.

Senator Meadows moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 1, line 24, delete "or" and insert: *and* ~~or~~

And the title is amended as follows:

On page 1, line 9, delete "or" and insert: and

Amendment 2—On page 2, line 4, delete "*or*" and insert: *and*

On motions by Senator Turner, **CS for HB 97** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Brown-Waite	Campbell	Childers
Bankhead	Burt	Casas	Clary
Cowin	Gutman	Kurth	Silver
Crist	Hargrett	Latvala	Sullivan
Dantzler	Harris	Lee	Thomas
Diaz-Balart	Holzendorf	McKay	Turner
Dudley	Horne	Myers	Williams
Dyer	Jones	Ostalkiewicz	
Forman	Kirkpatrick	Rossin	
Grant	Klein	Scott	

Nays—None

Vote after roll call:

Yea—Bronson, Jenne, Meadows

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **SB 164** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 850—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability, or advanced age; providing definitions; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for SB 850** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones

Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Turner
Latvala	Myers	Silver	Williams

Nays—None

CS for SB 10—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate's location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for SB 10** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **SB 152** was deferred.

SB 180—A bill to be entitled An act relating to minors; amending s. 562.13, F.S.; prohibiting the employment of a minor by a vendor licensed under the Beverage Law when the employment involves nudity, as defined, on the part of the minor as a form of adult entertainment; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Gutman, **SB 180** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 378** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 962—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; deleting a requirement that certain parties participate in the application for such a grant; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 962** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 152—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances; prohibiting the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any controlled substance within a specified distance of property used for religious services or property on which specified business enterprises conduct business; amending s. 921.0012, F.S.; prescribing sentencing guideline offense levels; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Holzendorf, **SB 152** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin
Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Dyer	Jenne	Meadows	Turner
Forman	Jones	Myers	Williams

Nays—None

On motion by Senator Campbell, by two-thirds vote **HB 1101** was withdrawn from the Committee on Criminal Justice.

On motions by Senator Campbell, by two-thirds vote—

HB 1101—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming terminology and a cross reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—a companion measure, was substituted for **SB 1872** as amended and by two-thirds vote read the second time by title. On motions by Senator Campbell, by two-thirds vote **HB 1101** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 630—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms "evening child care" and "weekend child care"; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Rossin, **CS for SB 630** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Burt

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator McKay, **CS for CS for HB 3** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1112—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; providing applicability of the section to certain contracts; amending s. 466.003, F.S.; expanding the definition of "dentistry"; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; providing applicability of the section to certain contracts; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing applicability of the section to certain contracts; providing an effective date.

—was read the third time by title.

On motions by Senator Myers, **CS for SB 1112** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Dyer

On motion by Senator Crist, by two-thirds vote **HB 947** was withdrawn from the Committee on Regulated Industries.

On motions by Senator Crist, by two-thirds vote—

HB 947—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S., revising an exemption from the definition of investment adviser for certified public accountants; providing an effective date.

—a companion measure, was substituted for **CS for SB 1726** as amended and by two-thirds vote read the second time by title. On motions by Senator Crist, by two-thirds vote **HB 947** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Williams

HB 255—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Jones, **HB 255** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 359—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **HB 359** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 1284—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Childers, **SB 1284** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kurth

SPECIAL ORDER CALENDAR

Consideration of **SB 958** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 507** was withdrawn from the Committees on Transportation; Criminal Justice; and Ways and Means.

On motions by Senator Burt, by two-thirds vote—

HB 507—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification

card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 396** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 5, line 25 through page 8, line 26, delete those lines and insert:

(2) To lend his or her driver's license to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as his or her own, any driver's license not issued to him or her.

(4) To fail or refuse to surrender to the department upon its lawful demand any driver's license *that* ~~which~~ has been suspended, revoked, disqualified, or canceled.

(5) To permit any unlawful use of a driver's license issued to him or her.

(6) To apply for, obtain, or cause to be issued to him or her two or more photographic driver's licenses which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 4. Section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(1) It is unlawful for any person*:*

(a) Knowingly to have in his or her possession *or to display* any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card *or any instrument in the similitude of a driver's license or identification card* ~~described in s. 322.051~~ unless possession by such person has been duly authorized by the department*;*

(b) Knowingly to have in his or her possession any instrument in the similitude of a driver's license issued by the department or its duly authorized agents or those of any state or jurisdiction issuing licenses recognized in this state for the operation of a motor vehicle; or

(c) Knowingly to have in his or her possession any instrument in the similitude of an identification card issued by the department or its duly authorized agents or those of any state or jurisdiction issuing identification cards recognized in this state for the purpose of indicating a person's true name and age.

The term "driver's license" includes a driver's license issued by the department or its agents or a driver's license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver's license or identification card for a lawful purpose.

(2) It is unlawful for any person to barter, trade, sell, or give away any driver's license or identification card or to perpetrate a conspiracy to barter, trade, sell, or give away any such license or identification card unless such person has been duly authorized to issue the license or identification card by the department as provided in this chapter or in the adopted rules ~~and regulations~~ of the department.

(3) It is unlawful for any employee of the department to allow or permit the issuance of a driver's license or identification card when he or she knows that the applicant has not lawfully fulfilled the requirements of this chapter for the issuance of such license or identification card.

(4) It is unlawful for any person to agree to supply or to aid in supplying any person with a driver's license or identification card by any means whatsoever not in accordance with the provisions of this chapter.

(5)*(a)* It is unlawful for any person to use a false or fictitious name in any application for a driver's license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her possession a driver's license or identification card, or any instrument in the similitude of a driver's license or identification card, upon which the date of birth has been altered.

(6) Any person who violates any of the provisions of this *section* ~~act~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any person who violates *paragraph (5)(a)* ~~the provisions of subsection (5)~~ by giving a false age in any application for a driver's license or identification card *or who violates paragraph (5)(b) by possessing a driver's license, identification card, or any instrument in the similitude thereof, on which the date of birth has been altered* is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The ~~foregoing~~ provisions of this section are in

And the title is amended as follows:

On page 1, lines 12-30, delete those lines and insert: license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties;

Amendment 2—On page 11, lines 16-20, delete those lines and insert:

322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license *or identification card*.
322.212(5)*(a)*	3rd	False application for driver's license *or identification card*.

Pursuant to Rule 4.19, **HB 507** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 989** was withdrawn from the Committees on Agriculture; and Ways and Means.

On motion by Senator Bronson—

HB 989—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

—a companion measure, was substituted for **SB 1344** and read the second time by title.

Pursuant to Rule 4.19, **HB 989** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by two-thirds vote **CS for HB 991** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Sullivan, by two-thirds vote—

CS for HB 991—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 786** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 991** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 880—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 880** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 444** was deferred.

On motion by Senator Klein, by two-thirds vote **HB 397** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motions by Senator Klein, by two-thirds vote—

HB 397—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

—a companion measure, was substituted for **SB 1042** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 397** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

SB 1108—A bill to be entitled An act relating to the uniform method for collecting non-ad valorem assessments; amending s. 197.3632, F.S.; authorizing the use of the uniform method to collect non-ad valorem assessments regardless of specified circumstances; providing legislative intent; ratifying certain ordinances; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Dudley and failed:

Amendment 1—On page 1, lines 20 and 21, delete those lines and insert: pursuant to general or special law or *local government* ~~municipal or county~~ ordinance *or resolution*, whether or not such assessment was initially

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 1, lines 20-22, delete those lines and insert: pursuant to general or special law or *local government* ~~municipal or county~~ ordinance *or resolution, regardless of when the* ~~whether or not such~~ assessment was initially imposed *or whether it* ~~prior to January 1, 1990, or~~ has previously

Pursuant to Rule 4.19, **SB 1108** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Bankhead, the rules were waived and **SB 392** was taken up out of order by unanimous consent.

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **SB 392** and **SB 154** and completion of motions and announcements.

On motion by Senator Grant—

SB 392—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Grant and failed:

Amendment 1—On page 5, between lines 5 and 6, insert:

Section 2. *Any county which levied the tax prior to October 1, 1998 must adopt an ordinance, by an extraordinary vote, to extend the surtax to October 1, 2008.*

(Renumber subsequent section.)

Senators Grant and Lee offered the following amendment which was moved by Senator Grant and adopted:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 212.055, Florida Statutes, 1996 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the

duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent. ~~Any county that levies the surtax authorized by this subsection shall continue to expend county funds for the medically poor and related health services in an amount equal to the amount that it expended for the medically poor and related health services in the fiscal year preceding the adoption of the authorizing ordinance.~~

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

(c) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance adopted pursuant to paragraph (a) or, if the surtax is made subject to a referendum, at least 60 days after the date of approval by the electors of the ordinance adopted pursuant to paragraph (a).

(d) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (e). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the *Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07* ~~rules of the Health Care Cost Containment Board~~. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(e) For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(f) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (d) and (e), upon directive from the authorizing county.

(g) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(h) This subsection expires October 1, *2005* ~~1998~~.

Section 2. *Any county which levied the tax prior to October 1, 1998, must adopt an ordinance, by an extraordinary vote, to extend the surtax to October 1, 2005, and to specifically authorize the provision of section 212.055(4)(a), Florida Statutes, relating to the amount of the tax to be levied.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

Pursuant to Rule 4.19, **SB 392** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Clary, by two-thirds vote **HB 385** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motions by Senator Clary, by two-thirds vote—

HB 385—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

—a companion measure, was substituted for **SB 154** and by two-thirds vote read the second time by title. On motions by Senator Clary, by two-thirds vote **HB 385** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dantzler	Grant
Bankhead	Childers	Diaz-Balart	Gutman
Bronson	Clary	Dudley	Hargrett
Brown-Waite	Cowin	Dyer	Harris
Burt	Crist	Forman	Holzendorf

Horne	Kurth	Myers	Thomas
Jenne	Latvala	Ostalkiewicz	Turner
Jones	Lee	Rossin	Williams
Kirkpatrick	McKay	Silver	
Klein	Meadows	Sullivan	

Nays—None

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 1450 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1172 with 2 amendments

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Judiciary recommends the following pass: SB 790 with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1974 with 1 amendment

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1820 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 620 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2062 with 3 amendments

The Committee on Natural Resources recommends the following pass: CS for SB's 234 and 456 with 1 amendment, SB 554 with 1 amendment, SB 838 with 1 amendment, SB 1268

The Committee on Transportation recommends the following pass: SB 2386 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 390, SB 814 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 172 with 4 amendments, SB 1092 with 1 amendment, SB 2058 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1240 with 1 amendment, SB 1514

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Banking and Insurance recommends the following not pass: SB 1744

The bill was laid on the table.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2186

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1958

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 904

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 946

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1880

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1432

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: Senate Bills 1678 and 2404, SB 1680, SB 2048

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 214, SB 1410

The Committee on Criminal Justice recommends committee substitutes for the following: Senate Bill 544 and CS for SB 1904, SB 636, SB 2362

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 40, SB 2352

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2000, SB 2314

The Committee on Judiciary recommends committee substitutes for the following: SB 1006, SB 1214, SB 2296

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Banking and Insurance; and Senators Brown-Waite, Dudley and Grant—

CS for SB 40—A bill to be entitled An act relating to wrongful death; amending s. 768.19, F.S.; providing for ch. 766, F.S., to apply to wrongful death actions with respect to claims for medical malpractice; repealing

s. 768.21(8), F.S., which prohibits the recovery of damages for wrongful death by specified persons; providing an effective date.

By the Committees on Community Affairs, Regulated Industries and Senators Latvala, Williams, Dyer, Bronson and Campbell—

CS for CS for SB 214—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies, and under which the provision of telecommunications services constitutes a municipal or public purpose; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunication services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunication services provided to the public for hire by the state or political subdivision are not exempt from sales or use taxes; providing exceptions; providing severability; providing an effective date.

By the Committees on Criminal Justice, Education and Senators Turner and Rossin—

CS for SB 544 and CS for SB 1904—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; providing effective dates.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 636—A bill to be entitled An act relating to criminal offenses involving minors; creating the Children's Protection Act of 1997; amending s. 775.084, F.S., relating to violent career criminal sentencing, to conform to the act; amending s. 784.03, F.S., relating to battery and felony battery; defining the offense of battery upon a child under 16 years of age; providing penalties; amending ss. 787.01 and 787.02, F.S., relating to kidnapping and false imprisonment, to conform to the act; amending s. 800.03, F.S.; redefining the offense of unlawful exposure or exhibition of sexual organs to prohibit appearing naked under specified circumstances; providing penalties; providing that a violation of s. 800.03, F.S., in the presence of a person under 16 years of age constitutes a violation of s. 800.04, F.S.; providing an exception for maternal breastfeeding; amending s. 800.04, F.S.; creating the offenses of "lewd or lascivious battery," "lewd or lascivious molestation," "lewd or lascivious conduct," and "lewd or lascivious exhibition"; providing definitions; providing penalties; precluding consent from being raised as a defense except in certain circumstances; precluding ignorance or belief concerning age from being raised as a defense; providing an exception for maternal breastfeeding; deleting provisions that define and provide penalties for "lewd, lascivious, or indecent assault or act upon or in the presence of a child"; amending s. 826.04, F.S., relating to incest; removing a definition of "sexual intercourse" and defining "sexual activity"; redefining the offense of third-degree-felony incest to include knowingly marrying or engaging in sexual activity with a relative, as defined, who is at least 18 years old; providing penalties; defining the offense of second-degree-felony incest against a person under 16 years of age; providing penalties; reenacting ss. 775.15(7), 787.025(2)(a), 914.16, and 944.606(1)(b), F.S., relating to time limitations, luring or enticing a child, limits on interviews, and sex offender notification upon release, to incorporate the amendments to ss. 800.04 and 826.04, F.S., in cross-references; amending s. 921.0012, F.S.; ranking offenses created in the act in the sentencing guidelines offense severity ranking chart; amending s. 948.03(4)(a), F.S., and reenacting s. 948.03(5), F.S., relating to terms and conditions of probation or community control, to conform to the act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Grant and Holzendorf—

CS for SB 904—A bill to be entitled An act relating to confidentiality of information relating to risk-based-capital reports of insurers; providing a public records exemption for risk-based-capital reports, risk-based-capital plans, and working papers and reports of examination or analysis; providing a public meetings notice for certain hearings conducted by the department regarding risk-based capital; providing exceptions; pro-

viding application of the act; providing for termination of the exemptions; providing legislative findings; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Holzendorf—

CS for SB 946—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for an appropriation not to exceed $150,000; specifying the maximum percentage for an increase in the general appropriation for subsequent years; providing for the Attorney General to seek other funds; providing an effective date.

By the Committee on Judiciary and Senator Silver—

CS for SB 1006—A bill to be entitled An act relating to protection against domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent's conviction of a felony involving domestic violence; providing for evidence of domestic violence or child abuse to be considered by the court as evidence of detriment to the child; providing for consideration of false allegations of domestic violence or child abuse in custody proceedings; providing for consideration of domestic violence and child abuse in custody proceedings; providing for consideration of allegations of domestic violence or child abuse in custody proceedings; amending s. 741.28, F.S.; redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for indication of specified information on the face of a temporary or final judgment for protection against domestic violence; prescribing conditions under which persons may present evidence or recommendations; providing for information through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of counseling, treatment, batterers' intervention programs; requiring the court administrator to maintain a registry of program providers; providing for petitioners to be ordered to counseling; providing for petitioners to be provided a list of treatment, intervention, and counseling programs; providing for payment of a petitioner's treatment, intervention, or counseling; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross-references; providing certain immunity from civil liability to law enforcement officer; providing an effective date.

By the Committee on Judiciary and Senator Forman—

CS for SB 1214—A bill to be entitled An act relating to guardians; creating s. 744.1085, F.S.; providing for the regulation of professional guardians; providing for a bond; providing educational requirements; authorizing issuance of a blanket fiduciary bond; amending s. 744.3135, F.S.; requiring criminal history and credit check; providing for waiver; amending s. 744.3145, F.S.; excluding professional guardians from certain educational requirements; amending s. 744.3675, F.S.; revising language with respect to the annual guardianship plan; amending s. 744.454, F.S.; forbidding professional guardian from purchasing property or borrowing money from his ward; providing an effective date.

By the Committee on Community Affairs and Senators Forman and Meadows—

CS for SB 1410—A bill to be entitled An act relating to taxation; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing conditions under which the program is available to delinquent personal property taxpayers; providing requirements for applying; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants are unenforceable in certain circumstances; authorizing a tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; providing an effective date.

By the Committee on Banking and Insurance; and Senator Childers—

CS for SB 1432—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for attempts at collection; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing ss. 538.06(5), 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; amending ss. 538.03, 538.16, F.S., relating to secondhand dealers, to remove provisions relating to title

loan transactions; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Williams and Hargrett—

CS for SB's 1678 and 2404—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, and testing purposes from the tax on sales, use, and other transactions; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Jenne—

CS for SB 1680—A bill to be entitled An act relating to tax administration; repealing the following sections of chapter 95-272, Laws of Florida, which are scheduled to take effect July 1, 1997, which sections would eliminate the reorganization of the structure of the Department of Revenue enacted by that chapter: ss. 15 and 16, which amend ss. 20.04, 20.21, F.S., relating to the organizational structure of the department; ss. 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, which amend ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to approval of property appraisers' and tax collectors' budgets, review of assessment rolls, certification of compliance of taxing authorities, taxpayer rights, child support enforcement, and department publications, to conform; and s. 27, which re-creates s. 213.0451, F.S., relating to positions within the department; repealing s. 12, ch. 96-324, s. 3, ch. 96-403, and ss. 54 and 63, ch. 96-406, Laws of Florida, which are intended to preserve the amendments to ss. 20.04, 189.412, 195.096, 213.053, F.S., contained in the sections repealed by this act; providing legislative intent; amending s. 95.091, F.S.; amending certain statutes of limitation; reducing the tolling of the statute of limitations for specific causes; amending s. 197.253, F.S.; conforming provisions relating to an appeal to the value adjustment board of denial of homestead tax deferral to the time limitations specified in s. 194.011, F.S.; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 199.103, F.S.; providing a basis for valuing stock or shares of certain middle tier stock holding companies for purposes of intangible personal property taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; specifying that certain sums billed or charged as taxes thereunder and under ch. 212, F.S., shall not be subject to refund, notwithstanding requirements relating to separate statement of such taxes on bills or invoices; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; providing legislative intent; amending s. 212.10, F.S.; providing that a corporation with an officer, director, or majority shareholder who was previously associated with a corporation that quit business and failed to file a final sales tax return or pay sales tax liability may be denied the right to engage in business until payment is made; providing for delivery by registered mail of notice to a bank that has in its possession or under its control assets of a sales tax dealer who is delinquent in payment of tax; requiring financial institutions receiving notice of such delinquency to maintain a right of setoff for certain debit card transactions; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.755, F.S.; defining "return" and "payment" for purposes of revenue laws administered by the department; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audit program; amending s. 213.67, F.S.; prohibiting disposition of assets of a delinquent taxpayer that come into the possession of another person after that person receives garnishment notice from the department for a specified period; permitting disposition of property in excess of notice amount; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; requiring a financial institution to maintain a right of setoff for certain debit card transactions; amending s. 215.26, F.S.; reducing the application period for refunds of taxes paid in error; specifying the amount of tax that may be refunded when the law under which a tax was imposed is held invalid; providing that claims for less than $25 shall not be the basis for membership in a class action seeking refund; specifying the statutes under which an action to contest the denial of a tax or fee refund may be brought and requiring denial of a refund application before such action may be initiated; requiring denial of a refund claim if a taxpayer has not contested or has unsuccessfully contested an administrative garnishment; requiring the department to issue a notice of intent to deny a claim if a taxpayer claims a refund based on the unconstitutionality or invalidity of a statute and the statute has not previously been adjudicated unconstitutional or invalid by a court of competent jurisdiction; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing effective dates.

By the Committee on Criminal Justice and Senator Meadows—

CS for SB 1880—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; conforming a cross-reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of

the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning the participation of specified entities in the Intranet Service Network; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.10, F.S.; prohibiting an auxiliary certified correctional officer from directly supervising inmates without accompaniment by a fully certified officer; defining the terms "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; providing that applicants for auxiliary officers are not required to take a certification examination; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance with employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in an officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting provisions regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S., relating to criminal justice trust funds; removing a limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a $3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate the amendment in a reference; providing an effective date.

By the Committee on Community Affairs and Senator Lee—

CS for SB 1958—A bill to be entitled An act relating to the municipal public service tax; providing legislative intent; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from the tax; exempting certain religious institutions from the tax on telecommunication services; revising provisions relating to determination of the situs of telecommunication services; providing requirements for returns and remittance of the tax on telecommunication services; requiring certain purchasers claiming exemptions to certify that they are qualified therefor; requiring governmental bodies that sell taxable services to nonexempt users to collect and remit the tax; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address or when information does not conform to the seller's address records; creating s. 166.234, F.S.; providing procedures for audits of sellers by municipalities; prohibiting contingent fee audits; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; authorizing municipalities to assess interest and penalties; providing requirements with respect to a determination by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing for interest on refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing for communications between municipalities with respect to specified matters relating to audits and the identities of sellers; prescribing the circumstances for assessment of audit expenses against a seller; providing a schedule for application of the requirements of the act; providing an appropriation; providing for severability; providing an effective date.

By the Committee on Criminal Justice and Senators Kirkpatrick and Holzendorf—

CS for SB 2000—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S.; requiring notification of next of kin in any case in which a body part of the deceased is dismembered or severed; requiring notification and approval of next of kin if a procedure of the medical examiner on a dead human body is not necessary to the determination of identification, cause, or manner of death; restricting the authority of a medical examiner to perform autopsies or laboratory examinations; prohibiting the sale, donation, or contribution of a body part of the deceased without the consent of the deceased's next of kin; providing a penalty; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 2048—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 14.2015, F.S.; removing redundant provisions; removing provisions allowing the Office of Tourism, Trade, and Economic Development to contract and use a percentage of appropriated funds for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export

Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund for seaport projects; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and countersignature law; providing severability; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 2186—A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, and attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

By the Committee on Judiciary and Senators Harris and Grant—

CS for SB 2296—A bill to be entitled An act relating to child custody; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; requiring shared parental responsibility in rotating custody cases; amending s. 61.046, F.S.; providing a definition; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

By the Committee on Criminal Justice and Senator Dantzler—

CS for SB 2314—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 320.07, F.S.; revising penalties for operating a motor vehicle, or having a mobile home, with an expired registration; amending s. 320.131, F.S.; revising penalties for using an expired temporary tag; amending s. 320.261, F.S.; redefining the offense of attaching an unassigned registration license plate to a motor vehicle or mobile home; providing penalties; providing an effective date.

By the Committee on Banking and Insurance; and Senator Burt—

CS for SB 2352—A bill to be entitled An act relating to nonresident public adjusters; creating s. 626.8591, F.S.; providing a definition; creating s. 626.8681, F.S.; providing qualifications for licensure as a nonresident public adjuster by the Department of Insurance; providing requirements for an applicant for licensure; requiring an applicant to file a bond with the department of a specified amount; providing requirements with respect to retaining records; requiring a nonresident public adjuster to submit an affidavit to the department; providing certain limitations on the license that may be issued by the department; providing rulemaking authority for the department; providing requirements for the period of time that a nonresident public adjuster may occupy an office in the state; providing for the department to extend such period; creating s. 626.8694, F.S.; providing for appointment of the Insurance Commissioner and Treasurer for the purpose of receiving service of process filed against a nonresident public adjuster; creating s. 626.8801, F.S.; providing a penalty; amending s. 626.869, F.S., relating to the licensing of adjusters;

clarifying certain exceptions that apply to the issuance by the department of a limited license; providing an effective date.

By the Committee on Criminal Justice and Senator Ostalkiewicz—

CS for SB 2362—A bill to be entitled An act relating to criminal justice; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; defining "prison releasee reoffender"; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having a weapon while engaged in a criminal offense, of s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, of s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or of s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing legislative intent with respect to punishment in reoffender cases; amending s. 944.705, F.S., relating to the release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 160, CS for SB 284, SB 332 and CS for SB 778 which he approved on April 17, 1997.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 305, HB 397, HB 1827; has passed as amended CS for HB 311, CS for CS for HB 379, HB 385, CS for HB 501, HB 507, HB 627, HB 909, HB 947, CS for HB 991, HB 1073, HB 1101, HB 1139, CS for CS for HB 1371, CS for HB 1505, HB 1817, HB 1819, HB 1821, HB 1823, HB 1825, HB 1829, HB 1831, HB 1833, HB 1835, HB 1837, HB 1839 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Ritter and others—

HB 305—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of the real property comprising a child care facility; providing penalties; amending s. 921.0012, F.S.; providing for classification of such offenses within the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Lippman and others—

HB 397—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 1827—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of criminal justice; providing legislative intent; providing the Florida Department of Law Enforcement performance-based program budgeting incentives consistent with s. 216.163, F.S., relating to the Governor's recommended budget; providing for future repeal; amending s. 216.301, F.S.; providing for appropriation of certain unexpended and unobligated balances of the Supreme Court and the district courts of appeal; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Water and Resource Management; and Representative Smith and others—

CS for HB 311—A bill to be entitled An act relating to the Florida Preservation 2000 Program; amending ss. 259.032 and 373.59, F.S.; revising the ad valorem tax millage that must be levied by certain counties to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the program; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By the Committees on Law Enforcement and Public Safety; Law Enforcement and Public Safety; and Representative Bronson and others—

CS for CS for HB 379—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; provid-

ing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Feeney and others—

HB 385—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Water and Resource Management; and Representative Laurent and others—

CS for HB 501—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, and 298.353, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—was referred to the Committee on Natural Resources.

By Representative Trovillion—

HB 507—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Representative Goode and others—

HB 627—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Ways and Means.

By Representative Crady and others—

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the

holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Safley and others—

HB 947—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S., revising an exemption from the definition of investment adviser for certified public accountants; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Education/K-12 and Representative Andrews—

CS for HB 991—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Wiles and others—

HB 1073—A bill to be entitled An act relating to land reclamation; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

HB 1101—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming terminology and a cross reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Sindler and others—

HB 1139—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committees on Criminal Justice Appropriations; Crime and Punishment; and Representative Villalobos and others—

CS for CS for HB 1371—A bill to be entitled An act relating to criminal justice; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; defining "prison releasee reoffender"; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing for forfeiture by the reoffender of gain-time or other early release credits; providing legislative intent to prohibit plea bargaining in re-offender cases; requiring state attorneys to submit reports regarding any sentencing deviations; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Environmental Protection and Representative Smith—

CS for HB 1505—A bill to be entitled An act relating to public water systems; amending s. 381.0062, F.S.; revising the definition of "public consumption"; reducing minimum fees for water systems under jurisdiction of the Department of Health; removing an annual testing requirement for an exemption from permitting for certain establishments with limited-use public water systems; providing for annual testing to retain potable water status; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 1817—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay -

buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 1819—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 1821—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 1823—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Education Appropriations and Representative Sublette—

HB 1825—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 1829—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of transportation and economic development; providing legislative intent; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan to the St. Lucie County Expressway Authority; providing for future repeal; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 1831—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of general government; providing legislative intent; amending s. 372.672, F.S.; authorizing the appropriation of certain funds from the Florida Panther Research and Management Trust Fund to reimburse certain expenses relating to Texas cougars originally purchased as part of the Florida panther research and management program; providing for future repeal; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; providing for future repeal; amending s. 376.11, F.S.; authorizing the transfer of certain funds from the Florida Coastal Protection Trust Fund to the Ecosystem Management and Restoration Trust Fund to fund beach inlet protection; amending s. 259.032, F.S.,; authorizing payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund to counties with privately-owned and operated prisons leased to the state under certain circumstances; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 1833—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act in the area of health and human services; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; providing for future repeal; eliminating a provision authorizing the Department of Children and Family Services to transfer general revenue funds to the Department of Revenue for child support enforcement; eliminating a provision authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; providing for future repeal; amending s. 5, ch. 96-420, Laws of Florida; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; providing for future repeal; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; providing for future repeal; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; providing for future repeal; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; providing for future repeal; amending s. 10, ch. 96-420, Laws of Florida; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; providing for future repeal; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 1835—A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 259.101, F.S., relating to the Florida Preservation 2000 Act; providing funds for the purchase of lands necessary to restore Lake Apopka; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the water management districts for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S.; transferring authority for aquatic plant control from the Department of Environmental Protection to the water management districts; amending ss. 403.813, 581.145, and 597.004, F.S., to conform; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund;

repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 1837—A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to non-institutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the Department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; providing for privatization of the South Florida State Hospital and providing for hiring preferences; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; providing an effective date.

—was referred to the Committees on Health Care; Children, Families and Seniors; and Ways and Means.

By the Committee on Education Appropriations and Representative Sublette—

HB 1839—A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; creating s. 236.08011, F.S.; providing for a Florida Education Finance Program for kindergarten through grade 12 and a Florida Education Finance Program for adults; providing for separate calculation and appropriation; amending s. 236.081, F.S., relating to funds for operation of schools; revising provisions to provide for annual allocations to school districts for the K-12 Florida Education Finance Program and the adult Florida Education Finance Program; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation of each school district's student enrollment; providing a requirement relating to the computation of district required local effort; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, 236.602, 239.301, and 240.1161, F.S.; correcting cross references and conforming and clarifying language; amending s. 240.209, F.S., relating to Board of Regents' powers and duties; providing performance measures for program reviews; providing budget requirements and requiring documentation; amending s. 240.605, F.S., relating to Florida resident access grants; revising funding provisions; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; amending s. 216.301, F.S., relating to the disposition of certain unspent appropriations of the Department of Education; amending s. 240.632, F.S.; providing that the Florida Martin Luther King, Jr., Institute for Nonviolence shall be a nonprofit corporation; specifying the mission of the institute; providing that certain provisions of law apply to the institute; revising membership of the institute; amending s. 240.631, F.S.; revising a definition, to conform; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 52, SB 198, CS for SB 360, SB 406 and CS for CS for SB 1154.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for CS for HB 3, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

CO-SPONSORS

Senator Dyer—SB 2

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:57 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, April 24.

Journal of the Senate

Number 17—Regular Session **Thursday, April 24, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Senator Meadows:

O King of kings and Lord of lords, at whose throne the weak shall be made strong, and the unjust shall be judged, pour out your grace upon us.

We pray for your divine guidance as we seek ways to better serve you and the citizens we represent. Keep us from the arrogance of power.

Enable us to be an instrument of love, fostering good will and peace, so that others following may also be blessed.

In your Holy Name we pray. Amen.

PLEDGE

Senate Pages, Blake Bailey of Tallahassee and Matthew Crawford of Cocoa, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

SR 2332—A resolution commending the Maranatha Christian Academy Patriots Basketball Team of Tallahassee and Coaches Pete Johnson and Bob Wilkinson for winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship.

WHEREAS, on Friday, March 14, 1997, in Dayton, Tennessee, the Maranatha Christian Academy Patriots boys varsity basketball team won the 1997 Class 2A National Association of Christian Athletes (NACA) Basketball Championship by defeating Faith Christian of Glassboro, New Jersey by a score of 89 to 85, and

WHEREAS, this was the first national basketball tournament attended by the Patriots in the twenty years of the school's existence, and

WHEREAS, the Patriots posted a 25-3 record for the 1996-1997 season, and

WHEREAS, the Patriots defeated Success Christian School of Jacksonville, Florida, by a score of 79 to 61 to win the Florida Christian League Division I State Championship, and

WHEREAS, the Patriots defeated Bethel Assembly Christian Academy of Windsor, North Carolina, 97 to 67, and Shekinah Christian School of Plain City, Ohio, 70 to 69 on their way to the title game, and

WHEREAS, although MCA has only 20 boys in high school, five MCA players (John Catledge, Matt Hendrith, David Ivarson, Jonathan Overholser, and Dan Smith) earned NACA All-American recognition, and

WHEREAS, Patriots senior forward David Ivarson reached 1,000 high school career rebounds in the Patriots homecoming game on February 21, and 2,000 high school career points in the NACA title game, and was named tournament Most Valuable Player, and

WHEREAS, the 1997 championship was a total team effort, reflecting a season of dedicated practice and concentrated effort by all members of the team, but giving all glory to God, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate joins the friends, parents, students, and teachers of Maranatha Christian Academy in Tallahassee in congratulating each member of the Patriots varsity basketball team, Head Coach Pete Johnson, and Assistant Coach Bob Wilkinson for their accomplishments in winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Pete Johnson, Coach Bob Wilkinson, Administrator Don Roehl, and each member of the Maranatha Christian Academy Patriots Varsity Basketball Team as a tangible token of the sentiments of the Florida Senate.

—**SR 2332** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2398—A resolution recognizing Teen Pregnancy Prevention Awareness Week in Florida.

WHEREAS, we, the people of the State of Florida, believe that the children of this state should be born healthy, grow up in a safe and nurturing environment, have the full support of their mother and father, experience educational success, achieve economic independence, and reach their fullest potential in life, and

WHEREAS, teen pregnancy and parenting increases the likelihood of low birth weight, developmental delays and disabilities, and child abuse and neglect for the infant and disruption of education, decreased income potential, economic dependence on welfare, and subsequent pregnancies in the teenage years for the mother, and

WHEREAS, the burden associated with teen pregnancy and parenting is also borne by the taxpayers of Florida through increased costs in the areas of health care, education, welfare, and juvenile crime, and

WHEREAS, in each of the last 7 years, more than 17,000 of Florida's children from ages 10 through 18 years have given birth to children, and

WHEREAS, a summit on the prevention of teen pregnancy which included private and public representation from around the state identified public awareness as an important strategy for addressing this problem, and

WHEREAS, the prevention of teen pregnancy should be a priority in the State of Florida, and

WHEREAS, the State of Florida should further focus its attention on the prevention of teen pregnancy by building awareness of the causes, extent, and consequences of the problem; building linkages between local, state, and national resources; and calling its residents to action in their communities to address this critical issue, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the period of April 23, 1997, through May 1, 1997, Teen Pregnancy Prevention Awareness Week in Florida.

—**SR 2398** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2412—A resolution commending the Miami Carol City Senior High School Football Team.

WHEREAS, the Miami Carol City Senior High School Football Team represented Metropolitan Dade County in an outstanding fashion while capturing the 1996 Florida 6A Football Championship on December 21, 1996, and

WHEREAS, under the leadership of Coach Walt Frazier, the Miami Carol City Chiefs posted an impressive 14-1 record during the 1996 season, and

WHEREAS, this outstanding Chiefs squad, composed of some of the finest athletes in South Florida, demonstrated sportsmanship, desire, and class throughout the year, and

WHEREAS, all Dade County is proud of Coach Frazier and each and every member of the 1996 Miami Carol City Senior High School Chiefs Team, and

WHEREAS, it is fitting that official recognition be given to all those associated with this exemplary program, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Miami Carol City Senior High School Football Team, Coach Walt Frazier, and the coaching staff are commended for their outstanding accomplishments in bringing the Carol City Chiefs to state prominence and excellence in high school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Miami Carol City Senior High School Football Team and to Coach Frazier as a tangible token of the sentiments of the Florida Senate.

—**SR 2412** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2482—A resolution commending Robin Harrell for her dedicated and tireless service in creating and maintaining the legislative message center.

WHEREAS, Robin Harrell began work for Centel Phone Company as a Service Representative in 1974, and

WHEREAS, Robin Harrell began working in the Centel Legislative Message Center in 1983 as an adjunct to her regular duties for the phone company, where she single-handedly maintained a message and information center for both permanent and seasonal Capitol visitors during all succeeding legislative sessions, and

WHEREAS, Robin Harrell began handing out snacks for Capitol visitors along with directions to various committee rooms and legislators' offices in 1988 and started a Capitol custom which endures today, and over the 13 years that she staffed the center, she provided thousands of pounds of snacks which were paid for by Capitol visitors, and

WHEREAS, Robin Harrell created a friendly, nonthreatening "time-out" zone for everyone who works in or visits the Capitol, including visiting school children and their teachers, legislative staff, the Capitol Press Corps, and Capitol Security, and

WHEREAS, Robin Harrell has provided invaluable service to Capitol visitors returning each year by assisting with transfer of telephone service, and has kept messages for countless thousands of Capitol visitors, and

WHEREAS, Robin Harrell always kept the message center open until session had adjourned each night, regardless of the hour of adjournment, and

WHEREAS, Robin Harrell has been promoted by Sprint Centel to a position which takes her from the Capitol during legislative session, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate, on behalf of all the visitors who have known or been helped by Robin Harrell, commends her for her dedicated and tireless service to the Legislature and all the citizens who have visited the Capitol.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Robin Harrell as a tangible token of the sentiments of the Florida Senate.

—**SR 2482** was introduced, read and adopted by publication.

At the request of Senator Lee—

By Senator Lee—

SR 2494—A resolution commending Brooke Bennett, Olympic Gold Medalist in the 800-meter freestyle and member of the 1996 USA Women's Swim Team at the 1996 Atlanta Summer Games.

WHEREAS, Brooke Bennett won the Gold Medal in the 800-meter freestyle swimming event for the USA Women's Swim Team during the 1996 Olympic Games in Atlanta, and

WHEREAS, swimming in her first-ever Olympics, Brooke Bennett took the lead after the 70-meter mark and was never seriously challenged again during her event, and

WHEREAS, following the instructions of Coach Peter Banks, she kept her composure, kept her eye on the German swimmers, remembered that she is number one in the world in the 800-meter freestyle, and, swimming her lifetime best at 8 minutes 27.89 seconds, Brooke Bennett took the gold, and

WHEREAS, she was two seconds faster than Germany's Dagmar Hase, with six of the world's best swimmers following, including Holland's Kirsten Vlieghuis, Germany's Kerstin Kielgass, Norway's Irene Dalby, America's Janet Evans, Holland's Carla Geurts, and Britain's Sarah Hardcastle, and

WHEREAS, she dedicated her race to James Lane, her grandfather, who had her swimming underwater from poolside to poolside when she was one year old, and

WHEREAS, by the age of five, Brooke Bennett was competing in organized swimming with the Tampa Bay Rays and, by the age of nine, she was swimming year-round at the Brandon Swim and Tennis Club for Coach Banks, and

WHEREAS, her training includes more than 50 miles of swimming each week, with practices from 5:15 a.m. until 7 a.m. and from 4 p.m. until 7 p.m. 6 days a week, aerobic and weight training, and maintaining a nutritious diet, and

WHEREAS, Brooke Bennett, who attends Durant High School, is the 16-year-old daughter of Keith Bennett and Rachel Bennett, of Plant City, and

WHEREAS, it is appropriate to recognize Brooke Bennett for her natural talent, tenacity, and tremendous work ethic, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Brooke Bennett, Olympic Gold Medalist in the 800-meter freestyle swim and member of the 1996 USA Women's Swim Team, is commended for her outstanding accomplishment at the Atlanta Summer Games.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be transmitted to Brooke Bennett as a tangible token of the sentiments of the Florida Senate.

—**SR 2494** was introduced, read and adopted by publication.

At the request of Senator Hargrett—

By Senator Hargrett—

SR 2504—A resolution commending the Institute on Black Life at the University of South Florida for its accomplishments.

WHEREAS, the Institute on Black Life was established in the fall of 1986 to serve as a bridge between the University of South Florida and the global community, and

WHEREAS, the Institute on Black Life fosters positive communication and interaction among the 15-county West Coast service area, comprising the Tampa Bay Region, and the international community, and

WHEREAS, the Institute on Black Life works in conjunction with city, county, and state political leaders, as well as community-based organizations, to enhance the quality of life for all, and

WHEREAS, the Institute on Black Life serves as a vehicle to utilize faculty, staff, and student expertise in addressing identified university and community needs for research, training, and program development to enhance the economic, educational, social, political, and religious life of the Tampa Bay community, and

WHEREAS, the Institute on Black Life has designed a program incorporating components of counseling and case management, research, and social-skills training to address the needs of individual female juveniles, and

WHEREAS, the Institute on Black Life supports students through scholarships, fellowships, book funds, and program enhancements, and

WHEREAS, the Institute on Black Life administers the Richard F. Pride Research Fellowship designed to address the underrepresentation of minorities in the state's colleges and universities by providing highly qualified candidates with the opportunity to engage in advanced study leading to the Doctor of Philosophy degree in a liberal arts discipline, and

WHEREAS, the Institute on Black Life maintains an active research collaboration with faculty from various disciplines and other sister institutions in the State University System in the areas of cultural diversity and other issues critical to the quality of life, and

WHEREAS, in 1992, under the leadership of the Institute on Black Life, the University of South Florida became the first American university to have an affiliation agreement with the Centre International Des Civilisations Bantu (CICIBA), and

WHEREAS, the Institute on Black Life, as part of the African Initiative, sponsors lectures by visiting scholars from Africa and promotes a faculty/student exchange with Centre International Des Civilisations Bantu (CICIBA) and affiliated African educational institutions, and

WHEREAS, the Institute on Black Life celebrates diversity through academic research at this year's second biennial Research Symposium on March 26-27, 1997, and

WHEREAS, by sponsoring the Celebrating Diversity Through Academic Research Symposium II, the Institute on Black Life this year marks 10 years of service to the University of South Florida and the global community, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Institute on Black Life at the University of South Florida is commended for its outstanding accomplishments in maintaining positive communication between the university, the region, and the global community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Institute on Black Life at the University of South Florida as a tangible token of the sentiments of the Florida Senate.

—**SR 2504** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2524—A resolution honoring Eldrick (Tiger) Woods of Windermere, Florida, for his professional achievements in the sport of golf and for his consistently positive performance as a role model for our nation's young people.

WHEREAS, Tiger Woods made history on Sunday, April 13, 1997, when he became the youngest golfer to win the Masters at the Augusta National Golf Club, and became the first golfer of African heritage to wear the coveted green jacket, and

WHEREAS, Tiger Woods' total score of 18-under-par 270, a 12-stroke victory, was the lowest score and the widest margin of victory ever achieved in the 61-year history of one of the most prestigious events in the world of golf, and

WHEREAS, as an amateur golfer, Tiger Woods won three consecutive United States Junior titles and three consecutive United States titles, and has now won four PGA Tour events in just 15 starts since turning professional in August of last year, and

WHEREAS, Tiger Woods, at age 21, exhibits a quiet confidence and mental maturity that has elevated the sport of golf and shown that a committed and talented young person is capable of extraordinary achievement, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby commends Tiger Woods of Windermere, Florida, for his outstanding achievements as an amateur and professional golfer.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be delivered to Tiger Woods as a tangible token of the sentiments of the Florida Senate.

—**SR 2524** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2534—A resolution commending Mr. Fred Taylor, Director of the Metro-Dade Police Department.

WHEREAS, Mr. Fred Taylor, a native of Miami, joined the Metro-Dade Police Department as a police officer in 1962, and

WHEREAS, Mr. Taylor moved through the ranks of the department as Captain, Chief of the Administrative Division, Chief of Police Services, and Assistant Director, and, in 1987, was appointed Director of the Metro-Dade Police Department, and

WHEREAS, throughout his career, Director Taylor continued his education, obtaining bachelor's and master's degrees in public administration and graduating from several police institutes in the country, and

WHEREAS, the recipient of numerous personal awards, Director Taylor is especially proud of his department's accreditation by the Commission on Accreditation for Law Enforcement Agencies, which acknowledges the department's high level of procedures and professionalism, and

WHEREAS, as director of the country's second largest sheriff's department and one that is counted among the top ten police agencies nationwide, Director Taylor commands a force of highly trained and qualified sworn personnel and civilians, and

WHEREAS, another source of pride for Director Taylor is his involvement in the creation and operation of a trust fund to provide assistance to officers and their families in time of need, and

WHEREAS, it is fitting that Director Taylor be honored for his dedicated commitment and service to the Metro-Dade community and police department, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Mr. Fred Taylor, Director of the Metro-Dade Police Department, be commended for his outstanding accomplishments and contributions to the citizens of Dade County.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Fred Taylor as a tangible token of the sentiments of the Florida Senate.

—**SR 2534** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Forman, by two-thirds vote **SB 256**, **SB 282**, **SB 538**, **SB 540**, **SB 1898**, **SB 2214** and **SB 2376** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **HB 295**, **CS for SB 2428** and **CS for SB 2310** were withdrawn from the Committee on Community Affairs; **HB 517** was withdrawn from the Committee on Executive Business, Ethics and Elections; **CS for CS for SB 336 and CS for SB's 1216 and 2024** and **SB 1906** were withdrawn from the Committee on Criminal Justice; **CS for SB 1412** was withdrawn from the Committee on Rules and Calendar; **CS for SB's 1964 and 1742** and **CS for SB's 1428, 1388, 1562 and 1252** were withdrawn from the Committee on Regulated Industries; **CS for SB 1850** and **CS for SB 2012** were withdrawn from the Committee on Banking and Insurance; **CS for SB 1416** was withdrawn from the Committee on Education; and **SB 1806**, **SB 2346** and **SB 2330** were withdrawn from the Committee on Health Care.

On motion by Senator Sullivan, by two-thirds vote **SB 14**, **CS for SB 112**, **SB 126**, **CS for SB's 234 and 456**, **CS for SB 274**, **SB 382**, **SB 542**, **SB 554**, **CS for SB 598**, **CS for SB 700**, **CS for SB 748**, **SB 824**, **SB 826**, **SJR 844**, **CS for SB 876**, **CS for SB 894**, **CS for SB 914**, **CS for CS for SB 964**, **CS for SB 972**, **CS for SB 1132**, **CS for SB 1362**, **SB 1364**, **CS for SB 1404**, **SB 1604**, **SB 1648**, **SB 1676**, **CS for SB's 1678 and 2404**, **SB 1828**, **CS for SB 1836**, **CS for SB's 1846 and 1876**, **CS for SB 1944**, **SB 2002**, **CS for SB 2066**, **SB 2230**, **SB 2342**, **SB 2372**, **CS for SB 2374** and **CS for SB 2390** were withdrawn from the Committee on Ways and Means.

On motion by Senator Hargrett, by two-thirds vote **SB 1916** was withdrawn from the committee of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 2046** was removed from the calendar and referred to the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **CS for SB 1958** was withdrawn from the Committee on Ways and Means.

On motion by Senator Meadows, by two-thirds vote **SB 4**, **SB 1184**, **SB 1188** and **SB 1190** were withdrawn from the committees of reference and further consideration.

On motion by Senator Turner, by two-thirds vote **SB 1574**, **SB 1722** and **SB 2350** were withdrawn from the committees of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 2514** was withdrawn from the committee of reference and further consideration.

On motion by Senator Jones, by two-thirds vote **SB 1394** and **SB 2276** were withdrawn from the committees of reference and further consideration.

On motion by Senator Myers, by two-thirds vote **SB 886** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 980**, **SB 900**, **SB 1290**, **SB 1522** and **SB 1942** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2186** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 2232**, **CS for SB 1880** and **CS for SB 1994** were withdrawn from the Committee on Governmental Reform and Oversight; and **CS for CS for SB's 1566 and 114** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Sullivan, by two-thirds vote **SB 204**, **CS for CS for SB 214**, **SB 252**, **SB 468**, **CS for SB's 628 and 978**, **CS for SB 636**, **SB 838**, **CS for SB 868**, **SB 992**, **CS for SB 998**, **CS for SB's 1428, 1388, 1562 and 1252**, **CS for SB 1520**, **CS for SB 1632**, **SB 1746**, **CS for SB's 1964 and 1742**, **CS for SB 2038**, **CS for SB 2086**, **SB 2156**, **CS for SB 2180**, **CS for CS for SB 2194**, **CS for SB 2228**, **SB 2256**, **CS for SB 2310**, **SB 2346** and **CS for SB 2450** were withdrawn from the Committee on Ways and Means.

On motion by Senator Clary, by two-thirds vote **SB 580**, **SB 2210**, **SB 1946**, **SB 242** and **SB 1316** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2450** and **CS for SB 2436** were withdrawn from the Committee on Governmental Reform and Oversight.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to add **CS for SB 1958** and **CS for SB 2450** to the agenda at the meeting on April 25.

On motion by Senator Dudley, the rules were waived and the Committee on Ways and Means was granted permission to add **CS for HB 703** to the agenda at the meeting on April 25.

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet from 9:00 a.m. until 12:30 p.m. in lieu of 9:00 a.m. until 2:00 p.m. as scheduled April 25.

On motion by Senator Bankhead, the rules were waived and the Senate was scheduled to meet in session April 25 from 1:30 p.m. until 4:30 p.m.; and April 28 from 9:30 a.m. until 11:30 a.m. in lieu of 10:00 a.m. until 12:00 p.m. as scheduled. The afternoon session was unchanged.

On motion by Senator Bankhead, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet April 28 from 11:45 a.m. until 1:45 p.m.; and from 6:15 p.m. or upon adjournment of the afternoon session until 8:00 p.m., if needed.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Friday, April 25, was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

HB 507—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

—as amended April 17 was read the third time by title.

RECONSIDERATION OF BILL

On motion by Senator Burt, the rules were waived and **HB 507** was returned to second reading.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Burt moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 3, line 31 through page 4, line 2, delete those lines and insert: *her possession a driver's license or identification card upon which the date of birth has been*

Amendment 1 as amended was adopted.

On motions by Senator Burt, by two-thirds vote **HB 507** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SENATOR BURT PRESIDING

HB 989—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **HB 989** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

CS for HB 991—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

—was read the third time by title.

On motions by Senator Sullivan, **CS for HB 991** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Crist	Hargrett	Kurth
Bronson	Dantzler	Harris	Latvala
Brown-Waite	Diaz-Balart	Holzendorf	Lee
Burt	Dudley	Horne	McKay
Campbell	Dyer	Jenne	Meadows
Casas	Forman	Jones	Myers
Childers	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Madam President, Clary

CS for SB 880—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 880** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

HB 397—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

—was read the third time by title.

On motions by Senator Klein, **HB 397** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Diaz-Balart

SB 1108—A bill to be entitled An act relating to the uniform method for collecting non-ad valorem assessments; amending s. 197.3632, F.S.; authorizing the use of the uniform method to collect non-ad valorem assessments regardless of specified circumstances; providing legislative intent; ratifying certain ordinances; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Dudley, **SB 1108** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Madam President

SB 392—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Grant, **SB 392** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Dantzler	Forman
Brown-Waite	Childers	Diaz-Balart	Grant
Burt	Clary	Dudley	Gutman

Hargrett	Kirkpatrick	Meadows	Thomas
Harris	Klein	Myers	Turner
Holzendorf	Kurth	Rossin	Williams
Horne	Latvala	Scott	
Jenne	Lee	Silver	
Jones	McKay	Sullivan	

Nays—2

Crist Ostalkiewicz

Vote after roll call:

Yea—Madam President

SPECIAL ORDER CALENDAR

SB 902—A bill to be entitled An act relating to trust funds; creating the County Article V Trust Fund to be administered by the Supreme Court; providing for future review and termination or re-creation of the fund; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Silver and adopted:

Amendment 1—On page 1, line 12, after "SB" insert: *722*

Amendment 2—On page 1, line 17, delete "*2001*" and insert: *2002*

Amendment 3—On page 2, line 7, delete "1997" and insert: 1998

On motions by Senator Silver, by two-thirds vote **SB 902** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

On motions by Senator Sullivan, by unanimous consent—

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 858** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott, by two-thirds vote—

CS for SB 44—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of "reseller"; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department's authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier's or importer's allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant's allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of "consumption, use, or storage by a trade or business" for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021, 336.025, F.S.; revising the distribution to counties of local option diesel fuel taxes; providing an additional distribution to counties with a qualified new retail station; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; amending ss. 336.021, 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain local option fuel taxes; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 44** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 898** was deferred.

On motion by Senator Rossin—

CS for SB 176—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for "victim or witness at risk of harm" and "serious felony offense"; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection

Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, lines 21-24, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 24 and 25, delete "providing an appropriation;"

Pursuant to Rule 4.19, **CS for SB 176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 174—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered to conform **SB 174** to **CS for HB 181**.

Pending further consideration of **SB 174** as amended, on motions by Senator Rossin, by two-thirds vote—

CS for HB 181—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 174** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 181** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 958** and **CS for SB 1930** was deferred.

On motion by Senator Gutman, by two-thirds vote **CS for HB 493** was withdrawn from the Committees on Criminal Justice; and Governmental Reform and Oversight.

On motion by Senator Gutman—

CS for HB 493—A bill to be entitled An act relating to the confidentiality of information of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing certain exemptions from public records and public meetings requirements with respect to the council; providing exemptions for portions of meetings at which certain confidential records are discussed and for portions of records generated at exempt portions of meetings; providing for future review and repeal; providing a finding of public necessity; providing that the council is a criminal justice agency for purposes of chapter 119, F.S., relating to public records; providing an effective date.

—a companion measure, was substituted for **SB 966** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 493** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by two-thirds vote **HB 1059** was withdrawn from the Committee on Criminal Justice.

On motions by Senator Brown-Waite, by two-thirds vote—

HB 1059—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—a companion measure, was substituted for **SB 1874** and by two-thirds vote read the second time by title. On motions by Senator Brown-Waite, by two-thirds vote **HB 1059** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Bronson—

SB 346—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun," "chemical weapon," or "device"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices, may be carried openly or concealed for lawful self-defense, without violating specified prohibitions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices may be carried openly for lawful self-defense, without violating specified prohibitions; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using a chemical weapon or device or stun gun or nonlethal electric weapon or device against a law enforcement officer engaged in the performance of duty, and providing penalties therefor; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 346** to **CS for CS for HB 379**.

Pending further consideration of **SB 346** as amended, on motion by Senator Bronson, by two-thirds vote **CS for CS for HB 379** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Bronson, the rules were waived and—

CS for CS for HB 379—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

—a companion measure, was substituted for **SB 346** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 379** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 148—A bill to be entitled An act relating to domestic violence; amending s. 741.29, F.S.; prescribing preferred arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; defining the offense of violating pretrial release condition when original arrest was for act of domestic violence; providing penalties; amending s. 901.15, F.S.; prescribing public policy for arrest in domestic violence cases; providing for arrest of a person without warrant when there is probable cause to believe a person originally arrested for an act of domestic violence has violated a pretrial release condition; amending s. 921.0014, F.S.; providing for a sentencing multiplier in certain cases of domestic violence; amending s. 943.171, F.S.; requiring certain training for law enforcement officers; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment:

Amendment 1 (with title amendment)—On page 8, between lines 21 and 22, insert:

Section 5. Section 790.233, Florida Statutes, is created to read:

790.233 Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence; penalties.—

(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction restraining that person from committing acts of domestic violence, issued under s. 741.30.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section shall not apply to state or local law enforcement officers who receive or possess a firearm or ammunition for use in performing official duties on behalf of that state or local law enforcement agency, unless prohibited by that law enforcement officer's agency.

Section 6. Paragraph (f) is added to subsection (6) of section 741.30, Florida Statutes, 1996 Supplement, to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)

(f) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

Section 7. Subsection (4) of section 741.31, Florida Statutes, 1996 Supplement, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)*(a)* A person who willfully violates an injunction for protection against domestic violence, issued pursuant to s. 741.30, by:

1.~~(a)~~ Refusing to vacate the dwelling that the parties share;

2.~~(b)~~ Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

3.~~(c)~~ Committing an act of domestic violence against the petitioner;

4.~~(d)~~ Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

5.~~(e)~~ Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to state or local law enforcement officers who receive or possess a firearm or ammunition for use in performing official duties on behalf of that state or local law enforcement agency, unless prohibited by that law enforcement officer's agency.

Section 8. Subsection (6) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to *s. 790.233 or to* s. 741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, over the objection of the petitioner, if necessary.

Section 9. Subsections (2) and (3) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or

similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Game and Fresh Water Fish Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he has not suffered from disability for at least 5 years prior to the date of submission of the application; ~~and~~

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony *or misdemeanor crime of domestic violence* unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged*; and*~~.~~

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence.

(3) The Department of State *shall* ~~may~~ deny a license if the applicant has been found guilty of*, had adjudication of guilt withheld for, or had imposition of sentence suspended for* one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled~~,~~ or the record has been sealed or expunged. *The Department of State shall*~~, or may~~ revoke a license if the licensee has been found guilty of*, had adjudication of guilt withheld for, or had imposition of sentence suspended for* one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime *that* ~~which~~ would disqualify such person from having a license under this section, until final disposition of the case. *The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.*

Section 10. Subsections (1) and (2) of section 790.065, Florida Statutes, 1996 Supplement, are amended to read:

790.065 Sale and delivery of firearms.—

(1) *A* ~~No~~ licensed importer, licensed manufacturer, or licensed dealer *may not* ~~shall~~ sell or deliver from his inventory at his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

(b)~~1.~~ Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be $8. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

~~2. For the 1995-1996 fiscal year only, if the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, $1.5 million of such excess funds may be transferred to the General Revenue Fund. This subparagraph is repealed on July 1, 1996.~~

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review criminal history records to determine if the potential buyer or transferee has been convicted of a felony *or misdemeanor crime of domestic violence* and is prohibited from receipt or possession of a firearm pursuant to s. 790.23 or has had adjudication of guilt withheld or imposition of sentence suspended on any felony *or misdemeanor crime of domestic violence* unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: creating s. 790.233, F.S.; prohibiting a person who has been issued an injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence;

POINT OF ORDER

Senator Ostalkiewicz raised a point of order that pursuant to rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

On motion by Senator Kurth, **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 148** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 1, line 21, before the semicolon (;) insert: , *and on other sites as determined by the Department of Corrections*

On motion by Senator Crist, further consideration of **SB 122** as amended was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:06 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

RECONSIDERATION OF BILL

On motion by Senator Grant, the rules were waived and the Senate reconsidered the vote by which—

SB 392—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

—as amended April 17 passed this day.

Senator Grant moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 5, after the semicolon (;) insert: deleting a requirement relating to expenditure of county funds for health services by counties that adopt a surtax;

On motions by Senator Grant, **SB 392** as amended was read by title, passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Dantzler	Holzendorf	Scott
Bankhead	Dudley	Horne	Silver
Bronson	Dyer	Jones	Sullivan
Brown-Waite	Forman	Klein	Thomas
Burt	Grant	Kurth	Turner
Campbell	Gutman	Lee	Williams
Casas	Hargrett	Meadows	
Childers	Harris	Myers	

Nays—4

Cowin	Crist	Diaz-Balart	Ostalkiewicz

Vote after roll call:

Yea—Clary

SPECIAL ORDER CALENDAR, continued

On motion by Senator Crist, the Senate resumed consideration of—

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—which was previously considered and amended this day.

Senator Turner moved the following amendment:

Amendment 2—On page 1, between lines 26 and 27, insert:

(d) This section also applies to private correctional facilities operating under contracts entered into or renewed after July 1, 1997.

Senator Dudley moved the following substitute amendment which was adopted:

Amendment 3—On page 1, between lines 26 and 27, insert:

(3) The department shall study the application of this section to private correctional facilities and report any recommendations to the Legislature by January 2, 1998.

Senator Crist moved that the rules be waived and **SB 122** be read the third time by title. The motion failed to receive the required two-thirds vote.

Pursuant to Rule 4.19, **SB 122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **CS for HB 787** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motions by Senator Clary, by two-thirds vote—

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 570** and by two-thirds vote read the second time by title.

On motion by Senator Clary, further consideration of **CS for HB 787** was deferred.

SB 898—A bill to be entitled An act relating to secondary notice of lapse of insurance policies; amending ss. 627.4555 and 627.5045, F.S.; revising provisions requiring notice to policyowners and secondary addressees of impending lapse of certain insurance policies under certain circumstances; providing procedures; providing application; providing an effective date.

—was read the second time by title. On motions by Senator Holzendorf, by two-thirds vote **SB 898** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Childers	Gutman	Klein
Bankhead	Crist	Hargrett	Kurth
Bronson	Dantzler	Harris	Lee
Brown-Waite	Dudley	Holzendorf	McKay
Burt	Dyer	Horne	Meadows
Campbell	Forman	Jenne	Myers
Casas	Grant	Jones	Ostalkiewicz

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Clary, Cowin, Diaz-Balart

On motion by Senator Dudley—

CS for SB 1246—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which failed:

Amendment 1 (with title amendment)—On page 3, between lines 12 and 13, insert:

(10) Notwithstanding any other provisions or prohibitions contained in this section, if the building code of a local governmental entity, which is in effect on the effective date of this act, requires a properly licensed journeymen to be on the job site, the local governmental entity may retain and enforce such provisions until July 1, 1998.

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing for certain provisions to remain in effect until a specified date;

The vote was:

Yeas—13

Burt	Hargrett	Jones	Meadows
Campbell	Holzendorf	Klein	Silver
Dyer	Jenne	Kurth	Turner
Forman			

Nays—23

Madam President	Clary	Harris	Myers
Bankhead	Cowin	Horne	Ostalkiewicz
Bronson	Dantzler	Kirkpatrick	Scott
Brown-Waite	Dudley	Latvala	Thomas
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	

Pursuant to Rule 4.19, **CS for SB 1246** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the Senate resumed consideration of—

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—which was previously considered this day.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—On page 7, between lines 22 and 23, insert:

Section 4. Subsection (5) of section 39.045, Florida Statutes, 1996 Supplement, is amended to read:

39.045 Oaths; records; confidential information.—

(5) Except as provided in subsections (3), (8), (9), and (10), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law. *The department shall disclose to the school superintendent the presence of any child in the care and custody of the department who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender, as defined in s. 415.50165. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 5. Subsection (4) of section 39.411, Florida Statutes, 1996 Supplement, is amended to read:

39.411 Oaths, records, and confidential information.—

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent *is* ~~shall be~~ confidential and exempt from ~~the provisions of~~ s. 119.07(1) and *may* ~~shall~~ not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, and others entitled under this chapter to receive that information, except upon order of the court. *The department shall disclose to the school superintendent the presence of any child in the care and custody of the department who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender, as defined in s. 415.50165. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to seek a court order to notify the school superintendent of any child who has a known history of

predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—In title, on page 3, line 29, delete "seek a court order to"

Amendment 1 as amended was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2—In title, on page 1, lines 2 and 3, delete those lines and insert: An act relating to juveniles; amending s. 39.024; changing the

Pursuant to Rule 4.19, **CS for HB 787** as amended was placed on the calendar of Bills on Third Reading.

SB 664—A bill to be entitled An act relating to building designations; designating the first building constructed on the campus of Florida Gulf Coast University as the "Ben Hill Griffin III Building"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers; providing an effective date.

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 664** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Cowin

SB 604—A bill to be entitled An act relating to road designations; designating an interchange in Jacksonville as the "Whatley Memorial Overpass"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 604** to **CS for HB 419**.

Pending further consideration of **SB 604** as amended, on motion by Senator Bankhead, by two-thirds vote **CS for HB 419** was withdrawn from the Committee on Transportation.

On motion by Senator Bankhead, the rules were waived and—

CS for HB 419—A bill to be entitled An act relating to road and bridge designations; designating a portion of State Road 972 in Dade County as the Lolo Villalobos Way; directing the Department of Transportation to erect suitable markers; designating a bridge on State Road 45 near Dunnellon as the Brittan Alexander Bridge; designating portions of State Road 9 and of N.W. 54th Street in Dade County as the Brownsville Commercial District; designating a portion of State Road 5 in Dade County as Aventura Parkway; designating the overpass being constructed at Butler Boulevard and State Road A1A in Jacksonville as Whatley Memorial Overpass; designating a portion of State Road 37 in Polk County as W.S. Badcock Boulevard; providing for the effect of such designations; directing the Department of Transportation to erect suitable markers; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **SB 604** as amended and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, between lines 11 and 12, insert:

Section 7. *"Burton R. Quinn Memorial Highway" designated; markers.—*

(1) That portion of State Road 44 beginning at the intersection of State Road 44 and U.S. Highway 41 (mile post 16.731) West to South Croft Avenue (mile post 13.564) in Citrus County is hereby designated as the "Burton R. Quinn Memorial Highway."

(2) The Department of Transportation is hereby directed to erect suitable markers designating the "Burton R. Quinn Memorial Highway" as described in subsection (1).

Section 8. *Martin Luther King, Jr., Bridge designated; markers.—*

(1) The State Road 44/U.S. overpass bridge in New Smyrna Beach is hereby designated as the "Martin Luther King, Jr., Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "Martin Luther King, Jr., Bridge" as described in subsection (1) in the following manner:

(a) One sign shall be located on the southwest side of the bridge.

(b) One sign shall be located on the northeast side of the bridge.

(c) Two signs shall be located on the outside facing of the bridge on the south and north sides of the bridge in such a manner as to provide visibility for the northbound and southbound lanes of U.S. 1.

Section 9. *Yitzhak Rabin Boulevard designated.—*

(1) That portion of Biscayne Boulevard between N.E. 1st Street and N.E. 2nd Street in Dade County is designated as Yitzhak Rabin Boulevard.

(2) The Department of Transportation is directed to erect suitable markers designating the "Yitzhak Rabin Boulevard" as described in subsection (1).

Section 10. *Florida Arts Trail designated; markers.—*

(1) State Road 12 in Gadsden County is hereby designated as the "Florida Arts Trail."

(2) The Department of Transportation is directed to erect suitable markers designating "Florida Arts Trail" as described in subsection (1).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: designating a portion of State Road 44 in Citrus County as the "Burton R. Quinn Memorial Highway"; designating an overpass bridge in New Smyrna Beach as the "Martin Luther King, Jr., Bridge"; designating "Yitzhak Rabin Boulevard" in Dade County; designating State Road 12 in Gadsden County as the "Florida Arts Trail";

Amendment 2 (with title amendment)—On page 3, between lines 23 and 24, insert:

Section 8. *(1) The University of Florida Southwest Florida Research and Education Center, Institute of Food and Agriculture Services Building, 2686 State Road 29 North, Immokalee, is designated as the "Dr. Paul H. Everett Building," in recognition of Dr. Everett's invaluable research for 28 years directed toward the development of efficient and economical production of vegetable crops such as the tomato, bell pepper, watermelon, cantaloupe, and cucumber.*

(2) The University of Florida is authorized to erect suitable markers designating the "Dr. Paul H. Everett Building" as described in subsection (1).

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, lines 1 and 2, delete "road and bridge designations" and insert: road, bridge, and building designations; designating the University of Florida Southwest Florida Research and Education Center, Institute of Food and Agriculture Services Building, as the "Dr. Paul H. Everett Building"; authorizing the University of Florida to erect suitable markers;

On motions by Senator Bankhead, by two-thirds vote **CS for HB 419** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **SB 732** was deferred.

On motion by Senator Childers, by two-thirds vote **CS for HB 227** was withdrawn from the Committee on Health Care.

On motion by Senator Childers—

CS for HB 227—A bill to be entitled An act relating to building designations; designating and naming the Children's Medical Services facility currently under construction at 5192 Bayou Boulevard in the City of Pensacola, Escambia County, as the "Dr. Reed Bell and Dr. John H. Whitcomb Building"; directing the Department of Management Services to erect suitable markers; designating and naming the president's residence at the University of Central Florida as the "Burnett House"; authorizing the University of Central Florida to erect suitable markers; designating and naming the School of Communications at the University of Central Florida as the "Anthony J. Nicholson School of Communications"; authorizing the University of Central Florida to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 852** and read the second time by title. On motions by Senator Childers, by two-thirds vote **CS for HB 227** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Burt—

CS for CS for SB 248—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; eliminating the provisions stating that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; amending s. 63.072, F.S.; including certain parents whose consent to an adoption may be waived; providing for application of the act; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for CS for SB 248** to **CS for HB 1111**.

Pending further consideration of **CS for CS for SB 248** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1111** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motions by Senator Burt, by two-thirds vote—

CS for HB 1111—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 248** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1111** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1930** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Patricia Grogan who was present in the chamber.

On motion by Senator Bronson—

CS for CS for SB 2044—A bill to be entitled An act relating to agriculture; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying provisions; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.121, F.S.; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying who must compile a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising the definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising the definition of the term "agricultural products"; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; designating a state facility; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, line 20, insert:

Section 1. Subsection (1) of section 253.68, Florida Statutes, 1996 Supplement, is amended to read:

253.68 Authority to lease submerged land and water column.—

(1) To the extent that it is not contrary to the public interest, and subject to limitations contained in ss. 253.67-253.75, the board of trustees may lease submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column to the extent required by such activities. Such leases may authorize use of the submerged land and water column for either commercial or experimental purposes. However ~~no lease shall be granted by the board when there is filed with it~~ a resolution of objection adopted by a majority of the county commission of a county within whose boundaries *the proposed leased area would lie,* if the *boundaries* ~~same~~ were extended to the extent of the interest of the state, *may* ~~the proposed leased area would lie. Said resolution shall~~ be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. 253.70. Prior to the granting of any such leases, the board shall establish and publish a list of guidelines to be followed when considering applications for lease. Such guidelines shall be designed to protect the public's interest in submerged lands and the publicly owned water column.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 253.68, F.S.; modifying a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission;

Amendment 2 (with title amendment)—On page 20, between lines 26 and 27, insert:

Section 17. Subsection (11) is added to section 581.185, Florida Statutes, to read:

581.185 Preservation of native flora of Florida.—

(11) REGULATED PLANT INDEX.—The Regulated Plant Index is to be used solely to restrict unlawful harvesting of native flora without the authorization of the land owner. The Regulated Plant Index is not to be used to regulate construction or other land alteration activities on any property.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending s. 581.185, F.S.; clarifying uses of the Regulated Plant Index;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 20, between lines 26 and 27, insert:

Section 17. Paragraph (d) is added to subsection (9) of section 581.185, Florida Statutes, and subsection (11) is added to that section to read:

581.185 Preservation of native flora of Florida.—

(9) DUTIES AND AUTHORITY OF DEPARTMENT.—The department shall:

(d) Have the authority to issue grants to support the preservation and propagation of native plant species of the state that are endangered or threatened as defined in this section.

(11) GRANTS PROGRAM.—

(a) There is created within the department an Endangered or Threatened Native Flora Conservation Grants Program to contract with qualified corporations in the private sector for the purpose of providing recognition of those flora native to the state that are endangered or threatened; and, to encourage, within a controlled program, the protection, curation, propagation, reintroduction, and monitoring of native flora that are identified as endangered or threatened.

(b) The Division of Plant Industry in the Department of Agriculture and Consumer Services may accept and administer moneys appropriated to it for providing grants to qualifying nonprofit corporations for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora.

(c) A qualified corporation may apply for a grant of state funds to support programs designed to protect, conserve, propagate, reintroduce, and monitor endangered or threatened native flora. For the purposes of this section, a "qualified corporation" is a corporation that is designated

a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions under, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not-for-profit incorporated under chapter 617, and which can demonstrate through experience with existing conservation programs the ability to protect, conserve, propagate, reintroduce, and monitor endangered and threatened native flora.

(d) The department shall establish, by rule, criteria for the award of grants, including criteria evaluating:

1. Existing conservation experience with endangered or threatened native flora;

2. Existing facilities appropriate for program needs;

3. Existing programs administered by the corporation that successfully protect, conserve, propagate, reintroduce, and monitor native flora;

4. Existing recordkeeping and documentation that is accessible to national databases of endangered and threatened plants;

5. Qualified staff with demonstrated experience in native plant conservation;

6. Documentation of collaboration with related state, national, or international conservation programs;

7. Successful experience propagating and reintroducing endangered or threatened native flora;

8. Public exhibit programs publicizing the conservation of native species and the importance of the conservation effort; and

9. Fiscal stability and ability to match grant funding.

(e)1. Upon appropriation by the Legislature of funds for the Endangered or Threatened Native Flora Grants Program, the department shall execute a contract with each organization, which must contain information relative to the program and other provisions considered necessary by the department for the administration of the program.

2. Each recipient corporation must submit an annual report to the Division of Plant Industry detailing the expenditure of funds.

3. The department may grant moneys in advance for programs for which grants are issued, under a grant agreement or a contract.

(f) Each grant recipient shall cause an annual postaudit to be conducted by an independent certified public accountant. The annual audit report must be submitted to the department for review. The department may require from the grant recipient any detail or supplemental data relative to the operation of the corporation.

(g) The department shall adopt rules necessary to administer this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 14, following the semicolon (;) insert: amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora;

Senator Williams moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 28, lines 3 and 4, delete those lines and insert:

Section 30. Effective July 1, 1997, subsection (5) of section 482.051, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

482.051 Rules.—The department shall adopt rules to carry out the intent and purpose of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public, in conformity with this chapter and chapter 120, which require:

(5)*(a)* That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label *registered by the U.S. Environmental Protection Agency, so that a continuous chemical barrier is created between the structure and all of the vertical and horizontal areas beneath the structure*; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; *and that the licensee must post a pretreatment tag on the building permit board for each application before leaving the site which sets forth: the name, address, and telephone number of the licensee; the location of the treatment site; the date of the application; the time the application was begun and the time the application was completed; the trade name of the chemical; the concentration of chemical used, written as a percentage of active ingredient; the number of gallons of finished spray applied; the square footage treated; the type of construction; the license tag number of the vehicle used for application; whether the treatment is complete or incomplete and, if not complete, the areas remaining to be treated; the signature of the applicator and his pest control identification card number. A copy of this tag must be retained by the licensee for a period of 3 years.*

(b) The business licensee must establish a vertical barrier at the exterior foundation walls in stem-wall construction or exterior foundation edge of monolithic construction after grading and other construction-related soil disturbances have been completed. A record of this application documenting the date, the trade name of the chemical used, and the amount of chemical applied must be retained by the licensee for a period of 3 years. A notice of this treatment must be posted in a conspicuous location that is visible to the homeowner. This notice must be at least 3 inches by 5 inches and must consist of a material that will last at least 3 years. Such notice must include the business name, address, and date of treatment.

(6) That any pesticide used for postconstruction subterranean termite treatments must be used in accordance with the label directions. ~~and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.~~

Section 31. Effective July 1, 1997, paragraph (f) of subsection (2) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(2)

(f) The department by rule may establish a procedure for expediting the processing of an application for license upon payment by the applicant of a special fee in an amount sufficient to cover the cost of such expedited process, but not exceeding $50. *The department may charge a $10 fee for issuance of duplicate licensure documents.*

Section 32. Effective July 1, 1997, subsection (12) is added to section 482.111, Florida Statutes, to read:

482.111 Pest control operator's certificate.—

(12) A person certified under this chapter may perform as a certified applicator in a corresponding category of certification under chapter 487.

Section 33. Effective July 1, 1997, subsection (3) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.—This chapter does not apply to:

(3) Pest control performed in greenhouses, in plant nurseries, or on agricultural crops, trees, groves, or orchards, *or in treatment of seeds or raw agricultural products.*

Section 34. Effective July 1, 1997, section 553.785, Florida Statutes, is created to read:

553.785 Florida Termite Advisory Council.—

(1) There is created within the department the Florida Termite Advisory Council, consisting of seven members appointed by the secretary of the Department of Community Affairs. The members of the council shall represent the following groups and professions:

(a) One member must be the secretary, or his designee, who is an employee of the Department of Community Affairs;

(b) One member must be the Commissioner of Agriculture, or his designee, who must be an employee of the Department of Agriculture and Consumer Services;

(c) One member must be a building official from a building department of a county or municipality, selected from a list of persons submitted by the Building Officials Association of Florida;

(d) Two members must be contractors licensed in the state, selected from a list submitted by the Florida Home Builders Association; and

(e) Two members must be pest control operators licensed in the state and chosen by the Department of Agriculture and Consumer Services.

(2) Within 30 days after October 1, 1997, the Secretary of Community Affairs shall appoint the members of the advisory council, of whom two members shall serve 4-year terms, two members shall serve 3-year terms, and three members shall serve 2-year terms. Thereafter, each appointee shall serve a 4-year term. Members shall receive no salary, but shall receive travel and expense reimbursement as provided in s. 112.061.

(3) The council shall advise and recommend to the commissioner and to the secretary, as appropriate, rules regulating construction and pest control practices regarding termite prevention which improve protection against structural damage caused by termites. The council may also make recommendations to the Legislature regarding statutory changes needed to improve protection against damage to buildings from termites.

(a) The rules forwarded by the council must clearly delineate the responsibilities of:

1. Contractors to employ building practices known to minimize termite infestation and to enhance the effectiveness of pest control chemicals;

2. Pest control operators to apply preventive chemicals using proper methods and strengths of chemicals; and

3. Homeowners to maintain current treatment and to avoid disturbing treated soils or placing landscaping or materials in such manner as to provide termites access to the wooden elements of the structure.

(b) The council shall review requests for additions to, deletions from, or modifications of building code provisions relating to termite prevention and shall issue advisory opinions and recommendations on such requests.

(c) The commissioner or the secretary, as appropriate, shall initiate rulemaking on such requests by the council, unless the commissioner or the secretary demonstrates that the proposed rule:

1. Does not protect the public from any significant and discernible harm or damages;

2. Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

3. Unnecessarily increases the cost of pest control services or of housing without a corresponding or equivalent public benefit. However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection if the rule or proposed rule is challenged.

Section 35. Effective July 1, 1997, subsections (1) and (4) of section 482.155, Florida Statutes, are amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)(a) The department shall establish limited certification categories for *the following persons who apply pesticides as part of their regular job duties and responsibilities*:

1. Persons who apply pesticides only as governmental employees.

2. Persons who apply pesticides only to their own private property, and employees who apply pesticides to private property owned by their employers. This includes properties such as public buildings, schools, hospitals, nursing homes, grocery stores, restaurants, apartments, and common areas of condominiums and any other private properties where the public may be exposed to pesticide applications.

(b) A person seeking limited certification under this subsection must pass an examination given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The department shall provide the appropriate reference material and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.

(c) Certification obtained under this subsection does not authorize operation of a pest control business.

(4) *Certification is not required under this chapter for* ~~This section does not apply to~~ the application of disinfectants, sanitizers, or ready-to-use pesticides sold over the counter at retail *in containers that are 1 gallon or less in volume, or 2 pounds or less in dry weight, if the application is done by a permanent employee only upon the government or private property of his employer.*

Section 36. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 16, delete "providing an effective date." and insert: amending s. 482.051, F.S.; establishing rulemaking standards for treating new construction building sites; amending s. 482.071, F.S.; authorizing a duplicate licensure document fee; amending s. 482.111, F.S.; authorizing a certified pest control operator to be a certified applicator under ch. 487, F.S.; amending s. 482.211, F.S.; exempting the pest control treatment of seeds or raw agricultural products; creating s. 553.785, F.S.; creating the Florida Termite Advisory Council; amending s. 482.155, F.S.; specifying persons for whom limited certification categories are to be established; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 2044** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 2064—A bill to be entitled An act relating to consumer finance loans; amending s. 516.031, F.S.; increasing the loan limits upon which specified interest rates may be charged; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 2, lines 9 and 10, delete those lines and insert:

Section 2. The provisions of this act shall be effective for consumer finance loans entered on or after October 1, 1997.

On motions by Senator Grant, by two-thirds vote **SB 2064** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Clary	Grant	Jenne
Bankhead	Cowin	Gutman	Jones
Bronson	Dantzler	Hargrett	Klein
Burt	Diaz-Balart	Harris	Kurth
Casas	Dyer	Holzendorf	Lee
Childers	Forman	Horne	McKay

Meadows	Rossin	Sullivan	Turner
Myers	Scott	Thomas	Williams
Ostalkiewicz	Silver		

Nays—None

Vote after roll call:

Yea—Brown-Waite

SENATOR BURT PRESIDING

The Senate resumed consideration of—

SB 72—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

—which was previously considered April 9. Pending **Amendment 1** by Committee on Executive Business, Ethics and Elections failed.

Senators Scott, Jenne, Campbell, Meadows, Forman and Klein offered the following amendment which was moved by Senator Scott:

Amendment 2 (with title amendment)—On page 1, lines 10-20, delete those lines and insert:

Section 1. *(1) In a county that has a population of 1 million or more persons as of the last decennial census, other than a county as defined in section 125.011(1), Florida Statutes, the district school board shall submit to the electors for approval at a referendum to be held on the first Tuesday after the first Monday in November, 1997, the question of whether the school board should be composed of nine members, seven of whom are to be elected from a single-member residence area by electors residing in the single-member residence area only, and two of whom are to be elected at-large, notwithstanding the provisions of section 230.061, section 230.10, or section 230.105, Florida Statutes.*

(2) If the electors approve such election of district school board members, the seven single-member residence areas must be drawn by a bipartisan committee, and the district school board shall provide for the orderly transition to such election of school board members as the terms of incumbent school board members expire.

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: elections; providing for a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide an orderly transition to a school board so composed if approved by the electors; providing an

Senator Jenne moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 31, delete "a bipartisan committee" and insert: the school board

Amendment 2 as amended was adopted.

On motions by Senator Jenne, by two-thirds vote **SB 72** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Clary	Grant	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Meadows, by two-thirds vote—

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 798—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; prescribing power of the Commissioner of Education; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; providing a definition; amending s. 233.09, F.S.; requiring state instructional materials committees to adhere to procedures prescribed by the commissioner; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; providing procedures for evaluating instructional materials; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.17, F.S.; providing for the commissioner to approve terms of adoption for instructional material; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending s. 233.34, F.S.; providing for use of certain materials; amending ss. 233.46 and 233.47, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; amending s. 233.061, F.S.; providing required instruction; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1—On page 2, lines 26-28, delete those lines and insert: s. 233.14, *except as otherwise permitted under s. 233.17(3).* It is the intent of

Amendment 2—On page 10, line 1 through page 14, line 16, delete those lines and insert:

Section 5. Section 233.16, Florida Statutes, is amended to read:

233.16 Powers and duties of Department of Education in selecting and adopting instructional materials.—The powers and duties of the Department of Education in selecting and adopting instructional materials shall be:

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—To implement procedures prescribed by the Commissioner of

Education for evaluating instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be the following minimum standards:

(a) Provisions which afford each publisher or manufacturer or his or her representative an opportunity to present to members of the state instructional materials committees the merits of each instructional material submitted in each adoption;

(b) Forms on which a district superintendent or his or her designee shall submit the results of the district instructional materials committee's recommendations; and

(c) Guidelines for district instructional materials committees, professional associations, and individuals for evaluating instructional materials for state adoption; however, the following minimum standards apply:

1. A district instructional materials committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the district and may not consist of fewer than three persons. One must be a layperson and two must be teachers, it being the intent of the Legislature that committees of three or more persons include at least one layperson and one-half teachers as a part of their total membership. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the student population of the district. Teachers serving on district instructional materials committees must be certified in an area directly related to the academic area or level being considered for adoption. Personnel selected as teachers of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education are encouraged to serve on instructional materials committees.

2. A district instructional materials committee may not deny any publisher or manufacturer or his or her representative time to present his or her product equal to that time given any other publisher or manufacturer or his or her representative.

3. Each instructional material evaluated by district instructional materials committees, professional associations, and individuals shall be ranked numerically in relation to all other materials of the same type evaluated, and no two materials in the same subject area may receive the same numerical rating.

4. District instructional materials committees, professional associations, and individuals who evaluate instructional materials and submit their findings and recommendations to the state committee shall do so in accordance with the provisions of section 233.09(4).

(2)~~(1)~~ SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—The Department of Education shall notify all publishers or manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open bids and proposals which have been submitted and deposited with the Department of Education. At the time and place designated, the bids or proposals shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids or proposals have been carefully considered, the department shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials committee, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary and secondary schools in the state in which adoptions are made and in the subject areas designated in the advertisement, which adoption shall continue for the period specified in the advertisement, to begin on the ensuing April 1. Such adoption shall not prevent the extension of a contract as provided in subsection *(3)* ~~(2)~~. The department shall always reserve to itself the right to reject any and all bids or proposals if it is of the opinion that any or all bids, for any reason, should be rejected. The department may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials committee as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by the terms and provisions of this chapter. In all cases, bids or proposals shall be accompanied by a cash deposit or certified check of from $500 to $2,500, as the department may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials committee. When the department has finished with the report of the state instructional materials committee, the report shall be filed and preserved in the office of the Department of Education and shall be available at all times for public inspection.

(3)~~(2)~~ CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the department has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified of the same by registered letter, the Department of Legal Affairs shall prepare a contract in accordance with the provisions of the school code with every bidder awarded the adoption of any instructional materials. Said contracts shall be executed by the Governor and Secretary of State under the seal of the state, one copy to be kept by the contractor, one copy to be filed in the Department of State, and one copy to be filed in the Department of Education. After giving due consideration to comments by the districts, the department, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as those set forth in the original contract. Any publisher or manufacturer to whom any contract is let under the provisions of this chapter must give bond in such amount as the department deems advisable, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must further provide for the payment of reasonable attorney's fees in case of recovery in any suit upon the same. The surety on the bond must be a guaranty or surety company authorized by the laws of the state to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under the provisions of this chapter shall be prepared and approved by the Department of Legal Affairs. *At the discretion of the Commissioner of Education, a publisher or manufacturer to whom any contract is let under provisions of this chapter may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the Department of Education, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.*

(4)~~(3)~~ REGULATIONS GOVERNING THE CONTRACT.—The Department of Education may, from time to time, make any necessary regulations, not contrary to the provisions of this chapter, to secure the prompt and faithful performance of all contracts; and it is expressly provided that, should any contractor fail or refuse to furnish instructional materials as provided in this chapter or otherwise break his or her contract, the department may sue on the bond hereinbefore required in the name of the state, in the courts of the state having jurisdiction, and recover damages on the bond given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(5)~~(4)~~ RETURN OF DEPOSITS.—

(a) The successful bidder shall be notified by registered mail of the award of contract; and such bidder shall, within 30 days of receipt of the contract, execute the proper contract and post the required bond. When such bond and contract have been executed, the department shall notify the Comptroller and request that a warrant be issued against the Textbook Bid Trust Fund payable to the successful bidder in the amount deposited under the provisions of s. 233.15. The Comptroller shall issue and forward such warrant to the department for distribution to the bidder.

(b) At the same time or prior thereto, the department shall inform the Comptroller of the names of the unsuccessful bidders. Upon receipt of such notice, the Comptroller shall issue warrants against the Textbook Bid Trust Fund payable to the unsuccessful bidders in the amounts deposited under the provisions of s. 233.15 and shall forward such warrants to the department for distribution to the unsuccessful bidders.

(c) One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved in the office of the Department of Education for at least *3* ~~5~~ years beyond the termination of the contract.

(6)~~(5)~~ DEPOSITS FORFEITED.—Should any successful bidder fail or refuse to execute contract and bond within 30 days of receipt of the

contract, the cash deposit shall be forfeited to the state and placed by the Treasurer in the General Revenue Fund.

(7)~~(6)~~ FORFEITURE OF CONTRACT AND BOND.—In case of the failure of any publisher or manufacturer of instructional materials to furnish a book, or books, or other instructional materials as provided in the contract, his or her bond shall stand forfeited; and the department shall make another contract on such terms as it may find desirable, after giving due consideration to the recommendations of the Commissioner of Education.

Amendment 3—On page 14, lines 20-26, delete those lines and insert:

(1) The term of adoption of any instructional materials shall be for *an 8-year* ~~a 6-year~~ period beginning on April 1 following the adoption, *except for the core subject areas which include mathematics, science, social studies, reading, and literature which shall be for a term not to exceed 6 years beginning on April 1 following the adoption. Any contract for instructional materials may be* ~~unless the contract is~~ extended as prescribed in s. 233.16(2). ~~However,~~ The *Commissioner* ~~State Board~~ of Education may approve ~~by rule~~ terms of adoption of less than *8* ~~6~~ years for materials in content areas which require more frequent revision.

Amendment 4—On page 15, lines 10-12, delete those lines and insert:

(3) The department shall publish annually *an official* ~~a~~ schedule of subject areas to be called for adoption for each of the succeeding *2 years, and a tentative schedule for years 3, 4, 5 and 6* ~~6 years~~. *If extenuating circumstances warrant, the Commissioner of Education may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due.* The schedule shall be developed so as to

Senator Horne moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 18, lines 15-30, delete those lines and insert:

(3) Notwithstanding the definition of instructional materials in s. 233.07(4), the funds described in subsection (2) which school districts may use to purchase materials not on the state adopted list may be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by school board policy. The funds available to school districts for the purchase of materials not on the state adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or school district may use a portion of the funds available to it for the purchase of materials not on the state adopted list to purchase science laboratory materials and supplies.

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: providing for a school or school district to use certain funds to purchase science laboratory materials and supplies when authorized in the General Appropriations Act;

Senator Clary moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 19, line 30 through page 20, line 22, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 2 and 3, delete "and 233.47"

Pursuant to Rule 4.19, **CS for SB 798** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

SB 1652—A bill to be entitled An act relating to game and fish; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Ostalkiewicz:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 372.7015, Florida Statutes, is created to read:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or s. 372.001(4) in or out of season shall pay a fine of $250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Game and Fresh Water Fish Commission's State Game Trust Fund.

Section 2. Section 372.7016, Florida Statutes, is created to read:

372.7016 Voluntary Authorized Hunter Identification Program.—

(1) There is created the "Voluntary Authorized Hunter Identification Program" to assist landowners and law enforcement officials in better controlling trespass and illegal or unauthorized hunting. Landowners wishing to participate in the program shall:

(a) Annually notify the sheriff's office in the county in which the land is situated and the respective area supervisor of the Game and Fresh Water Fish Commission by letter of their desire to participate in the program, and provide a description of their property which they wish to have in the program by township, range, section, partial section, or other geographical description.

(b) Provide a means of identifying authorized hunters as provided in subsection (2).

(2) Any person hunting on private land enrolled in the Voluntary Authorized Hunter Identification Program shall have readily available on the land at all times when hunting on the property written authorization from the owner or his or her authorized representative to be on the land for the purpose of hunting. The written authorization shall be presented on demand to any law enforcement officer, the owner, or the authorized agent of the owner.

(a) For purposes of this section, the term "hunting" means to be engaged in or reasonably equipped to engage in the pursuit or taking by any means of any animal described in s. 372.001(3), or s. 372.001(4), and the term "written authorization" means a card, letter, or other written instrument which shall include, but need not be limited to, the name of the person or entity owning the property, the name and signature of the person granting the authorization, a description by township, range, section, partial section, or other geographical description of the land to which the authorization applies, and a statement of the time period during which the authorization is valid.

(b) Failure by any person hunting on private land enrolled in the program to present written authorization to hunt on said land to any law enforcement officer or the owner or representative thereof within 72 hours of demand shall be prima facie evidence of violation of s. 810.09(2)(c), punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, such evidence may be contradicted or rebutted by other evidence.

Section 3. Paragraph (f) is added to subsection (2) of section 810.09, Florida Statutes, 1996 Supplement, to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

(f) Any person who in taking or attempting to take any animal described in s. 372.001(3) or s. 372.001(4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

Section 4. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, line 26, after "*season*" insert: *while violating chapter 810*

The Committee on Criminal Justice recommended the following amendment to **Amendment 1** which was moved by Senator Ostalkiewicz and adopted:

Amendment 1B—On page 3, line 10, delete "*72 hours*" and insert: *7 days*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 1652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 444** was deferred.

On motion by Senator Lee, by two-thirds vote—

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

—was read the second time by title. On motions by Senator Lee, by two-thirds vote **CS for SB 1646** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Campbell

On motion by Senator Meadows, by two-thirds vote **HB 9** was withdrawn from the Committees on Banking and Insurance; and Education.

On motions by Senator Meadows, by two-thirds vote—

HB 9—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.732, F.S.; including motor vehicles used as public school transportation in the definition of "motor vehicle" for insurance purposes; amending s. 627.733, F.S.; providing an exemption from a requirement to maintain certain financial security; providing an effective date.

—a companion measure, was substituted for **SB 28** and by two-thirds vote read the second time by title. On motions by Senator Meadows, by two-thirds vote **HB 9** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Rossin—

CS for SB's 1286 and 1446—A bill to be entitled An act relating to insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; amending s. 627.419, F.S.; specifying that advertisements by insurers in a language other than English do not modify a policy in English; providing limitations; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; allowing notice of cancellation by postal proof of mailings; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply

to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1—On page 3, lines 22-26, delete those lines and insert: *policy written in English. The advertisement must disclose that the policy written in English controls in the event of a dispute and that statements contained in the advertisement do not necessarily, as a result of possible linguistic differences, reflect the contents of the policy written in English. Nothing in this subsection shall affect the*

Amendment 2—On page 4, lines 17-20, delete those lines and insert: unless the nonpayment is cured within *the earlier of* 5 days after actual notice by certified mail is received by the applicant *or 15 days after notice is sent to the applicant by certified mail or registered mail,* and if the contract is void, any premium received

Amendment 3—On page 5, line 6, delete "*or eligible*"

Pursuant to Rule 4.19, **CS for SB's 1286 and 1446** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **CS for HB 1001** was withdrawn from the Committee on Banking and Insurance.

On motions by Senator Rossin, by two-thirds vote—

CS for HB 1001—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

—a companion measure, was substituted for **CS for SB 990** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1001** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers, by two-thirds vote **CS for HB 549** was withdrawn from the Committee on Banking and Insurance.

On motions by Senator Childers, by two-thirds vote—

CS for HB 549—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term "motor vehicle" with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 920** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 549** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 1402—A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception; amending s. 627.8405, F.S.; revising prohibited acts by a premium finance company; amending s. 627.848, F.S.; requiring unearned premiums on a canceled insurance contract to be refunded by a premium finance company to the insured in the case of personal lines insurance and to the insured or agent or both for the benefit of the insured in the case of commercial insurance; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—On page 6, line 25 through page 7, line 4, delete those lines and insert:

(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall promptly return the unpaid balance due under the finance contract, up to the gross amount available upon the cancellation of the policy, to the premium finance company and any remaining unearned premium to the agent or the insured, or both, for the benefit of the insured or insureds. *The insurer shall notify the insured and the agent of the amount of unearned premium returned to the premium finance company and the amount of unearned commission held by the agent. The premium finance company within 15 days shall notify the insured and the agent of the amount of unearned premium including any of the unearned commission used to settle the finance contract and any amount of money due the insured that is being held by the agent. Within 15 days of receipt of notification from the premium finance company, the agent shall return such amount including any unearned commission to the insured or with the written approval of the insured apply such amount to the purchase of other insurance products regulated by the department. The department may adopt rules necessary to implement the provisions of this subsection.*

And the title is amended as follows:

On page 1, lines 12-17, delete those lines and insert: 627.848, F.S.; requiring notification to the insured by the insurer and premium finance company on a canceled insurance contract, the amount of any unearned premium and unearned commission due to the insured after satisfaction of the contract;

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, line 29 through page 2, line 1, delete those lines and insert: *the amount of unearned premium. Within 15 days of receipt of notification from the*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1402** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 908—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s.

626.918, F.S.; revising surplus and trust fund requirements for alien surplus lines insurers; lowering surplus requirements for surplus lines insurers meeting certain conditions; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 6, line 25 through page 7, line 2, delete those lines and insert:

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member or its agents or employees, agents or employees of the association, members of the board of governors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

Pursuant to Rule 4.19, **CS for SB 908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1754** was deferred.

On motion by Senator Horne, by two-thirds vote—

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment:

Amendment 1 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. *(1) By July 1, 1997, an Implementation Committee for Workforce Development Education must be appointed. The committee must be chaired by the Commissioner of Education or his or her designee and must consist of 20 members, including the Executive Director of the State System of Community Colleges or his or her designee; the Director of the Division of Workforce Development of the Department of Education or his or her designee; the President of the Workforce Development Board of Enterprise Florida, Inc., or his or her designee; the Director of Workforce Education and Outcome Information Services of the Department of Education; 8 members appointed by the President of the Senate; and 8 members appointed by the Speaker of the House of Representatives. Of the 16 members appointed by a legislative official, the members representing community colleges and school districts must include school district superintendents, community college presidents, finance officers, directors of management information systems, vocational education deans and directors, and adult education directors. The members must represent:*

(a) Five members from community colleges

(b) Five members from large school districts.

(c) Four members from medium school districts.

(d) Two members from small school districts.

(2) For administrative purposes, the Implementation Committee on Workforce Development is assigned to the Division of Workforce Development of the Department of Education.

(3) The committee shall design a program funding system to implement the workforce development funding formula. The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:

(a) Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The implementation committee may contract for system design services, as authorized in the appropriations act.

(b) Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the implementation committee shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.

(c) Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(4) By January 1, 1998, the implementation committee shall prepare an implementation report containing:

(a) The products that implement the components described in subsection (3).

(b) A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation.

(5) The implementation committee has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998.

(6) The Implementation Committee for Workforce Development Education is abolished effective July 1, 1998.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: creating the workforce development education implementation committee; providing membership; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for the abolishment of the committee;

Senator Turner moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, lines 20 and 21, delete "*20 members, including*" and insert: *24 members, including four members appointed by the Governor;*

The question recurred on **Amendment 1** as amended.

Senator Horne moved the following substitute amendment:

Amendment 2 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. *(1) The Postsecondary Education Planning Commission shall oversee an implementation process for workforce development education. The commission shall design a program funding system to implement the workforce development funding formula. The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:*

(a) Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The commission may contract for system design services, as authorized in the appropriations act.

(b) Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the commission shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.

(c) Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(2) By January 1, 1998, the commission shall prepare an implementation report containing:

(a) The products that implement the components described in subsection (3).

(b) A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation.

(5) The commission has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998. The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the commission in conducting the implementation process.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: requiring the Postsecondary Education Planning Commission to ocersee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support;

On motion by Senator Horne, further consideration of substitute **Amendment 2** was deferred.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 3—On page 5, line 30, delete "*minimum*"

Senator Gutman moved the following amendments which failed:

Amendment 4—On page 34, line 27 through page 61, line 28, delete those lines and insert:

(16) *"Degree vocational education program" means a course of study that leads to an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term "degree career education program."* ~~"Degree career education program" means college credit, job preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(18)~~(17)~~ "Prose literacy" means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

(19)~~(18)~~ "Quantitative literacy" means the demonstration of competence in the application of arithmetic operations to materials such as

loan documents, sale advertisements, order forms, and checking accounts.

~~(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) "*Vocational* ~~Career~~ education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. *The term may be used interchangeably with the term "career education planning region."*

(21) "Vocational-preparatory instruction" means *adult general education* ~~instruction~~ through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) "Workforce development education" means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point or a certificate in applied technology.

Section 1. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in *workforce development education or* ~~adult, certificate career education,~~ lifelong learning *courses*~~, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 2. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in a certificate in applied technology; and

(c) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center.

(3) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; or an apprenticeship program.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(4) Initial state funding is generated by student enrollment in a course of study. During the time a student is receiving instruction, the educational agency shall collect 75 percent of the state funding for that course of study. When the student completes the course of study or the program, the agency may collect the remaining 25 percent, or the difference between the total funding entitlement and the amount already paid to the educational agency.

(5) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category.

(a)1. For a course that does not result in an occupational completion point, state funding equals 25 percent of the cost of the course, with student fees making up the remaining 75 percent.

2. For a program that results in an occupational completion point, total state funding equals 75 percent of the cost of the program, with student fees making up the remaining 25 percent.

(b) Student output measures consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program.

(6) When a student completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program.

(7) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education.

(8) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 75 percent of the difference divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled.

(9) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a university, community college, or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to section 239.213, Florida Statutes.

(10) Fees for all nonexempt students, as defined in s. 239.117, are part of the required local effort of each school district pursuant to s. 236.081.

(11) The Department of Education may adopt rules to administer this section.

Section 3. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in *workforce development programs* ~~adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the *Workforce Development Education Fund* ~~Florida Education Finance Program or Community College Program Fund~~.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule.

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. ~~Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.~~

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for *workforce development education* ~~certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards~~. The fee schedule shall be based on the amount of student fees necessary to produce *25* ~~10~~ percent of the prior year's cost of *a course of study leading to a certificate or degree and 75 percent of the prior year's cost of a single course* ~~certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of *semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point or certificate in applied technology.* ~~the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

(7) A district school board or a community college board of trustees may assess a higher fee for the first course in a sequence of courses comprising a course of study and a lower fee for the final course or courses in the completion point sequence. Although fees may vary by course, the sum of fees paid for all courses in a sequence may not exceed 25 percent of the total cost of instruction, and the fee for a single course may not exceed 75 percent of the cost of instruction.

(8)~~(5)(a)~~ Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and

certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs consisting of two or more courses and 75 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree* ~~college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges.~~ Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(9)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional *10* ~~5~~ percent of the student fees collected for *workforce development* ~~certificate career education and supplemental vocational courses and~~ programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education ~~and supplemental vocational~~ students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(10)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(11)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(12)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(13)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(14)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund, the Florida* Education Finance Program or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(15)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund* ~~Florida Education Finance Program or the Community College Program Fund~~ and shall revert to the General Revenue Fund.

(16)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(17)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(18)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 4. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of~~

~~programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, *state universities,* and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in *workforce development programs* ~~certificate career education and supplemental career education courses and programs~~. From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 5. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

~~1. Student maintenance of employment.~~

~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)~~(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. Overseeing school district and community college compliance with the provisions of this chapter.

Section 6. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts, ~~and~~ community colleges, *and state universities*. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 7. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

(4) ~~Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area.~~ Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. ~~Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

(5)(a) Adult basic and secondary education *and*~~,~~ vocational-preparatory~~, college-preparatory, and lifelong learning~~ courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs~~. ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Community College Program Fund or the Florida Education Finance Program* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational preparatory programs~~. Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program* ~~pursuant to s. 236.081(1)(h) or s. 240.359~~, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 8. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 9. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 10. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of~~ adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board~~.

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general* ~~precollege~~ education~~, when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational* ~~degree career~~ education programs and~~, when assigned to community colleges,~~ adult *general* ~~precollege~~ education programs shall have first priority in community college funding.

Section 11. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that* ~~which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 12. Section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction *leading to an associate degree, including college preparatory courses defined in s. 239.105*.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction *which* ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs *and*~~,~~ professional programs~~, and degree career education programs~~.

Amendment 5—On page 37, lines 19-25, delete those lines and insert: *conducted by a community college or a school district.*

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 6 (with title amendment)—On page 37, between lines 25 and 26, insert:

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(Renumber subsequent subsections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: authorizing funding for a program for disabled adults;

Amendment 7 (with title amendment)—On page 38, line 2; on page 39, line 3; on page 39, line 21; on page 39, line 30; on page 40, line 9; and on page 40, line 24, after the period (.) insert: *This subsection takes effect July 1, 1998.*

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: delaying the implementation date for the workforce development performance based funding formula;

Senator Turner moved the following amendment which failed:

Amendment 8—On page 38, line 2, delete "*measures.*" and insert: *measures, and performance outcome measures. Effective July 1, 1997, funding levels shall remain at 100 percent of the 1997-1998 calculated appropriation, and one year shall be allowed to: establish occupational completion point/program costs; applicable performance-based funding management information system computer tracking software; and establish fiscal penalties and incentives associated with performance benchmarks. Effective July 1, 1998, the Workforce Development performanced-based funding budget shall be implemented and shall be adjusted according to the performances of the prior year.*

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 9—On page 39, line 6, after the period (.) insert: *The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.*

Amendment 10—On page 39, line 22, after "*student*" insert: *reaches an occupational completion point or*

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Amendment 11—On page 42, line 22, after the period (.) insert: *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

Amendment 12—On page 45, line 25 through page 46, line 2, delete those lines and renumber subsequent subsections.

Amendment 13—On page 51, line 26 and on page 54, line 6, delete "*state universities*"

Amendment 14—On page 53, between lines 25 and 26, insert:

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Amendment 15—On page 57, line 2, after "*the*" insert: *Workforce Development Education Fund, the*

Senator Holzendorf moved the following amendment which was adopted:

Amendment 16 (with title amendment)—On page 74, line 25 through page 76, line 2, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 3, lines 6-9, delete those lines

On motion by Senator Horne, further consideration of **CS for CS for SB's 1688, 792, 1334 and 2254** with pending substitute **Amendment 2** was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for SB 1754** and **CS for CS for SB's 1688, 792, 1334 and 2254**.

On motion by Senator Harris—

CS for SB 1754—A bill to be entitled An act relating to international economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; requiring Enterprise Florida, Inc., to develop a list of assigned duties and performance measures for foreign offices; requiring that Enterprise Florida, Inc., address the performance of foreign offices in its annual report; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International

Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing Enterprise Florida, Inc., to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 320.20, F.S.; providing for the Florida Seaport Transportation and Economic Development Program; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; authorizing the Office of Tourism, Trade, and Economic Development to provide a grant to the Florida Association of Voluntary Agencies for Caribbean Action for maintaining an office in south Florida; providing for an appropriation to the Florida Export Finance Corporation; expressing legislative intent that the corporation reach administrative self–sufficiency; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Harris and failed:

Amendment 1 (with title amendment)—On page 16, lines 25-31; on page 17, lines 1-31; and on page 18, lines 1-23, delete those lines

And the title is amended as follows:

On page 3, lines 17-19, delete those lines and insert: amending s. 624.426, F.S.;

Senator Harris moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) As used in this section, the term:*

(a) "Authentication instrument" means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) "Florida international notary" means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) A Florida international notary is authorized to issue authentication instruments for use in non–United States jurisdictions. International notaries shall not authenticate documents for use in countries that are not diplomatically recognized by the United States.

(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(5) The authentication instruments of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments.

(b) Procedures for the permanent archiving of authentication instruments.

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's authentication instruments, or the identities or acts of the parties to a transaction.

(f) Other matters necessary for administering this section.

(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 2. Subsections (1) and (3) of section 114 of chapter 96-320, Laws of Florida, are amended to read:

Section 3. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund. *In each fiscal year, at least 8 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).*

(3) For the purposes of this section, matching private funds *shall be divided into two categories. The first category of matching private funds shall include any payment of cash made in response to a solicitation by Enterprise Florida, Inc., and used exclusively by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of matching private funds shall* include a conveyance of property, employee wages paid during training, or payment or distribution of *property* ~~cash~~ or anything of value, including contributions in-kind having an attributable monetary value in any form, *and including any payment of cash not counted within the first category of matching private funds.* Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services. *Not more than 50 percent of employee wages paid during training can be included as matching private funds under the second category of matching private funds.*

Section 4. Subsection (2) of section 14.2015, Florida Statutes, 1996 Supplement, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To

accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.~~

~~(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.~~

(a)~~(c)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(b)~~(d)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(c)~~(e)~~ Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(d)~~(f)~~ Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(e)~~(g)~~ Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(f)~~(h)~~ Plan and conduct *at least three* ~~quarterly~~ meetings *per calendar year* of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(g)1.~~(i)~~ Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(h)~~(j)~~ Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, *and notwithstanding the provisions of part I of chapter 287,* the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(i)~~(k)~~ Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(j) Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program and the Florida First Business Bond pool.

Section 5. Section 15.182, Florida Statutes, is created to read:

15.182 International travel by state–funded musical, cultural, or artistic organizations; notification to Department of State.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State of its intentions to travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troops, bands, choirs, choral groups, drama troops, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.

(2) The Department of State, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 6. *The Florida Department of Lottery shall determine the feasibility of marketing the Florida Lottery internationally and issue a report regarding such feasibility to the Legislature by January 2, 1998.*

Section 7. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 Personal service outside state.—

(1) Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any officer authorized to serve process in the state where the person is served. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made. *Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.*

Section 8. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may, for the 1997-1998 fiscal year, establish a pilot matching grant program through which funding will be provided on a competitive basis*

in order to create employment opportunities for citizens of this state, particularly participants in the Work and Gain Economic Self-sufficiency (WAGES) Program. The grant program shall encourage the submission of innovative, cost-efficient, and performance-based training proposals designed to meet the employment needs of specific businesses or business sectors. An application for funding may be submitted by a private business, an educational institution, a not-for-profit corporation, a local or regional economic development council, or other organization, or an application may be submitted jointly on behalf of a combination of such entities.

(2) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. Evaluation criteria must include, but need not be limited to:

(a) The number of people to be trained.

(b) The estimated number of jobs that will be created as a result of the training.

(c) The extent to which the proposed training is not currently available through other sources or the extent to which the proposed training improves upon training currently available through other sources.

(d) The forecasts of employment demand for the occupation to which the training will apply.

(e) The commitment of the applicant to hire or to secure employment for participants in the WAGES Program.

(f) The qualifications of the proposed training provider.

(3) Priority shall be given to proposals submitted on behalf of a coalition of businesses.

(4) Funds may not be expended to subsidize the ongoing staff development program of any business or industry.

(5) The Office of Tourism, Trade, and Economic Development may award grants for not more than four applications in any one fiscal year. Each grant awarded under this program is limited to $500,000 and must be matched on a one-for-one basis by nonstate dollars. Matching funds under this section shall not count toward the private matching funds required under s. 114, chapter 96-320, Laws of Florida.

(6) Before allocating funds for any request under this program, the Office of Tourism, Trade, and Economic Development shall prepare a grant agreement between the grant recipient and the Office of Tourism, Trade, and Economic Development. Such agreement must include, but is not limited to, permission for the Office of Tourism, Trade, and Economic Development to access information specific to the job placement and performance of program participants upon the completion of instruction for evaluation purposes. If funds are being allocated directly to a private business or group of private businesses, the agreement prepared under this subsection must provide that 50 percent of the public training funds will be withheld until the Office of Tourism, Trade, and Economic Development determines that the business has or businesses have created the number of positions specified in the agreement and filled those positions with individuals who have completed the training.

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under s. 14.2015(2)(g), Florida Statutes. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

(8) The Office of Tourism, Trade, and Economic Development may not award a grant under this section if the same training proposal provided the basis for training awarded under s. 288.047, Florida Statutes. An applicant awarded a training grant under this section may not thereafter receive training under s. 288.047, Florida Statutes, in connection with the same training proposal.

Section 9. Section 110.191, Florida Statutes, is created to read:

110.191 State Employee Leasing.—

(1) In situations where the legislature has expressly authorized the state, an agency or the judicial branch as defined in s. 110.203 to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions are to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees, however any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased, however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall be governed by the provisions of s. 110.205(2)(k)2.

Section 10. Paragraph (u) is added to subsection (2) of section 110.205, Florida Statutes, 1996 Supplement, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the legislature pursuant to s. 110.191.

Section 11. Section 288.012, Florida Statutes, 1996 Supplement, is amended to read:

288.012 *State of Florida* foreign offices.—*The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.*

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and

contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.

(2) By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry-sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry-sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3)~~(2)~~ The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means *the plan developed pursuant to subsection (2)* ~~a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the Office of Tourism, Trade, and Economic Development in a foreign country~~.

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(4)~~(3)~~ Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(5)~~(4)~~ The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development. *To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.*

Section 12. Subsection (3) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(3) Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 13. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. *Funds made available pursuant to this section may not be*

expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

Section 14. Section 288.1045, Florida Statutes, 1996 Supplement, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(a) "Consolidation of a Department of Defense contract" means the consolidation of one or more of an applicant's facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant's facilities inside this state.

(b) "Average wage in the area" means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) "Applicant" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) "*Office*" ~~"Division"~~ means the *Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor* ~~Division of Economic Development of the Department of Commerce~~.

(e) "Department of Defense contract" means a competitively bid Department of Defense contract or a competitively bid federal agency contract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state.

(f) "New Department of Defense contract" means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) "Nondefense production jobs" means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) "Qualified applicant" means an applicant that has been approved by the *director* ~~secretary~~ to be eligible for tax refunds pursuant to this section.

(k) "*Director*" ~~"Secretary"~~ means the *Director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the Department of Labor and Employment Security for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the Department of Labor and Employment Security as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) "Contract for reuse of a defense-related facility" means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the *director* ~~secretary~~ which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than $5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than $2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than $7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the *director* ~~secretary~~ may approve not more than the lesser of $25 million in tax refunds or the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5).

(e) For the first 6 months of each fiscal year, the *director* ~~secretary~~ shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212.

2. Corporate income taxes paid pursuant to chapter 220.

3. Intangible personal property taxes paid pursuant to chapter 199.

4. Emergency excise taxes paid pursuant to chapter 221.

5. Excise taxes paid on documents pursuant to chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which *taxes* are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the *office* ~~Department of Commerce~~ within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the *office* ~~division~~ which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the nondefense production project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the *office* ~~department~~ that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(e) To qualify for review by the *office* ~~division~~, the application of an applicant must, at a minimum, establish the following to the satisfaction of the *office* ~~division~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract *must not* ~~cannot~~ allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 70 percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than 80 percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the *office* ~~division~~ for a determination of eligibility. The *office* ~~division~~ shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The *office* ~~division~~ shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the *director* ~~secretary~~ within 60 calendar days of receipt of a complete application. The *office* ~~division~~ shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the *director* ~~secretary~~, the *office* ~~division~~ shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The *office* ~~division~~ shall include in its report projections of the tax refund claims that will be sought by the applicant in each fiscal year based on the information submitted in the application.

(h) Within 30 days after receipt of the *office's* ~~division's~~ findings and evaluation, the *director* ~~secretary~~ shall enter a final order that either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the secretary shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The *director* ~~secretary~~ may not enter any final order that certifies any applicant as a qualified applicant when the aggregate amount of tax refunds for all qualified applicants projected by the *office* ~~division~~ in any fiscal year exceeds the lesser of $25 million or the amount appropriated for tax refunds for that fiscal year. A final order that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor in each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the *office* ~~department~~ containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).

2. The maximum amount of a refund that the qualified applicant is eligible to receive in each fiscal year.

3. An agreement with the *office* ~~department~~ allowing the *office* ~~department~~ to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date after which, each fiscal year, the qualified applicant may file an annual claim pursuant to subsection (5).

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the *director* ~~secretary~~.

(c) The agreement shall be signed by the *director* ~~secretary~~ and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3)~~.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in *s. 288.1045* ~~s. 288.104~~, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) Qualified applicants who have entered into a written agreement with the *office* ~~department~~ pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs or who have entered into a valid contract for reuse of a defense-related facility may apply once each fiscal year to the *office* ~~Department of Commerce~~ for tax refunds. The application must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund in that fiscal year. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the *office* ~~division~~ when such support is paid to the Economic Development Trust Fund.

(d) The *director* ~~secretary~~, with assistance from the *office* ~~division~~, the Department of Revenue, and the Department of Labor and Employment Security, shall determine the amount of the tax refund that is authorized for the qualified applicant for the fiscal year in a written final order within 30 days after the date the claim for the annual tax refund is received by the *office* ~~Department of Commerce~~.

(e) The total amount of tax refunds approved by the *director* ~~secretary~~ under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~division~~ for tax refunds in a fiscal year, the *director* ~~secretary~~ shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal

year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the *director* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the final order. In the event of any appeal of the final order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the final order.

(g) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

(6) ADMINISTRATION.—

(a) The *office may* ~~department shall~~ adopt rules pursuant to chapter 120 for the administration of this section.

(b) The *office* ~~department~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the *office* ~~department~~ may provide a list of qualified applicants to the Department of Revenue, the Department of Labor and Employment Security, or to any local government or authority. The *office* ~~department~~ may request the assistance of said entities with respect to monitoring the payment of the taxes listed in subsection (2).

(d) By September 30 of each year, the *office* ~~department~~ shall submit a complete and detailed report to the Defense Conversion and Transition Commission, created under Executive Order 93-118, of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner. By December 1 of each year, the Defense Conversion and Transition Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 1999.

Section 15. Subsection (3) and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.

2. Corporate income taxes under chapter 220.

3. Intangible personal property taxes under chapter 199.

4. Emergency excise taxes under chapter 221.

5. Excise taxes on documents under chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1).

7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the *private sector* average wage in the area where the business is to be located or the statewide private sector average wage. *The Office of Tourism, Trade, and Economic Development may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may be waived only for projects located in Rural-Economic-Development-Initiative counties or in enterprise zones and when the merits of the individual projects or the specific circumstances in the community in relationship to the project warrant such action. A waiver recommendation must be transmitted in writing and must include an explanation of the specific justification for the recommendation. If the director elects to waive the wage requirement, the waiver and the reasons for granting the waiver must be stated in writing.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 16. Section 288.7011, Florida Statutes, 1996 Supplement, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts *with* ~~to provide assistance to~~ a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, *to permit such corporation to locate and contract for* ~~in the form of~~ administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. ~~Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that~~ Such assistance and support will cease when the corporation has *received state support in an amount the equivalent of $250,000 per year over a 5 year period beginning July 1, 1997* ~~attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support~~. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General ~~to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support~~.

Section 17. Subsection (2) of section 288.772, Florida Statutes, 1996 Supplement, is amended to read:

288.772 Definitions.—For purposes of ss. 288.771-288.778:

(2) "Board" means the board of directors of the *Florida Export Finance* ~~Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the~~ Corporation.

Section 18. Subsection (1) of section 288.775, Florida Statutes, 1996 Supplement, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The *board* ~~Florida Intergovernmental Relations Foundation, Inc., as established in s. 288.809,~~ shall create the Florida Export Finance Corporation *Guarantee* Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board.

Section 19. Section 288.776, Florida Statutes, 1996 Supplement, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Comptroller, the Secretary of State, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

(2) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.

(3) The board shall:

(a)~~(1)~~ Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by Enterprise Florida, Inc., prior to final adoption by the board.

(b)~~(2)~~ Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c)~~(3)~~ Issue an annual report to Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1.~~(a)~~ Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2.~~(b)~~ Access of small and medium-sized businesses in this state to federal export financing programs.

3.~~(c)~~ Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4.~~(d)~~ Other economic and social benefits to international programs in this state.

(d)~~(4)~~ Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

1.~~(a)~~ Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

2.~~(b)~~ Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

3.~~(c)~~ Financial assistance shall only be extended when at least one of the following circumstances exists:

a.~~1.~~ The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

b.~~2.~~ No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1).

(e)~~(5)~~ Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(f)~~(6)~~ Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(g)~~(7)~~ Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that

each program makes full use of, to the extent practicable, the resources of the other.

(h)~~(8)~~ Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(i)~~(9)~~ Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *paragraph (c)* ~~subsection (3)~~.

Section 20. Subsection (1) of section 288.777, Florida Statutes, 1996 Supplement, is amended to read:

288.777 President of the corporation.—

(1) The board ~~of directors of Enterprise Florida, Inc.,~~ shall appoint a president ~~of the Florida Export Finance Corporation from a list of nominees submitted by the board~~. The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 21. Section 288.7771, Florida Statutes, 1996 Supplement, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By *March 31* ~~December 1~~ of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(1) The evaluation required in s. 288.7772(1).

(2) The report required in s. 288.776(3).

(3) Its assets and liabilities at the end of its most recent fiscal year.

Section 22. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, 1996 Supplement, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local *law* enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. *Florida law enforcement agencies shall inform the Department of State* ~~Such agencies shall be informed that~~ when such arrest or incarceration occurs.~~, the agency must notify~~ The secretary~~, who~~ in turn shall notify the appropriate foreign governmental official. *The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.*

Section 23. Subsection (10) is added to section 288.8175, Florida Statutes, 1996 Supplement, to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(10) Linkage institutes may accept and administer moneys provided by the Department of State for research and development of international trade. The Secretary of State shall, by March 1, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in each year in which the Department of State has provided moneys for a linkage institute. The report must detail the purpose of the expenditure by the Department of State and the use of the moneys by the linkage institutes and must include a copy of the research documents or related materials produced, if any.

Section 24. Subsection (2) of section 288.901, Florida Statutes, 1996 Supplement, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce *or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620*. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 25. Section 288.9015, Florida Statutes, 1996 Supplement, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(1) Enterprise Florida, Inc., is the principal economic development organization for the state. It shall be the responsibility of Enterprise Florida, Inc., to provide leadership for business development in Florida by aggressively establishing a unified approach to Florida's efforts of international trade and reverse investment; by aggressively marketing the state as a probusiness location for potential new investment; and by aggressively assisting in the creation, retention, and expansion of existing businesses. In support of this effort, Enterprise Florida, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida business; the development of import and export trade; and the recruitment of worldwide business.

(2) It shall be the responsibility of Enterprise Florida, Inc., to promote and strengthen the creation and growth of small and minority businesses and to increase the opportunities for short-term and long-term rural economic development.

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(a) Creating and maintaining a highly skilled workforce that is capable of responding to rapidly changing technology and diversified market opportunities.

(b) Training, educating, and assisting target populations, such as those who are economically disadvantaged or who *participate in the WAGES Program or otherwise* receive public assistance, to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(4) Enterprise Florida, Inc., shall provide leadership in creating jobs for residents of the state, including jobs for residents who are economically disadvantaged or who participate in the WAGES Program or otherwise receive public assistance.

(5)~~(4)~~ Enterprise Florida, Inc., shall not endorse any candidate for any elected public office, nor shall it contribute moneys to the campaign of any such candidate.

(6) As part of its business development and marketing responsibilities, Enterprise Florida, Inc., shall prepare a business guide and checklist that contains basic information on the federal, state, and local requirements for starting and operating a business in this state. The guide and checklist must describe how additional information can be obtained on any such requirements and shall include, to the extent feasible, the names, addresses, and telephone numbers of appropriate government

agency representatives. The guide and checklist must also contain information useful to persons who may be starting a business for the first time, including, but not limited to, information on business structure, financing, and planning.

Section 26. Paragraph (h) of subsection (3) of section 288.903, Florida Statutes, 1996 Supplement, is redesignated as paragraph (i) and a new paragraph (h) is added to subsection (3) of said section to read:

288.903 Board of directors of Enterprise Florida, Inc.; president; employees.—

(3) The president:

(h) Shall coordinate all activities and responsibilities of Enterprise Florida, Inc., with respect to participants in the WAGES Program.

Section 27. Paragraph (b) of subsection (1) of section 288.904, Florida Statutes, 1996 Supplement, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 28. Section 288.905, Florida Statutes, 1996 Supplement, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. ~~In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~ In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to *the Governor,* the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997*, and shall be updated or modified before January 1, 1998, and annually thereafter. The plan must be approved by the board of directors prior to submission to the Governor and Legislature. The plan shall include, but is not limited to:*

(a) Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Including delineation on the amount of funds that should be expended on each component of the plan.

(b) Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.

(c)1. Specific provisions for the stimulation of economic development and job creation in rural areas and mid-size cities and counties of the state. These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all mid-size cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and mid-size cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to rural cities and counties and mid-size cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and mid-size cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.

2. Enterprise Florida, Inc., shall involve the local governments of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal rural development entities, both public and private, in developing and carrying out any provisions.

(d)1. Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.

2. Enterprise Florida, Inc., shall involve local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out any provisions.

(e) Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.

(g) Promotion of the successful long-term internationalization of this state, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) Promotion of the growth of high technology and other value-added industries and jobs.

(i) Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.

(j) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(3)(a) The strategic plan shall *also* include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. *In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, venture capital dollars invested in small and minority businesses, businesses retained and recruited, employer wage growth, minority business participation in technology assistance and development pro-*

grams, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.

2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.

3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.

4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.

5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business startups in this state.

7. Goods produced in this state that are exported to other countries.

8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(c)~~(b)~~ Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.

4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(d)~~(c)~~ Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph *(c)* ~~(b)~~. The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit into African-American-qualified public depositories and Hispanic-American-qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.

Section 29. Subsection (1) of section 288.906, Florida Statutes, 1996 Supplement, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *including, but not limited to* ~~setting forth~~:

(a) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity.* ~~Its operations and accomplishments during the fiscal year;~~

(b) *An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short term and long term, established pursuant to s. 288.905.* ~~Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;~~

(c) *Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards.* ~~Its assets and liabilities at the end of its most recent fiscal year; and~~

(d) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs.* ~~A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.~~

(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.

(f) A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.

(g) An assessment of employee training and job creation that directly benefits participants in the WAGES Program.

(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-*(h)*~~(d)~~, if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 30. Paragraph (g) of subsection (1) of section 288.9414, Florida Statutes, 1996 Supplement, is amended to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of*

grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 31. Effective July 1, 1998, section 288.9415, Florida Statutes, is created to read:

288.9415 International Trade Grants.—

(1) The Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor may accept and administer moneys appropriated to the office for providing grants for promotion of international trade.

(2) A county, municipality, economic development council, or a not–for–profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

(3) The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the International Trade and Economic Development Board which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

Section 32. *(1) For fiscal year 1997-1998 and subject to appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development shall establish a targeted market pilot project grant program, through which funding will be provided on a competitive basis, which successfully matches local businesses in this state with specific international trade opportunities. The Legislature finds that it is in the best interests of the state to encourage and assist businesses in this state to actively participate in international trade. Office of Tourism, Trade, and Economic Development shall consult with the Florida Council of International Development in the development of this program.*

(2) Grant proposals must be submitted by local or regional economic development councils. Proposals must include research assignments to the foreign offices of Enterprise Florida, Inc., identifying potential foreign markets for products now produced in this state, or which may easily be produced by existing businesses in this state. Proposals must also include a list of local businesses that are well suited to participate in the program and the targeted international market or products that the business would pursue. Participating businesses are required to act as mentors, assisting the local or regional economic development councils in matching local businesses to future international trade opportunities.

(3) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of grant proposals for funding. Evaluation criteria must include, but is not limited to:

(a) The quality of the business identification research.

(b) Cost effectiveness and cost per business served.

(c) Comprehensiveness of services offered, including, but not limited to, training and guidance.

(d) Projected employment.

(e) Projected employment of WAGES Program participants.

(f) The extent to which existing grants address the targeted international market.

(4) The Office of Tourism, Trade, and Economic Development shall establish procedures for the identification and validation of targeted international markets by the Florida foreign offices, as established under s. 288.012, Florida Statutes, for use in this program.

(5) The Office of Tourism, Trade, and Economic Development shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 33. Paragraph (h) of subsection (1) of section 288.9514, Florida Statutes, 1996 Supplement, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) The technology development board shall achieve the purposes stated in s. 288.9512 through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(h) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 34. Subsection (8) of section 288.9613, Florida Statutes, 1996 Supplement, is amended to read:

288.9613 Powers and authority of the capital development board.— The capital development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the board, including, but not limited to, the following:

(8) Contract with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 35. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may contract with the Enterprise Florida Capital Development Board or some other appropriate not-for-profit or governmental organization for any action that the office deems necessary to foster the development of microenterprises in the state. As used within this section, microenterprises are extremely small business enterprises which enable low and moderate income individuals to achieve self-sufficiency through self-employment. Microenterprise programs are those which provide at least one of the following: small amounts of capital, business training and technical assistance. Where feasible, the office or organizations under contract with the office shall work in cooperation with other organizations active in the study and support of microenterprises. Such actions may include, but are not limited to:*

(a) Maintaining a network of communication and coordination among existing microenterprise lending and assistance programs throughout the state.

(b) Providing information and technical help to community-based or regional organizations attempting to establish new microenterprise programs.

(c) Encouraging private-sector investment in microenterprises and microenterprise lending programs.

(d) Fostering mentoring and networking relationships among microenterprises and other businesses and public bodies in order to give microenterprises access to management advice and business leads.

(e) Incorporating microenterprise components into the capital development programs and other business development programs operated by Enterprise Florida, Inc., and its affiliates.

(f) Providing organizational, financial, and marketing support for conferences, workshops, or similar events that focus on microenterprise development.

(g) Establishing a program and guidelines for the award of matching grants on a competitive basis to support the operational expenses of not-for-profit organizations and government agencies that are engaged in microenterprise lending and other microenterprise assistance activities.

(h) Coordinating with other organizations to ensure that participants in the WAGES Program are given opportunities to create microenterprises.

(2) The office shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. The office shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 36. Section 288.9614, Florida Statutes, 1996 Supplement, is amended to read:

288.9614 Authorized programs.—The capital development board may take any action *that* ~~which~~ it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, *to address the needs of microenterprises,* to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 37. Subsection (1) and paragraph (h) of subsection (6) of section 288.9620, Florida Statutes, 1996 Supplement, as amended by section 112 of chapter 96-320, Laws of Florida, are amended to read:

288.9620 Workforce development board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who *are participants in the WAGES Program,* are eligible for public assistance, or are dislocated workers.

(6) The workforce development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 38. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.049.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake the necessary community development programs. The overall objective is to create viable communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.049 is to assist local governments in carrying out effective community development activities to arrest and reverse community decline and restore community vitality. Community development activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.049. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.049 are public purposes for which public money may be borrowed, expended, loaned, *pledged to guarantee loans,* and granted.

Section 39. Subsections (1), (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant *and loan guarantee* program for carrying out the purposes of *ss. 290.0401-290.049* ~~this act~~.

(2) The department shall distribute such funds as *loan guarantees and* grants to eligible local governments on the basis of a competitive selection process.

(3) The department shall define the broad community development objective to be achieved by the activities in each of the following *grant* program categories, and require applicants for grants to compete against each other in these *grant* program categories:

(a) Housing.

(b) Economic development.

(c) Neighborhood revitalization.

(d) Commercial revitalization.

(4) The percentage of funds distributed in each of the *grant* program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same

manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department shall provide for the set-aside of an amount of up to 10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 40. Section 290.0455, Florida Statutes, is created to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to s. 108 of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston–Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee, in whole or in part, the payment of principal and interest on a loan made under the loan guarantee program.

(4) The department must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval, in the order received, subject to the department determining that the application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710, and provided that the applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility.

(5) The maximum amount of loan guarantee commitments that any eligible local government may receive may be limited to $7 million pursuant to 24 C.F.R. s. 570.705, and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to five times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program.

(6) Loans guaranteed by the loan guarantee program must be repaid within 20 years.

(7) Loan guarantees may be used for an activity only if the local government provides evidence to the department that alternative financing services were investigated and were unavailable or insufficient to meet the financing needs of the activity.

(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.

Section 41. Subsections (7) and (8) are added to section 290.047, Florida Statutes, to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(7) Grant ceilings do not apply to the loan guarantee program authorized in s. 290.0455.

(8) If an applicant was the sponsor of an activity under the Small Cities Community Development Block Grant Loan Guarantee Program, and the loan for such activity is in default, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the applicant's loan, the department shall reduce the grant ceiling available to such applicant in an amount equal to the amount of the state's grant award required to be used for the loan debt service.

Section 42. Subsection (6) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

Section 43. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the Department of Transportation sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 44. Subsection (6) of section 380.06, Florida Statutes, 1996 Supplement, is amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and *must be* considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include

data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

Section 45. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 46. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the agency.*

Section 47. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 48. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of Labor and Employment Security may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 49. Subsection (5) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

(5) "Employee leasing company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing. *This term shall not apply to any state agency or the judicial branch as defined in s. 110.203 when that agency or the judicial branch is engaged in employee leasing pursuant to an express legislative authorization.*

Section 50. Section 624.426, Florida Statutes, is amended to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

(1) Contracts of reinsurance.

(2) Policies of insurance on the rolling stock of railroad companies doing a general freight and passenger business.

(3) United States Customs surety bonds that are issued by a corporate surety approved by the United States Department of Treasury and that name the United States as the beneficiary.

Section 51. *Employing and Training our Youths (ENTRY).—*

(1) DEFINITIONS.—As used in this section:

(a) "Director" means the executive director of the Office of Tourism, Trade, and Economic Development.

(b) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business.

(c) "Eligible youth employee" means a student between the ages of 15 and 18 currently enrolled at a Florida public school, who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed in this section. The youth employee shall be deemed to be employed if the youth performs duties in connection with the operations of the business on a regular basis, provided the youth is performing such duties on an average of at least 12 hours per week each month throughout the year and is being paid for such duties at a rate no less than the minimum wage established pursuant to federal law.

(d) "Fiscal year" means the fiscal year of the state.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Public school" shall have the same meaning as in s. 228.041(1)(a), Florida Statutes.

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) Contingent upon an annual appropriation by the Legislature, the director may approve an eligible business to receive tax refund payments of up to $1,600 per eligible youth employee. An eligible business may not receive tax refund payments for more than five eligible youth employees in any single fiscal year.

(b) After entering into an employment/tax refund agreement under subsection (3), an eligible business may receive refunds for the following taxes or fees due and paid by that business:

1. Taxes on sales, use, and other transactions under part I of chapter 212, Florida Statutes.

2. Corporate income taxes under chapter 220, Florida Statutes.

3. Intangible personal property taxes under chapter 199, Florida Statutes.

4. Emergency excise taxes under chapter 221, Florida Statutes.

5. Excise taxes on documents under chapter 201, Florida Statutes.

6. Ad valorem taxes paid, as defined in section 220.03(1), Florida Statutes.

7. Insurance premium taxes under section 624.509, Florida Statutes.

8. Occupational license fees under chapter 205, Florida Statutes.

However, an eligible business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes or fees. If a refund for such taxes or fees is provided by the office, which taxes or fees are subsequently adjusted by the application of any credit, refund, or exemption granted to the eligible business other than as provided in this section, the business shall reimburse the office for the amount of that credit, refund, or exemption. An eligible business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than the one provided in this section.

(c) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of refund to the office, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited in the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) ADMINISTRATION.—

(a) To apply for tax refunds pursuant to this section, an eligible business must file an employment/tax refund application, developed by the office, at the public school the eligible youth employee attends.

(b) The public school shall forward the application to the office within 5 calendar days after receipt of a complete application. Within 10 calendar days after receipt of the application, the office shall enter a final order that either approves or disapproves the application. The decisions must be in writing and must provide the justifications for approval or disapproval.

(c) An eligible business that has been approved by the office to receive tax refunds may apply to the office for a refund at the end of each calendar quarter the eligible youth employee is employed by the business. An eligible business may not receive refund payments of more than 25 percent of the total tax refunds due such business under this section each calendar quarter. Termination of employment of an eligible youth employee shall result in loss of eligibility for tax refunds for such employee under this section.

(d) The claim for refund by an eligible business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought.

(e) Nothing in this section shall create a presumption that an eligible business will receive any tax refund under this section.

(f) The office is authorized to develop rules and forms, pursuant to chapter 120, Florida Statutes, to implement the provisions of this section. The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(4) REPEAL.—The provisions of this section shall expire and be void on June 30, 2007.

Section 52. *Subsection (7) of section 14.2015, Florida Statutes, 1996 Supplement, sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.*

Section 53. *Subject to appropriation in the General Appropriation Act, $100,000 shall be used by the Office of Tourism, Trade, and Economic Development in the Office of the Governor to enable the Florida Customs Brokers and Forwarders Association to expand the services they provide statewide, to enhance the international trading ability of the state.*

Section 54. Subject to appropriation in the General Appropriation Act, $270,000 shall be available for the establishment and operation of a Viet Nam Embassy Office for trade and academic advancement of the interests of this state.

Section 55. Subject to appropriation in the General Appropriation Act, $250,000 is provided for distribution to the Southeast U.S./Japan Association and the Southeast U.S.–Korea Economic Committees to fulfill Florida's obligations to these organizations.

Section 56. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 57. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 2 through page 3, line 30, delete those lines and insert: An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements, providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development deleting a time requirement to sign agreements; providing for a

prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school–aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups, and a trade and academic exchange office; providing severability; providing an effective date.

Senator Kurth moved the following amendment to **Amendment 2**:

Amendment 2A (with title amendment)—On page 56, line 22; on page 65, line 23; on page 69, line 7; on page 69, line 30; and on page 73, line 23, before the period (.) insert: *, unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members*

And the title is amended as follows:

On page 93, line 15; on page 93, line 31; on page 94, line 17; and on page 95, line 7, after "contracts" insert: and grants

On motion by Senator Harris, further consideration of **CS for SB 1754** with pending **Amendment 2** and **Amendment 2A** was deferred.

On motion by Senator Horne, the Senate resumed consideration of—

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of

Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

—which was previously considered and amended this day. Pending substitute **Amendment 2** by Senator Horne was withdrawn.

Senator Diaz-Balart moved a new substitute **Amendment 2** which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. *(1) The Postsecondary Education Planning Commission shall oversee an implementation process for workforce development education. The commission shall consult with the Executive Director of the State System of Community Colleges; the Director of the Division of Workforce Development of the Department of Education; the President of the Workforce Development Board of Enterprise Florida, Inc.; the Director of Workforce Education and Outcome Information Services of the Department of Education; representatives of community colleges and school districts, including school district superintendents, community college presidents, finance officers, directors of management information systems, vocational education deans and directors, and adult education directors.*

(2) The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:

(a) Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The commission may contract for system design services, as authorized in the appropriations act.

(b) Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the commission shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.

(c) Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(3) By January 1, 1998, the commission shall prepare an implementation report containing:

(a) The products that implement the components described in subsection (3).

(b) A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation.

(4) The commission has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998. The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the commission in conducting the implementation process.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support;

Senator Diaz-Balart moved the following amendment:

Amendment 17—On page 44, line 31, delete "~~.~~" and insert: *. This fee schedule must be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.*

Senator Diaz-Balart moved the following substitute amendment which was adopted:

Amendment 18—On page 44, line 24, before "~~The fee~~" insert: *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are*

necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.

Pursuant to Rule 4.19, **CS for CS for SB's 1688, 792, 1334 and 2254** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Harris, the Senate resumed consideration of—

CS for SB 1754—A bill to be entitled An act relating to international economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; requiring Enterprise Florida, Inc., to develop a list of assigned duties and performance measures for foreign offices; requiring that Enterprise Florida, Inc., address the performance of foreign offices in its annual report; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing Enterprise Florida, Inc., to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 320.20, F.S.; providing for the Florida Seaport Transportation and Economic Development Program; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; authorizing the Office of Tourism, Trade, and Economic Development to provide a grant to the Florida Association of Voluntary Agencies for Caribbean Action for maintaining an office in south Florida; providing for an appropriation to the Florida Export Finance Corporation; expressing legislative intent that the corporation reach administrative self–sufficiency; providing an effective date.

—which was previously considered this day. Pending **Amendment 2A** by Senator Kurth was adopted.

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1754** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Friday, April 25.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 24, 1997: SB 902, CS for SB 44, SB 898, CS for SB 176, SB 174, SB 958, CS for SB 1930, SB 966, SB 1874, SB 346, CS for SB 148, SB 122, CS for SB 570, CS for SB 1246, SB 664, SB 604, SB 732, CS for SB 852, CS for CS for SB 248, CS for CS for SB 2044, SB 2064, SB 72, CS for SB 2, CS for CS for SB 858, CS for SB 798, SB 1652, CS for SB 444, CS for SB 1646, SB 28, CS for SB's 1286 and 1446, CS for SB 990, CS for SB 920, CS for SB 1402, CS for SB 908, CS for SB 1754, CS for CS for SB's 1688, 792, 1334 and 2254, CS for SB 2068, CS for SB 1068, CS for SB 1018, CS for SB 948, SB 884, SB 2250, CS for CS for SB 496, CS for SB 1682, CS for SB 1420, CS for CS for SB 2060, SB 2416, SB 684, SB 676, SB 1186, CS for SB 718, CS for SB 1144, CS for SB 940, CS for SB 1860, SB 1158, CS for CS for SB 1824, CS for SB 1314, CS for SB 272, SB 528, CS for SB 104, CS for SB 842, CS for SB 750, CS for SB's 818, 1136 and 1242, CS for SB 1794, SB 1130, CS for SB 1148, CS for SB 250, SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134, SB 2136

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman,
Committee on Rules and Calendar

The Committee on Community Affairs recommends the following pass: SB 242, SB 2328

The bills were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health Care recommends the following pass: SB 2388

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Judiciary recommends the following pass: SB 1906 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 946 with 1 amendment

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2182 with 1 amendment, SB 2430 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1634 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1806 with 1 amendment, SB 2346 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2330

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for HB 105

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Ways and Means recommends the following pass: CS for CS for SB's 1566 and 114

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2156 with 8 amendments

The Committee on Community Affairs recommends the following pass: CS for SB 524, SJR 1236

The Committee on Governmental Reform and Oversight recommends the following pass: CS for HB 69, SB 12 with 1 amendment, SB 1244 with 1 amendment, CS for SB 1532 with 1 amendment, CS for SB 1594, SB 1648, CS for SB 2038 with 2 amendments

The Committee on Health Care recommends the following pass: SB 1364

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 560 with 1 amendment, SB 840 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1484 with 1 amendment

The Committee on Community Affairs recommends the following pass: CS for SB 1970 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 400 with 1 amendment, SB 1576 with 2 amendments, SB 1668

The Committee on Governmental Reform and Oversight recommends the following pass: SB 790, SB 1292 with 1 amendment, CS for SB 1500

The Committee on Health Care recommends the following pass: SB 1982 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1830 with 1 amendment

The Committee on Ways and Means recommends the following pass: CS for SB 134, SB 648, CS for SB 918, SB 1038, SB 1116, SB 1118, SB 1120, SB 1122, SB 1124, CS for SB 1144 with 3 amendments, SB 1462, CS for SB 1754 with 1 amendment, CS for SB 1956, SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134, SB 2136, SB 2416

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SJR 1378

The bill was laid on the table.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1650

The Committee on Health Care recommends a committee substitute for the following: SB 1792

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 2070

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 20

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 336 and CS for SB's 1216 and 2024

The bills with committee substitute attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1416

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2436

The Committee on Education recommends committee substitutes for the following: Senate Bills 1538, 1444, 1702 and 2014, SB 1994

The Committee on Health Care recommends a committee substitute for the following: SB 2444

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2450

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 890

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 1398, SB 2458

The Committee on Regulated Industries recommends committee substitutes for the following: SB 200, SB 616

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1226

The bill with committee substitute attached was referred to the Committee on Natural Resources under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1964 and 1742

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 1428, 1388, 1562 and 1252

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Regulated Industries under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1412

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 548

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1232

The Committee on Education recommends a committee substitute for the following: SB 2228

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 768, CS for SB 2142

The Committee on Health Care recommends committee substitutes for the following: SB 274, CS for SB 2194

The Committee on Judiciary recommends a committee substitute for the following: CS for SB's 1566 and 114

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2390

The Committee on Transportation recommends committee substitutes for the following: SB 876, SB 1442, SB 2374

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1786

The Committee on Education recommends a committee substitute for the following: CS for SB 1020

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 2340

The Committee on Health Care recommends a committee substitute for the following: SB 2418

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1234

The Committee on Natural Resources recommends a committee substitute for the following: SB 564

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1422, SB 1646

The Committee on Transportation recommends a committee substitute for the following: SB 1564

The Committee on Ways and Means recommends committee substitutes for the following: SB 2, SB 44, CS for SB's 552, 1960 and 822, CS for SB 858, CS for SB 892, CS for SB's 1688, 792, 1334 and 2254, CS for SB 1824, CS for SB 2060, CS for SB 1548 and CS for SB 1434

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointment made by the Governing Board of the Southwest Florida Water Management Distict of E. D. Vergara as the Executive Director of the **Southwest Florida Water Management District**, to serve at the pleasure of the Board.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor to the **Environmental Regulation Commission** of Elizabeth Krant and Dick Batchelor for terms ending July 1, 1999 and Roy Rogers for a term ending July 1, 1997.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of John P. Harllee IV, Ronald C. Johnson and Sarah Ann Thompson as members of the **Governing Board, Southwest Florida Water Management District** for terms ending March 1, 2001; Reid B. Hughes, Otis A. Mason, J. Daniel Roach and William M. Segal as members of the **St. Johns River Water Management District** for terms ending March 1, 2001; John O. deLorge, John Robert Middlemas, Jr., Judy Byrne Riley and Charles W. Roberts as members of the **Governing Board, Northwest Florida Water Management District** for terms ending March 1, 2001; and John D. Carver, Jr., Suzanne Colson, Maceo Howell, Jr. and M. H. Waring as members of the **Governing Board, Suwannee River Water Management District** for terms ending March 1, 2001.

[The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2522 and **2524**—Not referenced.

By Senator Jones—

SB 2526—A bill to be entitled An act relating to Monroe County; creating the "Islamorada, Village of Islands"; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the village a transitional schedule

and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and Islamorada, Village of Islands; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2528—Not referenced.

By Senators Burt and Bankhead—

SB 2530—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2532 and **2534**—Not referenced.

By Senator Kirkpatrick—

SB 2536—A bill to be entitled An act relating to Rainbow Lake Estates, Marion and Levy Counties; amending chapter 69-1298, Laws of Florida; authorizing the levy and assessment of special assessments to fund municipal services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Rossin—

SB 2538—A bill to be entitled An act relating to Lee County; authorizing the annexation of certain unincorporated areas of the county into the corporate limits of the City of Fort Myers; providing area descriptions; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Meadows, Casas and Dyer—

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 20—A bill to be entitled An act relating to corrections; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 940.05, F.S.; requiring an offender to pay all court-ordered costs related to felony convictions prior to restoration of civil rights; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from giving credit for time served; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition; authorizing courts to impose such a condition if such a program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or more sentences that are eligible for conditional release supervision; providing an effective date.

By the Committee on Ways and Means; and Senators Scott and Williams—

CS for SB 44—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of "reseller"; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in

provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department's authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier's or importer's allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant's allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of "consumption, use, or storage by a trade or business" for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021, 336.025, F.S.; revising the distribution to counties of local option diesel fuel taxes; providing an additional distribution to counties with a qualified new retail station; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; amending ss. 336.021, 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain local option fuel taxes; providing effective dates.

By the Committee on Regulated Industries and Senator Campbell—

CS for SB 200—A bill to be entitled An act relating to condominiums; amending s. 718.116, F.S.; limiting the liability of a first mortgagee who acquires title to a condominium unit for unpaid assessments to 2 percent; providing for a mortgage lender to require that a borrower escrow an amount to be used to extinguish a lien for an unpaid condominium assessment; providing for application of the act; providing an effective date.

By the Committee on Health Care and Senators Grant, Campbell, Forman, Latvala, Dantzler, Myers and Kurth—

CS for SB 274—A bill to be entitled An act relating to health insurance; providing a short title; providing application; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; providing a definition; providing rulemaking authority; authorizing an insurer to establish certain compliance functions; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senators Casas, Silver, Gutman, Childers, Diaz-Balart, Grant, Turner and Bronson—

CS for CS for SB 336 and CS for SB's 1216 and 2024—A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises, contingent upon certain conditions being met; amending s. 561.025, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; amending s. 561.121, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; providing for a portion of funds from the excise taxes on alcoholic beverages to be transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; amending s. 561.501, F.S.; providing for a surcharge on cider; creating s. 561.5101, F.S.; requiring all malt beverages to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney's fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing exceptions; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

By the Committees on Community Affairs; Governmental Reform and Oversight; and Senator Gutman—

CS for CS for SB 548—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit cities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senators Brown-Waite, Myers, Klein and Forman—

CS for CS for SB's 552, 1960 and 822—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; renaming certain divisions in the Department of Health; creating the Division of Local Health Planning, Education, and Workforce Development; amending ss. 20.19, 39.4031, 39.4032, 39.408, 119.07, 154.067, 232.50, 395.1023, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, F.S.; conforming provisions to the changes made by the act; amending s. 110.131, F.S.; conforming provisions to changes made by the act; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending s. 216.0172, F.S.; requiring the department to implement performance-based budgeting by a specified date; amending ss. 216.341, 232.032, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0406, 381.04065, 392.52, 392.565, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete provisions; creating a committee to advise the Department of Health concerning medical care for children; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; creating s. 381.0021, F.S.; authorizing the Department of Health to establish Client Welfare Accounts; providing for the deposit of funds; providng for use of the funds; amending s. 381.0055, F.S.; deleting a provision relating to

confidentiality of certain quality assurance information; amending s. 381.0062, F.S.; revising definitions; revising certain supervisory duties of the department; revising fees; revising requirements to obtain certain exemptions; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.14, F.S.; conforming the membership of the Infant Screening Advisory Council; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; deleting requirement for an annual diabetes state plan; amending s. 391.051, F.S.; revising the qualifications and designation of the director of Children's Medical Services; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S., relating to regulation of tanning facilities; amending s. 404.031, F.S.; revising a definition; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; modifying local health planning council staffing requirements; requiring the transfer of specified funds; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; expanding family planning services provided under the Medicaid program; amending s. 409.908, F.S.; authorizing a county health department to be reimbursed for certain Medicaid compensable services; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the WAGES board; creating s. 414.391, F.S.; requiring development of an automated fingerprint imaging program for public assistance applicants and recipients by the Department of Children and Family Services, in conjunction with the Department of Labor and Employment Security; providing for rules relating to use of information; requiring a plan for implementation; providing for pilot implementation and evaluation; providing priority for use of funds from reducing fraud to expand the program; authorizing request for federal waivers; creating s. 414.392, F.S.; requiring applicants for public assistance to provide an automated fingerprint image before receiving any benefits; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising eligibility requirements for septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting developmental services and public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; revising and expanding provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; amending ss. 945.602, 945.603, 945.6031, 945.6032, F.S.; conforming provisions to the changes made by the act; transferring certain powers, duties, functions, and assets of the Agency for Health Care Administration with respect to rural health networks and local health councils to the Department of Health; transferring certain powers, duties, functions, and assets of the Correctional Medical Authority to the Department of Health; providing for the continued effect of rules; providing for continuation of judicial and administrative proceedings; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 564—A bill to be entitled An act relating to Environmental Resource Protection; creating s. 11.80, F.S.; creating the Joint Legisla-

tive Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; amending s. 253.034, F.S.; providing for transportation uses of certain recreational trails; amending s. 259.032, F.S.; providing for land management audits; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; providing requirements for deposits and expenditures; requiring an annual status report; requiring quarterly distribution of trust fund expenditure information; amending s. 370.06, F.S.; authorizing the department to issue special activity licenses for aquacultural activities involving sturgeon; amending s. 370.092, F.S.; providing definitions; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of nets not approved by the Marine Fisheries Commission; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries Commission to adopt rules implementing the constitutional net ban; amending s. 370.14, F.S.; requiring imported shipments of crawfish to be made available for inspection by the department; requiring that weight receipts be sent to a Florida Marine Patrol Office; revising permitholder report requirements; creating s. 370.1405, F.S.; requiring crawfish reports by dealers during closed season; providing penalties for violation; providing for a baitfish pilot program; providing requirements; providing effective dates.

By the Committee on Regulated Industries and Senator Ostalkiewicz—

CS for SB 616—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing a defense for enforcement actions in specified circumstances; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Williams, Kirkpatrick and Bronson—

CS for SB 768—A bill to be entitled An act relating to ecosystem management; creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0752, F.S.; authorizing ecosystem management agreements between the Department of Environmental Protection and regulated entities; providing conditions and requirements; providing for amendment or termination of such agreements; providing incentives; authorizing ecosystem management advisory teams; providing for binding and nonbinding ecosystem management agreements; requiring application procedures; requiring certain notice; providing that the agreements are subject to ss. 120.569 and 120.57, F.S.; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Sullivan, Cowin, Kirkpatrick and Dyer—

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

By the Committee on Transportation and Senators Forman and Harris—

CS for SB 876—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Sea Turtle license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 890—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; creating s. 394.490, F.S.; establishing guiding principles for the children's mental health system; creating s. 394.4905, F.S.; providing definitions; creating s. 394.491, F.S.; defining target populations for children's mental health services; creating s. 394.4915, F.S.; providing general performance outcomes for the children's mental health system; creating s. 394.492, F.S.; directing the Department of Children and Family Services and the Agency for Health Care Administration to establish an information and referral process; providing requirements; creating s. 394.4925, F.S.; directing the department, the agency, the Department of Health, the Department of Education, and the Department of Juvenile Justice to establish uniform standards and protocols for screening, assessment, and diagnosis; creating s. 394.493, F.S.; providing for uniform assessment services in the districts of the department; creating s. 394.4935, F.S.; providing for district children's mental health services planning teams; creating s. 394.494, F.S.; specifying requirements for services plans and case management; providing an administrative penalty; creating s. 394.4945, F.S.; directing the department to establish the children's mental health system of care; providing minimum programs and services; creating s. 394.495, F.S.; providing definitions; establishing a children's mental health provider qualification process; providing for market rate reimbursement and a purchase-of-services system; creating s. 394.496, F.S.; providing for Children's Mental Health Partnership Grants; creating s. 394.497, F.S.; authorizing department and agency contracts for services; requiring an annual report; creating s. 394.499, F.S.; providing for rules and related policy; authorizing application for federal waivers; amending s. 411.203, F.S.; providing for training for parents and caregivers; amending s. 411.204, F.S.; conforming a cross-reference; requiring that a pilot project be implemented in District 5 upon approval by specified boards; requiring that the pilot program expire on June 30, 1999, unless reenacted by the Legislature; requiring an evaluation by the Office of Program Policy Analysis and Government Accountability; requiring an interim report and final report to the Legislature; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, and 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits for District 5 only; providing effective dates.

By the Committees on Ways and Means; Judiciary; and Senators Dudley, Grant, Horne, Campbell, Burt and Rossin—

CS for CS for SB 892—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; directing the Office of Program Policy Analysis and Governmental Accountability to study the trial court system; providing for a report to the Legislature; providing for expiration of the commission; providing effective dates.

By the Committees on Education, Criminal Justice and Senator Brown-Waite—

CS for CS for SB 1020—A bill to be entitled An act relating to juvenile sex offenders; amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing an effective date.

By the Committee on Community Affairs and Senator Gutman—

CS for SB 1226—A bill to be entitled An act relating to the Miami River Commission; creating the Miami River Commission; providing definitions; providing for membership of the commission; providing for travel and per diem expenses for members of the commission; requiring the commission to conduct a review of all issues related to the Miami River and report to the Legislature by a specified date; authorizing the commission to exercise certain powers in carrying out its duties; authorizing the commission to accept federal aid and other funds; providing for repeal of the act; providing for funding the commission; providing an effective date.

By the Committee on Criminal Justice and Senators Brown-Waite and Kurth—

CS for SB 1232—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.045, F.S.; requiring the Department of Juvenile Justice to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing penalties; amending s. 39.0571, F.S.; requiring the Department of Juvenile Justice to conduct inspections of offender commitment programs operated by the department based on standards developed for these types of programs; authorizing a county juvenile justice council or a district juvenile justice board or a state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General to award grants to a sexual abuse intervention network under certain circumstances; delineating procedures for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing for implementation; amending s. 39.411, F.S.; requiring the Department of Children and Family Services to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing penalties; amending s. 490.012, F.S., relating to violations, penalties, and injunction; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; providing for qualifications for licensure under ch. 490, F.S., as a juvenile sexual offender therapist; amending s. 491.012, F.S.; defining the offense of unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; defining the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 491.0144, F.S.; providing for qualifications for licensure of a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating s. 943.17291, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate certain instruction into certain law enforcement officer course curriculum; creating s. 943.17295, F.S.; requiring the commission to incorporate certain subjects into certain law enforcement officer continuous employment or appointment curricula; providing effective dates.

By the Committees on Judiciary, Regulated Industries and Senator Dudley—

CS for CS for SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.112, 719.106, F.S.; revising procedures relating to written complaints by unit owners; closing certain meetings of condominiums boards and committees to unit owners; amending s. 718.1255, F.S.; redefining the term "dispute"; adding mediation to the dispute resolution process; revising the arbitration process; amending s. 718.116, F.S.; providing for payment of common expenses resulting from certain catastrophic events; amending ss. 718.501, 719.501, F.S.; providing rulemaking authority for penalties; providing for the certification of mediators; amending s. 718.616, F.S.; requiring acknowledgment of compliance with applicable zoning requirements; providing an effective date.

By the Committee on Health Care and Senators Cowin, Brown-Waite, Williams, Clary, Lee, Horne, Bronson, Ostalkiewicz, Grant, Casas, Diaz-Balart, Dudley, Harris and McKay—

CS for SB 1398—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 1412—A bill to be entitled An act relating to lands acquired for conservation and recreation; creating s. 125.564, F.S.; providing a limitation on liability for counties purchasing certain lands for certain purposes; amending s. 253.034, F.S.; providing responsibilities for the Land Acquisition and Management Advisory Council; providing for transportation uses of trails purchased with certain funds; providing that the beneficial use of state lands may include accommodation of linear service facilities; amending s. 259.032, F.S.; providing for lands to be used for water resource and water supply purposes under specified conditions; encouraging state agencies to contract for land management planning and land management services in certain circumstances; providing for land management plan review by the Land Acquisition and Management Advisory Council; providing for the establishment of a land management review team; specifying its membership and duties; providing for a report to the Board of Trustees of the Internal Improvement Trust Fund; requiring land managing agencies to determine the projected 5-year management costs of currently owned lands and report the costs to the Department of Environmental Protection; specifying the contents of the reports; requiring that state lands be managed for multiple uses where appropriate; directing that the Department of Environmental Protection may distribute only 75 percent of the allotted amount of Preservation 2000 funds to any land managing budget entity that has not timely submitted its required land management plans; deleting obsolete provisions; revising the amount of funding to be available for management, maintenance, and capital improvements on certain lands; providing for the distribution of unused funds appropriated for payments in lieu of taxes for land management activities on certain lands; revising provisions that authorize certain political subdivisions to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund; limiting such payments to 10 consecutive years; amending s. 259.035, F.S.; creating the Land Acquisition and Management Advisory Council; providing its duties in the review of land management plans and recommendations; amending s. 259.101, F.S.; revising the acquisition criteria for P-2000 purchases; providing legislative intent; requiring a study; providing for funding; authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit any public or private use of lands acquired with Preservation 2000 funds if the use is compatible or will not interfere with the purposes for which the lands were acquired; providing for preexisting leases, easements, and licenses not to be considered as incompatible uses; amending s. 373.59, F.S.; deleting obsolete provisions and a limitation on the use of funds in the Water Management Lands Trust Fund for management, maintenance, and capital improvements; deleting provisions limiting expenditures for management, maintenance, and capital improvements; providing for lands to be used for water resource and water supply

purposes under specified circumstances; requiring each water management district to determine the projected 5-year management costs for currently owned lands and report the costs to the Department of Environmental Protection; specifying the content of the report; requiring each district to submit a management and restoration prospectus for each new land acquisition to the department; specifying its content; requiring the preparation of 5-year management plans for new acquisitions; authorizing water management districts to enter into land management agreements; requiring lands to be managed for multiple uses where appropriate; requiring that water management districts provide liability protection and worker's compensation benefits to volunteers; revising provisions that authorize certain counties to receive payments in lieu of taxes from the Water Management Lands Trust Fund; requiring water management districts to require appraisals in specified circumstances; amending s. 704.06, F.S.; confirming the right of an owner of land or a conservation easement to negotiate for the construction of linear facilities; barring s. 704.06, F.S., from prohibiting the use of eminent domain; directing courts to consider specified public benefits in determining the lands to be taken and the price paid; repealing s. 253.022, F.S., which creates the Land Management Advisory Council; providing an effective date.

By the Committee on Community Affairs and Senators Williams, Thomas and Kirkpatrick—

CS for SB 1416—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that provide for small-scale amendment thresholds to allow Duval County 120 acres, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and Water Management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending ss. 259.032, 373.59, F.S.; amending a requirement that small counties levy a specified millage or suffer a specified percentage of tax loss in order to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the Florida Preservation 2000 Program; revising the period during which payments in lieu of taxes are to be made; amending s. 403.7095, F.S.; revising the population limitation for purposes of provisions which authorize annual solid waste and recycling grants to small counties and deleting the expiration date for such grants; amending s. 212.055, F.S.; providing the expiration date for small county indigent care surtax; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining the terms "rural county" and "rural city"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

CS for SB 1422—A bill to be entitled An act relating to the regulation of professions; amending s. 468.453, F.S.; exempting members of The Florida Bar from regulations imposed on athlete agents; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

By the Committee on Natural Resources and Senators Latvala, Dyer, Bronson and Cowin—

CS for SB's 1428, 1388, 1562 and 1252—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining the terms "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development"; amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.1963, F.S.; providing for assistance to the West Coast Regional Water Supply Authority; providing duties and functions; providing for membership of the authority; amending s. 373.042, F.S.; establishing exclusions from minimum flows and levels requirements; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross-reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and adver-

tisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing that minimum flows shall not be set for certain water bodies; amending s. 376.307, F.S.; providing that certain persons may be entitled to subsidies or filters from the Water Quality Assurance Trust Fund under certain circumstances; amending s. 373.309, F.S.; authorizing the Department of Environmental Protection to establish criteria for the acceptance of certain water quality testing results; providing legislative findings with respect to the salaries of water management district employees and other state employees; creating Water Management District Employee Compensation Study Commission; providing for membership of the commission; requiring a report; authorizing transportation uses to cross recreational trail under certain circumstances; amending s. 259.032, F.S.; providing for periodic management audits of certain lands; requiring the Department of Environmental Protection to establish a land management review team; providing effective dates.

By the Committee on Transportation and Senator Forman—

CS for SB 1442—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Companion Animal license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

By the Committee on Education and Senators Kirkpatrick and Grant—

CS for SB's 1538, 1444, 1702 and 2014—A bill to be entitled An act relating to distance learning; authorizing the free-market use of distance learning by state universities and community colleges to expand access to postsecondary education and to create economic development opportunities; authorizing alternatives to traditional courses and school terms; defining distance learning; providing for the creation of a joint distance learning advisory body by the Board of Regents and the State Board of Community Colleges; providing for the inclusion of distance learning courses within state funded university and community college enrollments; providing for a cost center approach for nonstate-funded programs, courses, or degrees offered through distance learning; providing for the enrollment of students; providing for equal academic standing; prohibiting fee waivers and space available access for distance learning courses or programs; requiring the student advisement system provided in s. 240.2099, F.S., to be the primary advising and tracking device for distance learning students; providing for on-site advising, testing, and academic meetings; providing for state universities and community colleges to develop and offer distance learning products and services; providing for the availability of certain licensed products and services; providing duties for the Florida Distance Learning Network; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne, Dyer and Clary—

CS for CS for SB 1548 and CS for SB 1434—A bill to be entitled An act relating to educational facilities and funding; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities by district school boards, community college boards of trustees, and state universities; requiring validation by the Department of Education; amending s. 235.26, F.S.; specifying requirements of the State Uniform Building Code for Public Educational Facilities with regard to new school construction; amending s. 235.435, F.S.; providing criteria for recommending funding from the Special Facility Construction Account; exempting district school boards from local landscape ordinances; restricting the use of funds from the Public Education Capital Outlay Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund for certain new construction; specifying duties of the Department of Education; authorizing a 1-year public-private partnership for the construction of public schools; providing for the allocation of available funds from the Public Education Capital Outlay and Debt Service Trust Fund to the school districts of Bay County, Palm Beach County, and Dade County; providing for distribution and use of funds; specifying duties of the Commissioner of Education; requiring the remittance of certain excess allocations; amending s. 236.25, F.S., relating to district school tax; raising the maximum millage a school district may levy for capital outlay purposes; authorizing the use of additional funds for certain lease-purchase agreements by school districts with high student growth; defining high student growth and providing for calculation; providing an expenditure requirement; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; providing an exception to the expenditure restrictions; creating the Florida School Construction Commission to maintain oversight of public school construction; providing membership; providing duties; requiring school boards to provide information on construction projects to the commission for review; providing an exception; authorizing district school boards to pledge certain lottery moneys for the construction of neighborhood lottery schools; providing for notice and hearing; providing for issuing bonds; prescribing standards for neighborhood lottery schools; prescribing duties of the Division of Bond Finance and the Department of Education; amending s. 236.39, F.S.; providing an exemption from requirements for an election; requiring the Department of Education to recommend certain incentives; prospectively repealing s. 236.25(2) and (5), F.S., relating to school districts' tax for capital outlay; requiring prior legislative review; providing an effective date.

By the Committee on Transportation and Senator Silver—

CS for SB 1564—A bill to be entitled An act relating to student safety; directing the Commissioner of Education to appoint a task force to make recommendations related to safety in the school environment; providing for membership; requiring recommendations by January 1, 1998, regarding random drug-testing and measures to provide drug-free and weapon-free schools; amending s. 322.05, F.S.; providing additional driver's license requirements for persons under 18 years of age; providing for rules; amending s. 322.056, F.S.; providing for revocation of driver's license until at least age 18 for a violation of ch. 893, F.S.; providing an effective date.

By the Committees on Judiciary, Criminal Justice and Senators Burt and Williams—

CS for CS for SB's 1566 and 114—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; providing for employment of law school graduates; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705,

F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Joint Legislative Management Committee; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Joint Legislative Management Committee to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing a transition period; authorizing the Governor to appoint interim and regional counsel by specified dates; authorizing attorneys to continue representation of clients during the transitional period; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Ostalkiewicz—

CS for SB 1650—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete provisions; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross-reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, 747.051, F.S.; revising certain forms; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne, Diaz-Balart, McKay and Kirkpatrick—

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

By the Committee on Community Affairs and Senator Campbell—

CS for SB 1786—A bill to be entitled An act relating to homeowners' associations; amending s. 617.305, F.S.; providing a procedure for members to file a written complaint by certified mail with the association with respect to alleged violations of statutes or governing documents; providing for damages; providing an effective date.

By the Committee on Health Care and Senator Casas—

CS for SB 1792—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; revising the definition of the term "pharmacy"; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the

influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substance, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Thomas—

CS for CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; authorizing local agency employers to reassess designation of positions for inclusion in the Senior Management Service Class; providing for removal of certain positions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; providing certain reemployment exceptions for year 2000 computer problems; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service; providing an appropriation; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer's payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional participation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

By the Committee on Criminal Justice and Senators Lee and Silver—

CS for SB's 1964 and 1742—A bill to be entitled An act relating to tobacco products; amending s. 20.165, F.S.; authorizing employees of the Division of Alcoholic Beverages and Tobacco who are certified as law enforcement officers to investigate, enforce, and prosecute certain violations relating to tobacco products; redesignating chapter 569, F.S., as "Tobacco Products"; amending and renumbering s. 859.06, F.S., to clarify language; providing increased penalty for a second or subsequent violation for illegally selling or giving tobacco products to certain persons; amending s. 569.002, F.S.; revising the definition of "tobacco products"; revising definition provisions to exclude certain classes of persons from definition of "under age 18"; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to knowingly possess any tobacco product or to misrepresent age or military service to acquire or purchase any tobacco product; providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for jurisdiction and enforcement and local tobacco-product enforcement officers; providing for enforcement by correctional probation officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, 569.006, F.S.; clarifying provisions; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify provisions; providing for instructional material; providing for the use of electronic or automated systems to identify whether a person is of legal age to purchase tobacco products; providing penalties; amending s. 569.007, F.S.; providing restrictions on the sale or delivery of tobacco products; providing exceptions; creating s. 569.0075, F.S.; prohibiting the gift of sample tobacco products to persons under the age of 18; providing for penalties; amending s. 569.008, F.S.; requiring tobacco products dealers to exercise diligent management and supervision in the management and supervision of their premises and in supervision and training of their employees, agents, or servants; conforming and clarifying provisions relating to responsible tobacco-product dealers; amending s. 569.009, F.S.; conforming and clarifying provisions relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, drivers' licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; providing a suspended or revoked driver's license as a result of violation, shall not result in increased automobile insurance premiums or in assessment of points against person's driving record; creating s. 569.19, F.S.; providing for an annual report; requiring notification to licensees and permittees of the provisions included in this act; providing an appropriation; providing effective dates.

By the Committee on Education and Senator Holzendorf—

CS for SB 1994—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

By the Committees on Ways and Means; Transportation; and Senator Hargrett—

CS for CS for SB 2060—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; providing responsibilities for the Fort Myers Urban Office; amending s. 206.46, F.S.; authorizing the department to use State Transportation Trust Fund moneys to pay for the operation and maintenance of existing or future department-owned toll facilities and reimburse the trust fund from turnpike revenues; amending s. 311.07, F.S.; providing funding eligibility for certain seaport inter-

modal projects; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing petroleum tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising provisions with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; deleting an axle restriction for straight trucks; amending s. 320.20, F.S.; providing additional funding for the Florida Seaport Transportation and Economic Development Program; providing how such funds may be spent; providing a specific appropriation; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising provisions with respect to governmental transportation entities; creating s. 334.351, F.S., relating to youth work experience program within the Department of Transportation; providing for the awarding of program contracts; amending s. 335.0415; providing responsibility for operation and maintenance within the right-of-way of public roads; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed; authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising provisions with respect to aid and contributions by governmental entities for department projects; amending ss. 339.135, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; specifying deadlines and content; revising the membership of certain metropolitan planning organizations; amending s. 348.0003, F.S.; revising the membership of certain expressway authorities; amending s. 348.0004, F.S.; revising provisions with respect to the type of facilities under the jurisdiction of certain expressway authorities; creating s. 348.565, F.S.; authorizing financing and refinancing of Tampa-Hillsborough County Expressway System projects; amending s. 348.754, F.S.; providing for additional powers of the Orlando-Orange County Expressway Authority in certain counties; providing for the creation of a working group; providing responsibilities for the working group related to requisition of transportation disadvantaged services; freezing rulemaking authority of the Florida Transportation Disadvantaged Commission; authorizing emergency rulemaking; amending s. 479.261, F.S.; revising provisions with respect to the logo-sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; repealing s. 334.35, F.S., relating to the Florida Youth Conservation Corps; providing an effective date.

By the Committee on Transportation and Senators Gutman, Meadows, Holzendorf, Jones and Forman—

CS for SB 2070—A bill to be entitled An act relating to regulation of wreckers and immobilization devices; amending s. 125.0103, F.S.; authorizing local governments to regulate immobilization fees; amending s. 166.043, F.S.; authorizing local governments to regulate immobilization fees; amending s. 713.78, F.S.; providing that a lien may not be claimed for the payment of fees related to immobilization; amending s. 715.07, F.S.; defining a vehicle boot; providing regulations for the immobilization of vehicles; prohibiting vehicle entry for the purpose of immobilization; providing an effective date.

By the Committees on Governmental Reform and Oversight; Health Care; and Senator Forman—

CS for CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 393.063, 393.0657, 394.4787, 394.67, 394.875, 394.876, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.497, 400.506, 400.509, 400.512, 400.555, 400.606, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing

appropriations from the Health Care Trust Fund; providing effective dates.

By the Committees on Health Care, Education and Senator Horne—

CS for CS for SB 2194—A bill to be entitled An act relating to Medicaid; amending s. 236.0812, F.S.; revising the school-based services that are eligible for Medicaid funds under the certified school match program; excluding certain services from the program; deleting certain requirements with respect to the deposit and allocation of federal Medicaid funds; limiting funds used for billing agent consulting services; amending s. 409.9071, F.S.; requiring the Agency for Health Care Administration to obtain certain federal authorization; revising requirements for school districts that receive Medicaid reimbursements under the program; requiring the Agency for Health Care Administration to review a school district before it enrolls in the program; requiring the agency to develop a reimbursement schedule; authorizing the agency to seek retroactive federal reimbursement for certain services; amending s. 409.908, F.S.; revising requirements for the Agency for Health Care Administration in reimbursing school districts for services provided under the program; amending s. 409.9122, F.S.; providing requirements for managed-care plans with respect to executing agreements with school districts and county health departments; requiring the Agency for Health Care Administration and the Department of Education to develop certain procedures for providing services under the certified school match program; amending s. 409.9126, F.S., relating to the Children's Medical Services network; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education and Senator Lee—

CS for SB 2228—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; providing for the accessibility of such activities to home education students; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Holzendorf—

CS for SB 2340—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 2374—A bill to be entitled An act relating to the transportation disadvantaged; creating s. 427.0121, F.S.; providing for the creation of a working group; providing responsibilities for the working group; amending s. 427.013, F.S.; deleting the rulemaking authority of the Commission for the Transportation Disadvantaged; authorizing emergency rulemaking authority; deleting certain duties; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

CS for SB 2390—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 2418—A bill to be entitled An act relating to drug safety; requiring the Board of Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; requiring the Board of Osteopathic Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; providing an effective date.

By the Committee on Community Affairs and Senator Dyer—

CS for SB 2436—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; revising provisions relating to implementation of the State Housing Strategy; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0006, F.S.; directing the Secretary of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation; specifying its status as a public corporation; revising membership of its board of directors; providing liability of members; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing powers of the corporation; amending s. 420.508, F.S.; revising requirements relating to security for loans and bonds; establishing the Florida Housing Corporation Fund; amending s. 420.5087, F.S.; renaming and revising the status of the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming and revising the status of the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming and revising the status of the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091 and 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of the low-income housing tax credit; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a business plan and a strategic plan and make annual reports and providing for submission of an audit with the annual report; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending ss. 420.514 and 420.523, F.S.; conforming terminology; creating s. 420.517, F.S.; providing for affordable housing and job training coordination; amending s. 420.525, F.S.; renaming and revising the status of the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, and 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; defining terms; amending s. 420.606, F.S.; providing for training and technical assistance; amending s. 420.9071, F.S.; defining terms for the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiative Partnership Program; amending s. 420.9073, F.S.; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance plans; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078 and 420.9079, F.S.; providing for the administration of and distribution from the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; amending s. 285.11, F.S.; authorizing leases entered into with a Florida Indian for housing development and residential purposes to be for a term not to exceed 50 years; amending ss. 239.505 and 381.0081, F.S.; conforming terminology; pro-

viding for transition; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 2444—A bill to be entitled An act relating to confidentiality of provisions relating to health quality assurance; providing exemptions from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution for any notification of an adverse incident which is made to the Agency for Health Care Administration by a hospital or ambulatory surgical center and for the results of background screening of direct-care employees of assisted-living facilities and adult day care centers and of applicants for licensure to operate certain specified health care facilities; providing the public necessity justifying these exemptions; providing a contingent effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 2450—A bill to be entitled An act relating to regulation of professions; amending s. 177.031, F.S.; revising and providing definitions relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper prior to approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, and 287.055, F.S.; conforming references; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 458.347, F.S.; providing qualifications for certain applicants for specified physician assistants; amending s. 455.225, F.S.; authorizing the Department of Business and Professional Regulation to issue a notice of noncompliance for an initial offense of a minor violation when the board has failed to designate such minor violation by rule; amending s. 468.385, F.S.; revising provisions relating to the written examination required to be licensed as an auctioneer; amending s. 468.386, F.S., relating to fees applicable to regulation of auctioneers; eliminating reference to the examination fee; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action to include reference to property belonging to another; providing penalties; reenacting s. 468.391, F.S., relating to a criminal penalty, to incorporate the amendment to s. 468.389, F.S., in a reference thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in a reference thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; amending s. 468.432, F.S.; authorizing the department to adopt rules relating to licensure and disciplinary requirements applicable to community association management; amending s. 468.542, F.S.; providing definitions for classes of water and wastewater operators; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; amending ss. 468.547 and 468.548, F.S., relating to fees and requirements for licensure; eliminating or revising references to examination and reexamination; amending s. 468.607, F.S.; providing that the Department of Business and Professional Regulation shall be the issuing body for a certificate to practice as a building code administrator, plans examiner, or building code inspector; amending s. 468.609, F.S.; revising requirements for certification as a building code administrator, plans examiner, or building code inspector; amending s. 468.617, F.S.; providing that local governments may employ or authorize persons certified or exempt from such regulation to perform inspections on a contract basis; amending s. 468.621, F.S.; revising prohibitions; providing disciplinary actions; amending s. 468.629, F.S.; revising disciplinary grounds; providing penalties; amending s. 469.001, F.S.; revising and providing definitions relating to asbestos abatement; amending s. 469.002, F.S.; revising an exemption relating to asbestos-related activities by governmental employees; amending s. 469.004, F.S.; exempting asbestos consultants from licensure under certain circumstances relating to the moving, removal, or disposal of asbestos-containing roofing materials; amending s. 469.005, F.S.; revising requirements for licensure as an asbestos consultant or asbestos contractor; amending s. 469.006, F.S.; eliminating reference to consultant or contractor seals, and requiring a signature instead; amending s. 469.013, F.S.; adding course requirements for management planners; repealing s. 469.015, F.S., relating to seals; amending s. 470.002, F.S.; revising the definition of "legally authorized person"; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; revising continuing education requirements for renewal of a funeral director or embalmer license or registration of a direct disposer; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities; providing for biennial renewal; providing fees; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; creating s. 471.024, F.S.; authorizing engineers to perform duties of building code inspectors; amending s. 473.306, F.S.; providing conditions under which the Board of Accountancy may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Council for purposes of maintaining proper educational qualifications for licensure of certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership to practice public accountancy in this state; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Council for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.2065, F.S., relating to fees applicable to regulation of veterinary medical practice; eliminating reference to examination and reexamination fees; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; correcting a cross reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; amending s. 475.125, F.S., relating

to fees applicable to regulation of real estate brokers, salespersons, and schools; eliminating reference to examination and reexamination fees; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a provision that requires the automatic cancellation of the registration of a real estate broker partnership upon the lapse in licensure or registration of any of its partners; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.175, F.S.; revising provisions relating to examinations; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; increasing the administrative fine; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), and 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; providing registration requirements for appraisers; amending s. 475.617, F.S.; clarifying continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for a restricted license to practice barbering; amending s. 476.192, F.S.; eliminating reference to examination and reexamination fees; amending s. 477.013, F.S.; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty shop; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; repealing s. 477.022, F.S., relating to examinations; amending s. 477.026, F.S.; eliminating reference to examination and reexamination fees; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; creating s. 481.2051, F.S.; authorizing architects to perform duties of building code inspectors; amending ss. 481.207, 481.209, and 481.213, F.S., relating to licensure as an architect or interior designer; revising provisions relating to fees and examinations; amending s. 489.103, F.S.; limiting the ordinances, rules, or regulations that a municipality or county may adopt with respect to the installation or maintenance of water conditioning units; providing an exemption from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under specified circumstances; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.109, F.S.; revising provisions relating to examination fees; amending s. 489.111, F.S.; revising provisions relating to licensure by examination; amending s. 489.113, F.S.; revising a provision relating to the certification examination; revising provisions that authorize persons who are not certified or registered to perform construction work under the supervision of a person who is certified or registered; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of temporary certification or registration of a business organization; amending s. 489.127, F.S.; revising and providing penalties applicable to violations of construction contracting provisions; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption relating to public utilities; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; amending s. 489.525, F.S.; changing the date for the Department of Business and Professional Regulation to inform local boards and building officials of the names of all certificateholders and the status of the certificates; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; amending s. 489.531, F.S.; revising and providing penalties applicable to violations of electrical and alarm system contracting provisions; reenacting s. 489.533(1)(a) and (2), F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 489.531, F.S., in a reference thereto; amending s. 489.537, F.S.; revising requirements relating to subcontracting alarm system contracting; amending ss. 489.539 and 553.19, F.S.; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.553, F.S.; revising qualifications for registration as a septic tank contractor or master septic tank contractor; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of

the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 553.06, F.S.; requiring the Board of Building Codes and Standards to adopt alternative standards for testing water treatment units under certain circumstances; amending s. 553.63, F.S., relating to trench excavations in excess of a specified depth; deleting a provision requiring contract bids to include certain items; repealing s. 553.64, F.S., relating to certain requirements for contract bids; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing effective dates.

By the Committee on Health Care and Senator Childers—

CS for SB 2458—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift; amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 68 and CS for SB 290 which became law without his signature on April 18, 1997.

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 97-131

(Executive Order of Suspension)

WHEREAS, Avant Brown is presently serving as a member of the County Commission of Glades County, Florida, and

WHEREAS, on April 11, 1997, the Honorable Bruce Colton, State Attorney for the Nineteenth Circuit of Florida, filed an information charging Avant Brown with violating sections 784.045(1)(b) and 787.02, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Glades County and the citizens of the State of Florida that Avant Brown be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of section 112.41, Florida Statutes, allege as follows:

A. Avant Brown is, and at all times material hereto was, a member of the County Commission of Glades County, Florida.

B. The office of County Commission member is within the purview of the suspension powers of the Governor, pursuant to Article IV, section VII, Florida Constitution and section 112.41, Florida Statutes.

C. The attached information alleges that Avant Brown committed acts in violation of the laws of the State of Florida, and this information is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached information, which constitutes commission of a felony and/or misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is hereby promulgated, effective immediately:

Section 1. Avant Brown is hereby suspended from the public office which he now holds, to wit: Member of the County Commission of Glades County, Florida.

Section 2. Avant Brown is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 15th day of April, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

[Referred to the Committee on Executive Business, Ethics and Elections.]

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Office and Appointment	*For Term Ending*
Investment Advisory Council	
Appointee: McBride, William H., Jr., Thonotosassa	12/12/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 9, CS for HB 87, CS for HB 95, CS for HB 181, CS for HB 417, CS for HB 487, HB 491, CS for HB 549, HB 685, CS for HB 787, HB 853, CS for HB 935, CS for HB 1001, HB 1059, CS for HB 1107, HB 1591; has passed as amended HB 395, CS for HB 523, CS for HB 1111, HB 1741, CS for HB 1775; has passed by the required Constitutional three-fifths vote of the membership HB 861, HB 863, HB 865, HB 867, HB 869, HB 1025 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Miller and others—

HB 9—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.732, F.S.; including motor vehicles used as public school transportation in the definition of "motor vehicle" for insurance purposes; amending s. 627.733, F.S.; providing an exemption from a requirement to maintain certain financial security; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Education.

By the Committee on Family Law and Children; and Representative Futch and others—

CS for HB 87—A bill to be entitled An act relating to injunctions and restraining orders for domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 741.30, F.S.; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Heyman and others—

CS for HB 95—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver's license records, to conform; increasing the fees for providing certain transcripts or searching for certain records; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Transportation; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Operations and Representative Greene and others—

CS for HB 181—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

(Substituted for **SB 174** on the Special Order Calendar this day.)

By the Committee on Crime and Punishment; and Representative Argenziano and others—

CS for HB 417—A bill to be entitled An act relating to sentencing; amending s. 921.0016, F.S.; providing that addiction, alcoholism, or substance abuse, or diminished capacity due to the influence of alcohol or controlled substances, shall not be the basis for mitigating a recommended guidelines sentence; reenacting s. 921.001(6), F.S., relating to Sentencing Commission and sentencing guidelines, generally, to incorporate a reference to said amendment; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Financial Services and Representative Dennis—

CS for HB 487—A bill to be entitled An act relating to premium finance companies; amending s. 627.828, F.S.; revising certain net worth requirements for applicants for a premium finance company license; providing for a surety bond under certain circumstances; requiring certain insurance coverage; providing criteria; providing penalties; authorizing the Department of Insurance to adopt rules; amending s. 627.8405, F.S.; specifying prohibited acts by a premium finance company; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Laurent and others—

HB 491—A bill to be entitled An act relating to citizen support organizations; amending s. 212.08, F.S.; clarifying a sales and use tax exemption for certain citizen support organizations; amending s. 370.0205, F.S.; providing for partnerships between the state and private entities for certain purposes; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Financial Services and Representative Ziebarth and others—

CS for HB 549—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term "motor vehicle" with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Constantine and others—

HB 685—A bill to be entitled An act relating to local government audits; amending s. 11.45, F.S.; requiring auditors to notify members of the governing body of a local governmental entity under certain circumstances; providing additional duties of the Auditor General under circumstances of potential financial emergency for a local governmental entity; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Juvenile Justice and Representative Putnam and others—

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an

employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Trovillion—

HB 853—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Civil Justice and Claims; and Representative Warner—

CS for HB 935—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Financial Services and Representative Bitner—

CS for HB 1001—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Fasano—

HB 1059—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Elder Affairs and Long Term Care; and Representative Dennis—

CS for HB 1107—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; providing definitions; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; amending s. 430.502, F.S.; providing for a memory disorder clinic at Orlando Regional Healthcare System, Inc.; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Representative Flanagan—

HB 1591—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising language with respect to inapplicability of ch. 493, F.S., to certain local, state, and federal officers; providing for inapplicability of the chapter to certain persons and firms conducting genealogical research; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising language with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

By Representative Sembler and others—

HB 395—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners;

providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By the Committee on Environmental Protection and Representative Mackey and others—

CS for HB 523—A bill to be entitled An act relating to ecosystem management; creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0751, F.S.; providing definitions; creating s. 403.0752, F.S.; authorizing ecosystem management agreements between the Department of Environmental Protection, or other specified state regulatory agencies, and regulated entities; providing conditions and requirements; providing for amendment or termination; providing incentives; authorizing ecosystem management advisory teams; providing that an ecosystem management agreement may be treated as a final agency action and constitute satisfaction of the variance or waiver under ch. 120, F.S.; requiring certain notice; providing that no rules will be required to implement the act; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Family Law and Children; and Representative Lynn and others—

CS for HB 1111—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Community Affairs and Representative Gay and others—

HB 1741—A bill to be entitled An act relating to firesafety; creating the Independent Special Fire Control District Act; prescribing uniform criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for conformance by existing districts; authorizing certain exceptions; providing for officers of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing requirements and procedures for issuance of bonds; providing for referenda; providing for organization of county fire chiefs; providing requirements for creation, expansion, and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; providing notwithstanding the provisions of this paragraph, certified EMS providers or paramedics may provide response and treatment at the scene of emergencies and transport to patients in performance of their duties as an emergency medical services provider licensed under chapter 401 and in accordance with any local emergency medical response protocols; requiring existing fire control districts to submit draft codified charters to the Legislature for codification; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Environmental Protection and Representative Constantine and others—

CS for HB 1775—A bill to be entitled An act relating to oversight and accountability of the South Florida Water Management District; creating s. 11.80, F.S.; creating the Joint Legislative Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; requiring an annual status report; amending s. 338.26, F.S., relating to Alligator Alley toll road; providing for deposit of certain funds in the Everglades Trust Fund; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; requiring quarterly distribution of trust fund expenditure information; providing for a postaudit; providing requirements for deposits and expenditures; requiring annual reporting; providing effective dates.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By the Committee on Health Care Services and Representative Albright—

HB 861—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(e) and (2), F.S., relating to trust funds of the Department of Health; creating the Social Services Block Grant Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Services and Representative Albright—

HB 863—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Operations and Maintenance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Services and Representative Albright—

HB 865—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(b) and (2), F.S., relating to trust funds of the Department of Health; creating the Federal Grants Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Services and Representative Albright—

HB 867—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(c) and (2), F.S., relating to trust funds of the Department of Health; creating the Grants and Donations Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Services and Representative Albright—

HB 869—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(a) and (2), F.S., relating to trust funds of the Department of Health; creating the Administrative Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

HB 1025—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Medical Quality Assurance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 82, CS for SB 288, CS for SB 300, SB 358, CS for SB 956, SB 1086 and CS for SB 1238.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

CS for SB 788 and SB 1104 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 21, 1997.

SB 52, SB 198, CS for SB 360, SB 406 and CS for CS for SB 1154 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 22, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 17 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—CS for SB 544 and CS for SB 1904; Clary—SB 500, CS for SJR 642; Crist—CS for SB 544 and CS for SB 1904; Dyer—CS for SB 894; Holzendorf—SB 2492; Jones—SJR 184; Myers—SB 2252; SB 2296

Senator Holzendorf withdrew as a co-sponsor of SB 272; and Senator Williams withdrew as a co-sponsor of SB 1820.

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:25 p.m. to reconvene at 1:30 p.m., Friday, April 25.

SENATE PAGES

April 21-25

Blake Fleming Bailey, Tallahassee; Paul Berry, Merritt Island; Karina Blanco, Miami; Colleen Campbell, Coral Springs; Matthew Crawford, Cocoa; Alexa Fournier, Tallahassee; Michelle Gotha, Coral Springs; Ashley Brooke Herrald, Tallahassee; Patrick Hurley, Tallahassee; David Ivarson, Tallahassee; Stephanie Keiber, Sebring; Erin Lamonica, Tallahassee; Leala Lebanoff, Winter Haven; Omar Miller, Tallahassee; Katie Mullins, Milton; Shiva Parker, Sebastian; Dan Smith, Tallahassee; Elizabeth Wester, Tallahassee

Journal of the Senate

Number 18—Regular Session **Friday, April 25, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 1:30 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senator Sullivan periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, please bless these Senators and the decisions they make today.

In your Holy Name, Amen.

PLEDGE

Senate Pages, David Ivarson and Dan Smith of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

David Ivarson was named Male Athlete of the Year by the National Association of Christian Athletes. As a basketball player, he scored over 2,000 career points and had 1,000 career rebounds. He is the son of Senate employee Lori Ivarson. Dan Smith was nominated to an All American Basketball Team. He scored over 20 points per game.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 1994** was withdrawn from the Committee on Rules and Calendar; and **CS for SB 860** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley, by two-thirds vote **SB 12**, **CS for SB 38**, **CS for SB 318**, **SB 408**, **CS for CS for SB 548**, **SB 654**, **SB 730**, **CS for SB 768**, **CS for SB 806**, **CS for SB 860**, **SB 1044**, **CS for SB 1056**, **CS for SB 1232**, **CS for SB 1410**, **CS for SB 1432**, **CS for SB 1568**, **CS for SB 1686**, **CS for SB 1804**, **CS for SB 1866**, **CS for SB 1880**, **CS for SB 2050**, **SB 2054**, **SB 2062**, **SB 2150**, **CS for SB 2186**, **CS for SB 2224**, **SB 2330**, **SB 2386** and **SB 1662** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 862**, **SB 1008** with pending point of order on **Amendment 2**, **CS for SB 2154**, **SB 2270**, **SB 2288** and **SJR 844** were withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 28 from 12:15 p.m. or upon adjournment of session until completion to establish the Special Order Calendar for Tuesday, April 29.

MOTIONS

On motion by Senator Bankhead, a deadline of 8:30 a.m. Monday, April 28, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Sullivan, by unanimous consent—

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

—was taken up out of order and read the third time by title.

On motions by Senator Sullivan, **CS for CS for SB 858** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris

Holzendorf	Kurth	Ostalkiewicz	Thomas
Horne	Lee	Rossin	Turner
Jenne	McKay	Scott	Williams
Jones	Meadows	Silver	
Klein	Myers	Sullivan	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Latvala

On motion by Senator Scott, by two-thirds vote **CS for CS for HB 81** was withdrawn from the Committee on Ways and Means.

On motions by Senator Scott, by two-thirds vote—

CS for CS for HB 81—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of "reseller"; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department's authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier's or importer's allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant's allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of "consumption, use, or storage by a trade or business" for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021 and 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain taxes under such sections; providing that the proceeds of the ninth-cent tax on fuel shall be used for transportation expenditures as defined by s. 336.025(7), F.S.; revising provisions relating to the distribution of local option taxes on diesel fuel; providing for deduction of service and administrative charges and dealer allowances; providing for an additional distribution to counties with a qualified new retail station and providing requirements with respect thereto; providing for distribution of any additional available taxes based on each county's vehicular diesel fuel storage capacities and providing requirements with respect thereto; revising provisions which require that the local option tax of up to 5 cents on motor fuel be used for transportation expenditures necessary to meet requirements of the capital improvements element of an adopted comprehensive plan; providing effective dates.

—a companion measure, was substituted for **CS for SB 44** and by two-thirds vote read the second time by title. On motions by Senator Scott, by two-thirds vote **CS for CS for HB 81** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

On motion by Senator Rossin, by two-thirds vote **CS for HB 35** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motions by Senator Rossin, by two-thirds vote—

CS for HB 35—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for "victim or witness at risk of harm" and "serious felony offense"; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 176** as amended and by two-thirds vote read the second time by title. On motions by Senator Rossin, by two-thirds vote **CS for HB 35** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Holzendorf	Myers
Bronson	Dantzler	Horne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Klein	Scott
Campbell	Dyer	Kurth	Silver
Casas	Forman	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Hargrett	McKay	Turner
Cowin	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Bankhead, Grant, Kirkpatrick

CS for HB 181—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to

such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 181** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; providing an effective date.

—was read the third time by title.

Senator Burt moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 947.1405, Florida Statutes, 1996 Supplement, is amended to read:

947.1405 Conditional release program.—

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender *or a violent career criminal* pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. *Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein.* Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the commission shall interview the inmate. The commission representative shall review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the impending release. A commission representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including his planned residence and employment. The results of the interview must be forwarded to the commission in writing.

(6) Upon receipt of notice as required under s. 947.175, the commission shall conduct a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the record. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)*(a)* Any inmate who is convicted of a crime committed on or after October 1, 1995, or *who* has been previously convicted of a crime committed on or after October 1, 1995, *in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision,* ~~and who meets the criteria of s. 775.21 or former s. 775.23(2)(a) or (b)~~ shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1.~~(a)~~ A *mandatory* curfew *from 10 p.m. to 6 a.m.*~~, if appropriate, during hours set by the commission.~~ *The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.*

2.~~(b)~~ If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

3.~~(c)~~ Active participation in and successful completion of a sex offender treatment program *with therapists specifically trained to treat sex offenders,* at the releasee's own expense. *If a specially trained therapist*~~, unless one~~ is not available within a 50-mile radius of the releasee's residence, *the offender shall participate in other appropriate therapy.*

4.~~(d)~~ A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the *victim, the offender's therapist, and the sentencing court* ~~commission~~.

5.~~(e)~~ If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

6.~~(f)~~ If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

7.~~(g)~~ Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually *stimulating visual or auditory* ~~explicit~~ material, *including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.*

8.~~(h)~~ A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

9. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the polygraph examination shall not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

5. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

Section 2. Subsection (7) is added to section 948.001, Florida Statutes, to read:

948.001 Definitions.—As used in this chapter, the term:

(7) "Sex offender probation" or "sex offender community control" means a form of intensive supervision, with or without electronic monitoring, which emphasizes treatment and supervision of a sex offender in accordance with an individualized treatment plan administered by an officer who has a restricted caseload and specialized training. An officer who supervises an offender placed on sex offender probation or sex offender community control must meet as necessary with a treatment provider and polygraph examiner to develop and implement the supervision and treatment plan, if a treatment provider and polygraph examiner specially trained in the treatment and monitoring of sex offenders are reasonably available.

Section 3. Subsection (5) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(5)*(a) Conditions in this subsection do not require oral pronouncement at the time of sentencing and may be considered to be standard conditions of community supervision for offenders who are found to have violated the specified offenses.* Effective for probationers or community controlees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794 or s. 800.04, s. 827.071, or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

1.~~(a)~~ A *mandatory* curfew *from 10 p.m. to 6 a.m.*~~, if appropriate, during hours set by the sentencing court.~~ *The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.*

2.~~(b)~~ If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court.

3.~~(c)~~ Active participation in and successful completion of a sex offender treatment program *with therapists specifically trained to treat sex offenders,* at the probationer's or community controlee's own expense. *If a specially trained therapist*~~, unless one~~ is not available within a 50-mile radius of the probationer's or community controlee's residence, *the offender shall participate in other appropriate therapy.*

4.~~(d)~~ A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by *the victim, the offender's therapist, and* the sentencing court.

5.~~(e)~~ If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the sentencing court without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the *sentencing court* ~~commission~~.

6.~~(f)~~ If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate.

7.~~(g)~~ Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually *stimulating*

visual or auditory ~~explicit~~ material*, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.*

8.~~(h)~~ A requirement that the probationer or community controlee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA data bank.

9.~~(i)~~ A requirement that the probationer or community controlee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) Effective for a probationer or community controlee whose crime was committed on or after October 1, 1997, and who is placed on sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

1. As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.

5. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

Section 4. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; requiring such offender to submit to HIV testing; requiring such offender to submit to electronic monitoring; providing an effective date.

On motions by Senator Burt, **CS for SB 1930** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for HB 493—A bill to be entitled An act relating to the confidentiality of information of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing certain exemptions from public records and public meetings requirements with respect to the council; providing exemptions for portions of meetings at which certain confidential records are discussed and for portions of records generated at exempt portions of meetings; providing for future review and repeal; providing a finding of public necessity; providing that the council is a criminal justice agency for purposes of chapter 119, F.S., relating to public records; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for HB 493** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for CS for HB 379—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

—was read the third time by title.

On motions by Senator Bronson, **CS for CS for HB 379** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 148—A bill to be entitled An act relating to domestic violence; amending s. 741.29, F.S.; prescribing preferred arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; defining the offense of violating pretrial release condition when original arrest was for act of domestic violence; providing penalties; amending s. 901.15, F.S.; prescribing public policy for arrest in domestic violence cases; providing for arrest of a person without warrant when there is probable cause to believe a person originally arrested for an act of domestic violence has violated a pretrial release condition; amending s. 921.0014, F.S.; providing for a sentencing multiplier in certain cases of domestic violence; amending s. 943.171, F.S.; requiring certain training for law enforcement officers; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 148** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—as amended April 24 was read the third time by title.

Senator Dantzler moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 28 of chapter 95-283, Laws of Florida, is amended to read:

Section 28. *(1)* The Department of Corrections shall implement a plan by December 1, 1995, to require that selected inmates perform labor wearing leg irons in chain-gang work groups.

(2) By December 1, 1997, the plan must further provide that:

(a) The work groups must perform labor on highways that are part of the State Highway System, as defined in section 334.03, Florida Statutes, or other areas where the work groups will be viewed by the public, as determined by the Secretary of Corrections;

(b) Inmates selected for the work groups consist of those sentenced for the commission of any felony, with a primary focus on those inmates who are determined to have disciplinary problems or who have committed forcible felonies; and

(c) A work group may not consist of fewer than five inmates chained together or chained separately, at the discretion of the Secretary of Corrections.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

On motion by Senator Crist, further consideration of **SB 122** with pending **Amendment 1** was deferred.

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Clary, **CS for HB 787** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Dantzler	Harris	Lee
Burt	Diaz-Balart	Holzendorf	McKay
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz

Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

CS for SB 1246—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **CS for SB 1246** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Dantzler	Horne	Myers
Brown-Waite	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Scott
Campbell	Dyer	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	

Nays—2

Forman	Turner

Vote after roll call:

Yea—Kirkpatrick, Sullivan

Yea to Nay—Campbell, Diaz-Balart, Jones, Silver

CS for HB 1111—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

—was read the third time by title.

Senator Jones moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1—On page 2, lines 25-27, delete those lines and insert: *to be incarcerated will not end prior to the time the child will attain the age of 18 years;*

Senator Dudley moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 11, line 4, delete "on" and insert: "after"

Senator Hargrett moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 11, between lines 2 and 3, insert:

Section 5. *The termination of parental rights does not affect the rights of grandparents.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing that termination of parental rights does not affect grandparents' rights;

On motions by Senator Burt, **CS for HB 1111** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Madam President	Clary	Gutman	Lee
Bankhead	Cowin	Harris	McKay
Bronson	Crist	Holzendorf	Meadows
Brown-Waite	Diaz-Balart	Jenne	Myers
Burt	Dudley	Klein	Rossin
Campbell	Forman	Kurth	Silver
Childers	Grant	Latvala	

Nays—7

Dantzler	Jones	Thomas	Williams
Hargrett	Ostalkiewicz	Turner	

Vote after roll call:

Yea—Dyer, Kirkpatrick, Sullivan

The Senate resumed consideration of—

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Dantzler was withdrawn.

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 1, lines 23 and 24, delete "*sentenced for the commission of forcible felonies as defined in section 776.08, Florida Statutes*" and insert: *inmates determined by the Department of Corrections*

On motions by Senator Crist, **SB 122** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Harris	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Klein	Scott
Campbell	Forman	Latvala	Silver
Childers	Grant	Lee	Thomas
Clary	Gutman	McKay	Williams
Cowin	Hargrett	Meadows	

Nays—2

Kurth	Turner

Vote after roll call:

Yea—Burt, Horne, Kirkpatrick, Sullivan

Yea to Nay—Forman

On motion by Senator Bronson, by two-thirds vote **CS for CS for HB 907** was withdrawn from the Committees on Agriculture; Community Affairs; and Ways and Means.

On motions by Senator Bronson, by two-thirds vote—

CS for CS for HB 907—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s.

581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; clarifying the scope of the Regulated Plant Index; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 589.012, F.S.; creating the Friends of Florida State Forests Program; providing purpose; creating s. 589.013, F.S.; authorizing a direct-support organization for the Friends of Florida State Forests Program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; amending s. 500.121, F.S., relating to disciplinary procedures; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; authorizing a food safety inspection pilot program; providing criteria for the program; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying compilation of a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 253.68, F.S.; modifying a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; repealing ss. 500.453, 500.455, 500.457, and 500.509, F.S., relating to bottled water and packaged ice regulation; providing for a state facility designation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2044** as amended and by two-thirds vote read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 32, lines 1 and 2, delete those lines and insert:

Section 33. Effective July 1, 1997, subsection (5) of section 482.051, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

482.051 Rules.—The department shall adopt rules to carry out the intent and purpose of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public, in conformity with this chapter and chapter 120, which require:

(5)*(a)* That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label *registered by the U.S. Environmental Protection Agency, so that a continuous chemical barrier is created between the structure and all of the vertical and horizontal areas beneath the structure*; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; *and that the licensee must post a pretreatment tag on the building permit board for each application before leaving the site which sets forth: the name, address, and telephone number of the licensee; the location of the treatment site; the date of the application; the time the application was begun and the time the application was completed; the trade name of the chemical; the concentration of chemical used, written as a percentage of active ingredient; the number of gallons of finished spray applied; the square footage treated; the type of construction; the license tag number of the vehicle used for application; whether the treatment is complete or incomplete and, if not complete, the areas remaining to be treated; the signature of the applicator and his pest control identification card number. A copy of this tag must be retained by the licensee for a period of 3 years.*

(b) The business licensee must establish a vertical barrier at the exterior foundation walls in stem-wall construction or exterior foundation edge of monolithic construction after grading and other construction-related soil disturbances have been completed. A record of this application documenting the date, the trade name of the chemical used, and the amount of chemical applied must be retained by the licensee for a period of 3 years. A notice of this treatment must be posted in a conspicuous location that is visible to the homeowner. This notice must be at least 3 inches by 5 inches and must consist of a material that will last at least 3 years. Such notice must include the business name, address, and date of treatment.

(6) That any pesticide used for postconstruction subterranean termite treatments must be used in accordance with the label directions. ~~and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.~~

Section 34. Effective July 1, 1997, paragraph (f) of subsection (2) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(2)

(f) The department by rule may establish a procedure for expediting the processing of an application for license upon payment by the applicant of a special fee in an amount sufficient to cover the cost of such expedited process, but not exceeding $50. *The department may charge a $10 fee for issuance of duplicate licensure documents.*

Section 35. Effective July 1, 1997, subsection (12) is added to section 482.111, Florida Statutes, to read:

482.111 Pest control operator's certificate.—

(12) A person certified under this chapter may perform as a certified applicator in a corresponding category of certification under chapter 487.

Section 36. Effective July 1, 1997, subsection (3) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.—This chapter does not apply to:

(3) Pest control performed in greenhouses, in plant nurseries, or on agricultural crops, trees, groves, or orchards, *or in treatment of seeds or raw agricultural products.*

Section 37. Effective July 1, 1997, section 553.785, Florida Statutes, is created to read:

553.785 Florida Termite Advisory Council.—

(1) There is created within the department the Florida Termite Advisory Council, consisting of seven members appointed by the secretary of the Department of Community Affairs. The members of the council shall represent the following groups and professions:

(a) One member must be the secretary, or his designee, who is an employee of the Department of Community Affairs;

(b) One member must be the Commissioner of Agriculture, or his designee, who must be an employee of the Department of Agriculture and Consumer Services;

(c) One member must be a building official from a building department of a county or municipality, selected from a list of persons submitted by the Building Officials Association of Florida;

(d) Two members must be contractors licensed in the state, selected from a list submitted by the Florida Home Builders Association; and

(e) Two members must be pest control operators licensed in the state and chosen by the Department of Agriculture and Consumer Services.

(2) Within 30 days after October 1, 1997, the Secretary of Community Affairs shall appoint the members of the advisory council, of whom two members shall serve 4-year terms, two members shall serve 3-year terms, and three members shall serve 2-year terms. Thereafter, each appointee shall serve a 4-year term. Members shall receive no salary, but shall receive travel and expense reimbursement as provided in s. 112.061.

(3) The council shall advise and recommend to the commissioner and to the secretary, as appropriate, rules regulating construction and pest control practices regarding termite prevention which improve protection against structural damage caused by termites. The council may also make recommendations to the Legislature regarding statutory changes needed to improve protection against damage to buildings from termites.

(a) The rules forwarded by the council must clearly delineate the responsibilities of:

1. Contractors to employ building practices known to minimize termite infestation and to enhance the effectiveness of pest control chemicals;

2. Pest control operators to apply preventive chemicals using proper methods and strengths of chemicals; and

3. Homeowners to maintain current treatment and to avoid disturbing treated soils or placing landscaping or materials in such manner as to provide termites access to the wooden elements of the structure.

(b) The council shall review requests for additions to, deletions from, or modifications of building code provisions relating to termite prevention and shall issue advisory opinions and recommendations on such requests.

(c) The commissioner or the secretary, as appropriate, shall initiate rulemaking on such requests by the council, unless the commissioner or the secretary demonstrates that the proposed rule:

1. Does not protect the public from any significant and discernible harm or damages;

2. Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

3. Unnecessarily increases the cost of pest control services or of housing without a corresponding or equivalent public benefit. However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection if the rule or proposed rule is challenged.

Section 38. Effective July 1, 1997, subsections (1) and (4) of section 482.155, Florida Statutes, are amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)(a) The department shall establish limited certification categories for *the following persons who apply pesticides as part of their regular job duties and responsibilities*:

1. Persons who apply pesticides only as governmental employees.

2. Persons who apply pesticides only to their own private property, and employees who apply pesticides to private property owned by their employers. This includes properties such as public buildings, schools, hospitals, nursing homes, grocery stores, restaurants, apartments, and common areas of condominiums and any other private properties where the public may be exposed to pesticide applications.

(b) A person seeking limited certification under this subsection must pass an examination given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The department shall provide the appropriate reference material and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.

(c) Certification obtained under this subsection does not authorize operation of a pest control business.

(4) *Certification is not required under this chapter for* ~~This section does not apply to~~ the application of disinfectants, sanitizers, or ready-to-use pesticides sold over the counter at retail *in containers that are 1 gallon or less in volume, or 2 pounds or less in dry weight, if the application is done by a permanent employee only upon the government or private property of his employer*.

Section 39. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 31, delete "providing an effective date." and insert: amending s. 482.051, F.S.; establishing rulemaking standards for treating new construction building sites; amending s. 482.071, F.S.; authorizing a duplicate licensure document fee; amending s. 482.111, F.S.; authorizing a certified pest control operator to be a certified applicator under ch. 487, F.S.; amending s. 482.211, F.S.; exempting the pest control treatment of seeds or raw agricultural products; creating s. 553.785, F.S.; creating the Florida Termite Advisory Council; amending s. 482.155, F.S.; specifying persons for whom limited certification categories are to be established; providing effective dates.

On motions by Senator Bronson, by two-thirds vote **CS for CS for HB 907** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Scott
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

—was read the third time by title.

On motions by Senator Meadows, **CS for SB 2** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jenne	Rossin
Brown-Waite	Dyer	Jones	Scott
Campbell	Forman	Klein	Silver
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Turner
Cowin	Hargrett	Lee	Williams
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, McKay, Sullivan

CS for SB 798—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; prescribing power of the Commissioner of Education; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; providing a definition; amending s. 233.09, F.S.; requiring state instructional materials committees to adhere to procedures prescribed by the commissioner; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; providing procedures for evaluating instructional materials; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.17, F.S.; providing for the commissioner to approve terms of adoption for instructional material; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending s. 233.34, F.S.; providing for use of certain materials; providing for a school or school district to use certain funds to purchase science laboratory materials and supplies when authorized in the General Appropriations Act; amending s. 233.46, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; amending s. 233.061, F.S.; providing required instruction; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Clary, **CS for SB 798** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jenne	Rossin
Brown-Waite	Dyer	Jones	Scott
Campbell	Forman	Klein	Silver
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Williams
Cowin	Hargrett	Lee	
Crist	Harris	Meadows	

Nays—1

Turner

Vote after roll call:

Yea—Burt, Kirkpatrick, McKay, Sullivan

Consideration of **SB 1652** was deferred.

CS for SB's 1286 and 1446—A bill to be entitled An act relating to insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; amending s. 627.419, F.S.; specifying that advertisements by insurers in a language other than English do not modify a policy in English; providing limitations; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; allowing notice of cancellation by postal proof of mailings; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Rossin, **CS for SB's 1286 and 1446** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Campbell	Forman	Klein	Scott
Childers	Grant	Kurth	Silver
Clary	Gutman	Latvala	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, Sullivan

CS for HB 1001—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 1001** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

CS for HB 549—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term "motor vehicle" with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Childers, **CS for HB 549** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Campbell	Forman	Klein	Scott
Childers	Grant	Kurth	Silver
Clary	Gutman	Latvala	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, Sullivan

INTRODUCTION OF FORMER REPRESENTATIVE

Senator Dudley introduced Congressman Jim Davis, a former member of the Florida House of Representatives, who was present in the chamber.

On motion by Senator Hargrett, by two-thirds vote **CS for HB 487** was withdrawn from the Committee on Banking and Insurance.

On motions by Senator Hargrett, by two-thirds vote—

CS for HB 487—A bill to be entitled An act relating to premium finance companies; amending s. 627.828, F.S.; revising certain net worth requirements for applicants for a premium finance company license; providing for a surety bond under certain circumstances; requiring certain insurance coverage; providing criteria; providing penalties; authorizing the Department of Insurance to adopt rules; amending s. 627.8405, F.S.; specifying prohibited acts by a premium finance company; providing an effective date.

—a companion measure, was substituted for **CS for SB 1402** as amended and read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.828, Florida Statutes, is amended to read:

627.828 License required.—

(1) Except as provided in ss. 627.901 and 627.902, no person shall engage in the business of a premium finance company unless licensed by the department. Every premium finance company licensed under the provisions of this part shall maintain at all times a net worth of $35,000. However, in lieu of having a net worth of $35,000, a premium finance company *that has a net worth of $10,000* may file a surety bond or other acceptable collateral with the department as approved by it in the amount of $35,000, *which bond or collateral must be maintained*.

(2) The application for a license shall be in writing and in the form prescribed by the department. Every applicant shall provide *evidence* ~~proof~~ of a net worth of $35,000 *attested by two officers of the company, or a $35,000 surety bond and evidence of a net worth of $10,000 attested by two officers of the company*. Assets to be used in computing the required net worth shall be determined by rules adopted by the department.

(3)(a) Each premium finance company authorized under the provisions of this part shall maintain at all times an errors and omissions insurance policy of no less than $500,000 covering the acts of its officers, employees, and agents. The policy may contain reasonable deductibles not to exceed 2 percent of the policy limits.

(b)1. A premium finance company with an unencumbered net worth of at least $15 million may self-insure the errors and omissions coverage if it meets the requirements of this paragraph.

2. To qualify as a self-insurer the premium finance company must:

a. Have and maintain an unencumbered net worth of $15 million, which shall be determined based on assets permissible for insurers pursuant to ss. 625.012 and 625.031;

b. Annually demonstrate as part of its annual report, to the satisfaction of the department, that the net-worth requirement is being met; and

c. Obtain, as a part of its annual application for licensure as a premium finance company, a certificate of self-insurance from the department to be renewed annually.

3. If the department finds that the premium finance company:

a. Is not maintaining at all times an unencumbered net worth of at least $15 million; or

b. Is not, in good faith, covering the errors and omissions of its officers, employees and agents,

the department shall, in addition to other penalties under this code, revoke or suspend the certificate of self-insurance, and the premium finance company shall be subject to the requirements of paragraph (a).

(c) The department may adopt rules necessary to administer this subsection, including rules prescribing the necessary forms.

(4)~~(3)~~ A single license shall entitle the holder to operate more than one office.

(5)~~(4)~~ At the time of filing an application for a license, the applicant shall pay to the department the license fee and, upon original application or upon application subsequent to denial of application, or revocation, suspension or surrender of a license, an investigation fee.

(6)~~(5)~~ Such license shall state the name and address of the licensee, and a copy shall be kept conspicuously posted in each office of the licensee and shall not be transferable or assignable.

(7)~~(6)~~ Prior to moving an existing office to another location, a licensee shall notify the department in writing of its intention to do so.

Section 2. Section 627.8405, Florida Statutes, is amended to read:

627.8405 Prohibited *acts* ~~premium~~ financing.—No premium finance company shall, in a premium finance agreement *or other agreement, finance the cost of or otherwise provide for the collection or remittance of dues, assessments, fees, or other periodic payments of money* ~~provide financing~~ for the cost of:

(1) A membership in an automobile club. The term "automobile club" means a legal entity which, in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to the ownership, operation, use, or maintenance of a motor vehicle; however, this definition of "automobile club" does not include persons, associations, or corporations which are organized and operated solely for the purpose of conducting, sponsoring,

or sanctioning motor vehicle races, exhibitions, or contests upon racetracks, or upon racecourses established and marked as such for the duration of such particular events. The words "motor vehicle" used herein have the same meaning as defined in chapter 320.

(2) An accidental death and dismemberment policy sold in combination with a personal injury protection and property damage only policy.

(3) Any product not regulated under the provisions of this insurance code.

This section also applies to premium financing by any insurance agent or insurance company under part XVI. The department shall promulgate rules to assure disclosure, at the time of sale, of coverages financed with personal injury protection.

Section 3. Section 627.848, Florida Statutes, 1996 Supplement, is amended to read:

627.848 Cancellation of insurance contract upon default.—

(1) When a premium finance agreement contains a power of attorney or other authority enabling the premium finance company to cancel any insurance contract listed in the agreement, the insurance contract shall not be canceled unless cancellation is in accordance with the following provisions:

(a)1. Not less than 10 days' written notice shall be mailed to each insured shown on the premium finance agreement of the intent of the premium finance company to cancel his insurance contract unless the defaulted installment payment is received within 10 days.

2. After expiration of such period, the premium finance company shall mail to the insurer a request for cancellation, specifying the effective date of cancellation and the unpaid premium balance due under the finance contract, and shall mail a copy thereof to the insured at his last known address as shown on the premium finance agreement.

(b) Every notice of cancellation shall include, in type or print of which its face shall not be smaller than 12 points, a statement that, if the insurance contract or contracts provide motor vehicle liability insurance required by the financial responsibility law, proof of financial responsibility is required to be maintained continuously for a period of 3 years, pursuant to chapter 324, and the operation of a vehicle without such financial responsibility is unlawful.

(c) Upon receipt of a copy of the cancellation notice by the insurer or insurers, the insurance contract shall be canceled as of the date specified in the cancellation notice with the same force and effect as if the notice of cancellation had been submitted by the insured himself, whether or not the premium finance company has complied with the notice requirement of this subsection, without requiring any further notice to the insured or the return of the insurance contract.

(d) All statutory, regulatory, and contractual restrictions providing that the insured may not cancel his insurance contract unless he or the insurer first satisfies such restrictions by giving a prescribed notice to a governmental agency, the insurance carrier, a mortgagee, an individual, or a person designated to receive such notice for such governmental agency, insurance carrier, or individual shall apply when cancellation is effected under the provisions of this section. The insurer, in accordance with such prescribed notice when it is required to give such notice in behalf of itself or the insured, shall give notice to such governmental agency, person, mortgagee, or individual; and it shall determine and calculate the effective date of cancellation from the day it receives the copy of the notice of cancellation from the premium finance company.

(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall promptly return the unpaid balance due under the finance contract, up to the gross amount available upon the cancellation of the policy, to the premium finance company and any remaining unearned premium to the agent or the insured, or both, for the benefit of the insured or insureds. *The insurer shall notify the insured and the agent of the amount of unearned premium returned to the premium finance company and the amount of unearned commission held by the agent. The premium finance company within 15 days shall notify the insured and the agent the amount of unearned premium. Within 15 days of receipt of notification from the premium finance company, the agent shall return such amount including any unearned commission to the insured or with the written approval of the insured apply such amount to the purchase of other insurance products regulated by the department. The department may adopt rules necessary to implement the provisions of this subsection.*

(f) If an insurance contract is canceled by an insurer upon the receipt of a copy of the cancellation notice from a premium finance company, and if such premium finance company has failed to provide the notice required by this subsection, the insured shall have a cause of action against the premium finance company for damages caused by such failure to provide notice.

(2) Any court of this state rendering or affirming a judgment or decree against a premium finance company and in favor of any named or omnibus insured or beneficiary arising out of a wrongful or improper cancellation of an insurance policy by such premium finance company shall award reasonable attorney's fees to the insured or beneficiary.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception; amending s. 627.8405, F.S.; revising prohibited acts by a premium finance company; amending s. 627.848, F.S.; requiring notification to the insured by the insurer and premium finance company on a canceled insurance contract, the amount of any unearned premium and unearned commission due to the insured after satisfaction of the contract; providing an effective date.

On motions by Senator Hargrett, by two-thirds vote **CS for HB 487** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

Consideration of **CS for SB 908** was deferred.

CS for SB 1754—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an

intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements, providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school–aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups,

and a trade and academic exchange office; providing severability; providing an effective date.

—as amended April 24 was read the third time by title.

Senator Harris moved the following amendments which were adopted by two-thirds vote:

Amendment 1—In title, on page 2, line 18, delete the comma (,) and insert: ;

Amendment 2—In title, on page 3, line 5, after "Development" insert: ;

Amendment 3—On page 12, line 8, delete "Section 3." and insert: Section 114.

(Renumber subsequent sections.)

Amendment 4—On page 12, line 28, delete "*8*" and insert: *37.5*

Amendment 5 (with title amendment)—On page 18, between lines 18 and 19, insert:

Section 6. *Enterprise Florida, Inc., in cooperation with the Department of Revenue, shall conduct a study of the advantages and revenue effects of exempting from section 212.031, Florida Statutes, leases of property which are part of a federally chartered Foreign Trade zone to persons or entities which engage in or facilitate the business of international trade in goods or services. Enterprise Florida, Inc., shall report the results of such study to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zone;

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (with title amendment)—On page 51, line 21 through page 55, line 4, delete those lines and insert:

Section 15. Effective upon this act becoming a law, section 288.065, Florida Statutes, 1996 Supplement, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 16. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended, and paragraphs (r) and (s) are added to subsection (2) of that section, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) "Average *private sector* wage in the area" means the statewide private sector average wage or the average of all *private sector* wages and salaries in the county or in the standard metropolitan area in which the business is located.

(r) "Rural county" means a county with a population of 75,000 or less.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average *private sector* wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, lines 11-17, delete those lines and insert: 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.;

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 7 (with title amendment)—On page 75, between lines 6 and 7, insert:

Section 31. *(1)(a) There is created a seven–member grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc., in the grant review process. Three members of the panel shall be appointed by the Governor, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. A panel chair shall be selected by the members of the review panel from among the membership. Review panel members shall serve for a term of three years and may not be reappointed for a period of one year after serving a three year term. Initial appointments shall be staggered, with the Governor appointing one member for a three–year term, one member for a two–year term, and one member for a one–year term. Initial appointments by the President of the Senate and the Speaker of the House of Representatives shall also be staggered, with the President and the Speaker each appointing one member for a three–year term and each appointing one member for a two–year term.*

(b) In appointing members to this panel, appointing officers should cooperate to insure that members represent geographically diversed portions of the state and include representation of minority persons as defined by s. 760.80. Members of the panel may not currently hold public office or be public employees, and must have at least five years experience in business, with expertise in areas relevant to the duties of the panel.

(c) The Governor may remove any member from the review panel for misconduct or malfeasance in office, neglect of duty, permanent inability to perform official duties, or commission of a felony.

(2) Enterprise Florida, Inc., shall establish criteria for reviewing grant applications. Such criteria shall, among other things, insure compliance with federal and state laws, promote participation in grant programs by diverse industries and businesses, and prohibit conflicts of interest in the awarding of such grants. The panel shall review grant applications and make recommendations to the International Trade and Economic Development Board of Enterprise Florida, Inc., concerning the relative merits of the applications. The panel shall provide a forum for public comment prior to voting on any grant application. Members of the panels shall not receive any compensation for their services but may be reimbursed by Enterprise Florida, Inc., for travel and expenses incurred in the performance of their duties.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 5, line 31, after the semicolon (;) insert: creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel;

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 8 (with title amendment)—On page 98, between lines 14 and 15, insert:

Section 52. *In order to further the economic development goals of the state, an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry is hereby created so that vessels operated for test purposes by boat motor or vessel manufacturers shall be exempt from vessel speed regulations adopted after January 1, 1994. This provision shall only apply to tests conducted in the same waters in which tests were conducted prior to the adoption of such regulations. This provision shall not authorize the reckless or careless operation of vessels as otherwise prohibited by law.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 9, line 15, after the semicolon (;) insert: providing an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry; providing for application;

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 9 (with title amendment)—On page 99, between lines 9 and 10, insert:

Section 57. The Board of Regents is directed to conduct a study and submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 1998, outlining a unified, performance based strategy for the State University Sys-

tem's contribution to the economic development of this state. The study must examine how the State University System can enhance the state's domestic and international economic position.

(Renumber subsequent section.)

And the title is amended as follows:

On page 9, line 27, after the semicolon (;) insert: requiring a study by the Board of Regents;

Senator Dudley moved the following amendment which was adopted by two-thirds vote:

Amendment 10—On page 10, lines 21-23, delete those lines and insert: *jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.*

On motions by Senator Harris, **CS for SB 1754** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

SENATOR CRIST PRESIDING

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Horne, **CS for CS for SB's 1688, 792, 1334 and 2254** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Jenne	Myers
Bronson	Dyer	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Rossin
Campbell	Grant	Klein	Scott
Childers	Gutman	Kurth	Silver
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Turner
Dantzler	Holzendorf	McKay	Williams
Diaz-Balart	Horne	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

SPECIAL ORDER CALENDAR

On motion by Senator Forman—

SB 958—A bill to be entitled An act relating to public notification concerning sexual predators; amending s. 775.21, F.S.; requiring the sheriff to advertise certain information regarding the release of sexual predators; providing an effective date.

—was read the second time by title.

Senators Forman and Burt offered the following amendment which was moved by Senator Forman:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Public Safety Information Act."*

Section 2. Subsection (3) of section 415.5018, Florida Statutes, 1996 Supplement, is amended to read:

415.5018 District authority and responsibilities.—

(3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S OFFICE OR LOCAL POLICE DEPARTMENT OPTION.—Within existing resources, a district, with the approval of the district health and human services board, and the secretary of the department shall enter into an agreement with a county sheriff's office or local police department that is jurisdictionally responsible to allow such law enforcement entity to assume a lead in conducting any potential criminal investigations as well as partial or full responsibility for conducting certain components of protective investigations under ss. 415.502-415.514 that are

related to cases involving a criminal investigation. The written agreement must specify how the requirements of ss. 415.502-415.514 will be met. *For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel directly responsible for child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525 to the extent applicable. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge.*

(a) The agreement between the district and the county sheriff's office or local police department must include the following assurances and information:

1. Assurance that the county sheriff's office or local police department will be in compliance with the procedural requirements of ss. 415.502-415.514.

2. Description of a protocol between the district and the county sheriff's office or local police department that at a minimum addresses the following:

a. Response to reports of abuse and neglect.
b. Investigations.
c. Assessment of risk.
d. Evidence gathering.
e. Classification of reports.
f. Appeals of classifications.
g. Communication and involvement with the state attorney.
h. Confidentiality of reports and access to information.
i. Utilization of the child protection team.
j. Storage and maintenance of records and other information.

3. Description of the transition of responsibility that assures the integrity and continuity of protective investigations.

4. Description of any necessary changes to department rules.

(b) County sheriff's office or local police department personnel assuming responsibility for conducting certain components of protective investigations shall receive training from the department relevant to child protective investigations and services.

(c) The secretary of the department shall dispose of a proposed agreement by approving or disapproving the agreement between a district and the county sheriff's office or local police department within 60 days after receipt. The secretary may negotiate modifications within this 60-day period.

Section 3. Subsection (4) of section 415.51, Florida Statutes, 1996 Supplement, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(4) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services *or*~~,~~ the central abuse hotline, or the appropriate state attorney *or law enforcement agency*, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

Section 4. Section 775.13, Florida Statutes, 1996 Supplement, is amended to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(1) Any person who has been convicted of a felony in any court of this state shall, within 48 hours after entering any county in this state, register with the sheriff of said county, be fingerprinted and photographed, and list the crime for which convicted, place of conviction, sentence imposed, if any, name, aliases, if any, address, and occupation.

(2) Any person who has been convicted of a crime in any federal court or in any court of a state other than Florida, or of any foreign state or country, which crime if committed in Florida would be a felony, shall forthwith within 48 hours after entering any county in this state register with the sheriff of said county in the same manner as provided for in subsection (1).

(3) Any person who is ~~presently~~ within any county of the state as of *October 1, 1997,* ~~the effective date of this section~~ shall ~~likewise be required to~~ register with the sheriff of such county *by December 1, 1997* ~~within 30 days after the effective date of this section~~, if such person would be required to register under the terms of subsection (1) or subsection (2), if he or she were entering such county.

(4) In lieu of registering with the *sheriff* ~~sheriffs of the several counties of the state~~ as required by this section, such registration may be made with the Department of Law Enforcement, and *is* ~~shall be~~ subject to the same terms and conditions as required for registration with the *sheriff* ~~several sheriffs of the state~~. ~~Any person so registering with the Department of Law Enforcement shall not be required to make further registration in any county in the state.~~

(5) ~~The provisions of~~ This *section does* ~~law do~~ not apply to an offender:

(a) Who has had his or her civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) ~~Whose conviction of a felony was more than 10 years prior to the time provided for registration under the provisions of this law and~~ Who has been lawfully released from incarceration *or other sentence or supervision for* ~~under~~ a felony conviction ~~and sentence~~ for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge *or has been convicted of any offense since release from such incarceration or other sentence or supervision*;

~~(d) Who is a parolee or probationer under the supervision of the Department of Corrections or is a probationer under the supervision of any county probation officer of the state or who has been lawfully discharged from such parole or probation;~~

(d)~~(e)~~ Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation; or

(e)~~(f)~~ Who is a sexual predator and has registered as required under s. 775.21.

(6) Failure of any such convicted felon to comply with this section *constitutes* ~~shall constitute~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) All laws and parts of laws in conflict herewith are hereby repealed, provided that nothing in this section shall be construed to affect any law of this state relating to registration of criminals where the penalties are in excess of those imposed by this section.

Section 5. Subsections (4), (6), and (7) and paragraph (a) of subsection (9) of section 775.21, Florida Statutes, 1996 Supplement, are amended to read:

775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, and before October 1, 1995:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court

made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered as a sexual predator with the department, *and* ~~but~~ is ~~not~~ subject to community and public notification. *Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police.*

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court then makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator and must register or be registered as a sexual predator with the department~~, but is not subject to community and public notification~~. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to community and public notification.

(b) For a current offense committed on or after October 1, 1995, and before October 1, 1996:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered with the department, and is subject to ~~the~~ community and public notification ~~provisions of former s. 775.225~~. *Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police.*

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator, must register or be registered as a sexual predator with the department, and is subject to the community and public notification provisions under former s. 775.225. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense *and*~~,~~ is not required to register or be registered as a sexual predator with the department~~, and is not subject to the community and public notification provisions under former s. 775.225~~.

(c) For a current offense committed on or after October 1, 1996, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony meets the criteria of former ss. 775.22(2) and 775.23(2), specifically, the felony is:

a. A capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

b. Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(d) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

(e) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender.

2. Any other information determined necessary by the department, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.

If the sexual predator *is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator must* ~~may~~ register ~~directly~~ with ~~the department, or~~ the Department of Corrections ~~or any law enforcement agency may register the sexual predator with the department~~. ~~The sexual predator is not required to make any further registration as a convicted felony offender in any county.~~

(b) *If the* ~~Each~~ sexual predator *is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility, and* ~~who is residing~~ permanently or temporarily *resides* in the state, *the sexual predator shall initially register in person at an office of the department, or at the sheriff's office in the county in which the predator permanently or temporarily resides, within 48 hours after establishing permanent or temporary residence in this state. If a sexual predator registers with the sheriff's office,*

the sheriff shall take a photograph and a set of fingerprints of the predator and forward the photographs and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section. ~~outside of a correctional facility, jail, or secure treatment facility must register or be registered with the department within 48 hours after entering the county of permanent or temporary residence. A sexual predator who is registered with the department must provide written notification to the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.~~

(c) Subsequent to the initial registration required under paragraph (b), a sexual predator shall register in person at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours after any change in the predator's permanent or temporary residence. At the driver's license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent or temporary residence, and submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(d) Each time a sexual predator's driver's license or identification card is subject to renewal, the predator shall report in person to a driver's license office, regardless of whether the predator's residence has changed, and shall be subject to the requirements specified in paragraph (c). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section.

(e)~~(c)~~ *If the sexual predator initially registers at an office of the department,* the department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator permanently or temporarily resides within 48 hours after the sexual predator registers with the department ~~or provides change of location information to the department~~.

(f)~~(d)~~1. The department is responsible for the on-line maintenance of current information regarding each registered sexual predator. The department must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.

2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department is authorized to disseminate this public information by any means deemed appropriate, including operating a "900" telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the dissemination of information regarding sexual predators as required by this section.

(g)~~(e)~~ A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has had his or her civil rights restored, or has received a full pardon or has had a conviction set aside in a postconviction proceeding for any felony sex offense *that* ~~which~~ met the criteria for the sexual predator designation.~~;~~ However, a sexual predator who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court for the purpose of removing the sexual predator designation. The court has the discretion to grant or deny such relief.

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Information provided to the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;
2. A description of the sexual predator, including a photograph;
3. The sexual predator's current address, including the name of the county or municipality *if known*;
4. The circumstances of the sexual predator's offense or offenses; and
5. *Whether* ~~The age of~~ the victim of the sexual predator's offense or offenses *was, at the time of the offense, a minor or an adult.*

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

(d)~~(c)~~ The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators. The department, in consultation and cooperation with the Department of Highway Safety and Motor Vehicles, shall determine the feasibility of requiring sexual predators to have a special designation on any drivers license, identification card, or license tag issued in this state.

(9) PENALTIES.—

(a) A sexual predator who fails to register ~~or be registered~~ or who fails, after registration, to *renew a driver's license or identification card or* provide required location information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 943.046, Florida Statutes, is created to read:

943.046 Notification of criminal offender information.—

(1) Any state or local law enforcement agency may release to the public any criminal history information and other information regarding a criminal offender, including, but not limited to, public notification by the agency of the information, unless the information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, this section does not contravene any provision of s. 943.053 which relates to the method by which an agency or individual may obtain a copy of an offender's criminal history record.

(2) A state or local law enforcement agency and its personnel are immune from civil liability for the release of criminal history information or other information regarding a criminal offender, as provided by this section.

Section 7. Section 943.043, Florida Statutes, is created to read:

943.043 Toll-free telephone number; sex-offender information.—

(1) The department shall provide, through a toll-free telephone number, public access to information regarding sex offenders which is not

confidential or exempt from public disclosure and which is reported to the department by the Department of Corrections as provided in s. 944.607 or by a sex offender as provided in s. 943.0435.

(2) The department shall provide to any person, upon request and at a reasonable cost determined by the department, a copy of the photograph of any sex offender or sexual predator which the department maintains in its files and a printed summary of the information that is available to the public under this section.

(3) The department and its personnel are immune from civil liability for damages for good-faith compliance with this section and shall be presumed to have acted in good faith by reporting information. The presumption of good faith is not overcome if technical or clerical errors are made by the department and its personnel in reporting the information, if the department and its personnel are unable to report information because the information has not been provided or reported by a person or agency required to provide or report the information to the department, or if the department and its personnel report information that was falsely reported without the knowledge of the department and its personnel.

Section 8. Section 943.0435, Florida Statutes, is created to read:

943.0435 Sex offenders required to report to the department; penalty.—

(1) As used in this section, the term:

(a) "Sex offender" means a person who has been:

1. Convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or analogous offenses in another jurisdiction: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145, or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

2. Released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in subparagraph 1. For purposes of subparagraph 1., a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(b) "Convicted" means the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld.

(2) A sex offender shall initially report in person at an office of the department, or at the sheriff's office in the county in which the offender permanently or temporarily resides, within 48 hours after establishing permanent or temporary residence in this state. A sex offender permanently resides in this state if the offender abides, lodges, or resides in a place for more than 2 consecutive weeks. A sex offender temporarily resides in this state if the offender abides, lodges, or resides in a place for 2 consecutive weeks or less, excluding a stay of 2 consecutive weeks or less at a different residence due to a vacation or an emergency or special circumstance that requires the sex offender to leave his or her place of permanent or temporary residence for 2 weeks or less. The sex offender shall provide his or her name, date of birth, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, address of permanent or legal residence, or address of any current temporary residence, date and place of each conviction, and a brief description of the crime or crimes committed by the offender. If a sex offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sex offender.

(3) Subsequent to the initial report required under subsection (2), a sex offender shall report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours after any change in the offender's permanent or temporary residence. At the driver's license office the sex offender shall:

(a) If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sex offender shall identify himself or herself as a sex offender who is required to comply with this section. The sex offender shall provide any of the information specified in subsection (2), if requested. The sex offender shall submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sex offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.

(c) Provide, upon request, any additional information necessary to confirm the identity of the sex offender, including a set of fingerprints.

(4) Each time a sex offender's driver's license or identification card is subject to renewal, the offender shall report in person to a driver's license office, regardless of whether the offender's residence has changed, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sex offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in ss. 943.043, 943.0435, and 944.606.

(5) This section does not apply to a sex offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) A sex offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments are immune from civil liability for damages for good-faith compliance with the requirements of this section, and shall be presumed to have acted in good faith in compiling, recording, and reporting information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, or the personnel of those departments in compiling or providing information, or if information is incomplete or incorrect because a sex offender fails to report or falsely reports his or her current place of permanent or temporary residence.

Section 9. Section 944.607, Florida Statutes, is created to read:

944.607 Notification to Department of Law Enforcement of information on sex offenders.—

(1) As used in this section, the term:

(a) "Sex offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility on or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or analogous offenses in another jurisdiction: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145, or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph.

(b) "Conviction" means a determination of guilt as a result of a plea or trial, regardless of whether adjudication is withheld.

(2) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sex offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

(3) The information provided to the Department of Law Enforcement must include:

(a) The name of the sex offender and any alias, if known;

(b) The sex offender's most current address and place of permanent or temporary residence, including the name of the county or municipality

in which the offender permanently or temporarily resides and, if known, the intended place of permanent or temporary residence upon satisfaction of all sanctions;

(c) The legal status of the sex offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any office of probation, community control, parole, conditional release, or control release which is responsible for supervising the sex offender;

(e) An indication of whether the victim of the offense that resulted in the offender's status as a sex offender was a minor;

(f) A physical description of the sex offender;

(g) The offense or offenses at conviction which resulted in the determination of the offender's status as a sex offender; and

(h) A digitized photograph of the sex offender which must have been taken within 60 days before the offender is released from the custody of the department or a private correctional facility by expiration of sentence under s. 944.275 or must have been taken by January 1, 1998, or within 60 days after the onset of the department's supervision of any sex offender who is on probation, community control, conditional release, parole, provisional release, or control release or who is supervised by the department under the Interstate Compact Agreement for Probationers and Parolees. If the sex offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sex offender within the time period provided in this paragraph and shall provide the photograph to the department.

If any information provided by the department changes during the time the sex offender is under the department's control, custody, or supervision, the department shall update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (2).

(4) The department and its personnel are immune from civil liability for damages for good-faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, and providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department and its personnel in compiling, recording, or providing information, if the information compiled, recorded, or provided by the department and its personnel is incomplete because the information has not been provided to the department by a person or agency required to provide the information, or if the department and its personnel compile, record, or provide information that was falsely reported without the knowledge of the department and its personnel.

Section 10. Section 944.605, Florida Statutes, 1996 Supplement, is amended to read:

944.605 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—

(1) Within 6 months before the release of an inmate from the custody of the Department of Corrections *or a private correctional facility* by expiration of sentence under s. 944.275, any release program provided by law, or parole under chapter 947, *or as soon as possible if the offender is released earlier than anticipated,* notification of such anticipated release date shall be made known by the appropriate agency to the *chief* ~~original sentencing~~ judge *of the circuit in which the offender was sentenced,* the appropriate state attorney, the original arresting law enforcement agency, *the Department of Law Enforcement,* and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. ~~If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced.~~ In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, the Control Release Authority, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months before the inmate's release, *or as soon as possible if the offender is released earlier than anticipated, when* ~~if~~ the name and address of such victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes. This section does not imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within *60* ~~120~~ days before the anticipated release of an inmate under subsection (1), *a digitized photograph* ~~except for an inmate for which notification is required under subsection (3) or s. 944.606, an exit photo~~ of the inmate to be released shall be *made by the Department of Corrections or a private correctional facility, whichever has custody of the inmate. If a private correctional facility makes the digitized photograph, this photograph shall be provided to the Department of Corrections. Additionally, the digitized photograph, whether made by the Department of Corrections or a private correctional facility, shall be* ~~taken and~~ placed in the inmate's file. *The Department of Corrections shall make the digitized photograph available electronically to the Department of Law Enforcement as soon as the digitized photograph is in the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center. The department shall provide a copy of the digitized photograph to a local law enforcement agency upon request.*

(3) If an inmate is to be released after having served one or more sentences for a conviction of robbery, sexual battery, home-invasion robbery, or carjacking, or an inmate to be released has a prior conviction for robbery, sexual battery, home-invasion robbery, or carjacking or similar offense, in this state or in another jurisdiction, and if such prior conviction information is contained in department records, the appropriate releasing agency shall release to the sheriff of the county in which the inmate plans to reside, and, if the inmate plans to reside within a municipality, to the chief of police of that municipality, the following information, which must include, but need not be limited to:

(a) Name;
(b) Social security number;
(c) Date of birth;
(d) Race;
(e) Sex;
(f) Height;
(g) Weight;
(h) Hair and eye color;
(i) Tattoos or other identifying marks;
(j) Fingerprints; and
(k) A *digitized* photograph *as provided in subsection (2)* ~~taken not more than 90 days before the date of the inmate's release~~.

The department, the Parole Commission, or the Control Release Authority shall release the information specified in this subsection within 6 months prior to the discharge of the inmate from the custody of the department.

Section 11. Section 944.606, Florida Statutes, 1996 Supplement, is amended to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(b) "Sexual offender" means a person who has been convicted of a felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a violation of a similar law of another jurisdiction, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(2) The Legislature finds that sexual offenders, *especially those who have committed their offenses against minors, often* pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies and to persons who request such information, *and releasing such information to the public by a law*

enforcement agency or public agency, will further the governmental interests of public safety.

(3)(a) The department must provide information regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:

1. The department must provide: the sexual offender's name *and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's*~~,~~ social security number, race, sex, date of birth, height, weight, and hair and eye color; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints and a *digitized* photograph taken within *60* ~~90~~ days *before* ~~of~~ release; *the date of release of the sexual offender;* and the offender's intended residence address, if known. *If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the Department of Corrections and also place it in the sexual offender's file.*

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available.

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside; ~~and~~

3. The Florida Department of Law Enforcement; and

4.~~3.~~ Any person who requests such information,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated. *All such information provided to the Department of Law Enforcement must be available electronically as soon as the information is in the agency's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.*

(c) Upon request, the department must provide the information described in subparagraph (a)2. to:

1. The sheriff of the county from where the sexual offender was sentenced; and

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(d) Upon receiving information regarding a sexual offender from the department, *the Department of Law Enforcement,* the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information *and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

(4) This section *authorizes* ~~does not authorize~~ the department or any law enforcement agency to notify the community and the public of a sexual offender's presence in the community. However, with respect to a sexual offender who has been found to be a "sexual predator" under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator's presence in the community, as provided in chapter 775. *Release of information pursuant to this section does not constitute unauthorized public disclosure of information that relates to sexual predators under chapter 775.*

(5) An elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.

Section 12. Section 947.177, Florida Statutes, 1996 Supplement, is amended to read:

947.177 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—

(1) Within 6 months before the release of an inmate from the custody of the Department of Corrections *or a private correctional facility* by expiration of sentence under s. 944.275, control release under s. 947.146, or parole under this chapter, *or as soon as possible if the offender is released earlier than anticipated,* notification of such release date shall be made known by the appropriate agency to the *chief* ~~original sentencing~~ judge *of the circuit in which the offender was sentenced,* the appropriate state attorney, ~~the original arresting law enforcement agency,~~ and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. ~~If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced.~~ In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months before the inmate's release, *or as soon as possible if the offender is released earlier than anticipated, when* ~~if~~ the name and address of the victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes. This section does not imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within *60* ~~120~~ days before the anticipated release of an inmate, *a digitized photograph* ~~except for an inmate for which notification is required under subsection (3) or s. 944.606, an exit photo~~ of the inmate to be released shall be *made by the Department of Corrections or a private correctional facility, whichever has custody of the inmate. If a private correctional facility makes the digitized photograph, this photograph shall be provided to the Department of Corrections. Additionally, the digitized photograph, whether made by the Department of Corrections or a private correctional facility, shall be* ~~taken and~~ placed in the inmate's file. *The Department of Corrections shall make the digitized photograph available electronically to the Department of Law Enforcement as soon as the digitized photograph is in the agency's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.*

(3) If an inmate is to be released after having served one or more sentences for a conviction of robbery, sexual battery, home-invasion robbery, or carjacking, or an inmate to be released has a prior conviction for robbery, sexual battery, home-invasion robbery, or carjacking or similar offense, in this state or in another jurisdiction, and if such prior conviction information is contained in records of the Department of Corrections, the appropriate releasing agency shall release to the sheriff of the county in which the inmate plans to reside, and, if the inmate plans to reside within a municipality, to the chief of police of that municipality, the following information, which must include, but need not be limited to:

(a) Name;
(b) Social security number;
(c) Date of birth;
(d) Race;
(e) Sex;
(f) Height;
(g) Weight;
(h) Hair and eye color;
(i) Tattoos or other identifying marks;
(j) Fingerprints; and
(k) A *digitized* photograph *as provided in subsection (2)* ~~taken not more than 90 days before the date of the inmate's release~~.

The Department of Corrections, the Parole Commission, or the Control Release Authority shall release the information specified in this subsection within 6 months prior to the discharge of the inmate from the custody of the Department of Corrections.

Section 13. Present subsections (2), (3), (4), (5), and (6) of section 948.06, Florida Statutes, are redesignated as subsections (3), (4), (5), (6), and (7), respectively, and a new subsection (2) is added to that section, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(2)(a) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

(b) If the law enforcement agency finds that the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release, the law enforcement agency shall immediately notify the person's probation officer or release supervisor of the investigation or the arrest.

Section 14. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.21(9)	*3rd*	*Failure to register; failure to renew driver's license or identification card.*
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at $100 or more, but less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
943.0435(6)	*3rd*	*Sex offenders; failure to comply with reporting requirements.*
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 15. Section 921.0017, Florida Statutes, is amended to read:

921.0017 Credit upon recommitment of offender serving split sentence.—Effective for offenses committed on or after January 1, 1994, if an offender's probation or community control is revoked and the offender is serving a split sentence pursuant to s. 948.01, upon recommitment to the Department of Corrections, the court shall order credit for time served only, without considering any type of gain-time earned before release to supervision, or any type of sentence reduction granted to avoid prison overcrowding, including, but not limited to, any sentence reduction resulting from administrative gain-time, provisional credits, or control release. The court shall determine the amount of jail-time credit to be awarded for time served between the date of arrest as a violator and the date of recommitment, and shall direct the Department of Corrections to compute and apply credit for all other time served previously on the prior sentence for the offense for which the offender is being recommitted. This section does not affect or limit the department's authority to forfeit gain-time under ss. 944.28(1) and *948.06(7)* ~~948.06(6)~~.

Section 16. *At the time of sentencing of any offender for an offense involving a victim who, at the time the offense was committed, was a minor, the court shall stamp on the face of the judgment "VICTIM IS A MINOR" and shall note this fact on any document or information sent to the Department of Law Enforcement for its incorporation into the criminal justice information system of the Department of Law Enforcement.*

Section 17. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to a law enforcement agency; amending s. 775.13, F.S.; revising registration requirements for convicted felons; amending s. 775.21, F.S.; revising requirements for public notification of the presence of a sexual predator; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

WHEREAS, the Legislature and law enforcement agencies recognize that the release of criminal history information or other information regarding criminal offenders is essential to the public's safety and welfare, and

WHEREAS, the Legislature intends to provide specific statutory direction whereby a law enforcement agency, of its own volition or in response to a request for a public record, may release to the public criminal history information and other information regarding criminal offenders, including public notification of this information, and

WHEREAS, the Legislature intends that criminal history information and other information regarding criminal offenders which is subject to release to the public shall consist only of information that is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature intends that the order of priority, the methods of dissemination of criminal history information compiled from intrastate sources by the Department of Law Enforcement, and the assessment of costs for the production of this information, as provided in section 943.053, Florida Statutes, shall be maintained, and

WHEREAS, the Legislature finds that the public is especially concerned about certain sex offenders, and

WHEREAS, the Legislature intends to enhance public access to information regarding certain sex offenders by creating a public-access telephone number for releasing this information, and

WHEREAS, the Legislature intends that information released through the public-access telephone number shall consist only of information that is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature finds that current law authorizes law enforcement agencies to release to the public criminal information on certain sex offenders which is provided to these agencies by the Department of Corrections, but prohibits these agencies from providing public or community notification of this information, and

WHEREAS, the Legislature further finds that this information is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature intends to authorize public or community notification of this information, and

WHEREAS, the Legislature intends that a state or local law enforcement agency that investigates or arrests a person for certain sexual offenses shall verify whether the person is on probation or some form of release supervision, and, if so verified, shall inform the person's probation officer that the person is under investigation or arrest for a sexual offense, NOW, THEREFORE,

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 38, between lines 13 and 14, insert:

Section 17. *(1) There is appropriated to the Florida Department of Law Enforcement the sum of $311,680 from the General Revenue Fund, and five positions are allocated to the department, for fiscal year 1997-1998. Of the funds appropriated to the Department of Law Enforcement, the sum of $209,750 may be expended for recurring costs.*

(2) There is appropriated to the Department of Corrections the sum of $141,160 from the General Revenue Fund for fiscal year 1997-1998. Of the funds appropriated to the Department of Corrections, the sum of $31,200 may be expended for recurring costs.

(3) There is appropriated to the Department of Highway Safety and Motor Vehicles the sum of $31,748 from the Highway Safety Operating Trust Fund for fiscal year 1997-1998.

(Renumber subsequent section.)

And the title is amended as follows:

On page 42, line 9, after the semicolon (;) insert: providing appropriations; providing for uses of certain appropriations;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 958** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 387** was withdrawn from the Committees on Natural Resources and Criminal Justice.

On motion by Senator Ostalkiewicz, by two-thirds vote—

CS for HB 387—A bill to be entitled An act relating to wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—a companion measure, was substituted for **SB 1652** as amended and read the second time by title.

Senator Ostalkiewicz moved the following amendment which was adopted:

Amendment 1—On page 1, line 24 through page 2, line 4, delete those lines and insert:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or s. 372.001(4) in or out of season while violating chapter 810 shall pay a fine of $250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Game and Fresh Water Fish Commission's State Game Trust Fund.

On motions by Senator Ostalkiewicz, by two-thirds vote **CS for HB 387** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Diaz-Balart	Jenne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Rossin
Campbell	Grant	Klein	Scott
Childers	Gutman	Kurth	Silver
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Turner
Crist	Holzendorf	McKay	Williams
Dantzler	Horne	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Dyer, Sullivan

SPECIAL ORDER CALENDAR, continued

On motion by Senator Dudley, by two-thirds vote **HB 131** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

HB 131—A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

—a companion measure, was substituted for **CS for SB 444** and read the second time by title.

Senator Crist offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 92.60, Florida Statutes, is amended, present subsection (4) of that section is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

92.60 Foreign records of regularly conducted business activity.—

(2) In a criminal *or civil* proceeding in a court of the State of Florida, a foreign record of regularly conducted business activity, or a copy of such record, shall not be excluded as evidence by the hearsay rule if a foreign certification attests that:

(a) Such record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

(b) Such record was kept in the course of a regularly conducted business activity;

(c) The business activity made such a record as a regular practice; and

(d) If such record is not the original, it is a duplicate of the original;

unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.

(4) No evidence in such records in the form of opinion or diagnosis is admissible under subsection (2) unless such opinion or diagnosis would be admissible under ss. 90.701-90.705 if the person whose opinion is recorded were to testify to the opinion directly.

(5)~~(4)~~ At the arraignment or as soon after the arraignment as practicable, *or 60 days prior to a civil trial,* a party intending to offer in evidence under this section a foreign record of regularly conducted business activity shall provide written notice of that intention to each other party. A motion opposing admission in evidence of such record shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record or duplicate, but the court for cause shown may grant relief from the waiver.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

On motions by Senator Dudley, by two-thirds vote **HB 131** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

CS for SB 2068—A bill to be entitled An act relating to emergency medical services; amending ss. 365.171, 395.1027, F.S.; requiring a local governmental entity that operates a "911" emergency telephone system to enter into an agreement with the regional poison control center; requiring that the agreement include a protocol under which the poison control center is consulted with respect to each emergency call that involves exposure to a toxic substance; creating s. 365.172, F.S.; limiting the liability of persons and entities involved in the wireless provision of emergency "911" service; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, lines 13-25, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 11-14, delete those lines and insert: substance; providing an effective date.

On motions by Senator Lee, by two-thirds vote **CS for SB 2068** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Meadows
Bronson	Dudley	Jenne	Myers
Brown-Waite	Dyer	Jones	Ostalkiewicz
Campbell	Forman	Kirkpatrick	Rossin
Childers	Grant	Klein	Scott
Clary	Gutman	Kurth	Silver
Cowin	Hargrett	Latvala	Thomas
Crist	Harris	Lee	Turner
Dantzler	Holzendorf	McKay	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

CS for SB 1068—A bill to be entitled An act relating to retirement; providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1—On page 1, line 10, after "*On*" insert: *or after*

On motions by Senator Silver, by two-thirds vote **CS for SB 1068** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

CS for SB 1018—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511, 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 553.512, F.S.; revising the conditions for granting waivers; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1018** to **CS for HB 1707**.

SENATOR BURT PRESIDING

Pending further consideration of **CS for SB 1018** as amended, on motion by Senator Meadows, by two-thirds vote **CS for HB 1707** was withdrawn from the Committees on Commerce and Economic Opportunities; and Community Affairs.

On motions by Senator Meadows, by two-thirds vote—

CS for HB 1707—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511 and 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 318.18, F.S.; providing for the dismissal of a citation for illegally parking in a parking space for disabled persons under certain circumstances; providing for the payment of a dismissal fee; amending s. 553.512, F.S.; revising the conditions for granting waivers; repealing s. 553.510, F.S., relating to the national standard for accessibility and usability of private property features; providing an effective date.

—a companion measure, was substituted for **CS for SB 1018** as amended and by two-thirds vote read the second time by title. On motions by Senator Meadows, by two-thirds vote **CS for HB 1707** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Brown-Waite	Campbell	Clary
Bronson	Burt	Childers	Cowin

Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Thomas
Dudley	Horne	McKay	Turner
Dyer	Jenne	Meadows	Williams
Forman	Jones	Myers	
Grant	Kirkpatrick	Ostalkiewicz	
Gutman	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Brown-Waite—

CS for SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 46l, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent l0 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.

(2) Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information or may issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to $50 for each day that

the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.3l9, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous l0 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 2. *(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).*

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which has been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 3. *The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.*

Section 4. *Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.*

Section 5. *Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.*

Section 6. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 7. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 8. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 9. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 10. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable;~~.~~

(i) Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 11. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department,*

along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 12. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 13. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 14. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 15. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed $350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 16. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1)*(a)* The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial,

and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board.

(b) Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, should complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 17. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 18. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 19. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 20. Section 455.2478, Florida Statutes, is created to read:

455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 21. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against,~~ Any insurer reporting hereunder or its agents or employees or the department or its employees *is not liable* for any action taken by them *under* ~~pursuant to~~ this section, *except that the department shall impose a fine of $250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 22. *The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.*

Section 23. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 24. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee

not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificateholder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 25. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~ and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

Section 26. Except as otherwise provided in this act, this act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 4, lines 20-22, delete those lines and insert: *department or board, as appropriate, may:*

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a

Senator Sullivan moved the following amendment to **Amendment 1**:

Amendment 1B (with title amendment)—On page 48, between lines 3 and 4, insert:

Section 26. *Termination or non-renewal of a health care practitioner contract; hearing; exception.—Effective July 1, 1997, for all contracts executed after July 1, 1997, and by January 1, 1998, for health care practitioner contracts in existence as of July 1, 1997, a health maintenance organization may not terminate or fail to renew a contract with a health care practitioner unless the health maintenance organization provides the health care practitioner with a written explanation of the reasons for the proposed contract termination or non-renewal and an opportunity for a review or hearing to examine such proposed contract action. Before a contract termination or non-renewal can take effect, the review or hearing process must be completed. Each health maintenance organization must develop a practitioner appeals process that provides a right to a review or hearing relating to the termination or non-renewal of a health care practitioner contract. The practitioner appeals process must provide for a review or hearing before a panel appointed by the health maintenance organization. The panel shall be comprised of three persons appointed by the health maintenance organization. At least one person on such a panel must be a clinical peer in the same discipline and the same or similar specialty as the health care practitioner under review or who is the subject of a hearing. The panel may consist of more than three persons. However, the number of clinical peers on such a panel must constitute one-third or more of the total membership of the panel. This section does not apply if the contract termination or non-renewal involves imminent harm to a patient's health or is based on a final disciplinary action by the health care practitioner's licensing board or other governmental agency which restricts the authorization of the health care practitioner to practice.*

Section 27. Paragraph 641.315(6)(b), Florida Statutes, 1996 Supplement, is repealed.

(Renumber subsequent section.)

And the title is amended as follows:

On page 50, line 14, after the semicolon (;) insert: providing requirements for health maintenance organization contracts with health care practitioners; providing an effective date; providing for applicability; prohibiting contract termination or non-renewal subject to a review or hearing; providing for a practitioner appeals process; providing exceptions; repealing paragraph 641.315(6)(b), F.S., 1996 Supplement, providing a contract termination procedure relating to contracts to which health maintenance organizations and health care providers are parties;

POINT OF ORDER

Senator Grant raised a point of order that pursuant to rule 7.1 **Amendment 1B** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

On motion by Senator Sullivan, **Amendment 1B** was withdrawn.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 948** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 884—A bill to be entitled An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (with title amendment)—On page 2, delete line 4, and insert: *the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.*

And the title is amended as follows:

On page 1, line 7, after "necessity;" insert: providing for future review and repeal;

Pursuant to Rule 4.19, **SB 884** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead—

SB 2250—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2250** to **HB 1523**.

Pending further consideration of **SB 2250** as amended, on motion by Senator Bankhead, by two-thirds vote **HB 1523** was withdrawn from the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

On motions by Senator Bankhead, by two-thirds vote—

HB 1523—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—a companion measure, was substituted for **SB 2250** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1523** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for SB 1420**.

On motion by Senator Brown-Waite—

CS for CS for SB 496—A bill to be entitled An act relating to the regulation of orthotists and prosthetists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating an educational programs task force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that provisions relating to the regulation and licensure of orthotic fitters or orthotic fitter assistants is not applicable to licensed pharmacists under certain conditions; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Definitions.—As used in this act, the term:*

(1) "Agency" means the Agency for Health Care Administration.

(2) "Board" means the Board of Orthotists and Prosthetists.

(3) "Department" means the Department of Health.

(4) "Orthosis" means a medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; prefabricated foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, "accommodative" means designed with the primary goal of conforming to the individual's anatomy and "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(5) "Orthotic fitter" means a person who is licensed to practice orthotics, pursuant to a licensed physician's written prescription, whose scope

of practice is limited to fitting prefabricated cervical orthoses not requiring more than minor modification; pressure gradient hose; trusses; custom-molded therapeutic footwear; prefabricated spinal orthoses, except for those used in the treatment of scoliosis, rigid body jackets made of thermoformable materials, and "halo" devices; and prefabricated orthoses of the upper and lower extremities, except for those used in the treatment of bone fractures.

(6) "Orthotic fitter assistant" means a person who is licensed to practice orthotics, pursuant to a licensed physician's written prescription, whose scope of practice is limited to fitting, without modification, prefabricated soft cervical orthoses; prefabricated soft spinal supports; pressure gradient hose; trusses; and soft prefabricated orthoses for the upper and lower extremities.

(7) "Orthotics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of an orthosis or pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing orthosis may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the orthotist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of an orthosis or regarding treatment with an orthosis.

(8) "Orthotist" means a person licensed to practice orthotics pursuant to this chapter.

(9) "Pedorthic device" means therapeutic shoes, shoe modifications made for therapeutic purposes, prosthetic fillers of the forefoot, and foot orthoses for use from the ankle and below, but does not include arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; or prefabricated foot care products. For purposes of this subsection, "accommodative" means designed with the primary goal of conforming to the individual's anatomy and "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(10) "Pedorthics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing pedorthic device may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the pedorthist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of a pedorthic device or regarding treatment with a pedorthic device.

(11) "Pedorthist" means a person licensed to practice pedorthics pursuant to this chapter.

(12) "Prosthesis" means a medical device used to replace a missing appendage or other external body part, including an artificial limb, hand, or foot. It does not include surgically implanted devices or artificial eyes; dental appliances; ostomy products; cosmetic devices such as breast prostheses, eyelashes, or wigs; or other devices that do not have a significant impact on the musculoskeletal functions of the body.

(13) "Prosthetics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a prosthesis, except the repair, replacement, adjustment, or servicing of any existing prosthesis may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the prosthetist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of a prosthesis or regarding treatment with a prosthesis.

(14) "Prosthetist" means a person licensed to practice prosthetics pursuant to this chapter.

(15) "Prosthetist-orthotist" means a person licensed to practice as a prosthetist and as an orthotist.

Section 2. *Board of Orthotists and Prosthetists; appointment; membership; terms; headquarters.—*

(1) The Board of Orthotists and Prosthetists is created within the Department of Health and shall consist of seven members appointed by the Governor and confirmed by the Senate.

(2) The members of the board must be residents of this state. One member must be a practicing prosthetist with 3 years' experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics; one member must be a practicing prosthetist with at least 6 years' experience after certification by a national certifying body; one member must be a practicing orthotist with 3 years' experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics; one member must be a practicing orthotist with at least 6 years' experience after certification by a national certifying body; two members must be prosthetic or orthotic users who are not deriving economic benefit from the fitting or dispensing of orthotic or prosthetic devices and who have never been orthotists or prosthetists or members of a closely related profession; and one member must be a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, who has extensive knowledge of orthotics or prosthetics. One of the prosthetist or orthotist members must have received training in pedorthics and have 3 years of pedorthic experience as part of his or her practice.

(3) Members of the board shall be appointed for terms of 4 years each and shall serve until their successors are appointed. However, for the purpose of staggering terms, two of the original board members shall serve terms of 4 years each, two shall serve terms of 3 years each, two shall serve terms of 2 years each, and one shall serve a term of 1 year, as designated by the Governor. Members may be reappointed for additional terms.

(4) The provisions of chapter 455, Florida Statutes, relating to activities of regulatory boards apply to the board.

(5) The board shall maintain its official headquarters in Tallahassee.

Section 3. *Authority to adopt rules.—The board shall adopt rules to administer this act, including rules relating to standards of practice for orthotists, prosthetists, and pedorthists.*

Section 4. *Licensure requirements.—*

(1) The department shall issue a license to practice orthotics, prosthetics, or pedorthics to qualified applicants. Licensure shall be granted independently in orthotics, prosthetics, or pedorthics, but a person may be licensed in more than one such discipline.

(2) An applicant for licensure must apply to the department on a form prescribed by it in order to take the appropriate licensure examination, including a practical examination demonstrating clinical patient management, when appropriate, and written examinations, one of which demonstrates orthotic, prosthetic, or pedorthic problem-solving skills. The board may accept the examination results of a national orthotic, prosthetic, or pedorthic standards organization in lieu of administering the state examination. In such cases, the department shall set fees appropriate to the level of practitioner and shall examine each applicant who the board verifies:

(a) Has completed the application form and paid an application fee, not to exceed $500, which shall be nonrefundable, an examination fee and the actual per applicant costs to the department for purchase or development of the examination, and a license fee not to exceed $500;

(b) Is of good moral character;

(c) Is 18 years of age or older;

(d) Has completed the appropriate educational preparation, including practical training requirements; and

(e) Has successfully completed an appropriate clinical internship in the professional area for which the license is sought.

(3) In addition to the requirements in subsection (2), to be licensed as:

(a) An orthotist, the applicant must have:

1. A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An appropriate internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board.

(b) A prosthetist, the applicant must have:

1. A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board.

(c) An orthotic fitter, the applicant must have:

1. A high school diploma or its equivalent;

2. A minimum of 40 hours of training in orthotics education, as approved by the board; and

3. Two years of experience in orthotics, as approved by the board.

(d) An orthotic fitter assistant, the applicant must have:

1. A high school diploma or its equivalent; and

2. A minimum of 40 hours of training in orthotics education, as approved by the board.

(e) A pedorthist, the applicant must have:

1. A high school diploma or its equivalent;

2. A minimum of 120 hours of training, as approved by the board; and

3. An internship of 80 hours of qualified working experience, as determined by the board.

(4) The board shall provide for an alternative to the requirements set forth in paragraphs (3)(a) and (b), which shall include an associate degree, including courses in the anatomical, biological, and physical sciences, and a minimum of 3 years' clinical experience, after receiving the degree, under the direct supervision of an orthotist, prosthetist, or prosthetist-orthotist in the discipline for which licensure is sought. This subsection is repealed July 1, 2002.

Section 5. *Orthotists and Prosthetists Educational Programs Task Force.—*

(1) There is created, within the Department of Health, the Orthotists and Prosthetists Educational Programs Task Force to assist the Board of Orthotists and Prosthetists in developing the proper educational requirements and minimum professional knowledge, competencies, and skills necessary for licensure of practitioners under this act. After review of existing national certifying examinations, the task force must make recommendations regarding the availability of examinations meeting the identified professional knowledge, competencies, and skills. The task force must also make recommendations related to the availability of public and private educational and training programs within the state and strategies for addressing unmet needs. The task force must make its recommendations to the board and to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance by January 15, 1998. The task force shall consist of five members appointed by the Secretary of Health, one of whom shall be designated by the secretary as chair. Members shall serve at the pleasure of the secretary.

(2) The task force shall meet at least once annually and may meet as often as is necessary. The chair, a quorum of the task force, or the department shall have the authority to call other meetings. A quorum is necessary for the purpose of conducting official business of the task force. Three members of the task force shall constitute a quorum.

(3) The task force shall use accepted rules of procedure to conduct its meetings. The department shall keep on file a complete record of each meeting.

(4) Members of the task force shall receive no compensation for their services, but shall be entitled to receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(5) The task force may hold public hearings and may request that the department use its power to obtain information or evidence for consideration by the task force. The department shall provide administrative and staff support services relating to the functions of the task force.

Section 6. *Licensure without examination; provisional licensure.—*

(1) A person who has practiced orthotics, prosthetics, or pedorthics in this state for the required period since July 1, 1990, who, before March 1, 1998, applies to the department for a license to practice orthotics, prosthetics, or pedorthics, may be licensed as a prosthetist, orthotist, prosthetist-orthotist, orthotic fitter, orthotic fitter assistant, or pedorthist, as determined from the person's experience and educational preparation, without meeting the educational requirements set forth in section 4 of this act, upon receipt of the application fee and licensing fee and after the board has completed an investigation into the applicant's background and experience. The board shall require an application fee not to exceed $500, which shall be nonrefundable. The board shall complete its investigation within 6 months after receipt of the application. The period of experience required for licensure under this subsection is 5 years for a prosthetist; 2 years for an orthotic fitter, an orthotic fitter assistant, or a pedorthist; and 5 years for an orthotist whose scope of practice is defined under section 1(7) of this act.

(2)(a) A person who has received certification as an orthotist, a prosthetist, or a prosthetist-orthotist from a national certifying body and who has practiced orthotics or prosthetics in this state for at least 2 years but less than 5 years is eligible for a provisional license.

(b) An applicant for provisional licensure shall submit proof that he or she has been actively practicing as a nationally certified orthotist, prosthetist, or prosthetist-orthotist, an application fee, and a provisional license fee.

(c) A provisional licensee is required to practice under supervision of a fully licensed orthotist, prosthetist, or prosthetist-orthotist for up to 3 years in order to meet the 5-year experience requirement of subsection (1) to be licensed as an orthotist, prosthetist, or prosthetist-orthotist.

(d) After appropriate investigation, the board shall license as an orthotist, prosthetist, or prosthetist-orthotist the provisional licensee who has successfully completed the period of experience required and otherwise meets the requirements of subsection (1).

(e) The board shall require an application fee, not to exceed $500, which is nonrefundable, and a provisional licensure fee, not to exceed $500.

(3) An applicant who has received certification as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist from a national certifying body which requires the successful completion of an examination, may be licensed under this section without taking an additional examination. An applicant who has not received certification from a national certifying body which requires the successful completion of an examination shall be required to take an examination as determined by the board. This examination shall be designed to determine if the applicant has the minimum qualifications needed to be licensed under this section. The board may charge an examination fee and the actual per applicant cost to the department for purchase or development of the examination.

(4) This section is repealed July 1, 2002.

Section 7. *Biennial renewal of license.—*

(1) The department shall renew a license upon receipt of the renewal application fee, not to exceed $500, as set by the board.

(2) The board shall adopt rules establishing a procedure for the biennial license renewal.

(3) The board may by rule prescribe continuing education requirements and approve course criteria, not to exceed 30 hours biennially, as a condition for license renewal. The board shall establish a procedure for approving continuing education courses and may set a fee for continuing education course approval.

Section 8. *Temporary license.—The board may adopt rules governing the issuance of temporary licenses.*

(1) The board may issue a temporary license to:

(a) An applicant for licensure who has recently moved to this state and has applied for a license, if the applicant is licensed in another state and that state has standards comparable to those in this state as determined by the board.

(b) An applicant certified by a national certifying organization whose highest current educational and training requirements are equal to or exceed the requirements in this act, as determined by the board, and who presents proof that he or she has been actively engaged in the practice of orthotics, prosthetics, or pedorthics within 5 years prior to the application.

(2) A temporary license shall be issued for a limited period of time, not to exceed 1 year, and is renewable for up to 1 additional year.

(3) At the end of the temporary license period, if the person holding a temporary license has made application for full licensure under the appropriate licensure category, the board may grant the appropriate license upon receipt of the license fee and after the board has completed an investigation and evaluation of the applicant's education and experience.

Section 9. *Support personnel.—A person must be licensed to practice orthotics, prosthetics, or pedorthics in this state. However, a licensed orthotist, prosthetist, or pedorthist may delegate duties to nonlicensed supportive personnel if those duties are performed under the direct supervision of a licensed orthotist, prosthetist, or pedorthist. In such instances the supervising licensee is responsible for all acts performed by such persons.*

Section 10. *Prohibitions; penalties.—*

(1) A person may not:

(a) Make a false or fraudulent statement in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) Practice orthotics, prosthetics, or pedorthics without a license issued pursuant to this act unless otherwise exempt.

(2) A person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 11. *Disciplinary proceedings.—*

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 455.227, Florida Statutes, against any person who engages in or aids in a violation.

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

(f) Violation of this act or chapter 455, Florida Statutes, or any rules adopted thereunder.

(g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. 455.227(2), Florida Statutes, against any person who violates any provision of subsection (1).

Section 12. *Exemptions from licensure.—*

(1) This act does not apply to:

(a) A person who is licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes;

(b) A person performing services for the Federal Government, if the person provides orthotic, prosthetic, or pedorthic care solely under the direction or control of the organization by which that person is employed;

(c) A person fulfilling the supervised residency or internship experience requirements of this act;

(d) A student, fellow, or trainee in orthotics, prosthetics, or pedorthics pursuing a course of study at a regionally accredited college or university or working in a recognized training center or research facility, if the activities and services are part of a course of study under a supervisor licensed under this act;

(e) An instructor in a regionally accredited university or college, while performing regularly assigned work under the curriculum of such a school; or

(f) A person engaged exclusively in the fabricating, fitting, or servicing of devices excluded under this act.

(2) This act does not require an additional license of, or regulate the practice of, any other licensed health care professional within the state, or prevent a qualified member of any other profession or any person employed under the supervision of such a licensed professional from doing work of a nature consistent with that person's training, as long as the person does not hold himself or herself out to the public as a licensee under this act.

(3) The provisions of this act relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003(12), Florida Statutes, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics shall not be precluded from continuing that practice pending adoption of these rules.

Section 13. *Use of titles.—A person must be licensed under this act to represent himself or herself as a licensed orthotist or prosthetist or use in connection with his or her name the words "orthotist," "prosthetist," "prosthetist-orthotist," "orthotic fitter," "orthotic fitter assistant," "pedorthist," or abbreviations, titles, or insignia indicating that he or she is an orthotist, prosthetist, prosthetist-orthotist, orthotic fitter, orthotic fitter assistant, or pedorthist.*

Section 14. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the regulation of orthotists, prosthetists, and pedorthists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating the Orthotists and Prosthetists Educational Programs Task Force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that the provisions of the act relating to orthotics do not apply to licensed pharmacists or persons acting under the supervision of licensed pharmacists; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 496** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; creating s. 627.94075, F.S.; authorizing the issuance of federally qualified long-term care insurance contracts; requiring policies and applications to disclose whether a policy is or is not federally qualified for favorable tax treatment; providing rulemaking authority to the department for this purpose; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 1 (with title amendment)—On page 28, between lines 3 and 4, insert:

Section 6. Section 627.6489, Florida Statutes, is created to read:

627.6489 Disease Management Program.—

(1) The association may contract with insurers to provide disease management services for insurers that elect to participate in the association disease management program.

(2) An insurer that elects to contract for such services shall provide the association with all medical records and claims information necessary for the association to effectively manage the services.

(3) Monies collected by the association for providing disease management services shall be used by the association to pay administrative expenses associated with the disease management program. No costs related to the disease management program provided to an insurer shall be assessed against any other insurer.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the first semicolon (;) insert: creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services;

The Committee on Health Care recommended the following amendment which was moved by Senator Diaz-Balart:

Amendment 2 (with title amendment)—On page 70, line 18 through page 71, line 11, delete those lines and insert:

Section 15. Section 627.9404, Florida Statutes, 1996 Supplement, is amended to read:

627.9404 Definitions.—For the purposes of this part:

(1) "Long-term care insurance" means any insurance policy or rider advertised, marketed, offered, or designed to provide coverage on an expense-incurred, indemnity, prepaid, or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, *curing, treating, mitigating,* rehabilitative, maintenance, or personal care services provided in a setting other than an acute care unit of a hospital. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage.

(2) "Applicant" means:

(a) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits.

(b) In the case of a group long-term care insurance policy, the proposed certificateholder.

(3) "Certificate" means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this state.

(4) "Chronically ill" means certified by a licensed health care practitioner as:

(a) Being unable to perform, without substantial assistance from another individual, at least 2 activities of daily living for a period of at least 90 days due to a loss of functional capacity;

(b) Having a level of disability similar to the level of disability described in paragraph (a); or

(c) Requiring substantial supervision for protection from threats to health and safety due to severe cognitive impairment.

(5)~~(4)~~ "Cognitive impairment" means a deficiency in a person's short-term or long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

(6) "Licensed health care practitioner" means any physician, registered professional nurse, licensed social worker, or any individual who meets any requirements prescribed by rule by the Commissioner of Insurance.

(7) "Maintenance or Personal Care Services" means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual, including the protection from threats to health and safety due to severe cognitive impairment.

(8)~~(5)~~ "Policy" means any policy, contract, subscriber agreement, rider, or endorsement delivered or issued for delivery in this state by any of the entities specified in s. 627.9403.

(9) "Qualified long-term care services" means necessary diagnostic, preventive, curing, treating, mitigating, and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual and are provided pursuant to a plan of care prescribed by a licensed health care practitioner.

(10) "Qualified long-term care insurance policy" means an accident and health insurance contract as defined in s. 7702B(b) of the Internal Revenue Code.

Section 16. Subsection (1) of section 627.9407, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

627.9407 Disclosure, advertising, and performance standards for long-term care insurance.—

(1) STANDARDS.—The department shall adopt rules that include standards for full and fair disclosure setting forth the manner, content, and required disclosures of the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions, *disclosure of tax consequences, benefit triggers, prohibition against post-claims underwriting, reporting requirements, standards for marketing,* and definitions of terms.

(12) DISCLOSURE.—A qualified long-term care insurance policy must include a disclosure statement within the policy and within the outline of coverage that the policy is intended to be a qualified long-term contract. A long-term care insurance policy that is not intended to be a qualified long-term care insurance contract must include a disclosure statement within the policy and within the outline of coverage that the policy is not intended to be a qualified long-term care insurance contract. The disclosure shall be prominently displayed and shall read as follows: "This long-term care insurance policy is not intended to be a qualified long-term care insurance contract. You need to be aware that benefits received under this policy may create unintended, adverse income tax consequences to you. You may want to consult with a knowledgeable individual about such potential income tax consequences."

Section 17. Subsections (6), (7), (8), (9), and (10) are added to section 627.94071, Florida Statutes, 1996 Supplement, to read:

627.94071 Minimum standards for home health care benefits.—A long-term care insurance policy, certificate, or rider that contains a home health care benefit must meet or exceed the minimum standards specified in this section. The policy, certificate, or rider may not exclude benefits by any of the following means:

(6) Excluding coverage for personal care services provided by a home health aide.

(7) Requiring that the provision of home health care services be at a level of certification of licensure greater than that required by the eligible service.

(8) Requiring that the insured/claimant have an acute condition before home health care services are covered.

(9) Limiting benefits to services provided by Medicare-certified agencies or providers.

(10) Excluding coverage for adult day care services.

Section 18. Subsection (2) of section 627.94072, Florida Statutes, 1996 Supplement, is amended to read:

627.94072 Mandatory offers.—

(2) An insurer that offers a long-term care insurance policy, certificate, or rider in this state must offer a nonforfeiture protection provision providing reduced paid-up insurance, ~~cash surrender values which may include return of premiums,~~ extended term, shortened benefit period, or any other benefits approved by the department if all or part of a premium is not paid. Nonforfeiture benefits and any additional premium for such benefits must be computed in an actuarially sound manner, using a methodology that has been filed with and approved by the department.

Section 19. Section 627.94073, Florida Statutes, 1996 Supplement, is amended to read:

627.94073 Notice of cancellation; grace period.—

(1) A long-term care policy shall provide that the insured is entitled to a grace period of not less than 30 days, within which payment of any premium after the first may be made. ~~The insurer may require payment of an interest charge not in excess of 8 percent per year for the number~~

~~of days elapsing before the payment of the premium, during which period the policy shall continue in force. If the policy becomes a claim during the grace period before the overdue premium is paid, the amount of such premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.~~

(2) A long-term care policy may not be canceled for nonpayment of premium unless, after expiration of the grace period in subsection (1), and at least 30 days prior to the effective date of such cancellation, the insurer has mailed a notification of possible lapse in coverage to the policyholder and to a specified secondary addressee if such addressee has been designated in writing by name and address by the policyholder. For policies issued or renewed on or after October 1, 1996, the insurer shall notify the policyholder, at least once every 2 years, of the right to designate a secondary addressee. *The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse.—I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate any person to receive such notice." Notice shall be given by first class United States mail, postage prepaid, and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of 5 days after the date of mailing.*

(3) If a policy is canceled due to nonpayment of premium, the policyholder shall be entitled to have the policy reinstated if, within a period of not less than *5 months* ~~150 days~~ after the date of cancellation, the policyholder or any secondary addressee designated pursuant to subsection (2) demonstrates that the failure to pay the premium when due was unintentional and due to the cognitive impairment *or loss of functional capacity* of the policyholder. Policy reinstatement shall be subject to payment of overdue premiums. *The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria for cognitive impairment or the loss of functional capacity, if any, contained in the policy and certificate.* ~~The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force if the demonstration of cognitive impairment is made. If the policy becomes a claim during the 180-day period before the overdue premium is paid, the amount of the premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.~~

(4) When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate policy through a payroll or pension deduction plan, the requirements in subsection (2) need not be met until 60 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.

Section 20. Section 627.94074, Florida Statutes, 1996 Supplement, is amended to read:

627.94074 Standards for benefit triggers.—

(1)*(a)* A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment*; or*~~.~~

(b) If a policy is a qualified long-term care insurance policy, the policy shall condition the payment of benefits on a determination of the insured's being chronically ill. Eligibility for the payment of benefits shall not be more restrictive than requiring a deficiency in the ability to perform not more than 3 of the activities of daily living.

(2) Activities of daily living shall include at least:

(a) "Bathing," which means washing oneself by sponge bath or in either a tub or shower, including the task of getting into or out of the tub or shower.

(b) "Continence," which means the ability to maintain control of bowel and bladder function, or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene, including caring for catheter or colostomy bag.

(c) "Dressing," which means putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.

(d) "Eating," which means feeding oneself by getting food into the body from a receptacle, such as a plate, cup, or table, or by a feeding tube or intravenously.

(e) "Toileting," which means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

(f) "Transferring," which means moving into or out of a bed, chair, or wheelchair.

(3) Insurers may use activities of daily living to trigger covered benefits in addition to those contained in subsection (2) as long as they are defined in the policy.

(4) An issuer of qualified long-term care contracts is limited to considering only the activities of daily living listed in subsection (2).

(5)~~(4)~~ An insurer may use additional provisions, *for a policy described in paragraph (1)(a),* for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict and are not in lieu of, the requirements contained in subsections (1) and (2).

(6)~~(5)~~ For purposes of this section, the determination of a deficiency *due to loss of functional capacity or cognitive impairment* shall not be more restrictive than:

(a) Requiring the hands-on assistance of another person to perform the prescribed activities of daily living, meaning physical assistance, minimal, moderate, or maximal, without which the individual would not be able to perform the activity of daily living; or

(b) ~~If the deficiency is~~ Due to the presence of a cognitive impairment, *requiring* supervision, *including* ~~or~~ verbal cueing by another person ~~is needed~~ in order to protect the insured or others.

(7)~~(6)~~ Assessment of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers.

(8)~~(7)~~ Long-term care insurance policies shall include a clear description of the process for appealing and resolving the benefit determinations.

(9)~~(8)~~ The requirement set forth in this section shall be effective on July 1, 1997, and shall apply as follows:

(a) Except as provided in paragraph (b), the provisions of this section apply to a long-term care policy issued in this state on or after July 1, 1997.

(b) The provisions of this section do not apply to certificates under a group long-term care insurance policy in force on July 1, 1997.

And the title is amended as follows:

On page 3, line 28 through page 4, line 4, delete those lines and insert: respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s.

Senator Diaz-Balart moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A—On page 2, lines 20-22, delete those lines and insert: *functional capacity; or*

(Redesignate subsequent paragraph.)

Amendment 2B—On page 2, line 31 through page 3, line 2, delete those lines and insert: *physician, nurse licensed under chapter 464, or psychotherapist licensed under chapter 490 or chapter 491, or any individual who meets any requirements prescribed by rule by the department.*

Amendment 2C—On page 3, line 21, delete "*7702B(b)*" and insert: *7702B*

Amendment 2 as amended was adopted.

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 3—On page 42, lines 19 and 20, delete "*and applicable state law*"

Amendment 4—On page 60, line 24, after the period (.) insert: *However, a small employer carrier may count eligible employees and dependents who have coverage under another health plan that is sponsored by that employer except if such plan is offered pursuant to s. 408.706.*

Amendment 5—On page 66, line 25, delete "*s. 627.6561*" and insert: *s. 627.6571*

Pursuant to Rule 4.19, **CS for SB 1682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1420—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Campbell and failed:

Amendment 1—On page 2, delete line 29 and insert: derivative thereof; or who publicly displays a sign or symbol

Amendment 2—On page 14, delete line 23 and insert: service charges. *As used in this paragraph, the term "convicted of" includes a plea of nolo contendere to the charges or any agreement in which adjudication is withheld*; and

Amendment 3—On page 14, delete line 23 and insert: service charges; and

3. The conveying customer shall be responsible to pay all attorney's fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this paragraph.

Senator Campbell moved the following amendment which was adopted:

Amendment 4 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (b), (c), (d), (e), (i), and (q) of subsection (2), paragraph (a) of subsection (4), paragraphs (a) and (b) of subsection (8), subsection (9), paragraphs (b) and (d) of subsection (11), subsections (12) and (13), paragraphs (a) and (b) of subsection (15), and subsections (16), and (17) of section 539.001, Florida Statutes, 1996 Supplement, are amended to read:

539.001 The Florida Pawnbroking Act.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Appropriate law enforcement official" means the sheriff of the county in which a pawnshop is located or, in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located; however, any sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working *within the county or municipality* ~~for the department~~ headed by that sheriff or police chief. *Nothing in this subsection limits the power and responsibilities of the sheriff.*

(c) "Claimant" means a person who claims that his or her property was misappropriated ~~and delivered into the possession of a pawnbroker~~.

(d) "Conveying customer" means a person who delivers property into the custody of a pawnbroker, either by pawn, sale, consignment, or trade~~, which property is later claimed to be misappropriated~~.

(e) "Identification" means a government-issued photographic identification *or an electronic image taken from a government-issued photographic identification.*

(i) "Pawnbroker" means any person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. *A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.*

(q) "Purchase" means the transfer and delivery of goods, *by a person other than a permitted vendor,* to a pawnbroker by acquisition for value, consignment, or trade for other goods.

(4) ELIGIBILITY FOR LICENSE.—

(a) To be eligible for a pawnbroker's license, an applicant must:

1. Be of good moral character;

2. Have a net worth of at least $50,000 or file with the agency a bond issued by a surety company qualified to do business in this state in the amount of $10,000 for each license. In lieu of the bond required in this section, the applicant may establish a certificate of deposit or an irrevocable letter of credit in a Florida banking institution in the amount of the bond. The original bond, certificate of deposit, or letter of credit shall be filed with the agency, and the agency shall be the beneficiary to said document. The bond, certificate of deposit, or letter of credit shall be in favor of the agency for the use and benefit of any consumer who is injured by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of this section by the pawnbroker. Such liability may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. However, in such court suit, the bond, certificate of deposit, or letter of credit posted with the agency shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such lawsuit, but such bond, certificate of deposit, or letter of credit shall be amenable to and enforceable only by and through administrative proceedings before the agency. It is the intent of the Legislature that such bond, certificate of deposit, or letter of credit shall be applicable and liable only for the payment of claims duly adjudicated by order of the agency. The bond, certificate of deposit, or letter of credit shall be payable on a pro rata basis as determined by the agency, but the aggregate amount may not exceed the amount of the bond, certificate of deposit, or letter of credit;~~.~~

3. Not have been convicted of, *entered a plea of guilty or nolo contendere to, or had an adjudication withheld for* a felony within the last

10 years and not be acting as a beneficial owner for someone who has been convicted of, *entered a plea of guilty or nolo contendere to, or had adjudication withheld for* a felony within the last 10 years; and

4. Not have been convicted *of, entered a plea of guilty or nolo contendere to, or had adjudication withheld for*, and not be acting as a beneficial owner for someone who has been convicted~~,~~ of, *entered a plea of guilty or nolo contendere to, or had adjudication withheld for,* a crime that *involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any other fraudulent or dishonest dealing* ~~the agency finds directly relates to the duties and responsibilities of a pawnbroker~~ within the last 10 years.

(8) PAWNBROKER TRANSACTION FORM.—

(a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form. The agency must approve the design and format of the pawnbroker transaction form, which must *be 8 1/2 inches x 11 inches in size and* elicit the information required under this section. In completing the pawnbroker transaction form, the pawnbroker shall record the following information, which must be typed or written indelibly and legibly in English.

(b) *The front of the* ~~A~~ pawnbroker transaction form must include:

1. The name and address of the pawnshop.

2. A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:

a. Brand name.

b. Model number.

c. Manufacturer's serial number.

d. Size.

e. Color, as apparent to the untrained eye.

f. Precious metal type, weight, and content, if known.

g. Gemstone description, including the number of stones.

h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.

i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding sub-subparagraphs a.-i., in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers and which do not include precious metal or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

3. The name, address, *home telephone number, place of employment,* date of birth, physical description, and right thumbprint of the pledgor or seller.

4. The date and time of the transaction.

5. The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.

6. In the case of a pawn:

a. The amount of money advanced, which must be designated as the amount financed;

b. The maturity date of the pawn, which must be 30 days after the date of the pawn;

c. The default date of the pawn and the amount due on the default date;

d.~~c.~~ The total pawn service charge payable on the maturity date, which must be designated as the finance charge;

e.~~d.~~ The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments;

f.~~e.~~ The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the federal Truth in Lending Act; and

g.~~f.~~ *The front or back of the pawnbroker transaction form must include* a statement that:

(I) Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary;

(II) The pledgor is not obligated to redeem the pledged goods; and

(III) If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.

(IV) A pawn may be extended upon mutual agreement of the parties.

7. In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.

8. A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller *is the rightful owner of the goods and* has the right to enter into the transaction.

Any person who knowingly gives false verification of ownership or gives a false or altered identification and who receives money from a pawnbroker for goods sold or pledged commits:

a. If the value of the money received is less than $300, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the value of the money received is $300 or more, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~9. Immediately above the signature of the pledgor or seller, a statement that the pledgor or seller of the item declares: "Under penalty of perjury, I have read the foregoing document, and the facts stated in it are true."~~

(9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(a) A pawnbroker must maintain *a* ~~the original~~ copy of each completed pawnbroker transaction form on the pawnshop premises for at least *1 year* ~~180 days~~ after the date of the transaction. On or before the end of each business day, the pawnbroker must deliver to the appropriate law enforcement official *the original* ~~a copy of~~ pawnbroker transaction forms for each of the transactions occurring during the previous business day, unless other arrangements have been agreed upon between the pawnbroker and the appropriate law enforcement official. *If the original transaction form is lost or destroyed by the appropriate law enforcement official, a copy may be used by the pawnbroker as evidence in court. When an electronic image of a pledgor or seller identification is accepted for a transaction, the pawnbroker must maintain the electronic image in order to meet the same recordkeeping requirements as for the original transaction form. If a criminal investigation occurs, the pawnbroker shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.*

(b) If the appropriate law enforcement agency supplies the appropriate software and the pawnbroker presently has the computer ability, pawn transactions shall be electronically transferred. *If a pawnbroker*

does not presently have the computer ability, the appropriate law enforcement agency may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions. The appropriate law enforcement agency shall retain ownership of the computer, unless otherwise agreed upon. The pawnbroker shall maintain the computer in good working order, ordinary wear and tear excepted. In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official, the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the request.

(c)~~(b)~~ All goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained *in an unaltered condition* within the jurisdiction of the appropriate law enforcement official for a period of *30* ~~15~~ calendar days after the transaction. Those goods delivered to a pawnbroker in a purchase transaction may not be sold or otherwise disposed of before the expiration of such period. The pawnbroker shall make all pledged and purchased goods *and all records relating to such goods* available for inspection by the appropriate law enforcement official during normal business hours throughout such period. The pawnbroker must store and maintain pledged goods for the period prescribed in subsection (10) unless the pledged goods are redeemed earlier; provided, however, that within the first *30* ~~15~~ days after the original pawn, the pledged goods may be redeemed only by the pledgor or the pledgor's attorney in fact.

(11) PAWN SERVICE CHARGES.—

(b) The default date of any pawn may be extended to a subsequent date by mutual agreement, between the pledgor and the pawnbroker except the pawnbroker may not impose a minimum duration of more than 30 days, evidenced by a written memorandum, a copy of which must be supplied to the pledgor, which must clearly specify the new default date, ~~the pawn service charges paid for the extension,~~ and the pawn service charges owed on the new default date. In this event, the daily pawn service charge for the extension shall be equal to the pawn service charge for the original 30-day period divided by 30 days (i.e., one-thirtieth of the original total pawn service charge). There is no limit on the number of extensions that the parties may agree to.

(d) Pledged goods may be redeemed by mail by agreement between the pledgor and the pawnbroker. The pledgor must pay in advance all moneys due and a reasonable charge assessed by the pawnbroker to recover its cost and expenses involved in the packaging, insuring, and shipping of the pledged goods. ~~If~~ The pawnbroker *shall insure* ~~insures~~ the pledged goods in an amount *acceptable to the pledgor.* ~~not less than the amount advanced to the pledgor in the pawn transaction,~~ The pawnbroker's liability for loss or damage in connection with the shipment of such pledged goods is limited to the amount of the insurance coverage obtained.

(12) PROHIBITED ACTS.—A pawnbroker, or an employee or agent of a pawnbroker, may not:

(a) Falsify or intentionally fail to make an entry of any material matter in a pawnbroker transaction form.

(b) Refuse to allow the agency, the appropriate law enforcement official, or the state attorney, or any of their designated representatives having ~~appropriate~~ jurisdiction, to inspect completed pawnbroker transaction forms or pledged or purchased goods during the ordinary hours of the pawnbroker's business or other time acceptable to both parties. *The appropriate law enforcement official shall disclose to a claimant the name and address of the pawnbroker, the name and address of the conveying customer, and a description of pawned, purchased, or consigned goods that the claimant claims to be misappropriated.*

(c) Obliterate, discard, or destroy a completed pawnbroker transaction form sooner than *3* ~~2~~ years after the date of the transaction.

(d) Accept a pledge or purchase property from a person under the age of 18 years.

(e) Make any agreement requiring or allowing the personal liability of a pledgor or the waiver of any of the provisions of this section.

(f) Knowingly enter into a pawn or purchase transaction with any person who is under the influence of alcohol or controlled substances when such condition is apparent, or with any person using the name of another or the registered name of another's business.

(g) Conduct any pawn or purchase transaction at a drive-through window or similar device in which the customer remains in a vehicle while conducting the transaction.

(h) Fail to return or replace pledged goods to a pledgor upon payment of the full amount due the pawnbroker, unless the pledged goods have been placed under a hold order under subsection (16), *or* taken into custody by a court or otherwise disposed of by court order~~, or lost or damaged~~.

(i) Sell or otherwise charge for insurance in connection with a pawn transaction, except in connection with the shipment of pledged goods redeemed by mail as provided in subsection (11).

(j) Engage in title loan transactions at, *within, or adjoining* a licensed pawnshop location.

(k) Lease pledged goods to the pledgor or any other party.

(l) Operate a pawnshop between the hours of 10 p.m. and 7 a.m.

(m) Knowingly hire anyone to work in a pawnshop who has been convicted of, or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a felony within the last 5 years, or been convicted of, or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a crime within the last 5 years which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any fraudulent, or dishonest dealing.

(13) RIGHT TO REDEEM; LOST PAWNBROKER TRANSACTION FORM.—

(a) *Only a pledgor or a pledgor's authorized representative* ~~Any person presenting the pledgor's copy of the pawnbroker transaction form to the pawnbroker~~ is ~~presumed to be~~ entitled to redeem the pledged goods described in the pawnbroker transaction form; however, if the pawnbroker determines that the person is not the original pledgor, *or the pledgor's authorized representative,* the pawnbroker is not required to allow the redemption of the pledged goods by such person. The person redeeming the pledged goods must sign the pledgor's copy of the pawnbroker transaction form, which the pawnbroker may retain as evidence of the person's receipt of the pledged goods. If the person redeeming the pledged goods is *the pledgor's authorized representative* ~~not the original pledgor~~, that person must *present notarized authorization from the original pledgor and* show identification to the pawnbroker and the pawnbroker shall record that person's name and address on the pawnbroker transaction form retained by the pawnshop. *It is the pawnbroker's responsibility to verify that the person redeeming the pledged goods is either the pledgor or the pledgor's authorized representative* ~~The pawnbroker is not liable to the original pledgor for allowing the redemption of the pledged goods by another person under this paragraph~~.

(b) If a pledgor's copy of the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must notify the pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt, and receipt of this notice invalidates the pawnbroker transaction form if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawnbroker transaction form, the pawnbroker must require the pledgor to make a written statement of the loss, destruction, or theft of the pledgor's copy of the pawnbroker transaction form. The pawnbroker must record on the written statement the type of identification and the identification number accepted from the pledgor, the date the statement is given, and the number of the pawnbroker transaction form that was lost, destroyed, or stolen. The statement must be signed by the pawnbroker or the pawnshop employee who accepts the statement from the pledgor. A pawnbroker is entitled to a fee not to exceed $2 in connection with each lost, destroyed, or stolen pawnbroker transaction form and the taking of a properly prepared written statement.

(c) Sales tax is not due or collectible in connection with the redemption of pledged goods.

(d) If pledged goods are lost or damaged while in the possession of the pawnbroker, the pawnbroker may satisfy the pledgor's claim by replacing the lost or damaged goods with like kinds of merchandise of equal value, with which the pledgor can reasonably replace the goods. Such ~~an offer of~~ replacement is a defense to any *civil action* ~~prosecution~~ based upon the loss or damage of the goods.

(15) CLAIMS AGAINST PURCHASED GOODS OR PLEDGED GOODS HELD BY PAWNBROKERS.—

(a) To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to be misappropriated, the claimant must notify the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the claimant's claim to the purchased or pledged goods. The notice must contain a complete and accurate description of the purchased or pledged goods and must be accompanied by a legible copy of the applicable law enforcement agency's report on the misappropriation of such property. If the claimant and the pawnbroker do not resolve the matter within *10* ~~20~~ days after the pawnbroker's receipt of the notice, ~~and if the pledged goods are not under a hold order under subsection (16),~~ the claimant may petition the court to order the return of the property, naming the pawnbroker ~~and the conveying customer~~ as a defendant, and must serve the pawnbroker ~~and the conveying customer~~ with a copy of the petition. The pawnbroker shall hold the property described in the petition until the right to possession is resolved by the parties or by a court of competent jurisdiction. *The court shall waive any filing fee for the petition to recover the property, and the sheriff shall waive the service fees.* ~~The filing of a petition to recover allegedly misappropriated property must be accepted as a criminal complaint by the state attorney or court. A judgment in favor of a claimant to recover property constitutes the claimant's sworn testimony and must be accepted as evidence in any criminal prosecution.~~

(b) If, after notice and a hearing, the court finds that the property was misappropriated and orders the return of the property to the claimant:

1. The claimant may recover from the *pawnbroker* ~~conveying customer~~ the cost of the action, including the claimant's reasonable attorney's fees; *and*

2. *If the conveying customer is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order* the conveying customer *to* ~~must~~ repay the pawnbroker the full amount the conveying customer received from the pawnbroker for the property, plus all applicable pawn service charges. *As used in this paragraph, the term "convicted of" includes a plea of nolo contendere to the charges or any agreement in which adjudication is withheld*; and

3. *The conveying customer shall be responsible to pay all attorney's fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this paragraph.* ~~The conveying customer must pay the pawnbroker's costs incurred in the proceeding, including the pawnbroker's reasonable attorney's fees.~~

(16) HOLD ORDERS; ISSUANCE; REQUIRED INFORMATION; PROCEDURES.—

(a) When an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated, the official may place a written hold order on the property. The written hold order *shall* ~~may~~ impose a holding period not to exceed 90 days unless extended by court order. *The appropriate law enforcement official may rescind, in writing, any hold order.* An appropriate law enforcement official may place only one hold order on property.

(b) Upon the expiration of the holding period, the pawnbroker *shall* ~~may~~ notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the 10th day after the written notice has been received by the appropriate law enforcement official, the pawnbroker has not received from a court an extension of the hold order on the property *and the property is not the subject of a proceeding under subsection (15),* title to the property shall vest in and be deemed conveyed by operation of law to the pawnbroker, free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to the provisions of this section.

(c) A hold order must specify:

1. The name and address of the pawnbroker.

2. The name, title, and identification number of the representative of the appropriate law enforcement official or the court placing the hold order.

3. If applicable, the name and address of the appropriate law enforcement official or court to which such representative is attached and the number, if any, assigned to the claim regarding the property.

4. A complete description of the property to be held, including model number and serial number if applicable.

5. The name of the person reporting the property to be misappropriated *unless otherwise prohibited by law*.

6. The mailing address of the pawnbroker where the property is held.

7. The expiration date of the holding period.

(d) The pawnbroker or the pawnbroker's representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the 90-day holding period.

(e)1. Except as provided in subparagraph 2., a pawnbroker may not release or dispose of property subject to a hold order except pursuant to a court order, a written release from the appropriate law enforcement official, or the expiration of the holding period of the hold order.

2. While a hold order is in effect, the pawnbroker *must upon request* ~~may~~ release the property subject to the hold order to the custody of the appropriate law enforcement official for use in a criminal investigation. The release of the property to the custody of the appropriate law enforcement official is not considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal *proceeding* ~~investigation~~, the property must be returned to the pawnbroker unless the court orders other disposition. When such other disposition is ordered, the court shall additionally order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property together with reasonable attorney's fees and costs.

~~(f) If property is the subject of a lease or rental transaction between a claimant and a conveying customer at the time it is delivered to the pawnbroker, the property may not be considered misappropriated unless the property has a conspicuous permanent label or mark identifying it as the claimant's property. Property subject to a lease or rental transaction which is not marked as provided in this paragraph may be recovered by the claimant upon payment to the pawnbroker of all moneys paid or advanced by the pawnbroker in the pawn or purchase transaction and upon producing evidence identifying the property as the claimant's property that was leased or rented at the time the property was placed in the pawnbroker's possession. The pawnbroker is not liable for the recovery of leased or rental property under this paragraph.~~

(17) CRIMINAL PENALTIES.—

(a) Any person who engages in business as a pawnbroker without first securing a license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to any other penalty, *any person*, who willfully violates this section or who willfully makes a false entry in any record specifically required by this section commits a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082 *or*~~,~~ s. 775.083~~, or s. 775.084~~.

~~(c) Any conveying customer who fraudulently pledges or sells misappropriated property to a pawnbroker commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 2. Section 539.003, Florida Statutes, 1996 Supplement, is amended to read:

539.003 Confidentiality.—

(1) All records relating to pawnbroker transactions delivered to appropriate law enforcement officials pursuant to s. 539.001 are confiden-

tial and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for official law enforcement purposes. *This section does not prohibit the disclosure by the appropriate law enforcement officials of the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of pawned property.*

(2) This *section* ~~exemption~~ is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. This act shall take effect upon becoming a law, except that the amendments to subsection (8) of section 539.001, Florida Statutes, 1996 Supplement, take effect January 1, 1998.

And the title is amended as follows:

On page 1, before the enacting clause insert: A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1420** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed first on the Special Order Calendar for Monday, April 28.

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass: SB 208 with 1 amendment, CS for SB 238 with 1 amendment, SB 388 with 1 amendment, CS for SB 544 and CS for SB 1904 with 7 amendments, CS for SB 716, CS for SB 1464 with 1 amendment, CS for CS for SB 2142 with 4 amendments

The bills were placed on the calendar.

The Committee on Ways and Means recommends committee substitutes for the following: SB 62, CS for SB's 404 and 414 ,CS for SB 698, CS for SB 722, SB 1244, CS for SB 1660, CS for SB 1814, CS for CS for SB's 2028 and 394, Senate Bills 1414 and 228

The bills with committee substitutes attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means and Senator Horne—

CS for SB 62—A bill to be entitled An act relating to taxation; amending s. 199.185, F.S.; exempting certain investments secured by liens on real property from taxation under ch. 199, F.S.; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an exemption from the tax imposed by section 201.02, F.S., for certain transfers between merged entities; providing an effective date.

By the Committees on Ways and Means; Regulated Industries; and Senators Dudley, Scott, Crist, Gutman, Lee, Childers, Jenne, Holzendorf, Meadows, Casas, Brown-Waite, Harris, Klein, Ostalkiewicz and Bankhead—

CS for CS for SB's 404 and 414—A bill to be entitled An act relating to taxation of Internet access, electronic mail, electronic bulletin board, or on-line services; amending s. 203.012, F.S.; providing that the term "telecommunication service" does not include Internet access, electronic mail, electronic bulletin board, or similar on-line computer services for purposes of gross receipts taxes; revising the definition of the term "teletypewriter or computer exchange service" to remove computer exchange service; reenacting s. 166.231(10), F.S., relating to the municipal public service tax on telecommunication service, and s. 212.05(1)(e), F.S., relating to the sales and use tax on telecommunication service, to incorporate the amendment to s. 203.012, F.S., in references thereto; providing intent; providing an effective date.

By the Committees on Ways and Means; Judiciary; and Senators Dudley, Jones, Burt, Campbell, Crist, Grant, Horne, Rossin, Silver and Williams—

CS for CS for SB 698—A bill to be entitled An act relating to enforcement of child support; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending s. 61.052, F.S.; requiring that all initial pleadings in all dissolution of marriage actions contain the social security numbers of all parties; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; requiring that all child support orders contain the social security numbers of all parties to the action; amending s. 61.1301, F.S.; providing for inclusion of an income deduction order in an order establishing, enforcing, or modifying a child support obligation; making conforming changes; providing for enforcement of income deduction; amending s. 61.13016, F.S.; providing for suspension of a driver's license or motor vehicle registration for failure to comply with a subpoena; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing rulemaking authority; amending s. 61.181, F.S.; extending a date with respect to the central depositories; amending s. 61.1812, F.S.; providing a new source of funding for the child support enforcement program; amending s. 61.1814, F.S.; providing for deposit of money from specified fines; amending s. 61.30, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing for determination and imputation of income on a monthly basis in determining a child support award; providing that in adjusting a child support award based on independent income of child, money from a part-time job or supplemental security income is not to be included; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; providing for agency review of orders; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to em-

ployer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal that issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that that department may release confidential tax payer information to any state or local child support enforcement program; amending s. 231.17, F.S.; requiring that applications for teaching certificates contain the social security number of the applicant; amending s. 382.008, F.S.; requiring that all certificates of death or fetal death contain the social security number of the decedent, if available; amending s. 320.05, F.S.; providing that the department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; amending s. 402.308, F.S.; requiring that applications for child care facilities licenses contain the social security number of the applicant; amending s. 409.2554, F.S.; conforming a cross-reference; amending s. 409.2561, F.S.; providing for application of child support guidelines to determination of public assistance reimbursement obligation; amending s. 409.2564, F.S.; providing the department with authority to subpoena information and to impose a fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; amending s. 409.25656, F.S.; authorizing the department to garnish obligors' wages; providing that levy notice remains in effect until final resolution of action contesting notice; establishing continuing obligation of notice of property in possession or control; prohibiting transfer or disposal of property within effective period of notice; authorizing the department to bring action to compel compliance with levy; providing rules authority; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2567, F.S.; conforming provisions; amending s. 409.2574, F.S.; providing for service of notice of income deduction; amending s. 409.2577, F.S.; providing an effective date; requiring the Department of Revenue to notify the U.S. Department of Health and Human Services of reasonable evidence of domestic violence or child abuse the disclosure of which could be harmful to parent or child; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing an administrative fine; providing rulemaking authority; creating s. 409.25785, F.S.; providing an effective date; creating a state directory of new hires; providing for transition of new hire reporting and for operation of directory; requiring all employers to furnish information concerning newly hired employees; providing for notice of wage withholding; providing for use and disclosure of new hire information; amending s. 409.2579, F.S.; prohibiting the state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; providing that the child support agency may report specified information pertaining to injury, neglect, or exploitation of a child to an appropriate agency or official when the child's health is threatened; amending s. 409.2598, F.S.; providing that the state child support agency may take action against the license of an obligor who fails to comply with a subpoena; providing procedures; amending s. 414.38, F.S.; providing for the pilot work experience and job training program for noncustodial parents to be conducted throughout the state; providing for the program to be administered by the Department of Children and Family Services and the Department of Labor and Employment Security through local WAGES coalitions; providing requirements for service providers; requiring evaluations of the program; amending s. 443.171, F.S.; providing that a governmental agency need not file an employment record relating to specified employees; amending s. 443.1715, F.S.; providing for confidentiality of employment records of specified governmental employees; repealing s. 443.175, F.S., which provides for a pilot project on reports of new hire information; amending s. 455.213, F.S.; requiring that all applications for professional or occupational licenses contain the social security number of the applicant; amending s. 455.2141, F.S.; requiring that all applications for licenses within the jurisdiction of the Agency for Health Care Administration contain the social security number of the applicant; amending s. 548.021, F.S.; requiring that applications for licenses for pugilistic exhibitions contain the social security number of the applicant; amending s. 626.171, F.S.; requiring that applications for various insurance licenses contain the social security number of the applicant; amending s. 741.04, F.S.; requiring that affidavits to obtain a marriage license contain the social security number of both parties; amending s. 742.031, F.S.; requiring that the social security number of each party be entered on an order of paternity; providing certain presumptions regarding custody and providing authority for the court to make certain parental responsibility and custody determinations; providing for prima facie evidence of expenses of genetic testing; requiring a temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to a paternity action to file specified information with the court; providing for use of such information in subsequent action; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of a foreign paternity order that is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to the state child support agency; providing for draft requests for a proposal by the Department of Revenue; providing for a report to the Legislature on the draft proposals; providing certain time limitations for developing and submitting the draft proposals; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; requiring a report from the Department of Revenue; providing an effective date.

By the Committees on Ways and Means; Judiciary; and Senators Horne, Grant, Kirkpatrick and Myers—

CS for CS for SB 722—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing for compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; providing for future disposition of the funds to the General Revenue Fund upon repeal of specified provisions; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; amending s. 27.34, F.S.; revising a provision relating to the services and office space provided by the counties to the state attorneys; providing effective dates.

By the Committee on Ways and Means; and Senator Myers—

CS for SB 1244—A bill to be entitled An act relating to the Department of Health; amending ss. 154.067, 395.1023, 415.501, F.S.; clarifying agency responsibilities with regard to certain child protection functions; amending s. 415.5055, F.S.; requiring an interagency agreement; providing specific agency responsibilities; requiring consultation between agencies for certain functions; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to substance abuse and mental health to the Department of Health; providing that the Division of Mental Health and Substance Abuse in the Department of Health will be under the supervision of a Deputy Secretary for Behavioral Health Care; amending s. 391.051, F.S.; revising qualifications for Director for Children's Medical Services; amending ss. 20.19, 20.43, 381.0101, 394.453, 394.455, 394.457, 394.4615, 394.4674, 394.4781, 394.480, 394.50, 394.60, 394.66, 394.67, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 397.311, 397.321, 397,427, 397.706, 397.753, 397.754, 397.801, 397.821, 397.901, F.S.; conforming provisions; providing for the continued effect of rules; providing for the continuation of

judicial and administrative proceedings; providing for appointment of transition advisory committees; providing for the transfer of certain funds; providing effective dates.

By the Committee on Ways and Means; and Senators Dyer, Kirkpatrick and Grant—

CS for SB's 1414 and 228—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; deleting a requirement that a certain portion of the cost of certain construction projects be included in a budget request; deleting a limitation upon the number of such construction projects allowed to an educational agency; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending s. 240.289, F.S.; authorizing the universities to accept credit card payments; prohibiting the imposition of a service fee or surcharge for credit card payments; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; amending ss. 240.207, 240.307, F.S.; adding members to the Board of Regents and the State Board of Community Colleges; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Ostalkiewicz and Clary—

CS for CS for SB 1660—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; exempting the sale of steam energy used in manufacturing; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for certain complimentary meals; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; providing effective dates.

By the Committees on Ways and Means; Health Care; and Senator Jones—

CS for CS for SB 1814—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to

resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a

speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; Transportation; and Senators Hargrett, Grant and Horne—

CS for CS for CS for SB's 2028 and 394—A bill to be entitled An act relating to public records requirements; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, and s. 320.05, F.S., relating to registration records; amending s. 322.20, F.S., to increase fees for services and documents and to conform; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing a finding of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 81, CS for CS for HB 169, HB 201, CS for HB 231, CS for HB 319, CS for CS for HB 381, CS for HB 415, CS for HB 433, CS for HB 505, HB 553, HB 671, CS for CS for HB 695, CS for HB 705, CS for HB 901, CS for HB 957, HB 1003, HB 1099, CS for HB 1105, HB 1151, CS for HB 1159, HB 1161, CS for HB 1195, HB 1453, HB 1469, CS for HB 1707; has passed as amended CS for HB 35, CS for HB 83, HB 123, CS for HB 137, CS for HB 225, HB 363, CS for HB 377, HB 641, CS for HB 657, CS for HB 731, HB 743, HB 887, CS for CS for HB 907, HB 1013, CS for HB 1125, HB 1337, CS for HB 1345, HB 1403, HB 1523, CS for HB 1803, HB 1867 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Transportation and Environmental Protection and Representative Mackey and others—

CS for CS for HB 81—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of "reseller"; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department's authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier's or importer's allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant's allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of "consumption, use, or storage by a trade or business" for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021 and 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain taxes under such sections; providing that the proceeds of the ninth-cent tax on fuel shall be used for transportation expenditures as defined by s. 336.025(7), F.S.; revising provisions relating to the distribution of local option taxes on diesel fuel; providing for deduction of service and administrative charges and dealer allowances; providing for an additional distribution to counties with a qualified new retail station and providing requirements with respect thereto; providing for distribution of any additional available taxes based on each county's vehicular diesel fuel storage capacities and providing requirements with respect thereto; revising provisions which require that the local option tax of up to 5 cents on motor fuel be used for transportation expenditures necessary to meet requirements of the capital improvements element of an adopted comprehensive plan; providing effective dates.

—was referred to the Committee on Ways and Means.

By the Committees on Real Property and Probate; Real Property and Probate; and Representative Crow—

CS for CS for HB 169—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising provisions with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising provisions with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising provisions with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal, or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising provisions with respect to reservations; amending s. 498.025, F.S.; revising provisions with respect to exemptions; amending s. 498.027, F.S.; revising provisions with respect to application for registration; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising provisions with respect to inquiry and examination; amending s. 498.033, F.S.; revising provisions with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising provisions with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising provisions with respect to public offering statements; amending s. 498.039, F.S.; revising provisions with respect to certain trust and escrow accounts; amending s. 498.041, F.S.; revising provisions with respect to annual renewal; providing for termination of registration; amending s. 498.047, F.S., relating to investigations; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By Representative Warner and others—

HB 201—A bill to be entitled An act relating to educational finance; creating s. 236.08105, F.S.; requiring an advance distribution of Florida Education Finance Program funds under certain circumstances; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Governmental Operations and Representative Lippman and others—

CS for HB 231—A bill to be entitled An act relating to illegal aliens; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of illegal aliens, as defined; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs illegal aliens shall be subject to unilateral cancellation; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Business Development and International Trade; and Representative Andrews—

CS for HB 319—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Community Affairs.

By the Committees on Community Affairs; Real Property and Probate; and Representative Carlton and others—

CS for CS for HB 381—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; providing legislative intent; providing that counties and municipalities may impose additional penalties

by ordinance on the owner of a place declared to be a public nuisance; providing an effective date.

—was referred to the Committees on Community Affairs and Criminal Justice.

By the Committee on Civil Justice and Claims; and Representative Reddick and others—

CS for HB 415—A bill to be entitled An act relating to uniform traffic control; amending s. 316.1974, F.S.; providing for funeral procession right-of-way and liability; providing definitions; providing for required equipment; providing for right-of-way; providing for driving in procession; providing for other vehicles; providing for liability; amending s. 316.072, F.S.; including certain law enforcement vehicles in a list of authorized emergency vehicles; reenacting s. 316.072(6)(a), F.S., relating to motor vehicle noise, to incorporate said amendment in a reference; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By the Committee on Business Regulation and Consumer Affairs; and Representative Burroughs and others—

CS for HB 433—A bill to be entitled An act relating to the Board of Professional Engineers; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing limitations on authority; providing for records; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Bainter and others—

CS for HB 505—A bill to be entitled An act relating to private attorney services; amending s. 287.059, F.S.; providing that private attorney services procured by the Board of Trustees of the Florida School for the Deaf and the Blind are not required to have been approved in writing by the Attorney General; providing for disclosure by private attorneys contracting with the state with respect to clients suing or being sued by a state entity; requiring written waiver of potential conflict of interest to be obtained by the contracting attorney, under specified circumstances; providing that failure to make such disclosure or obtain waiver as required is a breach of the contract precluding entitlement to payment; requiring the Comptroller to refuse such payment, under specified circumstances; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Hill—

HB 553—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming to the act; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Community Affairs; and Ways and Means.

By Representative Livingston and others—

HB 671—A bill to be entitled An act relating to contracting; amending ss. 489.127 and 489.531, F.S.; providing for similar penalties for unlicensed violations with respect to construction contracting and electrical contracting; providing for additional penalties for certain violations; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

By the Committees on Juvenile Justice and Education Innovation and Representative Byrd and others—

CS for CS for HB 695—A bill to be entitled An act relating to education; providing intent; amending s. 39.045, F.S., relating to confidential information about juvenile offenders, to provide for disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in a community control program to attend a public adult education program or dropout prevention program if available unless an exception is made by the principal; requiring disclosure of certain information if a juvenile attends a regular educational school program; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Elder Affairs and Long Term Care; and Representative Roberts-Burke—

CS for HB 705—A bill to be entitled An act relating to adult family-care homes; amending s. 400.6211, F.S.; requiring the Department of Elderly Affairs to inform providers of financial assistance that may be available to certain residents; directing the department to study the concept of "aging in place" and how to apply it to adult family-care homes; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Governmental Operations and Representative Fischer—

CS for HB 901—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585 and 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Community Affairs.

By the Committee on Business Development and International Trade; and Representative Culp and others—

CS for HB 957—A bill to be entitled An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; providing for state use of credit cards, charge cards, or debit cards under certain circumstances; amending s. 282.20, F.S.; providing a definition; requiring approval of the Office of Planning and Budgeting for acceptance of any new customer other than a state agency that will use more than a specified percentage of the previous year's revenue; eliminating the Technology Resource Center data processing policy board; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authoriz-

ing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the secretary to charge fees; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Judiciary; and Ways and Means.

By Representative Crady—

HB 1003—A bill to be entitled An act relating to the use of fuel taxes; authorizing the transfer and use of legally restricted fuel taxes by counties having a population of 30,000 or less for unrestricted purposes for all fiscal years prior to and through fiscal year 1997-1998; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Futch—

HB 1099—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance to employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a $3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Operations and Representative Albright and others—

CS for HB 1105—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

HB 1151—A bill to be entitled An act relating to criminal and juvenile justice information systems; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of state criminal and juvenile justice system; amending s. 943.08, F.S.; revising duties of the council; providing for certain recommendations by the council; providing guidelines for criminal and juvenile justice information systems and applications supported by the department and Department of Corrections and Department of Juvenile Justice; providing for installation and operation of statewide telecommunications networks to support data sharing among federal, state, and local criminal and juvenile justice agencies and other authorized entities; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of juvenile justice information system; removing provision requiring report by department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; correcting a cross reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate representative of the council; amending s. 282.111, F.S., relating to statewide system of regional law enforcement communications; removing provision requiring certain consultation by the Division of Communications with the council; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Education Innovation and Representative Meek—

CS for HB 1159—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Rules and Calendar.

By Representative Meek and others—

HB 1161—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Water and Resource Management; and Representative Carlton and others—

CS for HB 1195—A bill to be entitled An act relating to pollution control; creating s. 403.0882, F.S.; providing definitions; providing for classification and permitting of the discharge of demineralization concentrate; specifying conditions for the discharge of demineralization concentrate from certain potable water production facilities; specifying conditions and limitations for such discharge from small water utility businesses; limiting regulation of such businesses by the Department of Environmental Protection; providing a permitting schedule for demineralization facilities; providing for rules; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Colleges and Universities; and Representative Casey and others—

HB 1453—A bill to be entitled An act relating to the Florida Prepaid Tuition Scholarship Program; reviving and readopting s. 240.552, F.S., which establishes the program; providing an effective date.

—was referred to the Committee on Education.

By Representative Dockery and others—

HB 1469—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Community Affairs and Representative Culp and others—

CS for HB 1707—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511 and 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 318.18, F.S.; providing for the dismissal of a citation for illegally parking in a parking space for disabled persons under certain circumstances; providing for the payment of a dismissal fee; amending s. 553.512, F.S.; revising the conditions for granting waivers; repealing s. 553.510, F.S., relating to the national standard for accessibility and usability of private property features; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Community Affairs.

By the Committee on Law Enforcement and Public Safety; and Representative Greene and others—

CS for HB 35—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for "victim or witness at risk of harm" and "serious felony offense"; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Ogles and others—

CS for HB 83—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining "prior conviction"; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Wasserman Schultz and others—

HB 123—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Education/K-12 and Representative Culp and others—

CS for HB 137—A bill to be entitled An act relating to education; amending s. 230.03, F.S., relating to management of the district school system; providing authority for rules, procedures, and policies; correcting a cross reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; correcting a cross reference; amending s. 230.2317, F.S.; revising provisions relating to multiagency services for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program purposes and plan requirements; amending s. 230.303, F.S.; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.655, and 230.71, F.S., relating to educational communications systems, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s.

232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; correcting cross references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; correcting a cross reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2468, F.S., and repealing subsections (2) and (3), relating to graduation, habitual truancy, and dropout rates; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; correcting cross references, conforming language, and deleting obsolete language; amending s. 236.24, F.S.; clarifying language relating to school board securities transactions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Arnall and others—

CS for HB 225—A bill to be entitled An act relating to driver licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing for an appropriation; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Representative Melvin and others—

HB 363—A bill to be entitled An act relating to premium finance agreements; amending s. 627.841, F.S., providing that any installment paid to a premium finance company under a premium finance agreement shall be deemed to be a timely payment if it is received with a postmark on or before the due date; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Family Law and Children; and Representative Bronson and others—

CS for HB 377—A bill to be entitled An act relating to juries; amending s. 40.013, F.S.; providing for permanent excusal of certain persons from jury service; amending s. 40.24, F.S., relating to compensation for juror service; authorizing donation of juror compensation to a program specified by a certified guardian ad litem program or to a domestic violence shelter; providing duties of the clerk of court and guidelines with respect to receipt or expenditures of such donated moneys; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Argenziano and others—

HB 641—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; requiring insurance coverage under certain conditions; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on Business Development and International Trade; and Representative Boyd and others—

CS for HB 657—A bill to be entitled An act relating to rural economic development; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Election Reform and Representative Andrews—

CS for HB 731—A bill to be entitled An act relating to political advertisements; creating s. 106.1433, F.S.; providing requirements for use of manipulated images in political advertisements; providing definitions; providing penalties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Representative Bainter and others—

HB 743—A bill to be entitled An act relating to insurance; amending s. 624.424, F.S.; increasing the time limit on an insurer's use of certain accountants; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life and disability insurance to sell credit property insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Sublette and others—

HB 887—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; requiring the inclusion of specified information in the advertisement of a school board's tentative budget; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Law Enforcement and Public Safety; Agriculture; and Representative Spratt and others—

CS for CS for HB 907—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; clarifying the scope of the Regulated Plant Index; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 589.012, F.S.; creating the Friends of Florida State Forests Program; providing purpose; creating s. 589.013, F.S.; authorizing a direct-support organization for the Friends of Florida State Forests Program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; amending s. 500.121, F.S., relating to disciplinary procedures; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; authorizing a food safety inspection pilot program; providing criteria for the program; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying compilation of a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 253.68, F.S.; modifying a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; repealing ss. 500.453, 500.455, 500.457, and 500.509, F.S., relating to bottled water and packaged ice regulation; providing for a state facility designation; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Ways and Means

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By Representative Bradley and others—

HB 1013—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081, F.S.; increasing the maximum enrollment ceiling on adult education programs for fiscal year 1997-1998; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Governmental Operations and Representative Jones—

CS for HB 1125—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Banking and Insurance.

By the Committee on Finance and Taxation; and Representative Starks and others—

HB 1337—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Tourism and Representative Melvin and others—

CS for HB 1345—A bill to be entitled An act relating to public food service establishments; amending s. 509.032, F.S.; providing that certain rules adopted by the Division of Hotels and Restaurants shall provide alternative methods of achieving food protection in certain rules related to cooking and handling foods; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Representative Tobin—

HB 1403—A bill to be entitled An act relating to liens; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; creating s. 713.596, F.S.; providing for molders' liens and rights; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Littlefield and others—

HB 1523—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By the Committee on Community Affairs and Representative Gay and others—

CS for HB 1803—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; revising provisions relating to implementation of the State Housing Strategy; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0006, F.S.; directing the Secretary of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation; specifying its status as a public corporation; revising membership of its board of directors; providing liability of members; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing powers of the corporation; amending s. 420.508, F.S.; providing special powers of the corporation with respect to multifamily and single family projects; revising requirements relating to security for loans and bonds; establishing the Florida Housing Finance Corporation Fund and providing for deposit of funds in the Housing Finance Agency Trust Fund therein and for closure of the trust fund; amending s. 420.5087, F.S.; renaming and revising the status of the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming and revising the status of the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming and revising the status of the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091 and 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of low-income housing tax credits; providing considerations for assessment of tax credit developments; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a business plan and a strategic plan and make an annual report; requiring submission of a financial audit and compliance audit with the annual report; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending ss. 420.514 and 420.523, F.S.; conforming terminology; creating s. 420.517, F.S.; providing for affordable housing and job training coordination; amending s. 420.525, F.S.; renaming and revising the status of the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, and 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; revising definitions under the Affordable Housing Planning and Community Assistance Act; amending s. 420.606, F.S.; revising provisions relating to training and technical assistance; amending s. 420.9071, F.S.; revising definitions under the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiatives Partnership Program; amending s. 420.9073, F.S., relating to local housing distributions; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance plans; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078 and 420.9079, F.S.; providing for the administration of, and distributions from, the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; amending ss. 239.505 and 381.0081, F.S.; conforming terminology; amending s. 285.11, F.S.; providing that leases of Seminole Indian Reservation land entered into with a Florida Indian for housing development and residential purposes may be for a term not to exceed 50 years; providing for transition; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Operations and Representative Posey and others—

HB 1867—A bill to be entitled An act relating to the executive branch of state government; amending ss. 20.21 and 20.37, F.S.; providing that the head of the Department of Revenue and the Department of Veterans' Affairs shall be a secretary appointed by the Governor, subject to confirmation by the Senate; amending s. 20.10, F.S.; repealing s. 20.24, F.S.; creating s. 20.241, F.S.; abolishing the Department of Highway Safety and Motor Vehicles and creating a Department of Highway Safety; transferring the Division of Driver Licenses and Division of Motor Vehicles to the Department of State; transferring the Florida Highway Patrol to the Department of Highway Safety; providing for transfer of positions and trust funds and for interagency agreements; providing for availability of driver's license information to the Department of Highway Safety; directing that reviser's bills be prepared to conform the Florida Statutes; amending s. 322.125, F.S.; providing for appointment of members of the Medical Advisory Board within the Department of State by the Secretary of State; amending ss. 20.32, 947.02, 947.021, 947.03, and 947.04, F.S.; providing for appointment of the Parole Commission, parole qualifications committees, and officers thereof by the Governor, rather than the Governor and Cabinet; amending s. 110.181, F.S.; providing for appointment of seven members of the Florida State Employees' Charitable Campaign steering committee by the Governor and Cabinet members rather than the Administration Commission; amending ss. 110.112, 110.161, 110.209, 110.21, 110.211, and 110.219, F.S.; removing the requirement that the Administration Commission approve rules relating to agency affirmative action plans, the pretax benefits program, pay plans, shared employment, recruitment, and attendance and leave; amending s. 110.1225, F.S.; providing that the Governor, rather than the Administration Commission, may propose employee furlough plans; providing that a Cabinet member may propose such plans for his or her agency; amending s. 110.205, F.S.; removing the requirement that the Administration Commission approve certain positions exempt from the Career Service System; amending s. 110.209, F.S.; providing that the Governor, rather than the Administration Commission, shall review actions relating to pay grade assignments; amending s. 112.175, F.S.; providing that the Department of Management Services, rather than the Administration Commission, shall adopt rules relating to withholding of wages to repay educational loans; amending ss. 215.18 and 215.32, F.S.; providing that the Governor, rather than the Administration Commission, shall order certain transfers between funds and approve trust fund consolidations; amending ss. 216.177, 216.179, 216.181, 216.182, 216.192, 216.195, 216.221, 216.231, 216.241, 216.251, 216.262, 216.292, and 240.513, F.S.; providing that the Governor, rather than the Administration Commission, shall have responsibilities in the following areas

relating to appropriations and budgeting: appropriations act review and objection procedures, authorization of expenditures, amendments to approved operating budgets, review of determinations relating to fixed capital outlay program plans, review of plans for releases of funds, impoundment of funds, implementing certain deficit reduction plans, release of funds classified as "deficiency," approval of new programs or program changes, setting of certain salaries, certain adjustments to authorized positions, and authorization of certain fund transfers; amending s. 195.087, F.S.; removing provisions which allow property appraisers to appeal budget decisions to the Administration Commission; amending s. 213.055, F.S.; providing that the Governor, rather than the Governor and Cabinet, may grant certain fuel tax refunds in an emergency; amending s. 336.025, F.S.; providing that the Governor, rather than the Administration Commission, shall resolve disputes relating to determination of distribution proportions for the local option fuel tax for county transportation systems; amending ss. 212.0599, 213.065, and 213.066, F.S.; removing references to adoption by the Governor and Cabinet of certain implementing rules of the Department of Revenue; amending ss. 161.101 and 366.055, F.S.; providing that the Governor, rather than the Governor and Cabinet, shall have responsibility for declaration of a shoreline emergency and declaration of an energy emergency; amending s. 339.135, F.S.; removing responsibilities of the Administration Commission with respect to approval of proposed amendments by the Department of Transportation to an adopted work program when objection has been made thereto; amending s. 945.6035, F.S.; providing for appeals to the Governor, rather than the Administration Commission, for resolution of disputes between the Department of Corrections and the Correctional Medical Authority; providing effective dates.

—was referred to the Committees on Transportation; Governmental Reform and Oversight; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 152, SB 180, CS for SB 232, CS for SB 378, CS for SB 442, CS for SB's 530 and 848, CS for SB 550, CS for SB 630, SB 1108, CS for SB 1112, SB 1430 and CS for SB 1862.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-SPONSORS

Senators Clary—CS for SB 1018; Dyer—SB 1016; Hargrett—SB 208; Thomas—SB 208; Kirkpatrick—CS for SB 544 and CS for SB 1904; McKay—CS for SB 544 and CS for SB 1904; Meadows—CS for SB 544 and CS for SB 1904

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:01 p.m. to reconvene at 9:30 a.m., Monday, April 28.

Journal of the Senate

Number 19—Regular Session **Monday, April 28, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:45 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Dr. Robert W. Battles, Jr., Senior Minister, First Presbyterian Church, Gainesville:

Almighty God, you have called us to join with you in creating a world that reflects your love and compassion. You have promised that when people are faithful to your vision, you will bless the work of their hands and the love of their hearts.

We thank you for this great state of ours and all the opportunities it provides. Give to each one who serves on our behalf, the spirit of wisdom and understanding. Unite them in a common pursuit of just priorities so that all may live together as one people—the young, educated; the old, cared for; the hungry, filled; the homeless, housed; and the sick, comforted and healed.

Bless our Senators and all who work with them as they struggle in these final days with the scores of difficult decisions before them, that in and through the deliberations in this chamber and the compromises worked out with the House, our great state might show the nation that each of our citizens may live in security and freedom and each may have an equal opportunity and an equal chance to do their best.

When times are prosperous, let our hearts be thankful; and, in troubled times, do not let our trust in you fail.

Hear this our prayer, mighty God. Amen.

PLEDGE

Senate Pages, Mel Cannon of Tallahassee and Stephenie Ford of Bristol, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 504** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 620**, **CS for SB 1416** and **CS for SB 2428** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1760**, **CS for SB 746**, **SB 1050**, **SB 2040**, **SB 1820** and **CS for HB 105** were withdrawn from the Committee on Judiciary; **HB 571** was withdrawn from the Committee on Natural Resources; **SB 2536** was withdrawn from the Committee on Community Affairs; **CS for SB's 910, 302 and 2300** was withdrawn from the Committee on Criminal Justice; and **CS for SB 1654** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 690** was withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 2430** and **SB 2182** were withdrawn from the Committee on Governmental Reform and Oversight; **CS for HB 137** was withdrawn from the Committees on Education; and Ways and Means; **SB 468**, **CS for SB 2458**, **SB 1472** and **CS for SB 578** were withdrawn from the Committee on Judiciary; **SB 950** was withdrawn from the Committee on Regulated Industries; **CS for SB 1398** was withdrawn from the Committees on Judiciary; and Ways and Means; and **SB 2328** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Cowin, by two-thirds vote **SB 1254** and **SB 1256** were withdrawn from the committees of reference and further consideration.

On motion by Senator Jenne, by two-thirds vote **SB 2274** was withdrawn from the committees of reference and further consideration.

On motion by Senator Brown-Waite, by two-thirds vote **SB 230**, **SB 730**, **SB 518** and **SB 1882** were withdrawn from the committees of reference and further consideration.

On motion by Senator Turner, by two-thirds vote **SB 1556**, **SB 1672** and **SB 2478** were withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 29 at 12:15 p.m. or upon adjournment of session to establish the Special Order Calendar for Wednesday, April 30 and Thursday, May 1.

MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Tuesday, April 29, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 908—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s. 626.918, F.S.; revising surplus and trust fund requirements for alien surplus lines insurers; lowering surplus requirements for surplus lines insurers meeting certain conditions; providing for severability; providing an effective date.

—as amended April 24 was read the third time by title.

An amendment was considered, by two-thirds vote, to conform **CS for SB 908** as amended to **CS for HB 269**.

Pending further consideration of **CS for SB 908** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 269** was withdrawn from the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Grant, by two-thirds vote—

CS for HB 269—A bill to be entitled An act relating to surplus lines insurance; providing a short title; amending s. 626.918, F.S.; revising language with respect to eligible surplus lines insurers; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; providing for confidentiality of certain information; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within 10 days; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s. 626.918, F.S.; providing surplus and other requirements regarding certain surplus lines insurers; providing effective dates.

—a companion measure, was substituted for **CS for SB 908** as amended and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 269** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Madam President	Campbell	Dantzler	Gutman
Bankhead	Casas	Diaz-Balart	Harris
Bronson	Childers	Dudley	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jones
Klein	Lee	Myers	Scott
Kurth	McKay	Ostalkiewicz	Thomas
Latvala	Meadows	Rossin	Williams

Nays—None

Vote after roll call:

Yea—Sullivan

SB 958—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to a law enforcement agency; amending s. 775.13, F.S.; revising registration requirements for convicted felons; amending s. 775.21, F.S.; revising requirements for public notification of the presence of a sexual predator; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the

time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing appropriations; providing for uses of certain appropriations; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Forman, **SB 958** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Hargrett, Kirkpatrick

SENATOR MCKAY PRESIDING

CS for SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 948** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Crist	Horne	Rossin
Bronson	Dantzler	Jenne	Scott
Brown-Waite	Diaz-Balart	Jones	Silver
Burt	Dudley	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	Meadows	Williams
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, Kirkpatrick, Klein, McKay

SB 884—A bill to be entitled An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing for future review and repeal; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **SB 884** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Harris	Lee	Turner
Cowin	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, McKay

HB 1523—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the "Long-Term Care Community Diversion Pilot Project Act"; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was read the third time by title.

On motion by Senator Bankhead, **HB 1523** was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Campbell	Cowin	Dudley
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Dantzler	Grant
Burt	Clary	Diaz-Balart	Gutman

Hargrett	Kirkpatrick	Myers	Thomas
Harris	Klein	Ostalkiewicz	Turner
Holzendorf	Kurth	Rossin	Williams
Horne	Latvala	Scott	
Jenne	Lee	Silver	
Jones	Meadows	Sullivan	

Nays—None

Vote after roll call:

Yea—Madam President, McKay

CS for CS for SB 496—A bill to be entitled An act relating to the regulation of orthotists, prosthetists, and pedorthists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating the Orthotists and Prosthetists Educational Programs Task Force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that the provisions of the act relating to orthotics do not apply to licensed pharmacists or persons acting under the supervision of licensed pharmacists; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 496** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Clary	Gutman	Latvala	Thomas
Cowin	Harris	Lee	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Childers, McKay

CS for SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract main-

tained pursuant to a collective bargaining agreement; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Diaz-Balart, **CS for SB 1682** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Holzendorf	Myers
Bronson	Dantzler	Horne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Kirkpatrick	Silver
Campbell	Dyer	Klein	Sullivan
Casas	Forman	Kurth	Thomas
Childers	Grant	Latvala	Turner
Clary	Gutman	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, McKay

CS for SB 1420—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Campbell, **CS for SB 1420** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Scott
Casas	Forman	Kurth	Silver
Childers	Grant	Latvala	Thomas
Cowin	Gutman	Lee	Turner
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President, Burt, Clary, Hargrett, Harris, McKay

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 2060** and **SB 2416** was deferred.

INTRODUCTION OF FORMER SENATE PRESIDENT

Senator Thomas introduced former Senator Gwen Margolis who was present in the chamber. Senator Margolis served as Senate President from 1990 to 1992.

On motion by Senator Gutman, by two-thirds vote **HB 1071** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motions by Senator Gutman, by two-thirds vote—

HB 1071—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 2 of ch. 95-302, Laws of Florida; abrogating the future repeal of certain amendments made by that chapter to s. 212.05(1)(a)2., F.S., and abrogating the reversion of the text of that subparagraph to that in existence on September 30, 1995, with specified exceptions; providing an effective date.

—a companion measure, was substituted for **SB 684** and by two-thirds vote read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 1071** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Klein	Silver
Campbell	Dyer	Kurth	Thomas
Casas	Forman	Latvala	Turner
Childers	Grant	Lee	Williams
Clary	Gutman	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, Harris

SB 676—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 676** to **HB 603**.

Pending further consideration of **SB 676** as amended, on motion by Senator Scott, by two-thirds vote **HB 603** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motions by Senator Scott, by two-thirds vote—

HB 603—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

—a companion measure, was substituted for **SB 676** as amended and by two-thirds vote read the second time by title. On motion by Senator Scott, by two-thirds vote **HB 603** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dantzler	Horne	Myers
Brown-Waite	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Scott
Casas	Forman	Klein	Silver
Childers	Grant	Kurth	Sullivan
Clary	Gutman	Latvala	Thomas
Cowin	Harris	Lee	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Bankhead

On motion by Senator Meadows, by two-thirds vote **HB 685** was withdrawn from the Committee on Community Affairs.

On motion by Senator Meadows—

HB 685—A bill to be entitled An act relating to local government audits; amending s. 11.45, F.S.; requiring auditors to notify members of the governing body of a local governmental entity under certain circumstances; providing additional duties of the Auditor General under circumstances of potential financial emergency for a local governmental entity; providing an effective date.

—a companion measure, was substituted for **SB 1186** and read the second time by title.

Senator Dudley moved the following amendment:

Amendment 1 (with title amendment)—On page 9, between lines 30 and 31, insert:

Section 2. Section 166.251, Florida Statutes, is amended to read:

166.251 Service fee for dishonored check.—The governing body of a municipality may adopt a service fee *not to exceed the service fees authorized under s. 832.08(5)* ~~of $20~~ or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a municipal official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending s. 166.251, F.S.; revising a service fee limit on dishonored checks;

On motion by Senator Meadows, further consideration of **HB 685** with pending **Amendment 1** was deferred.

On motion by Senator Kirkpatrick—

CS for SB 718—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; authorizing state agencies and the judicial branch and units of local government to accept charge cards or debit cards upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; defining "customers" of the Division of Information Services and prescribing its duties with respect thereto; eliminating the Technology Resource Center data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for use of electronic information services; creating s. 282.22, F.S.; declaring legislative intent with respect to availability and use of products and materials developed by or under the direction of the department; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 718** to **CS for HB 1413**.

Pending further consideration of **CS for SB 718** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1413** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Kirkpatrick, by two-thirds vote—

CS for HB 1413—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; providing for the acceptance of charge cards and debit cards by state agencies, units of local government, and the judicial branch; providing a time period for certain actions; authorizing a convenience fee; providing for the application of the act on certain contracts; amending s. 282.20, F.S.; revising language with respect to the Technology Resource Center; defining the term "customer"; eliminating a data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for the use of its electronic access services; creating s. 282.22, F.S.; providing for the production and dissemination of materials and products by the Department of Management Services; providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council; providing applicability; repealing s. 282.313, F.S.; relating to data processing policy boards; providing an effective date.

—a companion measure, was substituted for **CS for SB 718** as amended and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 31, insert:

Section 1. Subsection (3) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(3)(a) A notary public seal shall be affixed to all notarized *paper* documents and shall be of the rubber stamp type and shall include the words "Notary Public-State of Florida." The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized *paper* document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature *on a paper document* his or her name exactly as commissioned. An *impression-type* ~~impression type~~ seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for *use on* a *paper document* ~~notary public~~, and the *impression-type* ~~impression type~~ seal may not be substituted therefor.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to use a rubber stamp type notary public seal *on paper documents* only upon reappointment on or after January 1, 1992.

Section 2. Section 117.20, Florida Statutes, is created to read:

117.20 Electronic notarization.—

(1) The provisions of ss. 117.01, 117.03, and 117.04, 117.05(1)-(14), 117.05(16), 117.105, and 117.107 apply to all notarizations under this section except as set forth in this section.

(2) An electronic notarization shall include the name of the notary public, exactly as commissioned, the date of expiration of the commission of the notary public, the commission number, and the notary's digital signature. Neither a rubber stamp seal nor an impression-type seal is required for an electronic notarization.

(3) Any notary public who seeks to perform electronic notarizations and obtains a certificate from any certification authority, as defined in s. 282.72(2), shall request an amended commission from the Secretary of State as set forth in s. 117.05(11). The Secretary of State shall issue an amended commission to the notary public indicating that the notary is a subscriber to the certification authority identified in the notary's request for an amended commission. After requesting an amended commission, the notary public may continue to perform notarial acts, but may not use his or her digital signature in the performance of notarial acts until receipt of the amended commission. Any fees collected from such amended commissions shall be used to fund the Secretary of State's administration of electronic notary commissions.

(4) If the notary public's private key corresponding to his or her public key has been compromised, the notary public shall immediately notify the Secretary of State in writing of the breach of security and shall request the issuing certification authority to suspend or revoke the certificate.

(5) Failure to comply with this section constitutes grounds for suspension from office by the Governor.

Section 3. Section 282.745, Florida Statutes, is created to read:

282.745 Voluntary licensure.—

(1) The Secretary of State may adopt, amend, or repeal any rules as necessary, pursuant to chapter 120, to implement, enforce, and interpret the voluntary licensure of private certification authorities. Such rules shall provide, at a minimum, for:

(a) Licensing fees sufficient to support the licensing program.

(b) Standards and requirements for voluntary licensure.

(c) Audit procedures and requirements to assure program compliance.

(d) Insurance reserve or bonding requirements.

(e) Procedures for license revocation and suspension for failure to meet licensure requirements or for misconduct.

(2) No private certification authority shall be required to obtain a license from the Secretary of State pursuant to this section.

(3) The Secretary of State may also enter into reciprocity agreements with other jurisdictions on behalf of this state to allow for the fullest possible recognition of digital signatures executed under Florida law and the fullest possible recognition of certification authorities licensed under this section.

Section 4. Section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain an impression-type metal seal in the form aforesaid *and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75*. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. *Drawings, specifications, plans, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.* ~~It is unlawful for any person to stamp or seal any document with a seal after his certificate of registration has expired or been revoked or suspended, unless reinstated or reissued.~~

(2) *It is unlawful for any person to stamp, seal, or digitally sign any document with a seal or digital signature after his or her certificate of registration has expired or been revoked or suspended, unless such certificate of registration has been reinstated or reissued.* When the certificate of registration of a registrant has been revoked or suspended by the board, it shall be mandatory that the registrant, ~~surrender his seal to the secretary of the board~~ within a period of 30 days after the revocation or suspension has become effective, *surrender his or her seal to the secretary of the board and confirm to the secretary the cancellation of the registrant's digital signature in accordance with ss. 282.70-282.75*. In the event the registrant's certificate has been suspended for a period of time, his *or her* seal shall be returned to him *or her* upon expiration of the suspension period.

(3) No registrant shall affix or permit to be affixed his *or her* seal, ~~or~~ name, *or digital signature* to any plan, specification, drawing, or other document which depicts work which he *or she* is not licensed to perform or which is beyond his *or her* profession or specialty therein.

Section 5. Paragraph (j) of subsection (1) of section 471.033, Florida Statutes, is amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(j) Affixing or permitting to be affixed his *or her* seal, ~~or his~~ name, *or digital signature* to any final drawings, specifications, plans, reports, or documents that were not prepared by him *or her* or under his *or her* responsible supervision, direction, or control.

Section 6. Section 472.025, Florida Statutes, is amended to read:

472.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by all registrants holding valid certificates of registration, whether the registrants are corporations, partnerships, or individuals. Each registrant shall obtain an impression-type metal seal in that form; and all final drawings, plans, specifications, plats, or reports prepared or issued by the registrant in accordance with minimum technical standards set by the board shall be signed by the registrant, dated, and stamped with his *or her* seal. This signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. *Each registrant may in addition register his or her seal electronically in accordance with ss. 282.70-282.75. Drawings, plans, specifications, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with such seal in accordance with ss. 282.70-282.75.* ~~It is unlawful for any person to stamp or seal any document with a seal after his certificate of registration has expired or been revoked or suspended unless reinstated or reissued.~~

(2) *It is unlawful for any person to stamp, seal, or digitally sign any document with a seal or digital signature after his or her certificate of registration has expired or been revoked or suspended, unless such certificate of registration has been reinstated or reissued.* When the certificate of registration of a registrant has been revoked or suspended by the board, the registrant shall, ~~surrender his seal to the secretary of the board~~ within a period of 30 days after the revocation or suspension has become effective, *surrender his or her seal to the secretary of the board and confirm to the secretary the cancellation of the registrant's digital signature in accordance with ss. 282.70-282.75*. In the event the registrant's certificate has been suspended for a period of time, his *or her* seal shall be returned to him *or her* upon expiration of the suspension period.

(3) No registrant shall affix or permit to be affixed his *or her* seal, ~~or~~ name, *or digital signature* to any plan, specification, drawing, or other document which depicts work which he *or she* is not licensed to perform or which is beyond his *or her* profession or specialty therein.

Section 7. *(1) As used in this section, the term:*

(a) "Authentication instrument" means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) "Florida international notary" means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) A Florida international notary is authorized to issue authentication instruments for use in non-United States jurisdictions. International notaries shall not authenticate documents for use in countries that are not diplomatically recognized by the United States.

(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(5) The authentication instruments of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments;

(b) Procedures for the permanent archiving of authentication instruments;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States;

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's authentication instruments, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 8. Section 240.289, Florida Statutes, is amended to read:

240.289 Credit card, *charge card, and debit card* use in university system; authority.—The several universities in the State University System are authorized, pursuant to s. 215.322, to enter into agreements and accept credit card, *charge card, or debit card* payments as compensation for goods, services, tuition, and fees in accordance with rules established by the Board of Regents.

Section 9. Subsection (6) of section 402.18, Florida Statutes, is amended to read:

402.18 Welfare trust funds created; use of.—

(6) The department shall maintain accounts in the welfare trust fund for the sale of goods, services, or products resulting from sheltered workshop, activity center, and agricultural project operations carried out in the rehabilitation of the department's clients, each project being accounted for separately in accordance with cost standards established by the department, but the cost of such projects shall not include any wage or salary expenditures funded by a general revenue appropriation applicable to such rehabilitative activities. The cost of materials incorporated in such products sold, if funded by an appropriation of general revenue, shall be restored to general revenue unallocated at the end of the fiscal year of sale from the proceeds of such sales; provided, however, that the cost of inventories on hand June 30, 1984, shall be accounted for as part of the working capital authorized for such activities. The department may extend credit for the sale of products produced in such activities, and for those sales made for its clients through its hobby shops, to purchasers of demonstrated credit standing sufficient to warrant the amount of credit extended after prudent evaluation of information relating to such credit standing. The department may obtain credit reports from reputable credit reporting agencies to assure prudence in the extending of credit, except when payment is made by credit card, *charge card, or debit card* as authorized by s. 215.322. The department shall provide an allowance for doubtful accounts for credit sales and record an expense in a like amount based on a good faith estimate, such provision being recorded as a cost of such sales. The net revenue after such provision shall be retained in the welfare trust fund and used only for the benefit of the department's clients for whom the trust fund was established.

Section 10. *Sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds;

Pursuant to Rule 4.19, **CS for HB 1413** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

HB 685—A bill to be entitled An act relating to local government audits; amending s. 11.45, F.S.; requiring auditors to notify members of the governing body of a local governmental entity under certain circumstances; providing additional duties of the Auditor General under circumstances of potential financial emergency for a local governmental entity; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Dudley was withdrawn.

On motion by Senator Meadows, by two-thirds vote **HB 685** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Sullivan
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Turner
Cowin	Harris	Lee	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Bankhead, Hargrett

On motion by Senator Williams—

CS for SB 1144—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in

program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; amending s. 186.021, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Williams and adopted:

Amendment 1 (with title amendment)—On page 22, lines 1-12, delete all of said lines and insert:

Section 8. Subsection (2) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(2) Each agency strategic plan must be in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency strategic plan must identify the specific legislative authority necessary to implement the provisions of the plan. An agency may only implement those portions of its strategic plan that are consistent with existing statutory or constitutional authority and for which funding, if needed, is available consistent with the provisions of chapter 216. An agency's budget request prescribed in s. 216.023(1) shall identify the financial resources necessary to further the provisions of the agency's strategic plan. *State agency program performance measures, as defined in s. 216.011, and requested by the agency pursuant to s. 216.0166(1) and 216.0172 must be consistent with the objectives in the draft agency strategic plan and shall represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. State agency strategic plans shall be amended by the agency, as necessary, to ensure consistency with the legislative actions prior to the effective date of the agency strategic plan.*

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 186.022, F.S.;

Amendment 2—On page 22, line 13, insert: Section 9. *Subsection (5) of section 186.021, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

Amendment 3—On page 22, line 30, insert: Section 10. *Section 186.031, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

Senator Williams moved the following amendments which were adopted:

Amendment 4—On page 11, lines 12-25, delete those lines and insert:

(d) Direct and indirect costs of each program.

~~(e) Information on fees collected and the adequacy of those fees in funding each program for which the fees are collected.~~

(e)~~(f)~~ An assessment of whether each program is conducive to performance-based program budgeting.

(f)~~(g)~~ An assessment of the time needed to develop meaningful performance measures for each program.

(g) Any proposed legislation necessary to implement the incentives or disincentives requested pursuant to this subsection.

(h) A comparison of the agency's existing budget structure to the proposed budget structure.

(i) A description of the use of performance measures

Amendment 5 (with title amendment)—On page 22, between lines 29 and 30, insert:

Section 10. Subsection (3) of section 20.04, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-403, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of Children and Family Services, Corrections, *Management Services*, and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 11. Subsections (2) and (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and *programs* ~~bureaus~~ within the Department of Management Services are established:

(a) Facilities Program.

(b) Information Technology Program.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

~~(a) Division of Administration.~~

~~(b) Division of Building Construction.~~

~~(c) Division of Communications.~~

~~(d) Division of Facilities Management.~~

~~(e) Division of Information Services.~~

~~(f) Division of Motor Pool.~~

~~1. Bureau of Aircraft.~~

~~2. Bureau of Motor Vehicles.~~

~~(g) Division of Personnel Management Services.~~

~~1. Office of Labor Relations.~~

~~(h) Division of Purchasing.~~

~~1. Bureau of Federal Property Assistance.~~

~~(i) Division of Retirement.~~

~~(j) Division of State Employees' Insurance.~~

~~(k) Division of Administrative Hearings.~~

~~(l) Division of Capitol Police.~~

(3) The *Information Technology Program* ~~Division of Information Services~~ shall operate and manage the Technology Resource Center.

Section 12. *The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill for presentation to the 1998 Regular Session of the Legislature substituting all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services with a reference to the Department of Management Services. However, no changes shall be made in references to the Division of Administrative Hearings and the Division of Retirement, or to commissions.*

Section 13. *The administrative rules of the Department of Management Services that are in effect immediately prior to the effective date of this act shall not be affected by this act and shall remain in effect until specifically changed in a manner provided by law.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law;

Pursuant to Rule 4.19, **CS for SB 1144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 940—A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to state agency strategic plans; creating s. 216.0446, F.S.; authorizing a mechanism for the review of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S., requiring a review and approval process for agencies' proposed actions on budget items for specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative intent with respect to information resources management; repealing s. 282.1021, F.S., which requires the Division of Communications of the Department of Management Services to develop a biennial plan for communications services; amending s. 282.102, F.S.; requiring the Division of Communications to publish electronically and in hard copy a portfolio of its services; specifying the information to be included in the portfolio; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the Technology Council; providing legislative intent; providing powers and duties; creating s. 282.3093, F.S.; providing legislative intent with respect to the State Technology Office; providing powers and duties; creating s. 282.310, F.S.; requiring a state annual report on information resources management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes and membership of the council; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising provisions relating to data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop a strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing for the Florida Financial Management Information System; amending s. 215.94, F.S.; revising language with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; providing for the Financial Management Information Board; amending s. 215.96, F.S.; revising language with respect to the coordinating council; providing for design and coordination staff; amending s. 216.141, F.S.; revising language with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council; providing for coordination and sharing of health-related data; amending ss. 20.19, 20.316, 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235, 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the council to approve a strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 11.39, Florida Statutes, is amended to read:

11.39 Legislative Information Technology Resource Committee; membership; powers; duties.—

(2) The committee shall:

~~(a) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.~~

(a)~~(b)~~ Maintain a continuous review of the use and management of information technology resources by the various agencies.

(b) Evaluate recommendations proposed by the State Technology Council with respect to information resources management issues and solicit the council's comments on proposed information resources management legislation.

(c) In consultation with the Joint Legislative Auditing Committee, review and assess the implementation of the information resources initiatives or projects identified in the agency strategic plans.

(d) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.

(e)~~(c)~~ Assist standing committees of the Senate and of the House of Representatives with such services as the joint committee may deem necessary~~, including, but not limited to, review of agency information technology resource plans as provided in s. 282.307 and evaluation of the overall impact of resource acquisitions on the productivity and services of the agencies~~.

Section 2. Paragraph (c) of subsection (15) of section 120.52, Florida Statutes, 1996 Supplement, is amended to read:

120.52 Definitions.—As used in this act:

(15) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(c) The preparation or modification of:

1. Agency budgets.

2. Statements, memoranda, or instructions to state agencies issued by the Comptroller as chief fiscal officer of the state and relating or pertaining to claims for payment submitted by state agencies to the Comptroller.

3. Contractual provisions reached as a result of collective bargaining.

4. Memoranda issued by the Executive Office of the Governor relating to information resources management.

Section 3. Subsections (1), (2), and (4) of section 186.021, Florida Statutes, are amended to read:

186.021 State agency strategic plans.—

(1) A state agency strategic plan shall be a statement of the priority directions an agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and authorizations given to the agency. Each state agency strategic plan must identify infrastructure *needs*, capital improvement *needs*, and information resources management *projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over a 1-year period. Each agency strategic plan* ~~needs associated with agency programs and~~ shall specify those objectives against which will be judged the agency's achievement of its goals and the goals of the state comprehensive plan. The state agency strategic plan shall be consistent with and shall further the goals of the state comprehensive plan.

(2) A state agency strategic plan shall be developed with a 5-year outlook and shall provide the strategic framework within which an agency's legislative budget request *is* ~~and the agency Strategic Information Resource Management Plan are~~ developed. An agency's budget ~~and its Strategic Information Resource Management Plan~~ shall be designed to further the agency's strategic plan.

(4) The Department of Environmental Protection, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), ~~and the Information Resource Commission, with regard to the plan defined in s. 282.3061,~~ shall prepare revisions to such plans no later than 6 months after the adoption of revisions to the growth management portion of the state comprehensive plan or by June 1 of each even-numbered year, whichever is later.

Section 4. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended, and subsection (9) is added to that section, to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;

(b) The findings of the *Technology Review Workgroup as to the consistency of the information resources management portion of agency strategic plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council* ~~review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d)~~; and

(c) The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information ~~technology~~ resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions. *However, any required revisions relating to information resources management needs identified in the agency strategic plans are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Administration Commission for the executive branch and the Chief Justice for the judicial branch.*

(9) By March 1 of each year, the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop a strategic plan following the general statutory requirements that are applicable to agencies pursuant to s. 186.021(1), (2), and (3). The strategic plan shall be subject to the requirements, and the review and approval processes, set forth in subsections (2) through (7), with the following exceptions:

(a) The Executive Office of the Governor, after consultation with the President of the Senate and Speaker of the House of Representatives, may prescribe a specific format and content for the strategic plans of coordinating boards and councils.

(b) The time periods for review and return of any required strategic plan revisions, incorporation of such revisions by the boards or councils, and resolution of disputes shall be established by the Executive Office of the Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives.

Section 5. Section 216.0446, Florida Statutes, is created to read:

216.0446 Review of information resources management needs.—

(1) The Executive Office of the Governor may contract with the Legislature to provide a mechanism for review of and recommendations with respect to the portion of agencies' strategic plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information resources management. This mechanism shall be referred to as the Technology Review Workgroup, which shall be headed by a senior-level manager.

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council, and make recommendations to the Executive Office of the Governor, pursuant to s. 186.022(3).

(b) To review and make recommendations to the Executive Office of the Governor and the chairs of the legislative fiscal committees on notices of proposed action for budget items with respect to information resources management initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over a 1-year period.

(c) To make recommendations to the Executive Office of the Governor on guidelines and best practices for information resources management based on information received from the State Technology Council.

Section 6. Present subsections (4) through (14) of section 216.181, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (15), respectively, and a new subsection (4) is added to that section to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(4) All amendments to the original approved operating budgets, regardless of funding source, are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Governor and Administration Commission as provided in this chapter for the executive branch and the Chief Justice for the judicial branch if the amendment is for an information resources management project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds $500,000 in total cost over a 1-year period.

Section 7. Section 282.003, Florida Statutes, 1996 Supplement, is amended to read:

282.003 Short title.—This chapter may be cited as the "Information ~~Technology~~ Resources Management Act of *1997* ~~1996~~."

Section 8. Section 282.005, Florida Statutes, is created to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) The head of each state agency has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the agency.

(4) The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

(5) The agency head has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.

(6) The state shall provide, by whatever means is most cost-effective and efficient, the information resources management infrastructure needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(7) A necessary part of the state's information resources management infrastructure is a statewide communications system for all types of signals, including voice, data, video, radio, and image.

(8) To ensure the best management of the state's information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court, for the judicial branch; and to each state attorney and public defender.

Section 9. Section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) "Agency" means those entities described in chapter 216.

(2) *"State Technology Council" means the council created in s. 282.3091 to develop a statewide vision for, and make recommendations on, information resources management.* ~~"Commission" means the Information Resource Commission as created by s. 282.304.~~

(3) *"Chief Information Officer" means the person appointed by the agency head to coordinate and manage the information resources management policies and activities within that agency.* ~~"Common applications" means separately identifiable information technology resources that are used to support an objective and are shared statewide or agencywide.~~

(4) *"Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information resources management issues and initiatives among the agencies.* ~~"Common data structure" means logical data items or attributes that are shared statewide or agencywide.~~

(5) *"State Technology Office" means the office created in s. 282.3093 to support specified information resource management activities and to facilitate educational and training opportunities.* ~~"Computing component" means the part of the agency's technology architecture for supporting its data processing hardware and the agency's strategy to facilitate common applications.~~

(6) "Data processing hardware" means information technology equipment designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, computer-related word processing systems, and equipment and systems for computer networks.

(7) "Data processing services" means all services that include, but are not limited to, feasibility studies, systems design, software development, or time-sharing services.

(8) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(9) *"Agency Annual Information Resources Management Report" means the report prepared by the Chief Information Officer of each agency as required by s. 282.3063.* ~~"Department" means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of ss. 282.303-282.313, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.~~

(10) *"State Annual Report on Information Resources Management" means the report prepared by the State Technology Office as defined in s. 282.3093.* ~~"Executive director" means the executive director of the Information Resource Commission as provided in s. 282.304.~~

(11) *"Project" means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program.* ~~"Information architecture" means the set of common applications and common data structures that are planned to support statewide or agency objectives.~~

(12) "Information resources management" means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(13) "Information technology resources" means data processing hardware and software and services, *communications*, supplies, personnel, facility resources, maintenance, and training. ~~The commission shall determine, by rule, the process control devices to be excluded from this definition.~~

(14) *"Information resources management infrastructure" means the hardware, software, networks, data, human resources, policies, standards, and facilities that are required to support the business processes of an agency.* ~~"Infrastructure component" means the training, personnel, facilities, and administrative support for implementing the agency's computing and network components of the technology architecture.~~

(15) *"Technology Review Workgroup" means the workgroup created in s. 216.0446 to review and make recommendations on agencies' information resource management planning and budgeting proposals.* ~~"Manager" means the information resource manager appointed by each department.~~

(16) *"Total cost" means all costs associated with information resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.* ~~"Network component" means the framework for employing data communications resources in support of the agency's technology architecture, including local and wide area network capabilities, and the agency's strategy for facilitating common application access to common data structures.~~

~~(17) "Project" means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program.~~

~~(18) "Reporting requirement" means a statutory provision that specifically requires a state governmental entity to prepare or have prepared on a regular or periodic basis a written account or record for the purpose of informing persons outside of the state governmental entity of matters relevant to the official business of the state governmental entity. The term does not include requirements for the preparation of legislative budget requests or the preparation of brochures, newsletters, handbooks, manuals, pamphlets, flyers, directories, or other similar documents.~~

~~(19) "State governmental entity" means any department, agency, or other unit of organization of the executive branch of state government, a unit of organization of the legislative branch of state government, a unit of organization of the judicial branch of state government, the State Board of Community Colleges, the Board of Regents, and the Public Service Commission.~~

Section 10. Sections 282.3031, 232.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310 and 282.315, Florida Statutes, are created to read:

282.3031 Assignment of information resources management responsibilities.—For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court for the judicial branch; and to each state attorney and public defender.

282.3032 Development and implementation of information systems; guiding principles.—To ensure the best management of the state's information technology resources, the following guiding principles are adopted:

(1) Cooperative planning by state governmental entities is a prerequisite for the effective development and implementation of information systems to enable sharing of data.

(2) The planning process, as well as coordination of development efforts, should include all principals from the outset.

(3) State governmental entities should be committed to maximizing information sharing and moving away from proprietary positions taken relative to data they collect and maintain.

(4) State governmental entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(5) State governmental entities should strive for electronic sharing of information via networks to the extent possible.

(6) To the extent that state government entities charge each other for data, this practice, insofar as possible, should be eliminated. Further, when the capture of data for mutual benefit can be accomplished, the costs for the development, capture, and network for access to that data should be shared.

(7) The redundant capture of data should, insofar as possible, be eliminated.

(8) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable, should be maintained.

(9) Methods of sharing data among different protocols should be developed without requiring major redesign or replacement of individual systems.

(10) Consistency of data elements should be achieved by establishing standard data definitions and formats when possible.

282.3041 State agency responsibilities.—The head of each state agency is responsible and accountable for information resources management within the agency in accordance with legislative intent and as defined in this chapter.

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the agency head in carrying out the information resources management responsibilities, the agency head shall appoint or contract for a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency. This position may be full time or part time.

(b) The Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the Chief Information Officer include, but are not limited to:

(a) Coordinating and facilitating agency information resources management projects and initiatives.

(b) Preparing an agency annual report on information resources management pursuant to s. 282.3063.

(c) Developing and implementing agency information resources management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources.

(d) Advising agency senior management as to the information resources management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the information resources management schedule of the agency's legislative budget request.

282.3063 Agency Annual Information Resources Management Report.—

(1) By November 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed

pursuant to s. 240.271(4), each Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual Information Resources Management Report. Following consultation with the State Technology Council and the Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

(2) The Agency Annual Information Resources Management Report shall contain, at a minimum, the following:

(a) A forecast of information resources management priorities and initiatives for the ensuing 2 years.

(b) A description of the current information resources management infrastructure of the agency and planned changes for the ensuing 2 years.

(c) A status report on the major information resources management projects of the agency.

(d) An assessment of the progress made toward implementing the prior fiscal year legislative appropriation to the agency for information resources management.

(e) The estimated expenditures by the agency for information resources management for the prior fiscal year.

(f) An inventory list, by major categories, of the agency information technology resources, which specifically identifies the resources acquired during the previous fiscal year.

(g) An assessment of opportunities for the agency to share information resources management projects or initiatives with other governmental or private entities.

(h) A list of information resources management issues the agency has identified as statewide issues or critical information resources management issues for which the State Technology Council could provide future leadership or assistance.

282.3091 State Technology Council; creation.—

(1) The Legislature finds that it is in the state's interest to create a council consisting of state senior-level executive managers and representatives from the private sector to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature.

(2) There is created a State Technology Council. The council shall be placed, for administrative purposes, in the Department of Management Services.

(3) The council shall be composed of nine members as follows:

(a) The director of the Governor's Office of Planning and Budgeting, who shall serve as chair of the council.

(b) The Comptroller.

(c) The Commissioner of Education.

(d) The Secretary of State.

(e) The secretary of the Department of Management Services.

(f) Two state agency heads appointed by the Governor.

(g) Two private sector representatives, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, who are not current members of the Legislature. Private sector representatives shall, at a minimum, have a general knowledge of or experience in managing information technology resources. However, representatives of information technology resource vendors or any of their subsidiaries that sell products or services to the state shall not be appointed to serve as a private sector representative.

(4) Members of the council who are appointed shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the appointing officer for cause or if such member is absent from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall meet at least quarterly, but may meet upon the call of the chair. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061. Members who are state officers or employees may be reimbursed for such expenses by their respective agencies.

(7) The council shall have the following duties and responsibilities:

(a) To develop a statewide vision for information resources management which shall be reflected in the State Annual Report on Information Resources Management.

(b) To recommend statewide policies to the Executive Office of the Governor and to the Joint Legislative Information Technology Resource Committee.

(c) To recommend innovation in the state's use of technology to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(d) To identify, develop, and recommend solutions to address statewide technology issues to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(e) To create ad hoc issue-oriented workgroups to make recommendations to the council and to the Executive Office of the Governor. Such workgroups may include private and public sector representatives.

(f) To review, evaluate, and comment on proposals by the Joint Legislative Information Technology Resource Committee.

(g) To consult with the Chief Information Officers Council.

(h) To approve the State Annual Report on Information Resources Management.

(i) To recommend memoranda on guidelines and best practices to the Executive Office of the Governor.

282.3093 State Technology Office; legislative intent; powers and duties.—

(1) It is the intent of the Legislature that an office be created to provide support to specified organizations and workgroups and to facilitate state educational and training opportunities to enhance the state's use and management of information technology resources.

(2) There is created a State Technology Office in the Department of Management Services, which shall be headed by a senior-level manager, who may be in the Senior Management Service upon determination by the Department of Management Services that the duties and responsibilities of the office are comparable to other Senior Management Service positions.

(3) The duties of the State Technology Office include, but are not limited to, the following:

(a) Advising and providing administrative support to the State Technology Council.

(b) Providing administrative support to the Chief Information Officers Council.

(c) Providing administrative support for ad hoc issue-oriented workgroups created by the State Technology Council.

(d) Providing assistance, as needed, to the Technology Review Workgroup.

(e) Facilitating state educational and training opportunities for senior management, chief information officers, and agency technical staff.

(f) Preparing, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resource management, when requested.

(g) Preparing, publishing, and disseminating the State Annual Report on Information Resources Management pursuant to s. 282.310.

282.310 State Annual Report on Information Resources Management.—

(1) By March 1 of each year, the State Technology Office shall develop a State Annual Report on Information Resources Management.

(2) The State Annual Report on Information Resources Management shall contain, at a minimum, the following:

(a) The state vision for information resource management.

(b) A forecast of the state information resources management priorities and initiatives for the ensuing 2 years.

(c) A summary of major statewide policies recommended by the State Technology Council for information resources management.

(d) A summary of memoranda issued by the Executive Office of the Governor.

(e) An assessment of the overall progress on state information resources management initiatives and priorities for the past fiscal year.

(f) A summary of major statewide issues related to improving information resources management by the state.

(g) An inventory list, by major categories, of state information technology resources.

(h) A summary of the total expenditures for information resources management by each state agency.

(i) A summary of the opportunities for government agencies or entities to share information resource management projects or initiatives with other governmental or private sector entities.

(j) A list of the information resource management issues that have been identified as statewide or critical issues for which the State Technology Council could provide leadership or assistance.

The state annual report shall also include information resources management information from the annual reports prepared by the Board of Regents for the State University System, from the State Board of Community Colleges for the State Community College System, from the Supreme Court for the judicial branch, and from each state attorney and public defender. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the Board of Regents, the State Board of Community Colleges, the Supreme Court, the state attorneys, and the public defenders.

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Joint Legislative Information Technology Resource Committee, and the Chief Justice of the Supreme Court.

282.315 Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues is essential to improving state management of such resources.

(1) There is created a Chief Information Officers Council to:

(a) Enhance communication among the Chief Information Officers of state agencies by sharing information resources management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for information resources management issues.

(e) Assist the State Technology Council in identifying critical statewide issues and, when appropriate, make recommendations for solving information resources management deficiencies.

(2) Members of the council shall include the Chief Information Officers of all state agencies, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

(3) The State Technology Office shall provide administrative support to the council.

Section 11. Subsection (1) of section 282.102, Florida Statutes, 1996 Supplement, is amended to read:

282.102 Powers and duties of Division of Communications of the Department of Management Services.—The Division of Communications of the Department of Management Services shall have the following powers, duties, and functions:

(1) To publish *electronically* the portfolio of services available from the division, including pricing information*; the policies and procedures of the division governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. The division shall provide a hard copy of its portfolio of services upon request.*

Section 12. *Section 282.1021, Florida Statutes, is hereby repealed.*

Section 13. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The Division of Information Services of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "Department" means the Department of Management Services.

2. "Division" means the Division of Information Services of the Department of Management Services.

3. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services to state agencies.

(2) The division and the Technology Resource Center shall:

(a) Serve the department and other state agencies as an information-system utility.

(b) ~~Cooperate with the Information Resource Commission and with other state agencies to~~ Offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the Division of Communications of the department to facilitate interdepartmental networking and integration of network services for state agencies.

(e) Assist state agencies in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The division may contract with state agencies to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4)(a) There is created for the Technology Resource Center a data processing policy board as provided in s. 282.313.

(b) In addition to the members of the policy board provided in s. 282.313, the following ex officio members are appointed to the data

processing policy board of the Technology Resource Center: ~~the Executive Director of the Information Resource Commission,~~ the Director of the Division of Communications of the Department of Management Services, and the chair of the coordinating council to the Florida Fiscal Accounting Management Information System, as created in s. 215.96, or their respective designees. The ex officio members provided in this subsection shall vote and serve in the same manner as other policy board members.

(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any fiscal year. Any experiment, pilot project, plan, or design must be approved by the data processing policy board of the center.

(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the data processing policy board of the center. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the policy board.

Section 14. Section 282.313, Florida Statutes, is amended to read:

282.313 Data processing policy boards.—

(1) There is created a data processing policy board for each data processing center which derives 20 percent or more of its total yearly funding from departments other than the host department for the center. The *Chief Information Officer* ~~information resource manager~~ of each department utilizing the center, or his or her designee, shall serve as the representative on the policy board. The data center director shall serve in a nonvoting ex officio capacity. A designee of the director or the supervisor of the data processing center shall serve without voting rights as the secretary to the policy board. The secretary shall maintain minutes of each policy board meeting. Upon approval of the minutes by the policy board, the secretary shall file a copy with the commission. The policy board shall annually elect a chair from its membership and shall meet at the call of the chair or at the request of a majority of the members.

(2) Each data processing center shall review its *information resources management needs in its agency strategic* ~~information technology resource~~ plan with the policy board prior to the submission of the plan as prescribed by ss. *186.021 and 186.022* ~~282.307-282.309~~. The policy board may suggest modifications to that plan ~~and submit any suggested modifications as part of the plan~~.

(3) Actions taken by the data processing center to implement its approved plan shall be reviewed and approved by the policy board prior to implementation. These actions include, but are not limited to, setting policies and procedures governing the data processing center's rate structure and charging algorithm, information technology resource acquisitions above $2,500, setting of work priorities, scheduling, and acceptance of new users.

(4) The data processing policy board may approve expenditures derived from the overall rate structure of the data processing center, not to exceed 5 percent of the gross services billings to all users in any fiscal year, to design, demonstrate, and conduct research and development for advanced information technology solutions to information processing problems. The data processing center may enter into agreements with private industry and federal, state, and local governments in designing, demonstrating, or developing such technologies which offer the potential to improve efficiency and reduce the cost of state operations. A majority vote of the policy board shall be required prior to all such expenditures. The data processing center shall report on such activities in its *agency's* ~~department's~~ annual ~~performance~~ report on information ~~technology~~ resources *management* ~~pursuant to s. 282.312~~.

(5) This section does not apply to those data centers created pursuant to chapter 216.

Section 15. Section 282.318, Florida Statutes, 1996 Supplement, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology Resources Act."

~~(2) As used in this section, the term:~~

~~(a) "Department" means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of this section, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.~~

~~(b) "Head of a department" means the individual or board in charge of the department.~~

~~(c) "Information technology resources" means data processing hardware, software and services, supplies, personnel, facility resources, maintenance, training, or other related resources.~~

(2)~~(3)~~(a) Each *agency* head ~~of a department~~ is responsible *and accountable* for assuring an adequate level of security for all data and information technology resources *of the agency* ~~within the department~~ and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of the *agency* ~~department~~ for *its* data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources *of the agency*. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources *of the agency*. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources *of the agency*.

5. Ensure that periodic internal audits and evaluations of the security program for *the* data and information technology resources *of the agency* are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *agency* ~~department~~, in the written specifications for the solicitation of information technology resources ~~by the department~~.

~~7. Include as a part of the information resources management plan required in this chapter a general description of the existing security program and future plans for implementing information resources security policies and standards developed by the commission.~~

~~8. Certify annually to the Information Resource Commission that the security program for data and information technology resources conforms with the standards and policies developed by that commission and planned for implementation in the agency strategic plan for information resources management. If the department is unable to certify such conformance, it shall notify the Information Resource Commission in writing, stating the deficiencies and the reasons for its nonconformance. As part of the annual certification process, agencies shall also note the percentage of critical applications, as defined by the agency, that have a current, tested contingency plan in the event of a disaster.~~

~~(b) The Board of Regents is responsible for assuring an adequate level of security for the data and the information technology resources within the State University System. To carry out this responsibility for~~

~~the State University System, the Board of Regents shall establish and maintain minimum security standards and rules to implement subparagraphs (a)1.-6. and perform the functions described in subparagraphs (d)2.-5.~~

~~(c) The Supreme Court is responsible for assuring an adequate level of security for the data and the information technology resources within the judicial branch of government. To carry out this responsibility, at a minimum, the Supreme Court shall address the responsibilities prescribed in subparagraphs (a)1.-6. The Supreme Court shall develop written minimum standards and guidelines for the judicial branch to follow in developing its security program. The Supreme Court shall include as a part of the information resources management plan required by this chapter a general description of the existing security program and future plans for assuring the security of data and information technology resources.~~

~~(d) The Information Resource Commission is responsible for providing centralized management and coordination of state policies relating to the security of data and information technology resources. To carry out this responsibility, the Information Resource Commission shall:~~

~~1. Establish and maintain minimum security standards, rules, and regulations to implement subparagraphs (a)1.-8.~~

~~2. Establish guidelines to assist agencies in identifying electronic data processing personnel who occupy positions of special trust or responsibility or sensitive locations as addressed in chapter 110.~~

~~3. Establish rules and regulations for the exchange of data between data centers or departments by intercoupling or telecommunications to ensure that exchanges do not jeopardize data security and confidentiality.~~

~~4. Coordinate and provide for a training program regarding security of data and information technology resources to serve the technical and managerial needs of government.~~

~~5. Provide technical and managerial assistance relating to the security program upon request.~~

~~6. Adopt rules to implement this section.~~

~~(e) The Department of Management Services shall:~~

~~1. Adopt rules and regulations for the physical security of central computer rooms consistent with the standards developed under subparagraph (d)1.~~

(b)~~2.~~ In those instances in which *the Department of Management Services* ~~it~~ develops state contracts for use by *state* ~~all~~ agencies, *the department shall* include appropriate security requirements~~, as established in paragraph (d),~~ in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 16. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the *Technology Review Workgroup established pursuant to s. 216.0446* ~~Information Resource Commission~~, in consultation with each affected agency, ~~or the Board of Regents for each affected university,~~ shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the *Technology Review Workgroup* ~~Information Resource Commission or the Board of Regents as appropriate~~ upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, *the Technology Review Workgroup*, and the Legislative Information Technology Resource Committee. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 17. Section 282.404, Florida Statutes, 1996 Supplement, is amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

(1) As used in this section, the term "geographic information" means information or data for which location or spatial distribution is an essential element, including, but not limited to, information pertaining to:

(a) Land, air, water, and mineral resources;

(b) The distribution of plant, animal, and human populations;

(c) Real property interests;

(d) The elements of the growth management comprehensive planning process under ss. 163.3177 and 163.3178;

(e) Political, jurisdictional, ownership, and other artificial divisions of geography; and

(f) Measured features listed in paragraphs (a)-(d) herein and geographic features produced pursuant to chapter 472.

(2)(a) The Florida Geographic Information Board is created in the Executive Office of the Governor. The purpose of the board is to facilitate the identification, coordination, collection, and sharing of geographic information among federal, state, regional, and local agencies, and the private sector. The board shall *develop* ~~review and recommend to the Information Resource Commission~~ solutions, policies, and standards to increase the value and usefulness of geographic information concerning Florida. In formulating and developing solutions, policies, and standards, the board shall provide for and consider input from other public agencies, such as the state universities, large and small municipalities, urban and rural county governments, and the private sector.

(b) *The Geographic Information Board may issue guidelines on recommended best practices, including recommended policies and standards, for the identification, coordination, collection, and sharing of geographic information.*

(c) The Geographic Information Board may contract for, accept, and make gifts, grants, loans, or other aid from and to any other governmental entity and to any person. Members may contribute, and the board may receive and expend, funds for board initiatives.

(3) The board consists of the Director of Planning and Budgeting within the Executive Office of the Governor, the executive director of the Game and Fresh Water Fish Commission, the executive director of the Department of Revenue, and the State Cadastral Surveyor, as defined in s. 177.503, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Board of Professional Surveyors and Mappers. The Governor shall appoint to the board one member each to represent the counties, municipalities, regional planning councils, water management districts, and county property appraisers. The Governor shall initially appoint two members to serve 2-year terms and three members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and the terms

must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the board until a new appointment is made. The ~~executive director of the Information Resource Commission, or the executive director's designee, and the~~ chair of the Geographic Information Advisory Council shall serve without voting rights as *an* ex officio *member* ~~members~~ on the board.

(4) The Director of Planning and Budgeting of the Executive Office of the Governor, or his *or her* designee, shall serve as the chair of the board. A majority of the membership of the board constitutes a quorum for the conduct of business. The board shall meet at least twice each year, and the chair may call a meeting of the board as often as necessary to transact business. Administrative and clerical support to the board shall be provided by the *Department of Management Services* ~~Information Resource Commission~~.

(5) The board shall:

(a) Promote the sharing of geographic information between the public sector and the private sector;

(b) Conduct a periodic assessment of geographic information and geographic information systems in this state to identify geographic information management activities and available resources in this state;

(c) Reduce redundancy of data acquisition by promoting the coordination of geographic data collection;

(d) Promote consistency of data elements by establishing standard data definitions and formats;

(e) Promote the adoption and use of standards that have broad application to the public and private sectors;

(f) Develop criteria, policies, and procedures for the prescribed and preplanned electronic transmission of geographic information, including, but not limited to, transmissions between a local planning agency, as defined in s. 163.3164, and the state land planning agency;

(g) *By March 1 of each year, develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the members of the Geographic Information Advisory Council as provided in subsection (7);* ~~Develop and submit to the Information Resource Commission a strategic information resources management plan for geographic information no later than May 1 of each even-numbered year, except that the first plan is due May 1, 1997. At a minimum, the plan must address the planning components and procedures described in s. 282.307;~~

(h) Promote the use and coordination of geographic information from sources such as universities, government organizations, nonprofit organizations, and the private sector;

(i) Promote the development and maintenance of a data directory in which geographic information is cataloged;

(j) Serve as liaison between this state and the Federal Government to promote the sharing of geographic information;

(k) Establish technical advisory committees to assist the board; and

(l) Promote regional coordination of geographic information.

(6) The Florida Geographic Information Advisory Council is created in the Executive Office of the Governor to provide technical assistance and recommendations to the board.

(7) The Geographic Information Advisory Council consists of one member each from the Office of Planning and Budgeting within the Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Revenue, ~~the Information Resource Commission,~~ the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, *the State Geologist*, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board. The Governor shall appoint to the council one member each, as recommended by the respective organization, to represent the Department of Commerce, the Department of *Children and Family Services, the Department of* Health ~~and Rehabilitative Services~~, the Florida Survey and Mapping Society, Florida Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, *The Florida Association of Professional Geologists*, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve ~~without voting rights~~ as ex officio members *without voting rights*.

(8) A majority of the membership constitutes a quorum for the conduct of business and shall elect the chair of the advisory council biennially. The council shall meet at least twice a year, and the chair may call meetings as often as necessary to transact business or as directed by the board. Administrative and clerical support shall be provided by the *Department of Management Services* ~~Information Resource Commission~~.

(9) The advisory council shall:

(a) Develop operational procedures for the conduct of business;

(b) Make recommendations to the geographic information board for policies, procedures, standards, and technical solutions pertaining to the planning, coordination, sharing, consistency, development, and maintenance of geographic information;

(c) Develop solutions that promote coordinated and cost-effective statewide financing of geographic information;

(d) Make recommendations for the reduction of unnecessary duplication of geographic information efforts among various state, federal, regional, and local agencies and the private sector;

(e) Seek information from the geographic information and mapping community in formulating priorities for the federal and state mapping and geographic information programs and activities; and

(f) Inform mapping and geographic information users in the state of programs, available materials and information, and standards and solutions pertaining to mapping and geographic information.

(10) If any specified state agency fails to comply with this section without good cause, the Executive Office of the Governor may withhold releases of appropriations of those portions of the agency's operating budget that pertain to the collection and analysis of geographic information.

(11) Local governments are encouraged to participate within their abilities and resources in order to facilitate implementation of this section.

Section 18. *Section 287.0735, Florida Statutes, sections 282.004 and 282.312, Florida Statutes, as amended by chapter 94-340, Laws of Florida, section 282.304, Florida Statutes, as amended by chapters 94-226 and 94-340, Laws of Florida, section 282.307, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-296, Laws of Florida, section 282.308, Florida Statutes, as amended by chapters 94-226, 94-340, 95-148, 95-243, and 95-392, Laws of Florida, subsections (5), (6), (7) and (8) of section 287.073, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-148, Laws of Florida, section 282.309, Florida Statutes, as amended by chapters 95-148 and 96-388, Laws of Florida, sections 216.0445 and 282.311, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-388, Laws of Florida, section 282.305, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-390, Laws of Florida, section 282.3062, Florida Statutes, as amended by chapters 94-340, 96-388, and 96-390, Laws of Florida, and sections 282.3061 and 282.314, Florida Statutes, as amended by chapters 94-226, 94-340, 96-388, and 96-390, Laws of Florida, are repealed.*

Section 19. Effective upon this act becoming a law, section 215.90, Florida Statutes, is amended to read:

215.90 Short title.—*Sections 215.90-215.96* ~~This act shall be known and~~ may be cited as the "Florida *Financial* ~~Fiscal Accounting~~ Management Information System Act."

Section 20. Effective upon this act becoming a law, section 215.91, Florida Statutes, is amended to read:

215.91 Legislative intent.—

(1) It is the intent of the Legislature *that* ~~for~~ the executive branch of government, in consultation with the legislative *fiscal* ~~appropriations~~ committees, ~~to~~ specifically design and implement *the Florida Financial Management Information System to be the primary means by which state government managers acquire and disseminate the information needed to plan and account for the delivery of services to the citizens in a timely, efficient, and effective manner.*

(2) The Florida Financial Management Information System shall be a unified information system providing fiscal, management, and accounting support for state decisionmakers. It shall provide a means of coordinating fiscal management information and information that supports state planning, policy development, management, evaluation, and performance monitoring. The Florida Financial Management Information System shall be the primary information resource that provides accountability for public funds, resources, and activities.

(3) The Financial Management Information Board shall provide the overall framework within which the Florida Financial Management Information System will operate. The board, through the Florida Financial Management Information System Coordinating Council, shall adopt policies and procedures to:

(a) Strengthen and standardize the fiscal management and accounting practices of the state;

(b) Improve internal financial controls;

(c) Simplify the preparation of objective, accurate, and timely management and fiscal reports; and

(d) Provide the information needed in the development, management, and evaluation of public policy and programs.

(4) The council shall provide ongoing counsel to the board and act to resolve problems among or between the functional owner subsystems. The board, through the coordinating council, shall direct and manage the development, implementation, and operation of the information subsystems that together are the Florida Financial Management Information System. The coordinating council shall approve the information subsystems' designs prior to the development, implementation, and operation of the subsystems and shall approve subsequent proposed design modifications to the information subsystems subject to the guidelines issued by the council. The coordinating council shall ensure that the information subsystems' operations support the exchange of unified and coordinated data between information subsystems. The coordinating council shall establish the common data codes for financial management and it shall require and ensure the use of common data codes by the information subsystems that together constitute the Florida Financial Management Information System. The Comptroller shall adopt a chart of accounts consistent with the common financial management data codes established by the coordinating council. The board, through the coordinating council, shall establish the financial management policies and procedures for the executive branch of state government. The coordinating council shall notify in writing the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court regarding the adoption of, or modification to, a proposed financial management policy or procedure. The notice shall solicit comments from the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court at least 14 consecutive days before the final action by the coordinating council.

(5) The Florida Financial Management Information System and its functional owner information subsystems shall be compatible with the legislative appropriations system and they shall be designed to support the legislative oversight function. The Florida Financial Management Information System and its functional owner information subsystems shall be unified with the legislative information systems that support the legislative appropriations and legislative oversight functions. The Florida Financial Management Information System and its functional owner information subsystems shall exchange information with the legislative information systems that support the legislative appropriations and legislative oversight functions without conversion or modification. Any information maintained by the Florida Financial Management Information System and its functional owner information subsystems shall be available, upon request, to the information systems of the legislative branch.

(6) The Florida Financial Management Information System and its functional owner information subsystems shall be designed to incorporate the flexibility needed to respond to the dynamic demands of state government in a cost-conscious manner. The Florida Financial Management Information System shall include applications that will support an information retrieval system that will allow the user to ask general questions and receive accurate answers that include assessments concerning the qualifications of the data.

(7) The Florida Financial Management Information System and each of its functional owner information subsystems shall strive to employ a common set of operations that make the system accessible to agency program managers and statewide decisionmakers. Data shall be easily transferred from the functional owner information subsystems to Florida Financial Management Information System applications and also among the functional owner information subsystems. The functional owner information subsystems shall identify shared data-gathering needs in order to minimize the duplications of source-entry input. The coordinating council shall ensure that all organizations within the executive branch of state government have access to and use the Florida Financial Management Information System for the collection, processing, and reporting of financial management data required for the efficient and effective operation of state government.

(8) The Florida Financial Management Information System, through its functional owner subsystems, shall include a data-gathering and data-distribution facility that will support a management and decision-making information system that collects and stores agency and statewide financial, administrative, planning, and program information to assist agency program managers and statewide decisionmakers in carrying out their responsibilities ~~a management information system utilizing a unified approach. The system is to strengthen and standardize management and accounting procedures; strengthen internal controls; enable the preparation of objective, accurate, and timely fiscal reports; report on the stewardship of officials who are responsible for public funds and property; and provide timely and accurate information for decisionmaking purposes~~.

Section 21. Effective upon this act becoming a law, section 215.92, Florida Statutes, is amended to read:

215.92 Definitions.—For the purposes of *ss. 215.90-215.96* ~~this act~~:

(1) "Auditable" means the presence of features and characteristics that are needed to verify the proper functioning of controls in any given information subsystem.

(2) "Board" means the *Financial Management* ~~Fiscal Accounting~~ Information Board.

(3) "Coordinating council" or "council" means the Florida Financial Management Information System Coordinating Council.

(4)~~(3)~~ "Data *or data* code" means *representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by humans or by automatic means. The term includes any representations such as characters or analog quantities to which meaning is, or might be, assigned.* ~~a set of symbols which are used to represent various data items for data elements on a one-for-one basis.~~

~~(4) "Data record" means information which is processed or stored, or is to be processed, by a computer system, which may exist in any form, whether it be computer printouts, magnetic storage media, or internal storage in the memory of the computer.~~

(5) "Design and coordination staff" means the personnel responsible for providing administrative and clerical support to the board, coordinating council, and secretary to the board. The design and coordination staff

shall function as the agency clerk for the board and the coordinating council. For administrative purposes, the design and coordination staff are assigned to the Department of Banking and Finance but they are functionally assigned to the board.

(6)~~(5)~~ "Functional owner" means the agency, or that part of the judicial branch, which has the legal responsibility to design, implement, and operate an information subsystem as provided by *ss. 215.90-215.96* ~~this act~~.

(7)~~(6)~~ "Functional system specifications" means the detailed written description of an information subsystem. These specifications are prepared by the functional owner of the system; describe, in the functional owner's language, what an information subsystem is required to do; and describe the features, characteristics, controls, and internal control measures to be incorporated into the information subsystem. Such specifications are the basis for the preparation of the technical system specifications by the functional owner.

(8)~~(7)~~ "Information system" means a group of interrelated information subsystems.

(9)~~(8)~~ "Information subsystem" means the entire collection of procedures, equipment, and people devoted to the generation, collection, evaluation, storage, retrieval, and dissemination of data and information within an organization or functional area in order to promote the flow of information from source to user.

~~(9) "Overall costs" with respect to an electronic data processing system means the cost of designing, implementing, and operating such system and includes, but is not limited to, the cost of purchase, rental, maintenance, site preparation and installation, programming, employment and training of personnel, conversion, and communication lines.~~

Section 22. Effective upon this act becoming a law, section 215.93, Florida Statutes, is amended to read:

215.93 Florida *Financial* ~~Fiscal Accounting~~ Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida *Financial* ~~Fiscal Accounting~~ Management Information System. The Florida *Financial* ~~Fiscal Accounting~~ Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. *Upon the recommendation of the coordinating council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems.* The principal unit of the system shall be the *functional owner information* subsystem, and the system shall ~~originally~~ include, *but shall not be limited to,* the following:

~~(a) Revenue and Regulations Subsystem.~~

(a)~~(b)~~ Planning and Budgeting Subsystem.

(b)~~(c)~~ *Florida Accounting Information Resource* ~~State Automated Management Accounting~~ Subsystem.

(c)~~(d)~~ *Cash Management* ~~Banking and Collateral Securities~~ Subsystem.

(d)~~(e) Management Services and~~ Purchasing Subsystem.

(e)~~(f)~~ *Cooperative Personnel Employment* ~~State Personnel Payroll Information~~ Subsystem.

~~(g) Investment and Debt Control Subsystem.~~

(2) Each *information* subsystem shall have a functional owner, who may establish additional *functions* ~~components~~ for the subsystem unless specifically prohibited by *ss. 215.90-215.96* ~~this act~~. However, without the express approval of the board upon recommendation of the coordinating council, no functional owner nor any other agency shall have the authority to establish or maintain additional subsystems which duplicate any of the information subsystems of the Florida *Financial* ~~Fiscal Accounting~~ Management Information System. Each functional owner shall solicit input and responses from agencies utilizing the information subsystem. *Each functional owner may contract with the other functional owners for assistance in the design, development, and implementation of their information systems and subsystems. Each functional owner shall include in its information subsystem functional specifications the data requirements and standards of the Florida Financial Management Information System as approved by the board. Each functional owner shall establish design teams that shall plan and coordinate the design and implementation of its subsystem within the framework established by the board. The design teams shall assist the design and coordination staff in carrying out the duties assigned by the board or the coordinating council. The coordinating council shall review and approve the work plans for these projects.*

(3) The Florida *Financial* ~~Fiscal Accounting~~ Management Information System shall *include financial management data and* utilize ~~identical data codes and~~ the chart of accounts *approved by the Comptroller* ~~used by the State Automated Management Accounting Subsystem~~. *Common financial management data shall include, but not be limited to, data codes, titles, and definitions used by one or more of the functional owner subsystems. The Florida Financial Management Information System shall utilize common financial management data codes. The council shall recommend and the board shall adopt policies regarding the approval and publication of the financial management data. The Comptroller shall adopt policies regarding the approval and publication of the chart of accounts. The Comptroller's chart of accounts shall be consistent with the common financial management data codes established by the coordinating council.* Further, all systems not a part of the Florida *Financial* ~~Fiscal Accounting~~ Management Information System which provide information to the system shall use *the common* ~~identical~~ data codes *from* ~~and~~ the *Florida Financial Management Information System and the Comptroller's* chart of accounts ~~of the State Automated Management Accounting Subsystem~~. Data codes *that* ~~which~~ cannot be supplied by the *Florida Financial Management Information System and the Comptroller's chart of accounts* ~~State Automated Management Accounting System~~ and *that* ~~which~~ are required for use by the information subsystems shall be approved by the board upon recommendation of the coordinating council. However, board approval shall not be required for those data codes specified by the Auditor General under the provisions of s. 215.94*(6)*~~(8)~~(c).

(4) The Florida *Financial* ~~Fiscal Accounting~~ Management Information System shall be designed, installed, and operated in a fashion compatible with the legislative appropriations system~~, so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles~~.

(5) Functional owners are legally responsible for the security and *integrity* ~~validity~~ of all data records existing within or transferred from their information subsystems. *Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System.*

Section 23. Effective upon this act becoming a law, section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

~~(1) The Department of Revenue shall be the functional owner of the Revenue and Regulation Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

~~(a) Collecting detailed information regarding all revenues received by the state.~~

~~(b) Compiling and reporting statistical data for the estimation or projection of agency and judicial branch revenue sources in future periods.~~

(1)~~(2)~~ The Executive Office of the Governor shall be the functional owner of the Planning and Budgeting Subsystem, which shall be designed, implemented, and operated in accordance with the provisions of *ss. 215.90-215.96* ~~this act~~ and chapter 216. The Planning and Budgeting Subsystem shall include, but shall not be limited to, *functions* ~~components~~ for:

(a) Development and preparation of agency and judicial branch budget requests.

(b) Analysis and evaluation of agency and judicial branch budget requests and alternatives.

~~(c) Cash forecasting.~~

~~(d) Revenue and expenditure projections.~~

(c)~~(e)~~ Controlling and tracking the allocation of appropriations, *approved budget, and releases.*

(d)~~(f)~~ *Performance-based program budgeting compliance evaluations, as provided in the legislative budget instructions pursuant to s. 216.023(3).* ~~Budgetary performance and compliance valuations.~~

(2)~~(3)~~ The Department of Banking and Finance shall be the functional owner of the *Florida Accounting Information Resource* ~~State Automated Management Accounting~~ Subsystem established pursuant to ss. 11.46, *17.03,* ~~and~~ 216.141, *and 216.151* and further developed in accordance with the provisions of *ss. 215.90-215.96* ~~this act~~. The subsystem shall include, but shall not be limited to, the following *functions* ~~components~~:

(a) ~~Departmental, agency, or judicial branch~~ Accounting and reporting *so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.*

(b) *Auditing and settling claims against the state* ~~Cost accounting~~.

~~(c) Production control.~~

~~(d) State or central accounting and reporting.~~

~~(e) Warrant preparation.~~

(3)~~(4)~~ The Treasurer shall be the functional owner of the *Cash Management* ~~Banking and Collateral Securities~~ Subsystem. The Treasurer shall design, implement, and operate the subsystem in accordance with the provisions of *ss. 215.90-215.96* ~~this act~~. The subsystem shall include, but shall not be limited to, *functions* ~~components~~ for:

(a) Recording and reconciling credits and debits to treasury fund accounts.

(b) Monitoring cash levels and activities in state bank accounts.

(c) Monitoring short-term investments of idle cash.

(d) *Administering the provisions of the Federal Cash Management Improvement Act of 1990* ~~Recording and monitoring securities pledged to and administered by the office of the Treasurer~~.

(4)~~(5)~~ The Department of Management Services shall be the functional owner of the ~~Management Services and~~ Purchasing Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of *ss. 215.90-215.96* ~~this act~~. The subsystem shall include, but shall not be limited to, *functions* ~~components~~ for~~:~~

~~(a)~~ commodity *and service* procurement~~, inventory control, and warehousing~~.

~~(b) Facilities management and utilization.~~

~~(c) Construction bidding and monitoring.~~

~~(d) Controlling and operating centralized equipment pools.~~

(5)~~(6)~~ The Department of Management Services shall be the functional owner of the *Cooperative* ~~State~~ Personnel *Employment* ~~Payroll Information~~ Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of s. 110.116 and *ss. 215.90-215.96* ~~this act~~. The subsystem shall include, but shall not be limited to, *functions* ~~components~~ for:

(a) Maintenance of employee and position data, *including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Division of State Employees Insurance in the Department of Management Services.*

(b) Recruitment and examination.

(c) Time reporting.

(d) *Collective bargaining* ~~Retirement contributions and certification~~.

~~(7) The State Board of Administration shall be the functional owner of the Investment and Debt Control Subsystem. The State Board of Administration shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

~~(a) Recording purchases and liquidations of the investments administered by the State Board of Administration.~~

~~(b) Monitoring and evaluating the yield or return on state investments.~~

~~(c) Recording the sale of, the payment of interest on, and the redemption of state-supported bond issues.~~

~~(d) Monitoring state-supported bond issues so that the contractual and legal requirements relative to the bond issues are met.~~

(6)~~(8)~~(a) The Auditor General shall be advised by the functional owner of each information subsystem as to the date that the development *or significant modification* of its functional system specifications is to begin.

(b) Upon such notification, the Auditor General shall participate with each functional owner to the extent necessary to provide assurance that:

1. The accounting information produced by the information subsystem adheres to generally accepted accounting principles.

2. The information subsystem contains the necessary controls to maintain its integrity, within acceptable limits and at an acceptable cost.

3. The information subsystem is auditable.

(c) The Auditor General shall specify those additional features, characteristics, controls, and internal control measures deemed necessary to carry out the provisions of this subsection. Further, it shall be the responsibility of each functional owner to install and incorporate such specified features, characteristics, controls, and internal control measures within each information subsystem.

(7) The Auditor General shall provide to the board and the coordinating council the findings and recommendations of any audit regarding the provisions of ss. 215.90-215.96.

Section 24. Effective upon this act becoming a law, section 215.95, Florida Statutes, is amended to read:

215.95 *Financial Management* ~~Fiscal Accounting~~ Information Board.—

(1) There is created, as part of the Administration Commission, the *Financial Management* ~~Fiscal Accounting~~ Information Board. The board shall be composed of the Governor, the Comptroller, and the Treasurer. The Governor shall be chair of the board. The Governor or the Comptroller may call a meeting of the board at any time the need arises.

(2) To carry out its duties and responsibilities, the board shall by majority vote:

(a) Adopt such rules, *policies, procedures, principles, and standards* as deemed necessary to implement the Florida *Financial* ~~Fiscal Accounting~~ Management Information System.

(b) *Oversee the actions of the coordinating council and* issue orders to executive branch agencies to enforce implementation of and compliance with provisions relating to the Florida *Financial* ~~Fiscal Accounting~~ Management Information System.

(c) Manage and oversee the development of the *Florida Financial Management Information* System in such a fashion *including, but not limited to, ensuring* ~~as to ensure~~ compatibility and integration with the Legislative Appropriations System.

(d) *By March 1 of each year, approve a strategic plan pursuant to the requirements set forth in s. 186.022(9).* ~~Submit to the Joint Legislative Auditing Committee an annual report containing, but not limited to, the following:~~

~~1. Current status of all information subsystems.~~

~~2. Detailed plans related to all information subsystems provided for in s. 215.96(3)(a).~~

Section 25. Effective upon this act becoming a law, section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council *and design and coordination staff.*—

(1) The Comptroller, as chief fiscal officer of the state, shall establish a coordinating council to function on a continuing basis. The coordinating council shall review and recommend to the board solutions and policy alternatives to ensure coordination between functional owners of the various information subsystems described in *ss. 215.90-215.96* ~~this act~~ to the extent necessary to unify all the subsystems into a *financial* ~~fiscal accounting~~ management information system.

(2) The coordinating council shall consist of the Comptroller; the Treasurer; the secretary of the Department of Management Services; *and* the Director of Planning and Budgeting, Executive Office of the Governor~~; the executive director of the Department of Revenue; and the executive director of the State Board of Administration~~, or their designees. The Comptroller, or his or her designee, shall be chair of the coordinating council and *the design and coordination staff* shall provide administrative and clerical support to the council *and the board*. The *design and coordination staff* ~~Comptroller~~ shall maintain the minutes of each meeting and shall make such minutes available to any interested person. The Auditor General*, the State Courts Administrator, an executive officer of the Florida Association of State Administrative Services Directors, and an executive officer of the Florida Association of State Budget Officers,* ~~and the executive director of the Information Resource Commission,~~ or their designees, shall serve without voting rights as ex officio members on the coordinating council. The chair may call meetings of the coordinating council as often as necessary to transact business; however, the coordinating council shall meet at least once a year. *Action of the coordinating council shall be by motion, duly made, seconded and passed by a majority of the coordinating council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.*

(3) The coordinating council*, assisted by the design and coordination staff,* shall have the following duties, powers, and responsibilities pertaining to the Florida *Financial* ~~Fiscal Accounting~~ Management Information System:

(a) To conduct such studies *and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board* as necessary to *assist the board in its efforts* ~~establish an information resources management plan~~ to design, implement, and perpetuate a *financial* ~~fiscal accounting~~ management information system*, including, but not limited to, the establishment of common data codes, the development of integrated financial management policies that address the information and management needs of the functional owner subsystems, and the development of a strategic plan pursuant to the requirements set forth in s. 186.022(9).* ~~At a minimum, the plan shall address the planning components described in s. 282.307(1). The plan shall be established and approved by the board no later than March 1 of each even-numbered year.~~ The *coordinating* council shall *make available* ~~forward~~ a copy of the approved plan *in writing or through electronic means* to *each of the coordinating council members* ~~the Information Resource Commission, the Executive Office of the Governor~~, the *fiscal* ~~appropriations~~ committees of the Legislature, *the Joint Legislative Information Technology Resources Committee,* and *any interested person* ~~each department as defined in s. 282.303~~.

(b) To recommend to the board solutions, ~~and~~ policy alternatives, *and legislative budget request issues* that will ensure a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems *and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring.*

(c) To report to the board all actions taken by the coordinating council for final action.

(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.

Section 26. Effective upon this act becoming a law, section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(1) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and House of Representatives ~~and the Auditor General~~, and by utilizing the *Florida Financial Management Information System management data and the Comptroller's chart of accounts* ~~coding system of the State Automated Management Accounting Subsystem~~, shall prescribe a planning and budgeting system, pursuant to s. 215.94*(1)*~~(2)~~, to provide for continuous planning and programming and for effective management practices for the efficient operations of all state agencies and the judicial branch. However, the planning and budgeting system shall be limited to the processing of information related to ss. 216.023, *216.0235,* 216.031, 216.043, ~~216.102, 216.111,~~ 216.121, 216.181, 216.182, and 216.192 and those applications relating to part I of chapter 23 *and part I of chapter 252* which are funded by the Legislature. The Executive Office of the Governor may contract with the Legislature to develop the planning and budgeting system and to provide services to the Legislature for the support and use of the legislative appropriations system. *The contract shall include the policies and procedures for combining the legislative appropriations system with the planning and budgeting information system established pursuant to s. 215.94(1). At a minimum, the contract shall require the use of common data codes. The combined legislative appropriations and planning and budgeting information subsystem shall support the legislative appropriations and legislative oversight functions without data code conversion or modification.*

(2) The *Florida Management Information Board* ~~Comptroller~~ shall notify the Auditor General of any changes or modifications to the *Florida Financial Management Information System and its functional owner information subsystems* ~~State Automated Management Accounting Subsystem~~.

(3) The Comptroller, as chief fiscal officer, shall use the Florida Accounting Information Resource Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.

Section 27. *Health Information Systems Council; legislative intent; creation, appointment, duties.—*

(1) The Legislature finds that it is in the state's interest to create a council consisting of executive-level managers for the state's health-related entities, to facilitate the sharing and coordination of health-related data.

(2) There is created a Health Information Systems Council in the Department of Health to facilitate the identification, collection, standardization, sharing, and coordination of health-related data, including fraud and abuse data, and professional and facility licensing data among federal, state, local, and private entities. The Department of Health shall provide administrative support to the council.

(3) The council shall be composed of the following members or their senior executive-level designees:

(a) The secretary of the Department of Health;

(b) The secretary of the Department of Business and Professional Regulation;

(c) The secretary of the Department of Children and Family Services;

(d) The director of the Agency for Health Care Administration;

(e) The secretary of the Department of Corrections;

(f) The Attorney General;

(g) The executive director of the Correctional Medical Authority;

(h) Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor; and

(i) A representative from the Florida Association of Counties.

Representatives of the Federal Government may serve without voting rights.

(4) Members of the council who are appointed by the Governor shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the Governor for cause or if such member is absent from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall annually elect its chair and other officers. The council shall meet at least quarterly or at the call of its chair, at the request of a majority of its membership, or at the request of a department. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(7) The council's duties and responsibilities include, but are not limited to, the following:

(a) By March 1 of each year, to develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9), Florida Statutes. Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(b) To develop a mission statement, goals, and plan of action, based on the guiding principles specified in s. 282.3032, Florida Statutes, for the identification, collection, standardization, sharing, and coordination of health-related data across federal, state, and local government and private-sector entities.

(c) To create ad hoc issue-oriented technical workgroups, on an as-needed basis, to make recommendations to the council.

Section 28. Paragraphs (a) and (b) of subsection (13) of section 20.19, Florida Statutes, 1996 Supplement, are amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(13) INFORMATION SYSTEMS.—

(a) The secretary shall appoint a Chief ~~Management~~ Information Officer ~~to serve as the department's information resource manager~~ with the authority for agency development and management information systems maintenance, policies, and procedures as provided for in *chapter 282* ~~s. 282.311~~. The Chief ~~Management~~ Information Officer shall direct and promote information as a strategic asset and facilitate integration of data systems and agency and interagency resource sharing as allowed by applicable statutes. The Chief ~~Management~~ Information Officer serves at the pleasure of the secretary.

(b) The Chief ~~Management~~ Information Officer is directly responsible for the management of the management information systems service center that provides primary information systems support for all entities within the department and maintains fee-for-service provisions for use by other agencies. The Chief ~~Management~~ Information Officer shall negotiate service-level agreements between the management information systems service center and users and shall facilitate integrated information systems practices and procedures throughout the service districts and with local service providers.

Section 29. Paragraph (c) of subsection (6) of section 20.316, Florida Statutes, 1996 Supplement, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(c) The department shall implement a distributed system architecture which shall be defined in its *agency* strategic plan ~~pursuant to s. 282.307~~.

Section 30. Subsection (6) of section 20.41, Florida Statutes, is amended to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(6) In accordance with the federal Older Americans Act of 1965, as amended, the department shall designate and contract with area agencies on aging in each of the department's planning and service areas. Area agencies on aging shall ensure a coordinated and integrated provision of long-term care services to the elderly and shall ensure the provision of prevention and early intervention services. The department shall have overall responsibility for information system planning. The department shall ensure, through the development of equipment, software, data, and connectivity standards, the ability to share and integrate information collected and reported by the area agencies in support of their contracted obligations to the state. ~~Information system plans developed in support of the area agencies shall be included in the department's strategic information resource management plan, as required by s. 282.307.~~

Section 31. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, 1996 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field

or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding $1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

~~6. Any voting member of the Information Technology Resource Procurement Advisory Council established in the Department of Management Services by s. 287.073.~~

6.~~7.~~ Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7.~~8.~~ Each employee of the Commission on Ethics.

Section 32. Subsection (8) of section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(8) An information resources management schedule showing the agency's or judicial branch's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions ~~pursuant to s. 282.305(1)~~. This subsection is applicable only to those state agencies which are under the purview of ss. 282.303-282.313 and to the judicial branch.

Section 33. Subsections (5), (6), and (10) of section 216.235, Florida Statutes, are amended to read:

216.235 Innovation Investment Program; definitions; intent; State Innovation Committee; responsibilities; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(5) Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section. Such proposals shall include, but not be limited to:

(a) The identification of a specific innovative project.

(b) The name of the innovative project administrator.

(c) A cost/benefit analysis.

(d) A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation.

(e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.

All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the *agency's Chief Information Officer* ~~information resource manager~~ prior to submission to the department.

(6) Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the *State Innovation Committee or its designee* ~~Information Resource Commission~~ for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:

(a) The identification of the specific project, as defined in s. 282.303.

(b) A statement as to the innovative project's consistency with the agency's strategic plan ~~for information resources management~~.

(c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.

(d) A planning and analysis methodology that provides a high level of confidence in successful implementation.

(e) If applicable, a description of the transferability of the technology to other agencies.

Based on the components required by this subsection to be included in innovative project proposals, the *State Innovation Committee or its designee* ~~Information Resource Commission~~ shall evaluate the innovative project's technical feasibility and ~~shall~~ make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the *committee or its designee* ~~Information Resource Commission~~ than those applications that do not have a transferable benefit.

(10) The department shall monitor and evaluate the implementation of innovative projects to determine if the anticipated results were achieved. For innovative projects involving information technology resources, the *agency's Chief Information Officer* ~~Information Resource Commission~~ shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.

Section 34. Section 216.236, Florida Statutes, is amended to read:

216.236 Innovation Investment Program; funding; recordkeeping and reporting.—The amount of $1 million of any funds appropriated from the General Revenue Fund for the purpose of funding the Innovation Investment Program shall be available on a payback basis. Innovative project proposals funded on a payback basis shall include the requirements of s. 216.235(5) and, if applicable, s. 216.235(6), and shall be submitted to the department no later than May 15. *The State Innovation Committee or its designee* ~~Agencies submitting an innovative project proposal involving information technology resources shall not be required to submit a draft proposal to the Information Resource Commission; however, the Information Resource Commission~~ shall review and evaluate such proposal as to its technical feasibility. Funds for the innovative project shall be available to the agency on July 1. Any of such funds which are not awarded by July 1 shall be used for funding innovative projects submitted for funding pursuant to section 3. Loans made under this section shall be repaid, without interest, from savings realized by the agency as a result of implementing the innovative project by no later than July 30 of the following fiscal year in which the funds were received by the agency. Any agency awarded funds pursuant to this section shall maintain detailed accounting records showing all expenses, loan transfers, savings, or other financial actions concerning the project. Any savings realized as a result of implementing the innovative project shall be quantified, validated, and verified by the agency. By July 1 of the following fiscal year in which the funds were received, a final report of the results of the implementation of each innovative project shall be submitted by each participating agency to the Governor's Office of Planning and Budgeting and the legislative appropriations committees, along with a budget amendment to reimburse the General Revenue Fund.

Section 35. Subsection (16) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities, information technology resources, or services that can be used by multiple agencies. However, *the department may consult with the State Technology Office on* joint agreements that involve the purchase of information technology resources ~~must be coordinated with the Information Resource Commission~~. ~~The Information Resource Commission may also provide administrative and technical support for~~

~~those agreements involving the purchase of information technology resources, or the division may delegate complete authority for joint agreements involving information technology resources to the commission.~~ Agencies entering into joint purchasing agreements with the division ~~or the Information Resource Commission, as appropriate,~~ shall authorize the division ~~or commission~~ to contract for such purchases on their behalf.

(b) Each agency that has been appropriated or has existing funds for such purchases, shall, upon contract award by the division, transfer their portion of the funds into the division's Grants and Donations Trust Fund for payment by the division. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

~~(c) Notwithstanding paragraph (b), for joint agreements for information technology resources purchases that have been delegated by the division to the Information Resource Commission, agencies that have been appropriated or have existing funds for information technology resources purchases shall, upon contract award by the commission, transfer their portion of the funds into the Information Resource Commission's Grants and Donations Trust Fund for payment by the commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.~~

(c)~~(d)~~ Agencies that sign such joint agreements are financially obligated for their portion of the agreed-upon funds. If any agency becomes more than 90 days delinquent in paying such funds, the Department of Management Services ~~or the Information Resource Commission, as applicable,~~ shall certify to the Comptroller the amount due, and the Comptroller shall transfer the amount due to the Grants and Donations Trust Fund of the division ~~or the Information Resource Commission, as appropriate,~~ from any of the agency's available funds. The Comptroller shall report all such transfers and the reasons for such transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 36. Subsection (1) of section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

(1) For the purposes of this section, the term~~:~~

~~(a)~~ "Information technology resources" *has the same meaning ascribed in s. 282.303(13).* ~~means data processing hardware, software, services, supplies, personnel, facility resources, maintenance, and training but does not include those process control devices excluded from such definition by rule of the Information Resource Commission.~~

~~(b) "Total cost" means all costs associated with the information technology resource, including, but not limited to, value of hardware, software or service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.~~

Section 37. Subsection (3) is added to section 943.08, Florida Statutes, 1996 Supplement, to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(3) The council shall develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the approved plan shall be transmitted, electronically or in writing, to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the council members.

Section 38. *The current staff of the Information Resource Commission, which is abolished by this act, shall be afforded priority consideration for any positions created by the reorganization pursuant to the provisions of this act or for other vacant positions in state government in accordance with s. 20.02(7), Florida Statutes.*

Section 39. *All records, including electronic and paper records, of each entity abolished by this act must be appropriately stored within 30 days after the date of the abolishment of the entity, except that records of the Information Resource Commission may be transferred to the State Technology Office upon request of the office.*

Section 40. *The administrative rules of the Information Resource Commission shall remain in effect until June 30, 1998, at which time such rules are repealed unless the Executive Office of the Governor issues a memorandum that conflicts with an existing administrative rule of the Information Resource Commission prior to that date, which memorandum shall prevail to the extent of a conflict. However, the judicial and legislative branches, the State University System, and the Community College System are not bound by any existing administrative rules adopted by the Information Resource Commission.*

Section 41. *All unexpended appropriations resulting from the repeal of the Information Resource Commission, which were designated for special monitoring pursuant to s. 282.322, Florida Statutes, shall be transferred by a type two transfer to the Technology Review Workgroup established pursuant to s. 216.0446, Florida Statutes.*

Section 42. *The Division of Statutory Revision of the Joint Legislative Management Committee may prepare a reviser's bill to conform any cross-references that are necessary as a result of this act.*

Section 43. Except as otherwise provided herein, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to information resources management in state agency strategic plans and review thereof; creating s. 216.0446, F.S.; authorizing a mechanism for the review of portions of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S.; requiring review and approval of amendments to approved budgets which involve specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative findings and intent with respect to information resources management; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the State Technology Council; providing legislative intent; providing membership, powers, and duties; creating s. 282.3093, F.S.; creating the State Technology Office; providing legislative intent; providing powers and duties; creating s. 282.310, F.S.; requiring a State Annual Report on Information Resources Management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes, membership, and duties; amending s. 282.102, F.S.; authorizing the Division of Communications of the Department of Management Services to publish electronically a portfolio of its services; specifying the information to be included in the portfolio; requiring that the information also be provided in hard copy; repealing s. 282.1021, F.S., which requires the Division of Communications to develop a biennial plan for communication services; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising membership and duties of the data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop an annual strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to

information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing requirements with respect to the Florida Financial Management Information System and its subsystems; amending s. 215.94, F.S.; revising provisions with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; renaming the Fiscal Accounting Information Board as the Financial Management Information Board and revising its duties; requiring the board to develop an annual strategic plan; amending s. 215.96, F.S.; revising provisions with respect to the coordinating council and its membership and duties; providing for design and coordination staff; amending s. 216.141, F.S.; revising provisions with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council to facilitate coordination and sharing of health-related data; requiring the council to develop and approve an annual strategic plan; amending ss. 20.19, 20.316, and 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235 and 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the Criminal and Juvenile Justice Information Systems Council to develop and approve an annual strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; providing for storage of records and requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing for a reviser's bill; providing effective dates.

Senator Kirkpatrick moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 72, lines 10-14, delete those lines and insert: *June 30, 1998, at which time such rules are repealed. However,*

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 72, between lines 28 and 29, insert:

Section 43. *For the purposes of sections 43 through 47, the word "agency" has the meaning ascribed in section 119.011, Florida Statutes.*

Section 44. *Notwithstanding any general or special law to the contrary, the agencies of one or more local governments may establish a collaborative client information system. State agencies and private agencies may participate in the collaborative information system. Data related to the following areas may be included in the collaborative information system, although the system is not limited to only these types of information; criminal justice, juvenile justice, education, employment training, health, and human services.*

Section 45. *(1) The counties involved in the creation and administration of a collaborative client information system shall form a steering committee, consisting of representatives of all agencies and organizations participating in the system, to govern the organization and administration of the collaborative system. Each steering committee shall determine its procedures for governance of the organization, participation in the collaborative information system, and administration of the data in the system. Each steering committee also must develop a security policy to be followed by all agencies participating in the collaborative system to ensure the integrity of the data in the collaborative information system and to guarantee the privacy, to the extent possible, of all clients served by an agency that participates in the collaborative system.*

(2) Before sharing confidential information with other members of the information collaborative, each member of the steering committee shall sign an agreement specifying, at a minimum, the following information:

(a) What information each agency will share with the collaborative;

(b) How the information will be shared;

(c) How clients will be notified that an agency participates in the collaborative;

(d) Who in each agency will have access to the information;

(e) The purposes to be served by sharing the information;

(f) Assurances from each agency that it will maintain the confidentiality of the information as required by law; and

(g) Other information decided upon by members of the information cooperative.

Section 46. *Notwithstanding any law to the contrary, an agency that participates in the creation or administration of a collaborative client information system may share client information, including confidential client information, with other members of the collaborative system as long as the restrictions governing the confidential information are observed by any other agency granted access to the confidential information. An agency that participates in a collaborative information system is not required to have a release signed by its affected clients before sharing confidential information with other members of the collaborative system.*

Section 47. *An agency that receives moneys from a federal, state, or local agency is encouraged to participate in any collaborative client information system that is available within the service area of the agency.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 78, between lines 24 and 25, insert: providing a definition; specifying the types of information to be included in the collaborative systems; specifying participants in the collaborative systems; requiring a steering committee to govern each collaborative system; requiring a system security plan; authorizing collaborative system members to share client information; imposing restrictions to protect confidential client information; encouraging participation in the collaborative systems;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 940** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing

that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1—On page 2, lines 4-6, delete those lines and insert: *selection process pursuant to subsections (3), (4), and (5). During the qualifications-based selection of the design-build firm, the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a*

On motion by Senator Lee, further consideration of **CS for SB 1860** as amended was deferred.

Consideration of **SB 1158** was deferred.

CS for CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; authorizing local agency employers to reassess designation of positions for inclusion in the Senior Management Service Class; providing for removal of certain positions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; providing certain reemployment exceptions for year 2000 computer problems; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service; providing an appropriation; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer's payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional participation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Senators McKay and Hargrett offered the following amendments which were moved by Senator McKay and adopted:

Amendment 1—On page 7, lines 11-21, delete those lines and insert:

Section 3. Subsections (2), (3), and (5) of section 121.052, Florida Statutes, 1996 Supplement, are amended to read:

121.052 Membership class of elected state and county officers.—

(2) MEMBERSHIP.—The following holders of ~~state and county~~ elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected State and County Officers' Class, except as provided in subsection (3):

(a) Any Governor, Lieutenant Governor, Cabinet officer, legislator, Supreme Court justice, district court of appeal judge, circuit judge, or state attorney assuming office on or after July 1, 1972.

(b) Any county court judge assuming office on or after October 1, 1974.

(c) Any public defender assuming office on or after July 1, 1977.

(d) Any constitutional county elected officer assuming office on or after July 1, 1981, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent, or any elected officer of any entity with countywide jurisdiction assuming office on or after July 1, 1981, who, pursuant to general or special law, exercises powers and duties that, but for such general or special law, would be exercised by any of the constitutional county elected officers set forth in this paragraph.

(e) Any public service commissioner assuming office on or after July 1, 1972, but prior to July 1, 1979.

(f) Any elected officer of a municipality or special district on or after July 1, 1997, as provided in paragraph (3)(e).

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected State and County Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) *and (f)* assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as *provided in paragraph (3)(a)-(d)* ~~follows~~:

Amendment 2—On page 9, between lines 25 and 26, insert:

(e) Effective July 1, 1997, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected State and County Officers' Class. Such election shall be made between July 1, 1997, and December 31,

1997, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the division of the ordinance or resolution passed by the governing body.

MOTION

On motion by Senator Thomas, the rules were waived to allow the following amendments to be considered:

Senator Williams offered the following amendments which were moved by Senator Thomas and adopted:

Amendment 3—On page 58, lines 19 and 23; and on page 59, line 2, after "*nonpublic*" insert: *, nonsectarian*

Amendment 4 (with title amendment)—On page 64, between lines 27 and 28, insert:

Section 16. Subsections (5) and (7) of section 121.30, Florida Statutes, 1996 Supplement, are amended, and subsection (9) is added to that section, to read:

121.30 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(5) No benefit *payable* hereunder *for any limitation year* shall exceed the maximum amount, *including cost-of-living adjustments,* allowable by law for qualified pension plans under *applicable* ~~existing or hereafter-enacted~~ provisions of the Internal Revenue Code of the United States.

(7) Any provision of this chapter relating to an optional annuity or retirement program must be construed and administered in such manner that such program will qualify as a qualified pension plan under *applicable* ~~existing or hereafter-enacted~~ provisions of the Internal Revenue Code of the United States~~, and the division may adopt any rule necessary to accomplish the purpose of this subsection not inconsistent with this chapter~~.

(9) The division may adopt any rule necessary to accomplish the purpose of the section which is not inconsistent with this chapter.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the first semicolon (;) insert: amending s. 121.30, F.S.; providing for inclusion of cost-of-living adjustments in the calculation of the federal maximum benefit limit;

Amendment 5 (with title amendment)—On page 75, line 27, after "*Sections*" insert: *25.101, 25.112, 25.122, 25.131, 25.141, 25.161, 38.14, 38.15, 38.16, 38.17, 38.19,*

And the title is amended as follows:

On page 4, line 13, after the semicolon (;) insert: repealing ss. 25.101, 25.112, 25.122, 25.131, 25.141, 25.161, 38.14, 38.15, 38.16, 38.17, 38.19, F.S., relating to retirement for justices and judges;

Senator Silver moved the following amendment:

Amendment 6 (with title amendment)—On page 76, between lines 23 and 24, insert:

Section 23. *On July 1, 1997, the Department of Management Services shall provide for an open enrollment period for retired state employees who want to obtain health insurance coverage under sections 110.123 and 110.12315, Florida Statutes. The options offered during the open enrollment period must provide the same health insurance coverage as the coverage provided to active employees under the same premium payment conditions in effect for covered retirees, including eligibility for health insurance subsidy payments under section 112.363, Florida Statutes. A person who separates from employment subsequent to May 1, 1988, but whose date of retirement occurs on or after August 1, 1995, is eligible as of the first open enrollment period occurring after July 1, 1997, with an effective date of January 1, 1998, as long as the retiree's enrollment remains in effect.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 20, after the semicolon (;) insert: providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility;

On motion by Senator Thomas, further consideration of **CS for CS for SB 1824** with pending **Amendment 6** was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:31 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:06 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL ORDER CALENDAR, continued

On motion by Senator Thomas, the Senate resumed consideration of—

CS for CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; authorizing local agency employers to reassess designation of positions for inclusion in the Senior Management Service Class; providing for removal of certain positions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; providing certain reemployment exceptions for year 2000 computer problems; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing

an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service; providing an appropriation; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer's payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional participation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

—with pending **Amendment 6** by Senator Silver.

Senator Silver moved the following amendment to **Amendment 6** which was adopted:

Amendment 6A—On page 1, line 17, after *"On"* insert: *or after*

Amendment 6 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1824** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 1158—A bill to be entitled An act relating to the Department of Revenue; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the department; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment:

Amendment 1 (with title amendment)—On page 17, between lines 18 and 19, insert:

Section 9. Paragraph (c) of subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which ~~equipment and~~ machinery *and equipment* are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. *Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.*

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the department with ~~However, the exemption provided for in this paragraph shall not be allowed unless the purchaser signs~~ an affidavit stating that the item or items to be exempted are for the ~~exclusive~~ use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. *Purchasers with self–accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 212.08, F.S.; clarifying the application of a sales and use tax exemption for machinery and equipment necessary in the production of electrical or steam energy from the burning of boiler fuels; providing that the use of a de minimis amount of residual fuel to help burn nonresidual fuel shall not reduce the exemption; providing for a prorated exemption in facilities where machinery and equipment are necessary to burn residual and nonresidual fuels; providing rulemaking authority;

On motion by Senator Williams, further consideration of **SB 1158** with pending **Amendment 1** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 1603** was withdrawn from the Committee on Banking and Insurance.

On motions by Senator Clary, by two-thirds vote—

HB 1603—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

—a companion measure, was substituted for **CS for SB 1314** and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1603** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Childers	Dyer	Horne
Bankhead	Clary	Forman	Jenne
Bronson	Cowin	Grant	Jones
Brown-Waite	Crist	Gutman	Kirkpatrick
Burt	Dantzler	Hargrett	Klein
Campbell	Diaz-Balart	Harris	Kurth
Casas	Dudley	Holzendorf	Latvala

Lee	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams
Myers	Scott	Thomas	

Nays—None

Vote after roll call:

Yea—McKay

On motion by Senator Grant, by two-thirds vote **CS for HB 147** was withdrawn from the Committees on Judiciary; and Children, Families and Seniors.

On motion by Senator Grant—

CS for HB 147—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in any jurisdiction, whether within, or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

—a companion measure, was substituted for **CS for SB 272** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 147** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 528**, **CS for SB 104**, **CS for SB 842**, **CS for SB 750** and **CS for SB's 818, 1136 and 1242** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 1307** was withdrawn from the Committees on Regulated Industries and Community Affairs.

On motions by Senator Burt, by two-thirds vote—

HB 1307—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1794** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 1307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	Latvala
Bankhead	Crist	Harris	Lee
Bronson	Dantzler	Holzendorf	Meadows
Brown-Waite	Diaz-Balart	Horne	Myers
Burt	Dudley	Jenne	Ostalkiewicz
Campbell	Dyer	Jones	Rossin
Casas	Forman	Kirkpatrick	Silver
Childers	Grant	Klein	Thomas
Clary	Gutman	Kurth	Turner

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

Consideration of **SB 1130**, **CS for SB 1148** and **CS for SB 250** was deferred.

TRUST FUND BILL
SPECIAL ORDER CALENDAR

SB 2088—A bill to be entitled An act relating to the re-creation of the Operating Trust Fund of the Department of Management Services without modification; re-creating the Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2088** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2090—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the State Game Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2090** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2092—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the Dedicated License Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2092** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kirkpatrick	Rossin
Cowin	Gutman	Klein	Scott
Crist	Hargrett	Kurth	Silver
Dantzler	Harris	Latvala	Thomas
Diaz-Balart	Holzendorf	Lee	Turner
Dudley	Horne	Meadows	Williams
Dyer	Jenne	Myers	
Forman	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2094—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the Florida Panther Research and Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2094** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2096—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund of the Game and Fresh Water Fish Commission without modification; re-creating the Land Acquisition Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2096** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2098—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the Lifetime Fish and Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2098** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2100—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the Nongame Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2100** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2102—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2102** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Burt	Clary	Diaz-Balart
Bankhead	Campbell	Cowin	Dudley
Bronson	Casas	Crist	Dyer
Brown-Waite	Childers	Dantzler	Forman

Grant	Jenne	Lee	Silver
Gutman	Jones	Meadows	Thomas
Hargrett	Kirkpatrick	Myers	Turner
Harris	Klein	Ostalkiewicz	Williams
Holzendorf	Kurth	Rossin	
Horne	Latvala	Scott	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2104—A bill to be entitled An act relating to the re-creation of the Armory Board Trust Fund without modification; re-creating the Armory Board Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2104** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2106—A bill to be entitled An act relating to the re-creation of the Camp Blanding Management Trust Fund without modification; re-creating the Camp Blanding Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2106** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2108—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Management Services without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2108** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2110—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2110** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2112—A bill to be entitled An act relating to the re-creation of the State Agency Law Enforcement Radio System Trust Fund without modification; re-creating the State Agency Law Enforcement Radio System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2112** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones

Kirkpatrick	Lee	Rossin	Turner
Klein	Meadows	Scott	Williams
Kurth	Myers	Silver	
Latvala	Ostalkiewicz	Thomas	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2114—A bill to be entitled An act relating to the re-creation of the Pretax Benefits Trust Fund without modification; re-creating the Pretax Benefits Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2114** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2116—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Game and Fresh Water Fish Commission and the Department of Management Services are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2116** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2118—A bill to be entitled An act relating to the re-creation of the State Employee Child Care Revolving Trust Fund without modification; re-creating the State Employee Child Care Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2118** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2120—A bill to be entitled An act relating to the re-creation of the State Personnel System Trust Fund without modification; re-creating the State Personnel System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2120** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2122—A bill to be entitled An act relating to the re-creation of the Architects Incidental Trust Fund without modification; re-creating the Architects Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2122** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz

Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2124—A bill to be entitled An act relating to the re-creation of the Bureau of Aircraft Trust Fund without modification; re-creating the Bureau of Aircraft Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2124** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2126—A bill to be entitled An act relating to the re-creation of the Communications Working Capital Trust Fund without modification; re-creating the Communications Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2126** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2128—A bill to be entitled An act relating to the re-creation of the Motor Vehicle Operating Trust Fund without modification; re-creating the Motor Vehicle Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2128** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2130—A bill to be entitled An act relating to the re-creation of the Supervision Trust Fund without modification; re-creating the Supervision Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2130** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2132—A bill to be entitled An act relating to the re-creation of the Surplus Property Revolving Trust Fund without modification; re-creating the Surplus Property Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2132** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz

Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2134—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund of the Department of Management Services without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2134** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2136—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2136** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 62** was deferred.

On motion by Senator Crist—

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1—On page 2, line 1, delete "January 1, 1998." and insert: July 1, 1997.

On motion by Senator Crist, further consideration of **SB 208** as amended was deferred.

Consideration of **SB 1174** and **SB 14** was deferred.

On motion by Senator Horne, by two-thirds vote **HB 445** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motion by Senator Horne—

HB 445—A bill to be entitled An act relating to ad valorem tax administration; creating s. 194.301, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value; providing for a loss of the presumption under certain conditions; providing the taxpayer's burden of proof; providing for the establishment of the assessment if the property appraiser's assessment is determined to be erroneous; providing for a remand of the assessment to the property appraiser under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 134** and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 445** was read the third time by title, passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Gutman, by two-thirds vote **HB 967** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motions by Senator Gutman, by two-thirds vote—

HB 967—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and requirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and a contingent effective date.

—a companion measure, was substituted for **SB 1174** and by two-thirds vote read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 967** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for CS for SB's 404 and 414—A bill to be entitled An act relating to taxation of Internet access, electronic mail, electronic bulletin board, or on-line services; amending s. 203.012, F.S.; providing that the term "telecommunication service" does not include Internet access, electronic mail, electronic bulletin board, or similar on-line computer services for purposes of gross receipts taxes; revising the definition of the term "teletypewriter or computer exchange service" to remove computer exchange service; reenacting s. 166.231(10), F.S., relating to the municipal public service tax on telecommunication service, and s. 212.05(1)(e), F.S., relating to the sales and use tax on telecommunication service, to incorporate the amendment to s. 203.012, F.S., in references thereto; providing intent; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for CS for SB's 404 and 414** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—1

Forman

Consideration of **CS for CS for SB 64** and **CS for SB 402** was deferred.

SB 648—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 648** to **HB 1337**.

Pending further consideration of **SB 648** as amended, on motion by Senator Ostalkiewicz, by two-thirds vote **HB 1337** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Ostalkiewicz—

HB 1337—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

—a companion measure, was substituted for **SB 648** as amended and read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **HB 1337** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Consideration of **SB 678**, **CS for SB 508** and **CS for SB 1244** was deferred.

On motion by Senator Myers, by two-thirds vote **HB 861** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

HB 861—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(e) and (2), F.S., relating to trust funds of the Department of Health; creating the Social Services Block Grant Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1116** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 861** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Myers, by two-thirds vote **HB 863** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

HB 863—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Operations and Maintenance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1118** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 863** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Diaz-Balart	Kirkpatrick	Silver
Brown-Waite	Dudley	Klein	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Forman, Gutman, Lee

SB 1120—A bill to be entitled An act relating to trust funds; creating the Grants and Donations Trust Fund within the Department of Health; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1120** to **HB 867**.

Pending further consideration of **SB 1120** as amended, on motion by Senator Myers, by two-thirds vote **HB 867** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

HB 867—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(c) and (2), F.S., relating to trust funds of the Department of Health; creating the Grants and Donations Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1120** as amended and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 867** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Myers, by two-thirds vote **HB 865** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

HB 865—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(b) and (2), F.S., relating to trust funds of the Department of Health; creating the Federal Grants Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1122** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 865** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Lee

On motion by Senator Myers, by two-thirds vote **HB 869** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

HB 869—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(a) and (2), F.S., relating to trust funds of the Department of Health; creating the Administrative Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1124** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 869** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Myers, by two-thirds vote **HB 1025** was withdrawn from the Committees on Health Care; and Ways and Means.

On motions by Senator Myers, the rules were waived and—

HB 1025—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Medical Quality Assurance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **SB 1462** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1025** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Jones	Scott
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	

Nays—1

Burt

Vote after roll call:

Yea—Clary and Kirkpatrick

On motion by Senator Hargrett, by two-thirds vote **HB 1813** was withdrawn from the Committees on Transportation; and Ways and Means.

On motions by Senator Hargrett, by two-thirds vote—

HB 1813—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund within the Department of Transportation; providing for source of moneys and purposes; providing an effective date.

—a companion measure, was substituted for **SB 2416** and by two-thirds vote read the second time by title. On motion by Senator Hargrett, by two-thirds vote **HB 1813** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Latvala, by two-thirds vote **CS for HB 249** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Latvala—

CS for HB 249—A bill to be entitled An act relating to gambling; amending s. 849.0935, F.S.; providing additional tax-exempt organizations which are authorized to conduct drawings by chance under said section, including civic organizations, employees' associations, clubs, fraternal benefit societies, fraternal lodges, and armed forces and veterans' organizations; amending s. 849.094, F.S., which regulates game promotions in connection with the sale of products or services; providing that specified provisions of said section do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission; providing an effective date.

—a companion measure, was substituted for **SB 1130** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Bronson

SENATOR SCOTT PRESIDING

On motion by Senator Hargrett—

CS for CS for SB 2060—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; providing responsibilities for the Fort Myers Urban Office; amending s. 206.46, F.S.; authorizing the department to use State Transportation Trust Fund moneys to pay for the operation and maintenance of existing or future department-owned toll facilities and reimburse the trust fund from turnpike revenues; amending s. 311.07, F.S.; providing funding eligibility for certain seaport intermodal projects; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing petroleum tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising provisions with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; deleting an axle restriction for straight trucks; amending s. 320.20, F.S.; providing additional funding for the Florida Seaport Transportation and Economic Development Program; providing how such funds may be spent; providing a specific appropriation; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising provisions with respect to governmental transportation entities; creating s. 334.351, F.S., relating to youth work experience program within the Department of Transportation; providing for the awarding of program contracts; amending s. 335.0415; providing responsibility for operation and maintenance within the right-of-way of public roads; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed; authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising provisions with respect to aid and contributions by governmental entities for department projects; amending ss. 339.135, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; specifying deadlines and content; revising the membership of certain metropolitan planning organizations; amending s. 348.0003, F.S.; revising the membership of certain expressway authorities; amending s. 348.0004, F.S.; revising provisions with respect to the type of facilities under the jurisdiction of certain expressway authorities; creating s. 348.565, F.S.; authorizing financing and refinancing of Tampa-Hillsborough County Expressway System projects; amending s. 348.754, F.S.; providing for additional powers of the Orlando-Orange County Expressway Authority in certain counties; providing for the creation of a working group; providing responsibilities for the working group related to requisition of transportation disadvantaged services; freezing rulemaking authority of the Florida Transportation Disadvantaged Commission; authorizing emergency rulemaking; amending s. 479.261, F.S.; revising provisions with respect to the logo-sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; repealing s. 334.35, F.S., relating to the Florida Youth Conservation Corps; providing an effective date.

—was read the second time by title.

Senators Klein, Diaz-Balart, Scott, Forman, Jenne, Rossin and Hargrett offered the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 4, line 30, insert:

Section 1. *The Department of Transportation is directed to perform a pilot project under section 338.231, Florida Statutes, as the SUNPASS electronic toll collection system is implemented, offering at least a 10 percent discount to turnpike commuters who use SUNPASS on the turnpike. The Department of Transportation shall provide a preliminary report to the Legislature by February 15, 1998, and shall report the results of the pilot project by February 15, 1999. The report shall include projected impacts of statewide commuter discounts on the turnpike system, and recommend to the Legislature how to achieve discounts in 5 percent increments up to and including 20 percent. Savings to the commuter shall be a priority in the analysis. The projected impacts shall include, but not be limited to, ridership increases, SUNPASS utilization, operating and maintenance costs, and future ability to finance capacity requirements. The Department of Transportation is further directed to advise the Legislature as to when the system shall be implemented systemwide and on a county-by-county basis.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: directing the Department of Transportation to perform a pilot project;

Senator Thomas moved the following amendment which was adopted:

Amendment 2—On page 5, line 19, after "operations" insert: *or relocate the turnpike district*

Senator Hargrett moved the following amendments which were adopted:

Amendment 3 (with title amendment)—On page 5, between lines 29 and 30, insert:

Section 2. *The Department of Transportation shall continue to use the model system it developed under section 334.0445, Florida Statutes, until July 1, 1999.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: authorizing the department to continue to use the model developed for the career service broadbanding compensation and classification system;

Amendment 4—On page 19, line 13, delete "*1997*" and insert: *2001*

Senator Harris moved the following amendment:

Amendment 5—On page 21, lines 1-14, delete those lines and insert: *Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The repayment provisions of s. 414.065 do not apply to this section. The council and the Department of*

Senator Hargrett moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 1, lines 29 and 30, delete "*The repayment provisions of s. 414.065 do not apply to this section.*"

Amendment 5 as amended was adopted.

Senator Hargrett moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 21, delete section 9, and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 9 and 10, delete those lines and insert: may be spent; amending s. 322.53, F.S.;

Senator Scott offered the following amendment which was moved by Senator Hargrett and adopted:

Amendment 7 (with title amendment)—On page 25, between lines 12 and 13, insert:

Section 16. Subsection (6) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(6) Notwithstanding the provisions of subsection (1), *no tolls may be charged for use of an interstate highway where tolls were not charged as of July 1, 1997* ~~in order to facilitate expeditious completion of the Interstate System, the department is authorized to continue to collect the toll on a revenue-producing project currently designated as part of the Interstate System~~.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 29, after the first semicolon (;) insert: amending s. 338.165, F.S.; providing that no tolls may be collected on certain interstate highways;

Senator Hargrett moved the following amendment which was adopted:

Amendment 8—On page 28, line 19, after the period (.) insert: *Turnpike projects approved to be included in future tentative work programs include, but are not limited to, projects contained in the 1997-1998 tentative work program and potential expansion projects listed in the January 25, 1997 report submitted to the Florida Transportation Commission titled "Florida's Turnpike Building on the Past - Preparing for the Future."*

Senators Klein, Diaz-Balart, Scott, Forman, Jenne, Rossin and Hargrett offered the following amendments which were moved by Senator Klein and adopted:

Amendment 9 (with title amendment)—On page 31, lines 10 and 11, delete those lines and insert: A maximum of *$3* ~~$1.5~~ billion of bonds may be issued to fund *approved turnpike* ~~the~~ projects ~~listed in this subsection~~.

And the title is amended as follows:

On page 3, lines 11-13, delete those lines and insert: certain turnpike projects; increasing the bond cap on turnpike projects; providing for legislative

Amendment 10 (with title amendment)—On page 33, line 25 through page 34, line 22, delete those lines and insert:

Section 20. Present subsections (3), (4), and (5) of section 338.231, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and new subsections (3) and (4) are added to that section, to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3) The department shall publish a proposed change in the toll rate for the use of an existing toll facility, in the manner provided for in s. 120.54, which will provide for public notice and the opportunity for a public hearing before the adoption of the proposed rate change. When the department is evaluating a proposed turnpike toll project under s. 338.223 and has determined that there is a high probability that the project will pass the test of economic feasibility predicated on proposed toll rates, the toll rate that is proposed to be charged after the project is constructed must be adopted during the planning and project development phase of the project, in the manner provided for in s. 120.54, including public notice and the opportunity for a public hearing. For such a new project, the toll rate becomes effective upon the opening of the project to traffic.

(4) For the period July 1, 1998, through June 30, 2007, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. The requirements of this subsection do not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: providing ratio on return of tolls collected in Dade County, Broward County, and Palm Beach County;

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman:

Amendment 11 (with title amendment)—On page 37, between lines 22 and 23, insert:

Section 24. Effective October 1, 1997, section 784.07, Florida Statutes, 1996 Supplement, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, *public transit employees or agents,* or other specified officers; reclassification of offenses; minimum sentences.—

(1) As used in this section, the term:

(a) "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer of the Parole Commission; and law enforcement personnel of the Game and Fresh Water Fish Commission, the Department of Environmental Protection, or the Department of Law Enforcement.

(b) "Firefighter" means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires.

(c) "Emergency medical care provider" means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401.

(d) "Public transit employees or agents" means bus operators, train operators, revenue collectors, security personnel, equipment maintenance personnel, or field supervisors, who are employees or agents of a transit agency as described in s. 812.015(1)(l).

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emer-

gency medical care provider, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 318.141, a parking enforcement specialist as defined in s. 316.640, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, intake officer, traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist, *public transit employee or agent,* or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(3) Any person who is convicted of a battery under paragraph (2)(b) and, during the commission of the offense, such person possessed:

(a) A "firearm" or "destructive device" as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 3 years.

(b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s. 775.087(3), or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.

Section 25. Effective October 1, 1997, section 812.015, Florida Statutes, 1996 Supplement, is amended to read:

812.015 Retail and farm theft; *transit fare evasion;* mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(a) "Merchandise" means any personal property, capable of manual delivery, displayed, held, or offered for retail sale by a merchant.

(b) "Merchant" means an owner or operator, or the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises or apparatus used for retail purchase or sale of any merchandise.

(c) "Value of merchandise" means the sale price of the merchandise at the time it was stolen or otherwise removed, depriving the owner of his lawful right to ownership and sale of said item.

(d) "Retail theft" means the taking possession of or carrying away of merchandise, money, or negotiable documents; altering or removing a label or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(e) "Farm produce" means livestock or any item grown, produced, or manufactured by a person owning, renting, or leasing land for the purpose of growing, producing, or manufacturing items for sale or personal use, either part time or full time.

(f) "Farmer" means a person who is engaging in the growing or producing of farm produce, milk products, eggs, or meat, either part time or full time, for personal consumption or for sale and who is the owner or lessee of the land or a person designated in writing by the owner or lessee to act as his agent. No person defined as a farm labor contractor pursuant to s. 450.28 shall be designated to act as an agent for purposes of this section.

(g) "Farm theft" means the unlawful taking possession of any items that are grown or produced on land owned, rented, or leased by another person.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise.

(i) "Antishoplifting or inventory control device countermeasure" means any item or device which is designed, manufactured, modified, or altered to defeat any antishoplifting or inventory control device.

(j) "Transit fare evasion" means the unlawful refusal to pay the appropriate fare for transportation upon a mass transit vehicle, or to evade the payment of such fare, or to enter any mass transit vehicle or facility by any door, passageway, or gate, except as provided for the entry of fare paying passengers, and shall constitute petit theft as proscribed by this chapter.

(k) "Mass transit vehicle" means buses, rail cars, or fixed-guideway mover systems operated by, or under contract to, state agencies, political subdivisions of the state, or municipalities for the transportation of fare paying passengers.

(l) "Transit agency" means any state agency, political subdivision of the state, or municipality which operates mass transit vehicles.

(m) "Trespass" means the violation as described in s. 810.08.

(2) Upon a second or subsequent conviction for petit theft from a merchant, ~~or~~ farmer, *or transit agency,* the offender shall be punished as provided in s. 812.014(3), except that the court shall impose a fine of not less than $50 or more than $1,000. However, in lieu of such fine, the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform fewer than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing.

(3)(a) A law enforcement officer, a merchant, ~~or~~ a farmer, *or a transit agency's employee or agent,* who has probable cause to believe that a retail theft, farm theft, *a transit fare evasion, or trespass,* or unlawful use or attempted use of any antishoplifting or inventory control device countermeasure, has been committed by a person and, *in the case of retail or farm theft,* that the property can be recovered by taking the offender into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender into custody and detain the offender in a reasonable manner for a reasonable length of time. In the case of a farmer, taking into custody shall be effectuated only on property owned or leased by the farmer. In the event the merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody.

(b) The activation of an antishoplifting or inventory control device as a result of a person exiting an establishment or a protected area within an establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided sufficient notice has been posted to advise the patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device.

(c) The taking into custody and detention by a law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent,* if done in compliance with all the requirements of this subsection, shall not render such law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent,* criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(4) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person the officer has probable cause to believe unlawfully possesses, or is unlawfully using or attempting to use or has used or attempted to use, any antishoplifting or inventory control device countermeasure or has committed theft in a retail or wholesale

establishment or on commercial or private farm lands of a farmer *or transit fare evasion or trespass*.

(5) A merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, ~~or~~ farm theft, *transit fare evasion, or trespass* shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* has probable cause to believe that the person committed retail theft, ~~or~~ farm theft, *transit fare evasion, or trespass*.

(6) An individual who, while committing or after committing theft of property, *transit fare evasion, or trespass,* resists the reasonable effort of a law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* to recover the property *or cause the individual to pay the proper transit fare or vacate the transit facility* which the law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* had probable cause to believe the individual had concealed or removed from its place of display or elsewhere *or perpetrated a transit fare evasion or trespass* commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless the individual did not know, or did not have reason to know, that the person seeking to recover the property was a law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent*. For purposes of this section the charge of theft and the charge of resisting may be tried concurrently.

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: amending s. 784.07, F.S.; providing enhanced penalties for assault or battery of public transit employees or agents; amending s. 812.015, F.S.; prohibiting transit fare evasion; providing penalties;

Senators Gutman and Casas offered the following amendment to **Amendment 11** which was moved by Senator Gutman and adopted:

Amendment 11A—On page 1, delete line 14 and insert: On page 57, between lines 5 and 6,

Amendment 11 as amended was adopted.

Senator Bankhead offered the following amendment which was moved by Senator Hargrett and adopted:

Amendment 12—On page 56, lines 7-10, delete those lines and insert:

(f) Changes to the contracting for transportation disadvantaged and medicaid transportation services including contracting on a competitive bid basis with a single provider in a service area and the impact on future bidding for services.

(g) Any other changes to the transportation disadvantaged program which the working group deems necessary to improve the efficiency and effectiveness of transportation disadvantaged services.

THE PRESIDENT PRESIDING

Senators Forman and Hargrett offered the following amendment which was moved by Senator Forman and adopted:

Amendment 13 (with title amendment)—On page 56, lines 11-21, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 15-17, delete those lines and insert: services;

Pursuant to Rule 4.19, **CS for CS for SB 2060** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Crist, by two-thirds vote **HB 499** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motions by Senator Crist, by two-thirds vote—

HB 499—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—a companion measure, was substituted for **SB 208** as amended and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 499** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Holzendorf	Meadows
Bronson	Dantzler	Horne	Myers
Brown-Waite	Diaz-Balart	Jones	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Rossin
Campbell	Dyer	Klein	Silver
Casas	Forman	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Bankhead, Grant, Jenne, Scott

On motion by Senator Williams, the Senate resumed consideration of—

SB 1158—A bill to be entitled An act relating to the Department of Revenue; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the department; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Dudley was withdrawn.

Senator Rossin moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 20, between lines 12 and 13, insert:

Section 14. Subsection (8) of section 199.103, Florida Statutes, is amended to read:

199.103 Basis of assessment; valuation.—All intangible personal property shall be subject to the annual tax at its just valuation as of January 1 of each year. Such property shall be valued in the following manner:

(8) Stocks or shares of a savings association *or middle tier stock holding company*, held by a parent mutual holding company, whose depositors are members of the mutual holding company, which converted from a mutual savings association to a mutual holding company pursuant to *12 U.S.C. s. 1467a.(o)* ~~12 U.S.C. s. 1567(a)(o)~~, shall be valued as of January 1 each year on the same basis as ownership in the mutual savings association was valued for intangible tax purposes prior to the conversion. Stocks or shares of such a converted association which are held by individuals or entities other than the parent mutual holding company shall be valued pursuant to subsection (1) or subsection (4).

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 199.103, F.S.; including middle tier stock holding companies in provisions which provide for valuation of stocks or shares of certain savings associations for intangible personal property tax purposes; correcting a reference;

Senator Harris moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 20, lines 13-15, delete those lines and insert:

Section 14. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1996 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *1997* ~~1996~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *1997* ~~1996~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 15. *The amendments to section 220.03, Florida Statutes, 1996 Supplement, made by this act shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1997.*

Section 16. Except as otherwise provided in this act, this act shall take effect July 1, 1997, and if it becomes a law after July 1, 1997, it shall operate retroactively to that date.

And the title is amended as follows:

On page 1, lines 2-14, delete those lines and insert: An act relating to taxation administration; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the Department of Revenue; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing effective dates.

Pursuant to Rule 4.19, **SB 1158** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, the Senate resumed consideration of—

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Klein, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Clary moved the following substitute amendment:

Amendment 2—On page 2, lines 4-6, delete those lines and insert: *selection process pursuant to subsections (3), (4), and (5). During the qualifications-based selection of the design-build firm, the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative, except those agencies that have licensed design professionals on staff. Procedures for the use of a*

Senator Meadows moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 18, delete "*shall*" and insert: *may*

Amendment 2 as amended failed.

The question recurred on **Amendment 1** which was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

SB 528—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners; providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 528** to **HB 395**.

Pending further consideration of **SB 528** as amended, on motion by Senator Myers, by two-thirds vote **HB 395** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Myers—

HB 395—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners; providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

—a companion measure, was substituted for **SB 528** as amended and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 1, line 27 through page 2, line 3, delete those lines and insert:

(4) The term "homeowner's association" means a homeowner's association as defined in s. 617.301(7), or an association of parcel owners which is authorized to enforce use restrictions that are imposed on the parcels.

Senator Lee moved the following amendment which was adopted:

Amendment 2—On page 3, lines 19-22, delete those lines and insert: *such covenant or restriction is approved by a majority vote at a meeting of the membership where a quorum is present.*

Pursuant to Rule 4.19, **HB 395** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **CS for HB 113** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Dyer—

CS for HB 113—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings apply to meetings of committees when a final decision will be made regarding the expenditure of association funds; amending s. 617.305, F.S.; increasing the limit on fines that an association may impose on members, tenants, guests, or invitees; providing an exemption from the prohibition against an association suspending the voting rights of a member; providing an effective date.

—a companion measure, was substituted for **CS for SB 104** and read the second time by title.

Senator Dyer moved the following amendment:

Amendment 1—On page 2, line 20 through page 3, line 25, delete those lines and insert:

Section 2. Subsection (2) of section 617.305, Florida Statutes, is amended, present subsection (3) of that section is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

617.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights; failure to fill sufficient number of vacancies on board of directors to constitute a quorum; appointment of receiver upon petition of any member.—

(2) If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and may levy reasonable fines, not to exceed *$100* ~~$50~~ per violation, against any member or any tenant, guest, or invitee. *A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed $1,000 in the aggregate unless otherwise provided in the governing documents.*

(a) A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

(b) The requirements of this subsection do not apply to the imposition of suspensions or fines upon any member because of the failure of the member to pay assessments or other charges when due if such action is authorized by the governing documents.

(c) Suspension of common-area-use rights shall not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(d) An association may not suspend the voting rights of a member.

(3) If the governing documents so provide, an association may suspend the voting rights of a member for the nonpayment of regular annual assessments that are delinquent in excess of 90 days.

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, lines 24 and 25, delete those lines and insert:

~~(d) An association may not suspend the voting rights of a member.~~

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 113** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

CS for SB 842—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising provisions with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that an owner may not record a notice of termination except after completion of construction; amending s. 713.135, F.S.; requiring certain applicants for building permits to file certain information with the issuing authority; providing for issuance of permits and for inspections for certain temporary or preliminary work; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 842** to **CS for HB 889**.

Pending further consideration of **CS for SB 842** as amended, on motion by Senator Dudley, by two-thirds vote **CS for HB 889** was withdrawn from the Committee on Judiciary.

On motions by Senator Dudley, by two-thirds vote—

CS for HB 889—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; providing forms for waiver of rights to claim against the bond for progress payments and final payments; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that a notice of termination is effective under certain circumstances; amending s. 713.135, F.S.; providing that certain applicants for a building permit must file certain information with respect to the notice of commencement; amending s. 713.20, F.S.; allowing an owner to withhold certain amounts from payments to contractors in certain situations; providing an effective date.

—a companion measure, was substituted for **CS for SB 842** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 889** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Casas, the rules were waived and time of recess was extended until completion of **CS for SB 750**.

On motion by Senator Latvala—

CS for SB 750—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; defining the term "pass-on charge"; amending s. 723.037, F.S.; requiring a mobile home park owner to disclose material factors that justify a change in rentals, services, utilities, or rules; amending s. 723.0381, F.S.; deleting court-ordered arbitration; amending s. 723.063, F.S; providing for the participation of mobile home owners' associations in certain legal actions; amending s. 723.071, F.S.; providing conditions for the sale of mobile home parks to mobile home owners; revising the definition of the term "affiliate"; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 723.021, Florida Statutes, is amended to read:

723.021 Obligation of good faith and fair dealings.—Every rental agreement or duty within this chapter imposes an obligation of good faith and fair dealings in its performance or enforcement. *Either party to a dispute under this chapter may seek an order finding the other party has not complied with the obligations of good faith and fair dealings. Upon such a finding, the court shall award reasonable costs and attorney's fees to the prevailing party for proving the noncompliance.*

Section 2. Subsection (4) of section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

(4)*(a)* A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner shall meet, at a mutually convenient time and place within 30 days after receipt by the homeowners of the notice of change, to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations.

(b) At the meeting, the park owner or subdivision developer shall in good faith disclose and explain all material factors resulting in the decision to increase the lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed. The park owner or subdivision developer may not limit the discussion of the reasons for the change to generalities only, such as, but not limited to, increases in operational costs, changes in economic conditions, or rents charged by comparable mobile home parks. For example, if the reason for an increase in lot rental amount is an increase in operational costs, the park owner must disclose the item or items which have increased, the amount of the increase, any similar item or items which have decreased, and the amount of the decrease. If an increase is based upon the lot rental amount charged by comparable mobile home parks, the park owner shall disclose the name, address, lot rental amount, and any other relevant factors concerning the mobile home parks relied upon by the park owner. The park owner shall prepare a written summary of the material factors and retain a copy for 3 years. The park owner shall provide the committee a copy of the summary at the meeting.

Section 3. Subsection (2) of section 723.0381, Florida Statutes, is amended to read:

723.0381 Civil actions; arbitration.—

(2) The court *may* ~~shall~~ refer the action to ~~a panel of three arbitrators for court-annexed~~ nonbinding arbitration pursuant to s. 44.103 and the Florida Rules of Civil Procedure~~, except that compensation for the arbitrators shall be in accordance with the authorized rate for circuit court mediators in that judicial circuit~~. *The court shall order the hearing to be held informally with presentation of testimony kept to a minimum and matters presented to the arbitrators primarily through the statements and arguments of counsel.* The court shall assess the parties equally to pay the compensation awarded to the arbitrators if neither party requests a trial de novo. If a party has filed for a trial de novo, the party shall be assessed the arbitration costs, court costs, and other reasonable costs of the opposing party, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If subsequent to arbitration a party files for a trial de novo, the arbitration decision may be made known to the judge only after he has entered his order on the merits.

Section 4. Subsection (2) of section 723.071, Florida Statutes, is amended to read:

723.071 Sale of mobile home parks.—

(2) If a mobile home park owner receives a bona fide offer to purchase the park that he intends to consider or make a counteroffer to, his only obligation shall be to notify the officers of the homeowners' association that he has received an offer and disclose the price and material terms and conditions upon which he would consider selling the park and consider any offer made by the homeowners, provided the homeowners have complied with ss. 723.075-723.079. The park owner shall be under no obligation to sell to the homeowners or to interrupt or delay other negotiations, and ~~he~~ shall be free at any time to execute a contract for the sale of the park to a party or parties other than the homeowners or the association, *if it is clear from the face of the bona fide offer that the homeowners or homeowners' association could not match the terms and conditions contained in the bona fide offer by making an offer containing the same terms and conditions. If, however, the bona fide offer contains terms and conditions that the homeowners could match, the mobile home park owner shall negotiate in good faith with the homeowners or the association for the sale of the park. The same terms and conditions means that the consideration is the same and that the seller of the property or properties will be eligible for deferral of all federal and state income taxes to the same extent as if the unsolicited offer were accepted, and that the seller's business and personal estate planning objectives can be met by a sale to the homeowners or the homeowners' association.*

Section 5. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.021, F.S.; providing for reasonable costs and attorney's fees when the obligation of good faith and fair dealing is breeched; amending s. 723.037, F.S.; revising provisions with respect to lot rental increases; amending s. 723.0381, F.S.; revising arbitration procedures; amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; providing an effective date.

Senator Williams moved the following amendment to **Amendment 1** which failed:

Amendment 1A (with title amendment)—On page 3, lines 24-31, and on page 4, lines 1-22, delete section 4 and insert:

Section 4. Paragraph (c) of subsection (5) of section 723.006, Florida Statutes, 1996 Supplement, is amended to read: 723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(c) In determining the amount of civil penalty or affirmative action to be imposed under this section, if any, the division must consider the following factors:

1. The gravity of the violation.

2. Whether the person has substantially complied with the provisions of this chapter. *"Substantially complied" means the violation of this chapter is technical and does not result in material economic harm to a mobile home owner or a prospective mobile home owner. In such cases any civil penalty assessed shall be limited to $250 and no refund, rollback, or credit of lot rental amount shall be ordered.*

3. Any action taken by the person to correct or mitigate the violation of this chapter.

And the title is amended as follows:

On page 5, lines 8-10, delete those lines and insert: arbitration procedures; amending s. 723.006, F.S.; providing a definition; providing an

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for SB 750** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 29.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday and Tuesday, April 28 and 29, 1997: SB 62, SB 208, SB 1174, SB 14, CS for SB 134, CS for SB's 404 and 414, CS for CS for SB 64, CS for SB 402, SB 648, SB 678, CS for SB 508, CS for SB 1244, SB 1116, SB 1118, SB 1120, SB 1122, SB 1124, SB 1462, CS for SB 238, SB 1270, CS for CS for SB 2142, SB 388, CS for SB 1592, CS for SB 490, CS for SB 724, CS for SB 1836, CS for SB 1814, CS for SB 1012, CS for SB 612, SB 824, SB 826, CS for SB 918, CS for SB 1956, SB 382, CS for SB 1128, CS for SB 74, CS for SB's 1414 and 228, CS for SB 112, CS for SB 698, SB 864, CS for SB 716, CS for CS for SB 892, SB 996, SB 2002, SB 1028, CS for SB 1006, CS for SB 936, CS for SB 1822, SB 2272, SB 1470, CS for CS for SB 1020, SB 190, CS for CS for SB 722, CS for CS for SB 170, CS for SB 1464, CS for CS for CS for SB's 2028 and 394, CS for SB 1228, CS for SB 2374, CS for SB 564, CS for SB's 234 and 456, CS for SB 1094, CS for SB 680, SB 1038, CS for SB 598, SB 1372, CS for SB 1132, CS for SB 972, CS for SB 1346, CS for SB 770, SB 1030, CS for SB 1456, CS for SB 748, CS for SB 914, CS for SB 650, SB 830, SB 42, CS for SB 1422, CS for SB 470, CS for SB 1678, SB 56, CS for SB 1598, CS for SB 1214, SB 1496, SB 1016, SB 1484, CS for CS for SB 1234, SB 686, CS for SB 894, CS for SB 1248, CS for SB 1466, SB 1092, CS for SB 876, SB 172, CS for SB 1362, SB 400

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Ways and Means recommends the following pass: CS for HB 703, CS for CS for SB 514 with 1 amendment, SB 714, CS for SB 774, CS for SB 1540, CS for SB 1704, CS for SB 2232, SB 2252 with 2 amendments, CS for SB 2362, CS for SB 2436

The bills were placed on the calendar.

The Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 336 and CS for SB's 1216 and 2024, CS for SB 526, CS for SB 546, CS for SB 976, CS for SB 1074, CS for SB 1412, SB 1438, CS for SB 1532

The bills with committee substitutes attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Commerce and Economic Opportunities; Regulated Industries; and Senators Casas, Silver, Gutman, Childers, Diaz-Balart, Grant, Turner and Bronson—

CS for CS for CS for SB 336 and CS for SB's 1216 and 2024—A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises, contingent upon certain conditions being met; amending s. 561.025, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; amending s. 561.121, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; providing for a portion of funds from the excise taxes on alcoholic beverages to be transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; amending s. 561.501, F.S.; providing for a surcharge on cider; creating s. 561.5101, F.S.; requiring all malt beverages to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.01, F.S.; providing definitions; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney's fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing exceptions; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

By the Committees on Ways and Means; Regulated Industries; and Senators Dyer, Forman, Childers, Thomas, Gutman, Lee and Clary—

CS for CS for SB 526—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing an effective date and providing for review and repeal.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Jones, Diaz-Balart, Latvala, Campbell, Childers, Turner, Sullivan, Ostalkiewicz, Meadows and Forman—

CS for CS for SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing for contributions to be made through an intermediary organization; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Williams—

CS for CS for SB 976—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising provisions with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising provisions with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising provisions with respect to grounds for denial of licensure; amending s. 501.626, F.S.; revising provisions with respect to rulemaking authority; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license; revising provisions with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising provisions with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and

559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising provisions with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit by each independent agent; defining the term "independent agent"; amending s. 559.929, F.S.; revising provisions with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising provisions with respect to rules; amending s. 559.9355, F.S.; revising provisions with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senator Latvala—

CS for CS for SB 1074—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; providing for an Intended Use Plan; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation to the Department of Environmental Protection; providing for a transfer of positions and supporting budgets; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; amending s. 403.0872, F.S.; clarifying the air pollution fee deadline; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from certain loan repayment funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an appropriation; amending s. 367.022, F.S.; providing exceptions from regulation as a utility; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senator McKay—

CS for CS for SB 1412—A bill to be entitled An act relating to lands acquired for conservation and recreation; amending s. 125.564, F.S.; providing a limitation on liability for counties purchasing certain lands for certain purposes; creating s. 166.047, F.S.; providing a limitation on liability for municipalities purchasing certain lands for certain purposes; amending s. 253.034, F.S.; providing responsibilities for the Land Acquisition and Management Advisory Council; providing for transportation uses of trails purchased with certain funds; providing that the beneficial use of state lands may include accommodation of linear service facilities; amending s. 259.032, F.S.; providing for lands to be used for water resource and water supply purposes under specified conditions; encouraging state agencies to contract for land management planning and land management services in certain circumstances; providing for land management plan review by the Land Acquisition and Management Advisory Council; providing for the establishment of a land management review team; specifying its membership and duties; providing for a report to the Board of Trustees of the Internal Improvement Trust Fund; requiring land managing agencies to determine the projected 5-year management costs of currently owned lands and report the costs to the Department of Environmental Protection; specifying the contents of the reports; requiring that state lands be managed for multiple uses where appropriate; directing that the Department of Environmental Protection may distribute only 75 percent of the allotted amount of Preservation 2000 funds to any land managing budget entity that has not timely submitted its required land management plans; deleting obsolete provisions; revising the amount of funding to be available for management, maintenance, and capital improvements on certain lands; providing for the distribution of unused funds appropriated for payments in lieu of taxes for land management activities on certain lands; revising provisions that authorize certain political subdivisions to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund; limiting such payments to 10 consecutive years; amending s. 259.035, F.S.; creating the Land Acquisition and Management Advisory Council; providing its duties in the review of land management plans and recommendations; amending s. 259.101, F.S.; revising the acquisition criteria for P-2000 purchases; providing legislative intent; requiring a study; providing for funding; authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit any public or private use of lands acquired with Preservation 2000 funds if the use is compatible or will not interfere with the purposes for which the lands were acquired; providing for preexisting leases, easements, and licenses not to be considered as incompatible uses; amending s. 373.59, F.S.; deleting obsolete provisions and a limitation on the use of funds in the Water Management Lands Trust Fund for management, maintenance, and capital improvements; deleting provisions limiting expenditures for management, maintenance, and capital improvements; providing for lands to be used for water resource and water supply purposes under specified circumstances; requiring each water management district to determine the projected 5-year management costs for currently owned lands and report the costs to the Department of Environmental Protection; specifying the content of the report; requiring each district to submit a management and restoration prospectus for each new land acquisition to the department; specifying its content; requiring the preparation of 5-year management plans for new acquisitions; authorizing water management districts to enter into land management agreements; requiring lands to be managed for multiple uses where appropriate; requiring that water management districts provide liability protection and worker's compensation benefits to volunteers; revising provisions that authorize certain counties to receive payments in lieu of taxes from the Water Management Lands Trust Fund; requiring water management districts to require appraisals in specified circumstances; amending s. 704.06, F.S.; confirming the right of an owner of land or a conservation easement to negotiate for the construction of linear facilities; barring s. 704.06, F.S., from prohibiting the use of eminent domain; directing courts to consider specified public benefits in determining the lands to be taken and the price paid; repealing s. 253.022, F.S., which creates the Land Management Advisory Council; providing that lands acquired by the state and its political subdivisions may contain cattle-dipping vats; providing an effective date.

By the Committee on Ways and Means; and Senators Silver, Forman, Myers, Holzendorf, Rossin, Jenne, Harris, Klein, Sullivan, Burt, Dyer, Diaz-Balart, Turner, McKay, Gutman, Jones, Meadows, Childers, Casas, Horne and Williams—

CS for SB 1438—A bill to be entitled An act relating to taxation; amending s. 212.06, F.S.; clarifying taxation of improvements to real property; amending s. 288.1162, F.S.; redefining the term "new sports franchise"; prescribing criteria for certifying an applicant as a facility for new professional sports franchise; increasing the number of franchises that may be certified; providing that an applicant applying for certification for more than one franchise, after a certain date, is required to have a contract with the Department of Labor and Employment Security for the hiring of WAGES participants; providing contract requirements;

providing for an annual report to the Governor and the Legislature on the extent of WAGES hiring by the applicant; providing that the applicant must agree to expend certain funds for a job training facility; providing the applicant must establish a scholarship endowment fund; providing criteria for awards; limiting eligibility for awards; providing an effective date.

By the Committees on Ways and Means; Regulated Industries; and Senator Holzendorf—

CS for CS for SB 1532—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.111, F.S.; revising procedures for licensure by examination; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.1195, F.S.; specifying requirements for financially responsible officers; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating s. 489.1455, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; creating s. 489.5335, F.S.; providing for reciprocity with respect to journeyman electricians; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 788 and SB 1104 which he approved on April 24, 1997.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 103, CS for CS for HB's 297 and 325, CS for CS for HB 315, CS for HB 585, HB 591, CS for HB 617, CS for HB 663, CS for HB 779, CS for HB 841, CS for HB 851, HB 967, HB 977, HB 1071, HB 1077, CS for HB 1167, HB 1175, CS for HB 1243, HB 1281, HB 1283, CS for HB 1387, CS for HB 1565, CS for HB 1613, HB 1663, HB 1769, HB 1773, HB 1813, HB 1907, HB 1953, HB 1987, HB 2003, HB 2021, HB 2029; has passed as amended CS for HB 269, HB 499, HB 595, HB 603, CS for HB 605, HB 635, HB 645, HB 699, HB 783, HB 811, CS for HB 889, HB 917, HB 927, HB 1103, HB 1165, HB 1173, HB 1293, HB 1307, HB 1315, HB 1357, HB 1369, HB 1389, CS for HB 1413, HB 1473, HB 1543, HB 1601, HB 1603, HB 1623, HB 1641, HB 1709, HB 1729, HB 1765, HB 1771; has passed by the required Constitutional three-fifths vote of the membership HJR 969, HJR 1335; has adopted HM 1777, HM 1811 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Transportation and Economic Development Appropriations; and Representative Jones and others—

CS for HB 103—A bill to be entitled An act relating to funding for beach management; amending s. 161.091, F.S.; requiring the Department of Environmental Protection to make a concerted effort to identify an additional dedicated revenue source to fund the beach nourishment plan; requiring the department, in concert with any increased funding, to develop a corresponding multiyear repair and maintenance strategy and providing the requirements thereof; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Logan and others—

CS for CS for HB's 297 and 325—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; providing an exemption from the definition of "prepaid limited health service organization"; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; creating s. 641.316, F.S.; providing for regulation of fiscal intermediary services organizations; providing requirements and restrictions; requiring a bond; requiring registration with the Department of Insurance; providing exemptions; providing for rules; creating the Florida Commission on Integrated Health Care Delivery Systems; providing membership and duties; requiring recommendations to the Legislature; providing for future repeal; amending s. 641.47, F.S.; providing definitions; amending s. 641.495, F.S.; requiring designation of a licensed physician as medical director; amending s. 641.51, F.S.; requiring development of policies relating to out-of-network referrals; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring publication of data; requiring adoption of certain recommendations and goals for preventive pediatric health care; amending s. 641.511, F.S.; specifying procedures, requirements, and timeframes for addressing subscriber grievances; requiring certain notice to subscribers; providing for review of adverse determinations; providing for certain referral to the Statewide Provider and Subscriber Assistance Program; providing for expedited review of urgent grievances; authorizing administrative sanctions for noncompliance with grievance procedure requirements; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services,

determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing effective dates.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Fuller and others—

CS for CS for HB 315—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Family Law and Children; and Representative Murman and others—

CS for HB 585—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Representative Frankel—

HB 591—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firefighters' Pension Fund; providing for a Deferred Retirement Option Plan; providing additional exclusions from disability pensions; providing for retroactive effect; providing for Internal Revenue Code limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Colleges and Career Prep; and Representative Argenziano and others—

CS for HB 617—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Governmental Operations and Representative Feeney and others—

CS for HB 663—A bill to be entitled An act relating to the Florida Retirement System, amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying benefits that may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying health insurance subsidy payments are not payable; specifying Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing a declaration of important state interest; providing for an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Murman and others—

CS for HB 779—A bill to be entitled An act relating to the "Work and Gain Economic Self-sufficiency (WAGES) Act"; amending s. 414.065, F.S.; raising the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; revising who may be a protective payee; providing that the protective payee may receive food stamps on behalf of a child or children; prohibiting certain actions by a protective payee; providing sanctions; providing for return of certain funds to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By the Committee on Tourism and Representative Laurent and others—

CS for HB 841—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; amending s. 372.57, F.S.; requiring additional identification when required by the license or permits; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Colleges and Universities; and Representative Trovillion and others—

CS for HB 851—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084, F.S.; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new

workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; authorizing continuance of certain programs; amending ss. 320.38 and 322.031, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Tourism and Representative Barreiro and others—

HB 967—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and requirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and a contingent effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Laurent—

HB 977—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for said district with respect to any failure of such water management structures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

HB 1071—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 2 of ch. 95-302, Laws of Florida; abrogating the future repeal of certain amendments made by that chapter to s. 212.05(1)(a)2., F.S., and abrogating the reversion of the text of that subparagraph to that in existence on September 30, 1995, with specified exceptions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Geller—

HB 1077—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that dates tied to the date of the second primary remain unchanged, with specified exceptions; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By the Committee on Corrections and Representative Harrington—

CS for HB 1167—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified personal information relating to licensed or certified health care clinicians and certified educational personnel of the Department of Corrections, and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Representative Saunders and others—

HB 1175—A bill to be entitled An act applying to Collier County; amending ss. 1, 2, and 3, chapter 89-449, Laws of Florida, to empower county park enforcement officers to issue citations to enforce any county ordinance within the boundaries of any county park, county operated parking facilities, public beaches, beach access areas adjacent to any county park, and public areas immediately adjacent to county parks; revising list of prohibited offenses; amending s. 4, chapter 89-449, Laws of Florida, to permit the violator to pay the appropriate fines as prescribed by county ordinance without a mandatory court appearance; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Elder Affairs and Long Term Care; and Representative Jacobs and others—

CS for HB 1243—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority;

amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Crist and others—

HB 1281—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida, relating to the Civil Service Act; amending and adding definitions; providing guidelines for the adoption of a salary schedule; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crist and others—

HB 1283—A bill to be entitled An act relating to Hillsborough County; amending ch. 96-519, Laws of Florida, which created the civil service act; providing procedures relating to demotion of nontenured and tenured employees covered by the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Flanagan and others—

CS for HB 1387—A bill to be entitled An act relating to dietetics and nutrition practice; creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Real Property and Probate; and Representative Edwards—

CS for HB 1565—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising language with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising language with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing a time period for amendments which add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting language with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising language with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing qualifications of trustees and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee's certificate of compliance; providing for the manner of sale; providing for the effect of the trustee's sale; providing for the issuance of a trustee's deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee's deed; providing for the application of the part; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

By the Committee on Governmental Operations and Representative Dawson-White—

CS for HB 1613—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Representative Burroughs and others—

HB 1663—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Bradley—

HB 1769—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District, d/b/a Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Argenziano and others—

HB 1773—A bill to be entitled An act relating to the Rainbow River Management Area; repealing chapter 88-469, Laws of Florida, as amended; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Fuller and others—

HB 1813—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund within the Department of Transportation; providing for source of moneys and purposes; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Representative Rayson—

HB 1907—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for annexation of the unincorporated areas known as "Southwest Ranches" and "Sunshine Ranches" and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 1953—A bill to be entitled An act relating to the North Broward Hospital District, Broward County, amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the Board of Commissioners of the North Broward Hospital District to enter into interest rate swap agreements and certain other derivative instruments; to invest available funds of the pension plan in accordance with certain provisions of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mackey—

HB 1987—A bill to be entitled An act relating to Gilchrist County; amending chapter 59-1308, Laws of Florida, as amended, relating to the Gilchrist County Development Authority; increasing the number of members of the authority from 5 to 9; providing that the membership of the Gilchrist County Development Authority be the same as the membership of the Gilchrist County Industrial Development Authority and that the Gilchrist County Development Authority and the Gilchrist County Industrial Development Authority operate as one authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Burroughs—

HB 2003—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising provisions relating to the Civil Service System for certain employees of Santa Rosa County; providing for the appointment of the fifth member to the board; providing for transfers within the Civil Service System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Boyd and others—

HB 2021—A bill to be entitled An act relating to Rainbow Lake Estates, Marion and Levy Counties; amending chapter 69-1298, Laws of Florida; authorizing the levy and assessment of special assessments to fund municipal services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative K. Pruitt—

HB 2029—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing definitions; reorganizing, updating, and clarifying provisions; providing for the continuing existence of the authority and of its rights and obligations; providing that employees of the authority shall be considered employees of St. Lucie County; providing that authority meetings shall be held in accordance with chapter 189, Florida Statutes; amending and reorganizing provisions relating to powers and duties of the authority, and consultants, travel expense, taxation, and bonding; providing for the approval by the authority of privately owned airports within the district; deleting obsolete text relating to ad valorem taxation; authorizing the levy of non-ad valorem assessments and issuance of bonds secured thereby; clarifying purposes for which bonds may be issued; providing the authority to enter trust agreements to secure bonds; providing that the purchase of commodities and services by the authority shall be in accordance with the St. Lucie County purchasing policy; declaring legislative intent; repealing chapter 88-515, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Financial Services and Representative Bainter and others—

CS for HB 269—A bill to be entitled An act relating to surplus lines insurance; providing a short title; amending s. 626.918, F.S.; revising language with respect to eligible surplus lines insurers; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; providing for confidentiality of certain information; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within 10 days; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s. 626.918, F.S.; providing surplus and other requirements regarding certain surplus lines insurers; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Representative Bitner and others—

HB 499—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Healey—

HB 595—A bill to be entitled An act relating to Palm Beach County; abolishing the Town of Golfview subject to certain conditions and revoking the charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritter and others—

HB 603—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Kelly—

CS for HB 605—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Representative Safley—

HB 635—A bill to be entitled An act relating to the Pinellas Police Standards Council, Pinellas County; amending ch. 72-666, Laws of Florida, as amended; prescribing purposes, membership, powers, and duties of the countywide police standards council; providing for screening applicants for public-safety positions; providing for continued funding of the council through a court cost; providing for fees from applicants for public-safety positions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Greene—

HB 645—A bill to be entitled An act relating to Pahokee Water Control District, Palm Beach County; amending chapter 10002, Laws of Florida, 1923, as amended, to provide that the Board of Supervisors shall be composed of three citizens of the United States, who shall be resident freeholders of the State of Florida, and expanding the boundaries of said district to include land from Pelican Lake Water Control District; repealing chapter 28417, Laws of Florida, 1953, which authorizes the Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Byrd—

HB 699—A bill to be entitled An act relating to public school parental choice; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford unrestricted access to the program to parents of students in multiple session schools; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Fuller and others—

HB 783—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Burroughs and others—

HB 811—A bill to be entitled An act relating to petroleum; amending s. 403.767, F.S.; exempting certain persons from certified transporter requirements; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Real Property and Probate; and Representative Sublette—

CS for HB 889—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; providing forms for waiver of rights to claim against the bond for progress payments and final payments; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that a notice of termination is effective under certain circumstances; amending s. 713.135, F.S.; providing that certain applicants for a building permit must file certain information with respect to the notice of commencement; amending s. 713.20, F.S.; allowing an owner to withhold certain amounts from payments to contractors in certain situations; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Fuller and others—

HB 917—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the abolition or restructuring of certain community redevelopment agencies currently existing within the city and providing for the redistribution of their powers, functions, duties, liabilities, property and personnel; amending chapter 92-341, Laws of Florida, as amended; creating the Jacksonville Economic Development Commission to exist as an autonomous body within the executive branch of the consolidated government; providing for designation as an industrial development authority and as a community redevelopment agency; providing for powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority, the Jacksonville Downtown Development Authority, the Jacksonville International Airport Community Redevelopment Authority, the Cecil Field Development Commission and the Economic Development Division of the Planning and Development Department of the city; excluding officials and employees of the commission from civil service; transferring all existing powers, duties, responsibilities and authorities of the Jacksonville Downtown Development Authority to the commission and restructuring the authority as an advisory body to the commission; amending chapter 89-509, Laws of Florida, as amended; transferring to the commission all powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority; restructuring the authority as an advisory body to the commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 927—A bill to be entitled An act relating to Lee County independent fire control districts; prescribing uniform criteria for operation of independent special fire-control districts; providing definitions; preempting certain special acts and general acts of local application; providing for district boards of commissioners and for their election; providing for officers of boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion, merger, and dissolution of districts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Horan—

HB 1103—A bill to be entitled An act relating to Monroe County; specifying rights of members of the classified service of the Monroe County Sheriff's Office; providing procedures for appeal of disciplinary actions against members; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing a procedure for transition upon the expiration of a sheriff's term; repealing chapters 89-410 and 89-461, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrington and others—

HB 1165—A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Saunders and others—

HB 1173—A bill to be entitled An act relating to Collier County; to extinguish, because of nonuse, certain perimeter and bisecting easements within the Golden Gate Estates subdivisions; exempting public easements, under certain circumstances; providing that all of such easements shall be extinguished and be void as of midnight, December 31, 1999, except to the extent that an easement, on or before December 31, 1999, is in actual use as a road, for drainage, or for utility facilities, and a proper notice of claim to the easement is recorded in the official records of Collier County, not later than December 31, 1999; providing that this act shall not modify any effect chapter 712, Florida Statutes, may have over easements; providing that this special act shall be published in a newspaper of general circulation prior to July 1, 1997, and prior to July 1 for the next 3 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lynn and others—

HB 1293—A bill to be entitled An act relating to Volusia County; amending ch. 70-966, Laws of Florida, which establishes the charter government of the county; establishing nonpartisan election of school board members; ratifying the referendum election; providing for the provisions of this bill to control in the event of a conflict with other laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Heyman—

HB 1307—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Representative Sindler and others—

HB 1315—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; establishing district boundaries; providing legislative intent; increasing the number of supervisors and changing the voting procedures by which members of the board of supervisors are elected; authorizing the levy of non-ad valorem assessments and specifying services which may be financed by said assessments; providing for a conditional limitation on liability; changing the method for approval of supervisors' compensation; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By the Committee on Health Care Services and Representative Albright and others—

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden

Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Representative Betancourt and others—

HB 1369—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.042, F.S.; specifying the conditions under which a juvenile charged with domestic violence may be placed in detention if the juvenile does not meet the criteria for detention; requires a court order to hold the juvenile in detention beyond 48 hours; requires a court hearing upon the request of the state attorney or victim to determine whether continued detention is necessary; repealing s. 39.0445, F.S., relating to juvenile justice domestic violence offenders; amending s. 39.052, F.S.; requiring the court to transfer all pending juvenile court cases to adult court on a juvenile transferred to adult court; amending s. 39.054, F.S.; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be

prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Representative Rayson—

HB 1389—A bill to be entitled An act relating to the City of North Lauderdale, Broward County; extending and enlarging the corporate limits of the City of North Lauderdale to include specified unincorporated lands within said corporate limits; qualifying the effective date of the annexation upon specified conditions; requiring a report; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Finance and Taxation; and Representative Reddick and others—

CS for HB 1413—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; providing for the acceptance of charge cards and debit cards by state agencies, units of local government, and the judicial branch; providing a time period for certain actions; authorizing a convenience fee; providing for the application of the act on certain contracts; amending s. 282.20, F.S.; revising language with respect to the Technology Resource Center; defining the term "customer"; eliminating a data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for the use of its electronic access services; creating s. 282.22, F.S.; providing for the production and dissemination of materials and products by the Department of Management Services; providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council; providing applicability; repealing s. 282.313, F.S.; relating to data processing policy boards; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Maygarden and others—

HB 1473—A bill to be entitled An act relating to the municipality of Gulf Breeze, Santa Rosa County, and Escambia County; providing for law enforcement jurisdiction on the Bob Sikes Bridge; authorizing the municipality of Gulf Breeze, Santa Rosa County, and Escambia County to exercise law enforcement jurisdiction over the entire length of the bridge; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

By Representative Feeney—

HB 1543—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Eggelletion—

HB 1601—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; creating s. 61.077, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Fuller and others—

HB 1603—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Bullard—

HB 1623—A bill to be entitled An act relating to enterprise zones; amending s. 290.0055, F.S.; authorizing certain charter counties to apply to enlarge the boundary lines of an enterprise zone within the county under certain conditions; providing for approval of the application under certain conditions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Representative Livingston—

HB 1641—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the

commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

—was referred to the Committees on Community Affairs and Natural Resources.

By Representative Casey and others—

HB 1709—A bill to be entitled An act relating to the Alachua County School Board; amending s. 1, ch. 95-466, Laws of Florida; specifying an alternative method of qualification for candidates for election to the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

HB 1729—A bill to be entitled An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for participation in state-shared revenue programs and local option gas taxes; providing for a referendum; providing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By Representative Maygarden and others—

HB 1765—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for membership requirements; repealing section 3(b), (c), (d), (e), and (f), chapter 61-2655, Laws of Florida, as amended, relating to contributions to the fund by employees and the city; providing for a deferred retirement option plan; providing for buy back of prior service; providing for investment authority; permitting the board of trustees and City of Pensacola to contract with investment banks; providing for multiple plan participant; providing for exclusion of any officer or employee of the police department hired on or after October 1, 1979, who is eligible to participate in the Police Officer's Retirement Fund; providing for authority to allow additional members into the General Pension and Retirement Fund, credit for prior service, and allowing transfers to the General Pension and Retirement Fund from other qualified retirement plans; providing provisions for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Villalobos—

HB 1771—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism and Representative Barreiro and others—

HJR 969—A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to local option ad valorem tax exemption for, and assessment of, certain historic properties.

—was referred to the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

By the Committee on Finance and Taxation; and Representative Starks and others—

HJR 1335—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

—was referred to the Committees on Commerce and Economic Opportunities; Ways and Means; and Rules and Calendar.

By Representative Constantine and others—

HM 1777—A memorial to the Congress of the United States urging appropriation of certain funds for Everglades restoration.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Fuller and others—

HM 1811—A memorial to the Congress of the United States, urging that in the reauthorization of the Intermodal Surface Transportation Efficiency Act an allocation method be adopted which provides for a more equitable distribution of federal transportation funds to all states, including "donor states" like Florida.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 326, SB 486, CS for SB 968, CS for SB 1160, CS for SB 1282 and has passed SB 902 by the required Constitutional three-fifths vote of all members elected to the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 358, CS for SB 956, SB 1086 and CS for SB 1238 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-SPONSORS

Senator Holzendorf—CS for SB's 1414 and 228

Senator Cowin withdrew as a co-sponsor of CS for CS for SB 546.

VOTES RECORDED

Senator Casas was recorded voting on the following bills which were considered April 25: "Yea"—CS for SB 2, SB 122, CS for SB 798, CS for SB 1068, CS for SB's 1286 and 1446, CS for HB 387, CS for HB 487, CS for HB 549, CS for HB 1001, CS for HB 1111, and CS for SB 2068; and "Nay"—CS for CS for SB's 1688, 792, 1334 and 2254 and CS for SB 1754.

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:13 p.m. to reconvene at 9:30 a.m., Tuesday, April 29.

SENATE PAGES

April 29 - May 2

Michael (Mike) Belitzky, Tallahassee; Melbin (Mel) Cannon, Tallahassee; Kari Copeland, Bristol; Tim Doozan, Brandon; Russell Eckenrod, Ellenton; Nicole Elkins, Tallahassee; Stephenie Ford, Bristol; William Wright (Wri) Irby V, Chiefland; Kyra Jennings, Tallahassee; Chadrick (Chad) J. Johnson, Monticello; George J. Kayiales, Tampa; Ashley Martin, Tallahassee; Guyte Pierce McCord, Tallahassee; Tracey Minton, Boca Raton; Sara Elaine Parrish, Orlando; Nathan Roberts, Tallahassee; Curtis L. Simmons, Jr., Jacksonville; Andrew Yancey, Ormond Beach

Journal of the Senate

Number 20—Regular Session **Tuesday, April 29, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Senator Bankhead:

God, we thank you for the blessings you give each of us. We praise you for the knowledge and talent that our members bring to this Senate.

We thank you for the opportunity to work together as we serve the people of Florida.

We ask you today to fill us with your wisdom and compassion. Guide our efforts throughout this last week of session. We pray that the people of Florida will be blessed and that our work will be pleasing to you. Amen.

PLEDGE

Senate Pages, Kyra Jennings and Ashley Martin of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Latvala—

By Senator Latvala—

SR 534—A resolution honoring Demos Megaloudis for a lifetime of contributions to the City of Tarpon Springs and the State of Florida.

WHEREAS, longtime businessman and civic leader, Demos Megaloudis, died suddenly on September 11, 1996, at the age of 64, and

WHEREAS, described by those who knew him as "a great, quiet man" and "a great and good man," Demos Megaloudis lived a life of care and concern for others, commitment to education, and support of community projects which earned him the love and respect of an entire community, and

WHEREAS, born in Tarpon Springs and a lifelong resident of that city, Demos Megaloudis was affectionately known as "Mr. Tarpon Springs," and

WHEREAS, Demos Megaloudis was a former board member and director of Springs State Bank, a former member of the Tarpon Springs Housing Authority, an advisory board member of GTE and Florida Power Corporation, a director and officer of the Tarpon Springs Hospital Foundation, a member of the advisory board of the Anclote Manor Psychiatric Center, and a board member and chairperson for Tarpon Springs Community School, and

WHEREAS, Demos Megaloudis was also a charter member of the Pinellas County Education Foundation, a member of the education and research foundation advisory committee for the Florida Real Estate Commission, and a board member and officer of the Tarpon Springs Chamber of Commerce and the Clearwater Association of Realtors, and

WHEREAS, Demos Megaloudis served for five years as aide to U.S. Representative Michael Bilirakis, was appointed by Governor Lawton Chiles to the St. Petersburg Junior College District Board of Trustees in 1992, and was elected as vice chairman of the board of trustees in 1996, and

WHEREAS, Demos Megaloudis has been the recipient of the Ninth Congressional District Distinguished Service Award, the Tarpon Springs Jaycees Distinguished Service Award and Man of the Year Award, has been named Tarpon Springs Citizen of the Year by the Tarpon Springs Elks Lodge, and on three occasions has been awarded the Key to the City of Tarpon Springs, and

WHEREAS, it has been said that nearly every aspect of life in Tarpon Springs bears the mark of Demos Megaloudis, and

WHEREAS, it is with great sadness that the City of Tarpon Springs and the State of Florida mark the loss of one of their finest and most involved citizens, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate of the State of Florida hereby honors Demos Megaloudis for his lifetime of selfless devotion and service to the citizens of Tarpon Springs.

BE IT FURTHER RESOLVED that copies of this resolution be presented to his wife, Stella Megaloudis, his daughter, Chris Rondeau, his son, Gary Megaloudis, and his sisters, Helen Campbell and Angie Huddleston, as a tangible token of the sentiments expressed herein.

—**SR 534** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 1328—A resolution declaring 1997 as the International Year of the Reef.

WHEREAS, in order to draw attention to the deterioration of the world's reefs, governments and environmental groups around the world have declared 1997 as the International Year of the Reef, and

WHEREAS, the coastal communities of the State of Florida and particularly the Florida Keys are the home of some of the world's most precious coral reefs, and

WHEREAS, the importance of coral reefs has been exemplified by the creation of the Florida Keys National Marine Sanctuary, and

WHEREAS, coral reefs are an important part of the marine ecosystem upon which this state is so dependent, and

WHEREAS, coral reefs off the coast of Key West are presently being threatened by the presence of white pox, which demonstrates the fragile nature of the coral ecosystem, and

WHEREAS, the International Year of the Reef will serve not only to emphasize the importance of reefs to this state, but also to educate the public on the dangers which are confronting our natural reefs, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes 1997 as the International Year of the Reef.

—**SR 1328** was introduced, read and adopted by publication.

At the request of Senator Latvala—

By Senator Latvala—

SR 2344—A resolution honoring Dr. Allen Leepa for his contributions to the art world and for bringing the Leepa Rattner Museum of Fine Arts to the Tarpon Springs Center of the St. Petersburg Junior College.

WHEREAS, the State of Florida is enriched by the intellectual capital of its people, and

WHEREAS, art provides the stimulus for humanity to see itself in new, exciting, and challenging ways, and

WHEREAS, it is in the public interest to recognize and promote the development and demonstration of great art in Florida and to honor those whose lives have been marked by artistic success and personal philanthropy, and

WHEREAS, Dr. Allen Leepa has been honored by his peers in state, national, and international circles and has recently donated approximately $2.5 million and hundreds of selections of outstanding art for the establishment of the Leepa Rattner Museum at Tarpon Springs in cooperation with the St. Petersburg Junior College Development Foundation, and

WHEREAS, Dr. Leepa has served American higher education with distinction as Professor of Art at Michigan State University from 1945 until 1983, and as Professor Emeritus from 1983 to the present, and

WHEREAS, Dr. Leepa was regarded as a leader among faculty at the university, having previously studied as a scholarship winner at The New Bauhaus, in Chicago and with Hans Hofmann in Provincetown; having also taught at Chicago's Hull House and the Metropolitan Museum of Art; having earned his Bachelor of Science in Fine Arts, his Master of Fine Arts, and his Doctorate in Education from Columbia University; and having received both the Fulbright Award for work in France and the Ford Foundation Grant for work in South America, and

WHEREAS, he is recognized as an outstanding, pioneering American artist who established an expansive career in Abstract Expressionist and Minimalist works and who has been given countless honors and purchase awards, such as the Childe Hassam Prize (1969) and the Michigan Competition Mural Prize (1982), and

WHEREAS, he was selected for membership in the prestigious American Academy of Arts and Letters (1970), and

WHEREAS, his works have been exhibited in museums of international acclaim such as the Prado in Madrid, Spain, the Museum of Modern Art in New York City, the Musee de l'Art Visuel in Paris, France, and the VII Biennalle in Sao Paulo, Brazil, and

WHEREAS, he is widely known for his lucid and persuasive writing about the meaning of art in texts such as The Challenge of Modern Art, which is in its fifth printing, and his revealing biography of the life and works of Abraham Rattner, and

WHEREAS, he became the steward of the art collection of the world-renowned artist Abraham Rattner who was the self-effacing peer of Pablo Picasso, Salvador Dali, Henry Moore, Willem de Kooning, Georges Rouault, Henry Miller, and others, and

WHEREAS, he has demonstrated unusual generosity to the Tampa Bay area, St. Petersburg Junior College, and the Pinellas County Community by bestowing to the college this magnificent collection of the works of Rattner and Rattner's contemporaries, of Leepa's own works, as well as those of Esther Gentle, his mother and the widowed Rattner's second wife, and

WHEREAS, he has contributed the resources for an endowment for the Leepa Rattner Museum of Fine Arts so that the public will not have to bear operating costs of the Museum, and

WHEREAS, his example of selflessness and benevolence speaks of the highest and best in the human spirit, and

WHEREAS, his vision includes sharing the unique experience of art-and-viewer as well as art-and-artist with all peoples of all nations, and

WHEREAS, students of every age, vocation, and interest will benefit in perpetuity from his work and his gifts, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Allen Leepa is commended for his outstanding accomplishments and for bringing the Leepa Rattner Museum of Fine Arts to the Tarpon Springs Center of St. Petersburg Junior College.

BE IT FURTHER RESOLVED that a copy of this resolution with the Seal of Senate affixed, be presented to Dr. Allen Leepa as a tangible token of the sentiments of the Florida Senate.

—**SR 2344** was introduced, read and adopted by publication.

At the request of Senator Kirkpatrick—

By Senators Kirkpatrick, Thomas, Jenne, Clary, Dantzler, McKay, Childers, Casas, Crist, Diaz-Balart, Myers, Campbell, Dyer, Ostalkiewicz, Forman, Scott, Bronson, Sullivan, Burt, Harris, Silver, Turner, Jones, Meadows, Klein, Horne, Williams, Brown-Waite, Gutman, Hargrett, Lee, Latvala, Grant, Kurth, Rossin, Cowin, Dudley and Bankhead—

SR 2392—A resolution designating June 1997 as Prostate Cancer Awareness Month.

WHEREAS, prostate cancer is the most common type of cancer among men in the United States and in Florida, and the second leading cause of cancer death among men, and

WHEREAS, an estimated 334,500 men in the United States will be diagnosed with prostate cancer during 1997, and 25,400 of them will be residents of Florida, and

WHEREAS, an estimated 41,800 men in the United States will die from prostate cancer in 1997, and 3,200 of them will be residents of Florida, and

WHEREAS, nonwhite men in Florida have a 50 percent higher risk of being diagnosed with prostate cancer than white men, and

WHEREAS, nonwhite men in Florida who have prostate cancer are more than twice as likely to die of the disease than white men, and

WHEREAS, June 10-17 has been designated by the United States Congress as National Men's Health Week, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes June 1997 as Prostate Cancer Awareness Month in Florida and urges all men, and particularly members of high-risk populations, to become aware of the risks and symptoms associated with prostate cancer and to be informed about screening tests, methods for early detection, and treatment.

—**SR 2392** was introduced, read and adopted by publication.

At the request of Senator Thomas—

By Senator Thomas—

SR 2528—A resolution celebrating July 4, 1997, as Governor Stone Day.

WHEREAS, the Governor Stone was built in 1877, and

WHEREAS, the Governor Stone engaged in near-water shipping activities along the Gulf Coast of Florida from 1877 to 1938 and has a distinguished record of service during the Second World War as a Merchant Marine training vessel, and

WHEREAS, the Governor Stone currently serves as the oldest near-shore shipping vessel in operation on the Gulf Coast, and

WHEREAS, the Governor Stone serves as an inspiration to boat builders, historians, and tourists in Apalachicola, and

WHEREAS, the Governor Stone is owned and operated by the volunteers of the Apalachicola Maritime Museum, and

WHEREAS, the Governor Stone has been recognized as a National Historic Landmark by the United States Department of Interior, and

WHEREAS, the Governor Stone encourages and fosters a respect for the country's maritime traditions of sail training and boat building through the involvement of the children and adults and visitors to and residents of Franklin County and the City of Apalachicola, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Friday, July 4, 1997, is celebrated as Governor Stone Day and visitors to and residents of this state are urged to recognize and support the Governor Stone as the Gulf Coast's premier tall ship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Apalachicola Maritime Museum as a tangible token of the sentiments of The Florida Senate.

—**SR 2528** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 20** was withdrawn from the Committee on Community Affairs; **CS for SB 200** was withdrawn from the Committee on Judiciary; **SB 1172** was withdrawn from the Committee on Criminal Justice; **CS for SB 2444** and **SB 1634** were withdrawn from the Committee on Governmental Reform and Oversight; **SB 1450** was withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 1502** was withdrawn from the Committee on Ways and Means.

On motion by Senator Lee, by two-thirds vote **SB 1264** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 1102**, **CS for SB 1218** and **CS for SB 1594** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for SB's 910, 302 and 2300**, **CS for SB 946**, **SB 1050**, **CS for SB 1064**, **SB 1450**, **SB 1750**, **SB 1810**, **SB 1932**, **SB 2182**, **SB 2328**, **CS for HB 69** and **CS for SB 1760** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 904** was withdrawn from the Committee on Governmental Reform and Oversight; and **SB 1810** and **SB 1812** were withdrawn from the Committee on Commerce and Economic Opportunities.

On motion by Senator Hargrett, by two-thirds vote **SB 712**, **SB 1000**, **SB 1966** and **SB 2292** were withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 408** was withdrawn from further consideration.

On motion by Senator Grant, by two-thirds vote **SB 1674** was withdrawn from the committee of reference and further consideration.

On motion by Senator Klein, by two-thirds vote **SB 1036** and **SB 1024** were withdrawn from the committees of reference and further consideration.

On motion by Senator Harris, by two-thirds vote **SB 1752**, **SB 1762**, **SB 1764** and **SB 1508** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **HB 2021**, **HB 637**, **HB 927**, **SB 2342** and **HB 1315** were withdrawn from the Committee on Community Affairs; **HB 1473** was withdrawn from the Committee on Criminal Justice; and **CS for SB 946** was withdrawn from the Committee on Executive Business, Ethics and Elections.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet at 1:45 p.m. in lieu of 12:15 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, the House was requested to return **CS for SB 1376**.

On motion by Senator Bankhead, a deadline of 7:30 a.m. Wednesday, April 30, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

CS for CS for SB 2060—A bill to be entitled An act relating to transportation administration; directing the Department of Transportation to perform a pilot project; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; providing responsibilities for the Fort Myers Urban Office; authorizing the department to continue to use the model developed for the career service broadbanding compensation and classification system; amending s. 206.46, F.S.; authorizing the department to use State Transportation Trust Fund moneys to pay for the operation and maintenance of existing or future department-owned toll facilities and reimburse the trust fund from turnpike revenues; amending s. 311.07, F.S.; providing funding eligibility for certain seaport intermodal projects; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing petroleum tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising provisions with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; deleting an axle restriction for straight trucks; amending s. 320.20, F.S.; providing additional funding for the Florida Seaport Transportation and Economic Development Program; providing how such funds may be spent; amending s. 322.53, F.S.; deleting an exemp-

tion to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising provisions with respect to governmental transportation entities; creating s. 334.351, F.S., relating to youth work experience program within the Department of Transportation; providing for the awarding of program contracts; amending s. 335.0415; providing responsibility for operation and maintenance within the right-of-way of public roads; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.165, F.S.; providing that no tolls may be collected on certain interstate highways; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed; authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; increasing the bond cap on turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; providing ratio on return of tolls collected in Dade County, Broward County, and Palm Beach County; amending s. 339.12, F.S.; revising provisions with respect to aid and contributions by governmental entities for department projects; amending ss. 339.135, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; amending s. 784.07, F.S.; providing enhanced penalties for assault or battery of public transit employees or agents; amending s. 812.015, F.S.; prohibiting transit fare evasion; providing penalties; specifying deadlines and content; revising the membership of certain metropolitan planning organizations; amending s. 348.0003, F.S.; revising the membership of certain expressway authorities; amending s. 348.0004, F.S.; revising provisions with respect to the type of facilities under the jurisdiction of certain expressway authorities; creating s. 348.565, F.S.; authorizing financing and refinancing of Tampa-Hillsborough County Expressway System projects; amending s. 348.754, F.S.; providing for additional powers of the Orlando-Orange County Expressway Authority in certain counties; providing for the creation of a working group; providing responsibilities for the working group related to requisition of transportation disadvantaged services; amending s. 479.261, F.S.; revising provisions with respect to the logo-sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; repealing s. 334.35, F.S., relating to the Florida Youth Conservation Corps; providing an effective date.

—as amended April 28 was read the third time by title.

Senator Dudley moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 29, line 22, after the period (.) insert: *For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed 0.5 percent of state transportation tax revenues for that fiscal year.*

On motion by Senator Hargrett, **CS for CS for SB 2060** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Ostalkiewicz	Silver	Thomas	Williams
Rossin	Sullivan	Turner	

Nays—None

Vote after roll call:

Yea—Scott

Consideration of **CS for HB 1413** was deferred.

CS for SB 1144—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; amending s. 186.022, F.S.; amending s. 186.021, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Williams, **CS for SB 1144** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

Consideration of **CS for SB 940** was deferred.

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for SB 1860** was passed and certified to the House. The vote on passage was:

Yeas—32

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Jenne	Meadows
Bronson	Diaz-Balart	Jones	Myers
Brown-Waite	Dudley	Kirkpatrick	Rossin
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams

Nays—5

Clary	Hargrett	Holzendorf	Ostalkiewicz
Dantzler			

Vote after roll call:

Yea—Horne, Scott, Sullivan

SB 1158—A bill to be entitled An act relating to taxation administration; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the Department of Revenue; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; amending s. 199.103, F.S.; including middle tier stock holding companies in provisions which provide for valuation of stocks or shares of certain savings associations for intangible personal property tax purposes; correcting a reference; providing effective dates.

—as amended April 28 was read the third time by title.

On motion by Senator Williams, further consideration of **SB 1158** as amended was deferred.

CS for CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term "phased retirement program"; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers' Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; authorizing local agency employers to reassess designation of positions for inclusion in the Senior Management Service Class; providing for removal of certain positions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; providing certain reemployment exceptions for year 2000 computer problems; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service; providing an appropriation; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer's payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney's fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.30, F.S.; providing for inclusion of cost-of-living adjustments in the calculation of the federal maximum benefit limit; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional participation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ss. 25.101, 25.112, 25.122, 25.131, 25.141, 25.161, 38.14, 38.15, 38.16, 38.17, 38.19, F.S., relating to retirement for justices and judges; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney's fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Thomas, **CS for CS for SB 1824** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

CS for HB 147—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in any jurisdiction, whether within, or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

—was read the third time by title.

On motion by Senator Grant, **CS for HB 147** was passed and certified to the House. The vote on passage was:

Yeas—33

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Klein	Thomas
Casas	Grant	Kurth	Williams
Childers	Hargrett	Latvala	
Clary	Harris	Lee	
Cowin	Holzendorf	McKay	

Nays—5

Campbell	Meadows	Silver	Turner
Forman			

CS for HB 1413—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; providing for the acceptance of charge cards and debit cards by state agencies, units of local government, and the judicial branch; providing a time period for certain actions; authorizing a convenience fee; providing for the application of the act on certain contracts; amending s. 282.20, F.S.; revising language with respect to the Technology Resource Center; defining the term "customer"; eliminating a data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for the use of its electronic access services; creating s. 282.22, F.S.; providing for the production and dissemination of materials and products by the Department of Management Services; providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council; providing applicability; repealing s. 282.313, F.S.; relating to data processing policy boards; providing an effective date.

—as amended by **Senate Amendment 1** April 28 was read the third time by title.

Senator Dudley moved the following amendment to **Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1A—On page 8, lines 2-4, delete those lines and insert: *jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.*

On motion by Senator Kirkpatrick, **CS for HB 1413** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

CS for SB 940—A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to information resources management in state agency strategic plans and review thereof; creating s. 216.0446, F.S.; authorizing a mechanism for the review of portions of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S.; requiring review and approval of amendments to approved budgets which involve specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative findings and intent with respect to information resources management; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the State Technology Council; providing legislative intent; providing membership, powers, and duties; creating s. 282.3093, F.S.; creating the State Technology Office; providing legislative intent; providing powers and duties; creating s. 282.310, F.S.; requiring a State Annual Report on Information Resources Management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes, membership, and duties; amending s. 282.102, F.S.; authorizing the Division of Communications of the Department of Management Services to publish electronically a portfolio of its services; specifying the information to be included in the portfolio; requiring that the information also be provided in hard copy; repealing s. 282.1021, F.S., which requires the Division of Communications to develop a biennial plan for communication services; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising membership and duties of the data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop an annual strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing requirements with respect to the Florida Financial Management Information System and its subsystems; amending s.

215.94, F.S.; revising provisions with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; renaming the Fiscal Accounting Information Board as the Financial Management Information Board and revising its duties; requiring the board to develop an annual strategic plan; amending s. 215.96, F.S.; revising provisions with respect to the coordinating council and its membership and duties; providing for design and coordination staff; amending s. 216.141, F.S.; revising provisions with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council to facilitate coordination and sharing of health-related data; requiring the council to develop and approve an annual strategic plan; amending ss. 20.19, 20.316, and 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235 and 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the Criminal and Juvenile Justice Information Systems Council to develop and approve an annual strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; providing for storage of records and requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing for a reviser's bill; providing a definition; specifying the types of information to be included in the collaborative systems; specifying participants in the collaborative systems; requiring a steering committee to govern each collaborative system; requiring a system security plan; authorizing collaborative system members to share client information; imposing restrictions to protect confidential client information; encouraging participation in the collaborative systems; providing effective dates.

—as amended April 28 was read the third time by title.

On motion by Senator Kirkpatrick, **CS for SB 940** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Holzendorf	McKay
Bankhead	Diaz-Balart	Horne	Meadows
Bronson	Dudley	Jenne	Myers
Brown-Waite	Dyer	Jones	Ostalkiewicz
Campbell	Forman	Kirkpatrick	Rossin
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Sullivan
Clary	Hargrett	Latvala	Thomas
Crist	Harris	Lee	Turner

Nays—None

Vote after roll call:

Yea—Cowin

HB 395—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners; providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Myers, **HB 395** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 113—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings apply to meetings of committees when a final decision will be made regarding the expenditure of association funds; amending s. 617.305, F.S.; increasing the limit on fines that an association may impose on members, tenants, guests, or invitees; providing an exemption from the prohibition against an association suspending the voting rights of a member; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Dyer, **CS for HB 113** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—1

Klein

Consideration of **CS for HB 889** and **CS for SB 750** was deferred.

SPECIAL ORDER CALENDAR

SENATOR BRONSON PRESIDING

On motion by Senator Diaz-Balart—

CS for SB 1464—A bill to be entitled An act relating to workers' compensation; amending s. 440.45, F.S.; revising term of office, qualifications and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 440.49, F.S.; revising procedures and requirements for reimbursement from the Special Disability Trust Fund; providing for barring the filing of a claim for reimbursement under certain circumstances; providing a maximum fund assessment rate; requiring certain fees; requiring the Department of Labor and Employment Security to prepare an annual report; providing a schedule for reimbursements from the fund under certain circumstances; amending s. 624.468, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholder; amending s. 624.470, F.S.; establishing standards for the use of future investment income as an asset for self-insurance funds; amending s.

624.488, F.S.; applying certain portions of the insurance code to self-insurance funds; amending s. 628.6014, F.S.; establishing standards for the use of future investment income as an asset for assessable mutual insurers; amending s. 625.091, F.S.; requiring the Department of Insurance to adopt rules for accounting for anticipated recoveries under the Special Disability Trust Fund; amending s. 631.021, F.S.; requiring the Department of Insurance to notify the Florida Self-Insurance Fund Guaranty Association of all hearings pertaining to insolvency of a self-insurance fund; amending s. 631.915; providing for retroactive coverage of pre-1994 claims of the Florida Self-Insurance Fund Guaranty Association; amending s. 631.93, F.S.; revising the membership of the board of the association; amending s. 631.935, F.S.; revising the powers of the association; providing standing to the association to appear before a court under certain circumstances; removing the prohibition against allocating state funds to the association; amending s. 631.94, F.S.; authorizing the association to assess insurers under certain conditions; providing limitations on such assessments; amending s. 215.22, F.S.; exempting certain fees to the Special Disability Trust Fund from the surcharge to the General Revenue Fund; providing an appropriation from the Insurance Commissioner's Regulatory Trust Fund and the Workers' Compensation Administration Trust Fund to the Florida Group Self-Insurance Fund Account; providing a limitation on the appropriation to the Division of Safety of the Department of Labor and Employment Security; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1464** to **HB 1933**.

Pending further consideration of **CS for SB 1464** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 1933** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motions by Senator Diaz-Balart, by two-thirds vote—

HB 1933—A bill to be entitled An act relating to workers' compensation; amending s. 440.49, F.S.; revising procedures and requirements for reimbursement from the fund; providing for barring the filing of a claim for reimbursement under certain circumstances; providing a maximum fund assessment rate; requiring certain fees; requiring the Department of Labor and Employment Security to prepare an annual report; providing a schedule for reimbursements from the fund under certain circumstances; amending s. 625.091, F.S.; providing for accounting for anticipated recoveries under the Special Disability Trust Fund; requiring insurers to identify anticipated recoveries from the fund; providing an appropriation; amending s. 624.4621, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.468, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.470, F.S.; establishing standards for the use of future investment income as an asset for self-insurance funds; amending s. 624.476, F.S.; providing that the Department of Insurance may be appointed receiver for a self-insurance fund under certain circumstances; authorizing the administrative supervision of a self-insurance fund under certain conditions; creating s. 624.477, F.S.; requiring the Department of Insurance to supervise, as receiver, the liquidation, rehabilitation, reorganization, conservation, or dissolution of self-insurance funds; amending s. 624.488, F.S.; applying provisions of the Florida Insurance Code relating to rehabilitation and liquidation of an insurer to self-insurance funds; applying provisions relating to insurer assets, liabilities, and deposits to self-insurance funds; applying a provision relating to assessable mutual insurer annual reports to self-insurance funds; amending s. 628.6014, F.S.; establishing standards for the use of future investment income as an asset for assessable mutual insurers; amending s. 631.021, F.S.; providing for delinquency proceedings, venue, remedies, and appeals; amending s. 631.182, F.S.; providing for claims reports and procedures; amending s. 631.331, F.S.; providing for notice, payment, and collection procedure; amending s. 631.391, F.S.; providing for revocation of insurance-related licenses under certain conditions; amending s. 631.397, F.S.; specifying applicability of provision relating to use of marshaled assets; amending s. 631.52, F.S.; providing scope of direct insurance; amending s. 631.54, F.S.; providing definitions; amending s. 631.55, F.S.; providing for creation of the association; amending s. 631.57, F.S.; providing for powers and duties of the association; creating ss. 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, and 631.927, F.S.; creating the "Florida Workers' Compensation Insurance Guaranty Association Act"; providing purposes; providing construction; providing definitions; creating the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, by merging the Florida Self-Insurance Fund Guaranty Association and the workers' compensation insurance account; providing for effect of the merger; providing requirements; providing for a board of directors; providing powers and duties of the corporation; authorizing the board to levy assessments for certain purposes; providing procedures; providing requirements and limitations; authorizing an additional assessment for certain purposes; providing procedures; providing requirements and limitations; requiring the board to prepare a plan of operation; providing requirements; providing powers of the board to prevent insolvencies and impairments; providing for examination of certain insurers by the department for certain purposes; providing immunity from liability; specifying prohibited advertisement of solicitation; providing powers of the Department of Insurance; providing for liability of members of impaired self-insurance funds; providing for effect of paid claims; providing requirements; providing procedures; providing for staying certain proceedings; providing for setting aside certain judgments, orders, decisions, verdicts, or findings under certain circumstances; providing for nonapplication of certain attorney's fees provisions under certain circumstances; providing for assumption of liability by the corporation of certain payments; amending s. 631.996, F.S.; creating the Florida Workers' Compensation Insurance Guaranty Fund Account; amending s. 631.915, F. S.; revising definitions; amending s. 631.935, F.S.; providing for powers and duties of the association; creating s. 631.929, F.S.; providing for election of remedies by injured workers; providing procedures; providing requirements; amending s. 631.997, F.S.; providing for reports and recommendations of the board; amending s. 631.998, F.S.; providing for application of provisions relating to negotiations with an insurer to the corporation; directing that certain provisions not be published in the Florida Statutes; provides for a report; providing an appropriation from the Insurance Commissioner's Regulatory Trust Fund to the Florida Self-Insurance Fund Guaranty Association; providing for disbursement of appropriated funds; repealing ss. 631.90, 631.905, 631.91, 631.915, 631.92, 631.925, 631.93, 631.935, 631.94, 631.945, 631.95, 631.955, 631.96, 631.965, 631.97, 631.975, 631.98, 631.985, 631.99, and 631.995, F.S., relating to the Florida Self-Insurance Fund Guaranty Association; providing an effective date.

—a companion measure, was substituted for **CS for SB 1464** as amended and by two-thirds vote read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **HB 1933** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for HB 889—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; providing forms for waiver of rights to claim against the bond for progress payments and final payments; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that a notice of termination is effective under certain circumstances; amending s. 713.135, F.S.; providing that certain applicants for a building permit must file certain information with respect to the notice of commencement; amending s. 713.20, F.S.; allowing an owner to withhold certain amounts from payments to contractors in certain situations; providing an effective date.

—was read the third time by title.

On motion by Senator Dudley, **CS for HB 889** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Campbell	Childers
Bankhead	Brown-Waite	Casas	Clary

Cowin	Gutman	Kurth	Scott
Crist	Harris	Latvala	Silver
Dantzler	Holzendorf	Lee	Sullivan
Diaz-Balart	Horne	McKay	Thomas
Dudley	Jenne	Meadows	Turner
Dyer	Jones	Myers	Williams
Forman	Kirkpatrick	Ostalkiewicz	
Grant	Klein	Rossin	

Nays—None

Vote after roll call:

Yea—Burt

CS for SB 750—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.021, F.S.; providing for reasonable costs and attorney's fees when the obligation of good faith and fair dealing is breeched; amending s. 723.037, F.S.; revising provisions with respect to lot rental increases; amending s. 723.0381, F.S.; revising arbitration procedures; amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Latvala, **CS for SB 750** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Holzendorf, Sullivan

SPECIAL ORDER CALENDAR, continued

On motion by Senator Lee—

CS for SB 1958—A bill to be entitled An act relating to the municipal public service tax; providing legislative intent; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from the tax; exempting certain religious institutions from the tax on telecommunication services; revising provisions relating to determination of the situs of telecommunication services; providing requirements for returns and remittance of the tax on telecommunication services; requiring certain purchasers claiming exemptions to certify that they are qualified therefor; requiring governmental bodies that sell taxable services to nonexempt users to collect and remit the tax; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address or when information does not conform to the seller's address records; creating s. 166.234, F.S.; providing procedures for audits of sellers by municipalities; prohibiting contingent fee audits; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; authorizing municipalities to assess interest and penalties; providing requirements with respect to a determination by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing for interest on refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing for communications between municipalities with respect to specified matters relating to audits and the identities of sellers; prescribing the circumstances for assessment of audit expenses against a seller; providing a schedule for application of the requirements of the act; providing an appropriation; providing for severability; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 6, line 15, before the period (.) insert: *; however the universities in the State University System shall not be deemed a seller of any item otherwise taxable hereunder when such item is provided to university residencies incidental to the provision of educational services*

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing that certain universities are not sellers;

SENATOR HARRIS PRESIDING

Amendment 2 (with title amendment)—On page 29, between lines 9 and 10, insert:

Section 8. Subsection (10) is added to section 203.01, Florida Statutes, 1996 Supplement, to read:

203.01 Tax on gross receipts for utility services.—

(10) Notwithstanding the provisions of subsection (5) and s. 212.07(2), sums that were charged or billed as taxes under this section and chapter 212 and that were remitted to the state in full as taxes shall not be subject to refund by the state or by the utility that remitted the sums, where the amount remitted was not in excess of the amount of tax imposed by chapter 212 and this chapter.

Section 9. Subsection (4) is added to section 203.63, Florida Statutes, to read:

203.63 Tax on interstate and international telecommunication services.—

(4) Notwithstanding the provisions of subsection (1) and s. 212.07(2), sums that were charged or billed as taxes under this section and chapter 212 and that were remitted to the state in full as taxes shall not be subject to refund by the state or by the utility that remitted the sums, where the amount remitted was not in excess of the amount of tax imposed by chapter 212 and this chapter.

Section 10. *It is the intent of the Legislature that the amendments by this act to sections 203.01 and 203.63, Florida Statutes, are remedial and are intended to clarify existing law.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: amending ss. 203.01, 203.63, F.S., relating to taxes on gross receipts for utility services and taxes on certain telecommunication services; providing that certain sums billed or charged as taxes remitted to the state shall not be subject to refund; providing legislative intent;

Amendment 3—In title, on page 1, line 2, delete "the municipal public service tax" and insert: taxation

Pursuant to Rule 4.19, **CS for SB 1958** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 2252—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for a county to levy an additional tax for the purpose of paying the operating deficit of a conven-

tion center located in a community redevelopment area; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Rossin and failed:

Amendment 1 (with title amendment)—On page 1, line 15 through page 3, line 13, delete those lines and insert:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162 *or to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, and pay the utilities for one or more publicly owned and operated convention centers within the boundaries of the county in which the tax is levied*. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

And the title is amended as follows:

On page 1, lines 5-7, delete those lines and insert: purpose of paying for a convention center in the county or subcounty special district that levies the tax; providing an effective

Amendment 2 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 2. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended, and paragraph (nn) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that

qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, *performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year,* and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 212.08, F.S.; providing for a tax exemption for specified performing arts centers;

The Committee on Community Affairs recommended the following amendments which were moved by Senator Rossin and failed:

Amendment 3 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 2. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum;

Amendment 4—On page 2, lines 3 and 4, delete those lines and insert: *in s. 163.340.*

Senator Rossin moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 1, line 15 through page 3, line 13, delete those lines and insert:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162 *or to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, and pay the utilities for one or more publicly owned and operated convention centers within the boundaries of the county or subcounty special taxing district in which the tax is levied*. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

And the title is amended as follows:

On page 1, lines 5-7, delete those lines and insert: purpose of paying for a convention center in the county or subcounty special district that levies the tax; providing an effective

Pursuant to Rule 4.19, **SB 2252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for CS for SB 64—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may use certain tax revenues to acquire a convention center, pay the cost of constructing or renovating a convention center, or pay the debt service on bonds issued for such purposes; providing for the use of any remaining revenues; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, 1996 Supplement, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds. *As used in this section, the term "convention center" does not include any facility having a hotel, motel, or other transient living accommodations as described in s.509.013(4)(a) which are licensed under part I of chapter 509.*

~~3.~~ Only counties that have elected to levy the tax initially for the purposes authorized in subparagraph 1. may use the tax for the purposes enumerated in subparagraph 2. *A high tourism impact county that imposes the tax authorized by paragraph (m) and qualifies as a high tourism impact county under paragraph (m) because it had sales subject to the tax levied pursuant to this section which were at least 18 percent of the county's total taxable sales under chapter 212, and the sales subject to the tax levied pursuant to this section were a minimum of $200 million, but that is not authorized to levy the tax under s. 125.0108, may use the tax revenues received pursuant to this paragraph to acquire a convention center, or to pay the cost of planning, designing, constructing, reconstructing, or renovating a convention center, and to pay the debt service on bonds issued for such purposes, whether or not the tax is levied initially to finance the construction, reconstruction, or renovation of a professional sports franchise facility. In such event, any remaining tax revenue shall be used to promote and advertise the convention center or tourism in general.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162 *or to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, and pay the utilities for one or more publicly owned and operated convention centers within the boundaries of the county or subcounty special taxing district in which the tax is levied. Each county may establish one subcounty special district for the purpose of levying the tax authorized by this paragraph*. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

Section 2. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

Section 3. Effective July 1, 1997, paragraph (d) of subsection (2) of section 212.055, Florida Statutes, 1996 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 50,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. *Charter counties and* counties~~,~~ as defined in s. 125.011(1)~~,~~ may, in addition, use the proceeds *and any interest accrued thereon* to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes *and, for bonds subsequently issued, to refund such bonds.*

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

Section 4. *Any use of the proceeds of the surtax authorized by subsection (2) of section 212.055, Florida Statutes, or of any interest accrued on such proceeds, for purposes of retiring or servicing indebtedness incurred before July 1, 1997, for refunding bonds issued after July 1, 1987, is ratified.*

Section 5. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to local option taxes; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds for a professional sports franchise facility or convention center; revising the uses, and the conditions for use, of the revenues of said tax by certain high tourism impact counties; providing a definition of "convention center"; providing additional uses for the additional tax authorized to be levied by counties which levy said tax; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes levied by a high tourism impact county transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before July 1, 1997, for refunding certain bonds; providing effective dates.

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which failed:

Amendment 1A (with title amendment)—On page 2, line 31, after "*facility*" insert: *, if the majority of registered electors in the county who vote in a referendum approve such use or uses*

And the title is amended as follows:

On page 9, line 27, after "tax" insert: , if the voters approve those purposes by referendum

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 64** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB 703** was deferred.

CS for SB 1956—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required and state-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, lines 17 and 20, delete "*Commissioner of Education*" and insert: *local school board*

And the title is amended as follows:

On page 1, line 7, delete "and state-regulated"

On motion by Senator Lee, by two-thirds vote **CS for SB 1956** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Cowin	Hargrett	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Clary, Madam President, Kirkpatrick

On motion by Senator Turner—

CS for SB 544 and CS for SB 1904—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; providing effective dates.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Turner and adopted:

Amendment 1—On page 13, line 18, delete "322.0601" and insert: *322.091* ~~322.0601~~

Amendment 2—On page 20, line 10, before the period (.) insert: , *pursuant to the provisions of section 322.091*

Amendment 3—On page 29, line 27 and on page 31, lines 10 and 21, delete "*restricted*" and insert: *learner's driver's*

Amendment 4 (with title amendment)—On page 34, line 4 through page 42, line 14, delete those lines

And the title is amended as follows:

On page 3, lines 26 through page 4, line 12, delete those lines and insert: conform to the act;

Amendment 5 (with title amendment)—On page 42, line 15 through page 44, line 9, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 9-14, delete those lines and insert: membership and duties;

Amendment 6 (with title amendment)—On page 47, between lines 15 and 16, insert:

Section 23. Section 232.433, Florida Statutes, is created to read:

232.433 Safety standards for cheerleaders.—The State Board of Education shall adopt statewide uniform safety standards for student cheerleaders and spirit groups that participate in any school activity or extracurricular student activity. The State Board of Education shall adopt the "Official High School Spirit Rules," published by the National Federation of State High School Associations, as the statewide uniform safety standards.

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 22, after the semicolon (;) insert: creating s. 232.433, F.S., requiring that the State Board of Education adopt statewide uniform safety standards for student cheerleaders;

Amendment 7 (with title amendment)—On page 47, between lines 15 and 16, insert:

Section 24. Section 322.0601, Florida Statutes, is repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 4, line 22, after the semicolon (;) insert: repealing s. 322.0601, F.S., relating to driver's licenses for minors;

Senator Rossin moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 5, line 10, insert:

Section 1. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location *that* ~~which~~ a reasonable person would believe to be secure or shall secure it with a trigger lock *or a firearm-mounted push-button combination lock*, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to educational firearm safety; amending s. 790.174, F.S.; revising requirements for the safe storage of firearms; amending s. 232.09, F.S.;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 9 (with title amendment)—On page 5, line 10, insert:

Section 1. Section 230.235, Florida Statutes, is created to read:

230.235 Policy of zero tolerance for crime and substance abuse.—

(1) Each school district shall adopt a policy of zero tolerance for crime and substance abuse pursuant to this section. Such policy must require delinquent acts and crimes to be reported to a law enforcement officer if any such delinquent acts or crimes occur when students are under the jurisdiction of the school district.

(2) Each school district shall enter into an agreement with the sheriff of the county which specifies guidelines for ensuring that any felony or violent misdemeanor committed by a student or an adult and any delinquent act that would be a felony or violent misdemeanor if committed by an adult is reported to a law enforcement officer. Such agreement must include the role of the school resource officer, if applicable, in handling reported incidents, special circumstances under which school officials may handle an incident without filing a report with a law enforcement officer, and procedures for ensuring that school personnel properly report delinquent acts and crimes. The school principal shall ensure that all school personnel are properly informed as to their responsibilities regarding the reporting of delinquent acts and crimes, that appropriate delinquent acts and crimes are properly reported, and that the action taken in cases with special circumstances is proper and fully documented.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: creating s. 230.235, F.S.; requiring each school district to adopt a policy of zero tolerance for crime and substance abuse; requiring each school district to enter into an agreement with the sheriff which specifies guidelines for reporting delinquent acts and crimes; requiring that the school principal ensure that delinquent acts and crimes are properly reported and other appropriate action taken;

Senator Gutman moved the following amendment which failed:

Amendment 10 (with title amendment)—On page 45, lines 14-17, delete those lines and insert:

3. In a vehicle pursuant to s. 790.25(5).

And the title is amended as follows:

On page 4, lines 18 and 19, delete those lines and insert: property; amending s.

Pursuant to Rule 4.19, **CS for SB 544 and CS for SB 1904** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Rossin—

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1648** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **HB 153** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Horne, the rules were waived and—

HB 153—A bill to be entitled An act relating to excise tax on documents; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an effective date.

—a companion measure, was substituted for **CS for SB 62** and read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Paragraph (k) is added to subsection (1) of section 199.185, Florida Statutes, 1996 Supplement, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(k) Real estate mortgage investment conduits (REMIC) that are directly or indirectly secured by or payable from notes and obligations that are in turn secured by a mortgage, deed of trust, or other lien upon real property situated in or outside of the state, including but not limited to mortgage pools, participations, and derivatives and are held as investments by banks or savings associations in compliance with regulatory agency guidelines.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to taxation; amending s. 199.185, F.S.; exempting certain investments secured by liens on real property from taxation under ch. 199, F.S.;

Amendment 2—On page 3, line 22 through page 4, line 3, delete those lines and insert:

(7) Taxes imposed by this section do not apply to a deed, transfer, or conveyance between spouses or former spouses pursuant to an action for dissolution of their marriage wherein the real property is or was their marital home or an interest therein. Taxes paid pursuant to this section shall be refunded in those cases in which a deed, transfer, or conveyance occurred 1 year before a dissolution of marriage. This subsection applies in spite of any consideration as defined in subsection (1). This subsection does not apply to a deed, transfer, or conveyance executed before July 1, 1997.

Amendment 3 (with title amendment)—On page 4, between lines 3 and 4, insert:

Section 2. *In the event of a merger, consolidation, conversion, or acquisition by a financial institution as defined by section 655.05(1)(h), Florida Statutes, the tax imposed by section 201.02, Florida Statutes, shall not apply to any deed, instrument, writing, or other document transferring property between the financial institution and any subsidiary, provided that:*

(1) The merger, consolidation, conversion, or acquisition occurred within the 3 years preceding the effective date of this act;

(2) The operations performed on the transferred property employ in excess of 1,000 persons;

(3) The transfer occurs within 1 year after the effective date of this act; and

(4) The subsidiary of the financial institution is 100-percent owned by the financial institution.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing a documentary stamp tax exemption for certain merged entities;

Pursuant to Rule 4.19, **HB 153** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB's 552, 1960 and 822** was deferred.

On motion by Senator Dudley, by two-thirds vote **HB 1753** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motions by Senator Dudley, by two-thirds vote—

HB 1753—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 892** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1753** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:59 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:12 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL ORDER CALENDAR, continued

On motion by Senator Brown-Waite, by two-thirds vote **HB 1357** was withdrawn from the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Brown-Waite—

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs;

amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 552, 1960 and 822** and read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 154.067, Florida Statutes, is amended to read:

154.067 Child abuse and neglect cases; duties.—The Department of Health ~~and Rehabilitative Services~~ shall *adopt*~~, by March 1, 1985, promulgate~~ a rule requiring every county ~~public~~ health *department* ~~unit~~, as described in s. 154.01, to adopt a protocol that, at a minimum, requires the county ~~public~~ health *department* ~~unit~~ to:

(1) Incorporate in its health *department* ~~unit~~ policy a policy that every staff member has an affirmative duty to report, pursuant to chapter 415, any actual or suspected case of child abuse or neglect; and

(2) In any case involving suspected child abuse or neglect, designate, at the request of the department, a staff physician to act as a liaison between the *county* ~~public~~ health *department* ~~unit~~ and the Department *of Children and Family Services* office *that* ~~which~~ is investigating the suspected abuse or neglect, and the child protection team, as defined in s. 415.503, when the case is referred to such a team.

Section 2. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter 415, any actual or suspected case of child abuse or neglect; and

(2) In any case involving suspected child abuse or neglect, designate, at the request of the department, a staff physician to act as a liaison between the hospital and the Department *of Children and Family Services* office which is investigating the suspected abuse or neglect, and the child protection team, as defined in s. 415.503, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the department of its compliance by sending a copy of its policy to the agency and the department as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 3. Subsection (2) of section 415.501, Florida Statutes, is amended to read:

415.501 Prevention of abuse and neglect of children; state plan.—

(2) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall develop a state plan for the prevention of abuse and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education *and the Division of Children's Medical Services of the Department of Health* shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the district human rights advocacy committees; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall establish an interprogram task force comprised of the ~~Deputy~~ Assistant Secretary *for Children and Family Services*, ~~for Health~~ or *a* ~~his~~ designee, *a representative* ~~and representatives~~ from the Children~~, Youth,~~ and Families Program Office, *a representative from* ~~the Children's Medical Services Program Office,~~ the Alcohol, Drug Abuse, and Mental Health Program Office, *a representative from* the Developmental Services Program Office, *a representative from* ~~and~~ the Office of *Standards and* Evaluation, *and a representative from the Division of Children's Medical Services of the Department of Health*. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. The Department of Education, ~~and~~ the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, *and the Department of Health* shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse and neglect and in the proper action that should be taken in a suspected case of child abuse or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. The Department of Law Enforcement, ~~and~~ the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, *and the Department of Health* shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse and neglect and in the proper action that should be taken in a suspected case of child abuse or neglect.

4. Within existing appropriations, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse and neglect and in the proper action that should be taken in a suspected case of child abuse or neglect. The plan for accomplishing this end shall be included in the state plan.

5. The Department of Education, ~~and~~ the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, *and the Department of Health* shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse and child neglect.

6. Each district of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan.

The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a) as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child abuse and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administrator shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child neglect in its geographical area.

b. A description of programs currently serving abused and neglected children and their families and a description of programs for the prevention of child abuse and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

~~The district local plan of action shall be submitted to the interprogram task force by November 1, 1982.~~

Section 4. Section 415.5055, Florida Statutes, 1996 Supplement, is amended to read:

415.5055 Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. *The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.*

(1) The department shall utilize and convene the teams to supplement the assessment and protective supervision activities of the children, youth, and families program of the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to s. 415.504 all suspected or actual cases of child abuse or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or his parent or parents, guardian or guardians, or other caregivers, or any other individual involved in a child abuse or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or his parent or parents, guardian or guardians, or other caregivers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse and neglect cases.

(j) Educational and community awareness campaigns on child abuse and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse and neglect in the community.

(2) The child abuse and neglect cases that are appropriate for referral by the children, youth, and families program to child protection teams for support services as set forth in subsection (1) include, but are not limited to, cases involving:

(a) Bruises, burns, or fractures in a child under the age of 3 years or in a nonambulatory child of any age.

(b) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a child of any age.

(c) Sexual abuse of a child in which vaginal or anal penetration is alleged or in which other unlawful sexual conduct has been determined to have occurred.

(d) Venereal disease, or any other sexually transmitted disease, in a prepubescent child.

(e) Reported malnutrition of a child and failure of a child to thrive.

(f) Reported medical, physical, or emotional neglect of a child.

(g) Any family in which one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been

injured and later died, as a result of suspected abuse or neglect, when any sibling or other child remains in the home.

(h) Symptoms of serious emotional problems in a child when emotional or other abuse or neglect is suspected.

(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

In all instances in which a child protection team is providing certain services to abused or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 5. *The sum of $814,833 from the General Revenue Fund is transferred from the Department of Children and Family Services to the Department of Health to fund the medical director portion of the child protection team and sexual abuse treatment functions specified in this act.*

Section 6. Paragraph (b) of subsection (4) of section 20.19, Florida Statutes, 1996 Supplement, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(4) PROGRAM OFFICES.—

(b) The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

1. Economic Self-Sufficiency Program Office.—The responsibilities of this office encompass income support programs within the department, such as temporary assistance to families with dependent children, food stamps, welfare reform, and state supplementation of the supplemental security income (SSI) program.

2. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

3. Children and Families Program Office.—The responsibilities of this program office encompass early intervention services for children and families at risk; intake services for protective investigation of abandoned, abused, and neglected children; interstate compact on the placement of children programs; adoption; child care; out-of-home care programs and other specialized services to families; and child protection and sexual abuse treatment teams created under chapter 415, *excluding medical direction functions.*

4. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department.

Section 7. Present paragraphs (h)-(l) of subsection (1) of section 20.43, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (i)-(m), respectively, and a new paragraph (h) is added to that subsection; paragraph (d) of subsection (3) of that section is amended, present paragraph (f) of that subsection is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection; and subsection (6) is added to that section, to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter 415.

(3) The following divisions of the Department of Health are established:

(d) Division of Family *Health* Services.

(f) Division of Local Health Planning, Education, and Workforce Development.

(6) To protect and improve the public health, the department may use state or federal funds to:

(a) Provide incentives, including food coupons or payment for travel expenses, for encouraging disease prevention and patient compliance with medical treatment, such as tuberculosis therapy.

(b) Plan and conduct health education campaigns for the purpose of protecting or improving public health. The department may purchase promotional items and advertising, such as space on billboards or in publications or radio or television time, for health information and promotional messages that recognize that the following behaviors, among others, are detrimental to public health: unprotected sexual intercourse, other than with one's spouse; cigarette smoking; alcohol consumption or other substance abuse during pregnancy; alcohol abuse or other substance abuse; lack of exercise and poor diet and nutrition habits; and failure to recognize and address a genetic tendency to suffer from sickle-cell anemia, diabetes, high blood pressure, cardiovascular disease, or cancer. For purposes of activities under this paragraph, the Department of Health may establish requirements for local matching funds or in-kind contributions to create and distribute advertisements, in either print or electronic format, which are concerned with each of the targeted behaviors, establish an independent evaluation and feedback system for the public health communication campaign, and monitor and evaluate the efforts to determine which of the techniques and methodologies are most effective.

(c) Plan and conduct promotional campaigns to recruit health professionals to be employed by the department or to recruit participants in departmental programs for health practitioners, such as scholarship, loan repayment, or volunteer programs. To this effect the department may purchase promotional items and advertising.

Section 8. Paragraph (c) of subsection (6) of section 110.131, Florida Statutes, 1996 Supplement, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)

(c) Notwithstanding the provisions of this section, the secretary of the Department of Health ~~and Rehabilitative Services~~ or the secretary's delegate may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours and may employ such practitioner on an hourly or other basis.

Section 9. Paragraph (c) of subsection (1) of section 154.04, Florida Statutes, 1996 Supplement, is amended to read:

154.04 Personnel of county health departments; duties; compensation.—

(1)

(c)1. A registered nurse or certified physician assistant working in a county health department is authorized to assess a patient and order medications, provided that:

a. No licensed physician is on the premises;

b. The patient is assessed and medication ordered in accordance with rules promulgated by the department and pursuant to a protocol approved by a physician who supervises the patient care activities of the registered nurse or certified physician assistant;

c. The patient is being assessed by the registered nurse or certified physician assistant as a part of a program approved by the department; and

d. The medication ordered appears on a formulary approved by the department and is prepackaged and prelabeled with dosage instructions and distributed from a source authorized under chapter 499 to repackage and distribute drugs, which source is under the supervision of a consultant pharmacist employed by the department.

2. Each county health department shall adopt written protocols which provide for supervision of the registered nurse or certified physician assistant by a physician licensed pursuant to chapter 458 or chapter 459 and for the procedures by which patients may be assessed, and medications ordered and delivered, by the registered nurse or certified physician assistant. Such protocols shall be signed by the supervising physician, the director of the county health department, and the registered nurse or certified physician assistant.

3. Each county health department shall maintain and have available for inspection by representatives of the Department of Health all medical records and patient care protocols, including records of medications delivered to patients, in accordance with rules of the department.

4. The Department of Health shall adopt rules which establish the conditions under which a registered nurse or certified physician assistant may assess patients and order and deliver medications, based upon written protocols of supervision by a physician licensed pursuant to chapter 458 or chapter 459, and which establish the formulary from which medications may be ordered.

5. The department shall require that a consultant pharmacist conduct a periodic inspection of each county health department in meeting the requirements of this paragraph.

6. A county health department may establish or contract with peer review committees or organizations to review the quality of communicable disease control and primary care services provided by the county health department.

Section 10. Section 154.06, Florida Statutes, is amended to read:

154.06 Fees and services rendered; authority.—

(1) The Department of Health ~~and Rehabilitative Services~~ is authorized to establish by rule~~, pursuant to chapter 120,~~ fee schedules for public health services rendered through the *county health departments* ~~public health units~~. In addition, the department shall adopt by rule a uniform statewide fee schedule for all regulatory activities performed through the environmental health program. ~~By July 1, 1985, the fees charged for these regulatory activities shall, at a minimum, be sufficient to cover all costs for providing such activities.~~ Each county may establish, and each *county health department* ~~public health unit~~ may collect, fees for primary care services, provided that a schedule of such fees is established by resolution of the board of county commissioners or by rule of the department, respectively. Fees for primary care services and communicable disease control services may not be less than Medicaid reimbursement rates unless otherwise required by federal or state law or regulation.

(2) All funds collected under this section shall be expended solely for the purpose of providing health services and facilities within the county served by the *county health department* ~~public health unit~~. Fees collected by *county health departments* ~~public health units~~ pursuant to department rules shall be deposited with the Treasurer and credited to the *County Health Department* ~~Public Health Unit~~ Trust Fund. Fees collected by the *county health department* ~~public health unit~~ for public health services or personal health services shall be allocated to the state and the county based upon the pro rata share of funding for each such service. The board of county commissioners, if it has so contracted, shall provide for the transmittal of funds collected for its pro rata share of personal health services or primary care services rendered under the provisions of this section to the State Treasury for credit to the *County Health Department* ~~Public Health Unit~~ Trust Fund, but in any event the proceeds from such fees may only be used to fund *county health department* ~~public health unit~~ services.

(3) The foregoing provisions notwithstanding, any county which charges fees for any services delivered through *county health departments* ~~public health units~~ prior to July 1, 1983, and which has pledged or committed the fees yet to be collected toward the retirement of outstanding obligations relating to *county health department* ~~public health unit~~ facilities may be exempted from the provisions of subsection (1) until such commitment or obligation has been satisfied or discharged.

Section 11. Subsection (6) of section 216.0172, Florida Statutes, 1996 Supplement, is amended to read:

216.0172 Schedule for submission of performance-based program budgets.—In order to implement the provisions of chapter 94-249, Laws of Florida, state agencies shall submit performance-based program budgets for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature based on the following schedule:

(6) By September 1, 1999, for the 2000-2001 fiscal year, by the following:

(a) Division of Administrative Hearings.

(b) Department of Business and Professional Regulation.

(c) Parole and Probation Commission.

(d) Public Service Commission.

(e) Department of Health.

Section 12. Section 216.341, Florida Statutes, is amended to read:

216.341 Disbursement of county health *department* ~~unit~~ trust funds.—County health *department* ~~unit~~ trust funds may be expended by the Department of Health ~~and Rehabilitative Services~~ for the respective county health departments in accordance with budgets and plans agreed upon by the county authorities of each county and the Department of Health ~~and Rehabilitative Services~~. The limitations on appropriations provided in s. 216.262(1) shall not apply to county health *department* ~~unit~~ trust funds.

Section 13. Section 232.032, Florida Statutes, is amended to read:

232.032 Immunization against communicable diseases; school attendance requirements; exemptions.—

(1) The Department of Health ~~and Rehabilitative Services~~, after consultation with the Department of Education, shall promulgate rules governing the immunization of children against, the testing for, and the control of preventable communicable diseases. Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus, and other communicable diseases as determined by rules of the Department of Health ~~and Rehabilitative Services~~. The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. The Department of Health ~~and Rehabilitative Services~~ shall supervise and secure the enforcement of the required immunization. Immunizations required by this act shall be available at no cost from the ~~local~~ county health *departments* ~~units~~.

~~(2) The Department of Health and Rehabilitative Services, in conjunction with the Department of Education, the Florida Parent-Teacher Association, and the American Lung Association of Florida, shall investigate the incidence of tuberculosis among school-age children in the state. As part of this investigation, the department shall determine if there is a need to establish a threshold incidence rate of tuberculosis in schools at which time specific action should be taken to address these concerns, and an indication of what specific action is necessary. A report on these activities is due to the Legislature by December 15, 1994. Nothing in this paragraph shall be construed to limit the existing authority of the Department of Health and Rehabilitative Services to control the transmission of communicable diseases.~~

(2)~~(3)~~ The school board of each district and the governing authority of each nonpublic school shall establish and enforce as policy that, prior to admittance to or attendance in a public or nonpublic school, grades preschool through 12, each child present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health ~~and Rehabilitative Services~~ and further shall provide for appropriate screening of its pupils for scoliosis at the proper age. Such certification shall be made on forms approved and provided by the Department of Health ~~and Rehabilitative Services~~ and shall become a part of each

student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. ~~Effective July 1, 1994,~~ The transfer of such immunization certification by Florida public schools shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to meet the requirements of this section.

(3)~~(4)~~ The provisions of this section shall not apply if:

(a) The parent or guardian of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices;

(b) A physician licensed under the provisions of chapter 458 or chapter 459 certifies in writing, on a form approved and provided by the Department of Health ~~and Rehabilitative Services~~, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

(c) A physician licensed under the provisions of chapter 458, chapter 459, or chapter 460 certifies in writing, on a form approved and provided by the Department of Health ~~and Rehabilitative Services~~, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;

(d) The Department of Health ~~and Rehabilitative Services~~ determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

(e) An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a child who transfers into a new county to attend class until his or her records can be obtained. The public school health nurse or authorized nonpublic school official is responsible for followup of each such child until proper documentation or immunizations are obtained.

(4)~~(5)~~(a) No person licensed by this state as a physician or nurse shall be liable for any injury caused by his or her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this section if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

(b) No member of a school board, or any of its employees, or member of a governing board of a nonpublic school, or any of its employees, shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this section.

(5)~~(6)~~ The parents or guardians of any child admitted to or in attendance at a Florida public or nonpublic school, grades preschool through 12, are responsible for assuring that the child is in compliance with the provisions of this section.

(6)~~(7)~~ Each public school, kindergarten, or preschool, and each nonpublic school, kindergarten, or preschool shall be required to provide to the county ~~public~~ health *department* ~~unit~~ director or administrator annual reports of compliance with the provisions of this section. Reports shall be completed on forms provided by the Department of Health ~~and Rehabilitative Services~~ for each preschool, kindergarten, and other grade as specified; and the reports shall include the status of children who were admitted at the beginning of the school year. After consultation with the Department of Education, the Department of Health ~~and Rehabilitative Services~~ shall establish by administrative rule the dates for submission of these reports, the grades for which the reports shall be required, and the forms to be used.

(7)~~(8)~~ The presence of any of the communicable diseases for which immunization is required by the Department of Health ~~and Rehabilitative Services~~ in a Florida public or nonpublic school shall permit the county ~~public~~ health *department* ~~unit~~ director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all children in attendance in the school who are not in compliance with the provisions of this section be identified by the district school board or by the governing authority of the nonpublic school; and the school health and immunization records of such children shall be made available to the county ~~public~~ health *department* ~~unit~~ director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school by the district school board, or the governing authority, until such time as is specified by the county ~~public~~ health *department* ~~unit~~ director or administrator.

(8)~~(9)~~ The school board of each district and the governing authority of each private school shall:

(a) Refuse admittance to any child otherwise entitled to admittance to kindergarten, or any other initial entrance into a Florida public or nonpublic school, who is not in compliance with the provisions of subsection (2).

(b) ~~Effective August 1, 1982,~~ Temporarily exclude from attendance any student who is not in compliance with the provisions of subsection (2).

(9)~~(10)~~ The provisions of this section do not apply to those persons admitted to or attending adult education classes unless the adult students are under 21 years of age.

Section 14. Subsection (4) of section 232.465, Florida Statutes, 1996 Supplement, is amended to read:

232.465 Provision of medical services; restrictions.—

(4) Each district school board shall establish emergency procedures in accordance with *s. 381.0056(5)* ~~s. 402.32(5)~~ for life-threatening emergencies.

Section 15. Subsections (4) through (10) of section 240.4075, Florida Statutes, are amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of Health ~~and Rehabilitative Services~~ directly to the federal or state programs or commercial lending institutions holding the loan as follows:

(a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;

(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;

(c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and

(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed $4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of Health ~~and Rehabilitative Services~~ pursuant to this section and s. 240.4076 and *department* rules ~~of the Department of Health and Rehabilitative Services~~. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Health ~~and Rehabilitative Services~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to *licensing fees imposed under* ~~the licensing fee as determined by~~ chapter 464, there is hereby levied and imposed *an additional* ~~a license~~ fee of $5 ~~for the practice of nursing~~, which fee shall be paid ~~to the Department of Business and Professional Regulation~~ upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this *subsection* ~~section~~ shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of Health ~~and Rehabilitative Services~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent

of the revenues appropriated to implement this subsection may be used for the nursing scholarship ~~loan~~ program *established* pursuant to s. 240.4076.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county *health departments* ~~public health units~~, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07.

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

(8) The Department of Health ~~and Rehabilitative Services~~ may solicit technical assistance relating to the conduct of this program from the Department of Education.

(9) The Department of Health ~~and Rehabilitative Services~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of Health ~~and Rehabilitative Services~~ may adopt rules necessary to administer this program.

Section 16. Section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship ~~loan~~ program.—

(1) There is established within the Department of Health ~~and Rehabilitative Services~~ a scholarship ~~loan~~ program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship ~~loan~~ applicant shall be enrolled as a full-time *or part-time* student in the upper division of an approved nursing program leading to the award of a baccalaureate or any advanced registered nurse practitioner degree or be enrolled as a full-time *or part-time* student in an approved program leading to the award of an associate degree in nursing or a diploma in nursing.

(3) A scholarship ~~loan~~ may be awarded for no more than 2 years, in an amount not to exceed $8,000 per year. However, registered nurses pursuing an advanced registered nurse practitioner degree may receive up to $12,000 per year. *Beginning July 1, 1998, these amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.*

(4) Credit for repayment of a scholarship ~~loan~~ shall be ~~on a year-for-year basis~~ as follows:

(a) For each *full* year of scholarship ~~loan~~ assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of Health ~~and Rehabilitative Services~~. *Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.*

(b) Eligible health care facilities include state-operated medical or health care facilities, county *health departments* ~~public health units~~, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07~~(49)~~.

~~(b) When repaying scholarship loans,~~ The recipient shall be encouraged to complete the service obligation at a single employment site. If ~~and when such~~ continuous employment *at the same site* is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies or who does not become licensed shall repay to the Department of Health ~~and Rehabilitative Services~~, on a schedule to be determined by the department, the entire amount of the scholarship ~~loan~~ plus 18 percent interest *accruing* from the date of the scholarship ~~loan~~ payment. Moneys *repaid* shall be deposited into the Nursing Student Loan Forgiveness Trust Fund *established in s. 240.4075*. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship ~~loan~~ assistance received shall repay to the Department of Health ~~and Rehabilitative Services~~ an amount equal to *two* ~~three~~ times the entire amount of the scholarship ~~loan~~ plus interest *accruing* from the date of the scholarship ~~loan~~ payment at the maximum allowable interest rate permitted by law. ~~Such~~ Repayment shall be made within 1 year of notice that the *recipient* ~~loan~~ is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) ~~Payment of~~ Scholarship *payments* ~~loans~~ shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled ~~as a full-time student~~ in an approved nursing program. The Department of Health ~~and Rehabilitative Services~~ shall develop a formula to prorate payments to scholarship ~~loan~~ recipients so as not to exceed the maximum amount per academic year.

(6) The Department of Health ~~and Rehabilitative Services~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Education.

(7) The Department of Health ~~and Rehabilitative Services~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship ~~loan~~ program.

Section 17. Section 381.0021, Florida Statutes, is created to read:

381.0021 Client welfare accounts.—The Department of Health may establish one or more client welfare accounts in any bank, savings and loan association, or credit union. If one account is created, separate revenue and expense accounts shall be maintained in the department's accounting system for each client, program, facility, or institution. Funds to be deposited in the account shall consist of client funds, private donations, and revenue from any auxiliary, canteen, or similar endeavor in a department program, facility, or institution. The interest or increment accruing on such funds shall be the property of the client when such funds are deposited on behalf of a client. Nonclient funds shall be used for the benefit, education, and general welfare of clients. The general welfare of clients includes, but is not limited to, the establishment of, maintenance of, employment of personnel for, and the purchase of items for resale at canteens or through vending machines maintained by a department program, facility, or institution and for programs and activities that benefit clients such as canteens; hobby shops; recreational, entertainment, or activity centers; or similar programs.

Section 18. Section 381.0055, Florida Statutes, 1996 Supplement, is amended to read:

381.0055 Confidentiality and quality assurance activities.—

(1) All information which is confidential by operation of law and which is obtained by the Department *of Health*, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network, or a panel or committee assembled by the department, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network pursuant to this section, shall retain its confidential status and be exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) All information which is confidential by operation of law and which is obtained by a hospital or health care provider from the department, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network, or a panel or committee assembled by the department, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network pursuant to this

section, shall retain its confidential status and be exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) Portions of meetings, proceedings, reports, and records of the department, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network, or a panel or committee assembled by the department, a county *health department* ~~public health unit~~, healthy start coalition, or certified rural health network pursuant to this section, which relate solely to patient care quality assurance and where specific persons or incidents are discussed are confidential and exempt from the provisions of s. 286.011, and s. 24(b), Art. I of the State Constitution and are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, respectively. ~~Patient care quality assurance includes medical peer review activities and fetal infant mortality reviews.~~

Section 19. Section 381.0062, Florida Statutes, 1996 Supplement, is amended to read:

381.0062 Supervision; private and certain public water systems.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to protect the public's health by ~~requiring permits or~~ establishing standards for *the construction, modification, and operation of* ~~limited use community and limited use commercial~~ public *and private* water systems~~, and private water systems in order~~ to assure consumers that the water provided by those systems *is potable* ~~meets satisfactory standards for human consumption~~.

(2) DEFINITIONS.—As used in this section:

(a) "Contaminant" means any physical, biological, chemical, or radiological substance or matter in water.

(b) "Department" means the Department of Health ~~and Rehabilitative Services~~, including the county ~~public~~ health *departments* ~~units~~.

(c) "Florida Safe Drinking Water Act" means part VI of chapter 403.

(d) "Health hazard" means any condition, contaminant, device, or practice in a water system or its operation which will create or has the potential to create an acute or chronic threat to the health and well-being of the water consumer.

(e) "Limited use commercial public water system" means a public water system not covered or included in the Florida Safe Drinking Water Act, which serves one or more nonresidential establishments and provides piped ~~potable~~ water.

(f) "Limited use community public water system" means a public water system not covered or included in the Florida Safe Drinking Water Act, which serves five or more private residences or two or more rental residences, and provides piped ~~potable~~ water.

(g) "Maximum contaminant level" means the maximum permissible level of a contaminant in potable water delivered to consumers.

(h) "Person" means an individual, public or private corporation, company, association, partnership, municipality, agency of the state, district, federal, or any other legal entity, or its legal representative, agent, or assignee.

(i) "Potable water" means water that is satisfactory for human consumption, dermal contact, culinary purposes, or dishwashing *as approved by the department*.

(j) "Private water system" means a water system that provides piped ~~potable~~ water for no more than four nonrental residences.

(k) "Public consumption" means oral ingestion or physical contact with water by a person for any purpose other than cleaning work areas or simple handwashing. Examples of public consumption include, when making food or beverages available to the general public, water used for washing food, cooking utensils, or food service areas and water used for preparing food or beverages; ~~hairwashing; showers;~~ washing surfaces accessed by children as in a child care center or similar setting; washing medical instruments or surfaces accessed by a patient; any water usage in health care facilities; emergency washing devices such as eye washing sinks; washing in food processing plants or establishments like slaughterhouses and packinghouses; and water used in schools.

(l) "Public water system" means a water system that is not included or covered under the Florida Safe Drinking Water Act, provides piped water to the public and is not a private water system. For purposes of this section, public water systems are classified as limited use community or limited use commercial.

(m)~~(l)~~ "Supplier of water" means the person, company, or corporation that owns or operates a limited use community or limited use commercial public water system, or a private water system.

(n)~~(m)~~ "Variance" means a sanction from the department affording a supplier of water an extended time to correct a maximum contaminant level violation caused by the raw water or to deviate from construction standards established by rule of the department.

(3) SUPERVISION.—The department and its agents shall have general supervision and control over all private water systems, and public water systems not covered or included in the Florida Safe Drinking Water Act (part VI of chapter 403), and over those aspects of the public water supply program for which it has the duties and responsibilities provided for in part VI of chapter 403. The department shall:

(a) Administer and enforce the provisions of this section and all rules and orders adopted or issued under this section, *including water quality and monitoring standards*.

(b) Require any person wishing to construct, modify, or operate a limited use community or limited use commercial public water system or a private water system to first make application to and obtain approval from the department on forms adopted by rule of the department.

(c) Review and act upon any application for the construction, modification, operation, or change of ownership of, and conduct surveillance, enforcement, and compliance investigations of, limited use community and limited use commercial public water systems, and private water systems.

(d) Require a fee from the supplier of water in an amount sufficient to cover the costs of reviewing and acting upon any application for the construction, modification, or operation of a limited use community and limited use commercial public water system, of not less than *$10* ~~$40~~ or more than $90 annually.

(e) Require a fee from the supplier of water in an amount sufficient to cover the costs of reviewing and acting upon any application for the construction or change of ownership of a private water system serving more than one residence, of not less than *$10* ~~$40~~ or more than $90.

(f) Require a fee from the supplier of water in an amount sufficient to cover the costs of sample collection, review of analytical results, health-risk interpretations, and coordination with other agencies when such work is not included in paragraphs (b) and (c) and is requested by the supplier of water, of not less than *$10* ~~$40~~ or more than $90.

(g) Require suppliers of water to collect samples of water, to submit such samples to a department-certified drinking water laboratory for contaminant analysis, and to keep sampling records as required by rule of the department.

(h) Require all fees collected by the department in accordance with the provisions of this section to be deposited in an appropriate trust fund of the department, and used exclusively for the payment of costs incurred in the administration of this section.

(i) Prohibit any supplier of water from, intentionally or otherwise, introducing any contaminant which poses a health hazard into a drinking water system.

(4) RIGHT OF ENTRY.—For purposes of this section, department personnel may enter, at any reasonable time and if they have reasonable cause to believe a violation of this section is occurring or about to occur, upon any and all parts of the premises of such limited use public and private drinking water systems serving more than one residence, to make an examination and investigation to determine the sanitary and safety conditions of such systems. Any person who interferes with, hinders, or opposes any employee of the department in the discharge of his or her duties pursuant to the provisions of this section is subject to the penalties provided in s. 381.0025.

(5) ENFORCEMENT AND PENALTIES.—

(a) Any person who constructs, modifies, or operates a limited use community or limited use commercial public water system, or a private water system, without first complying with the requirements of this section, who operates a water system in violation of department order, or who maintains or operates a water system after revocation of the permit is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) This section and rules adopted pursuant to this section may be enforced by injunction or restraining order granted by a circuit court as provided in s. 381.0012(2).

(c) Additional remedies available to county public health unit staff through any county or municipal ordinance may be applied, over and above the penalties set forth in this section, to any violation of this section or the rules adopted pursuant to this section.

(6) VARIANCES AND EXEMPTIONS.—

(a) The department may grant variances and exemptions from the rules promulgated under the provisions of this section through procedures set forth by the rule of the department.

(b) Any establishment with a limited-use commercial public water system which does not make tap water available for public consumption and meets the water quality standards established by the department shall be exempt from obtaining an annual operating permit from the department, *if* ~~provided~~ the supplier of water:

1. Registers with the department; *if the establishment changes ownership or business activity, it must register; and pay a $15 registration fee; and*

2. Performs an initial water quality clearance of the water supply *system*. ~~well; and~~

~~3. Conducts~~

A system exempt under this subsection may, in order to retain potable water status, conduct annual testing for bacteria in the form of one satisfactory microbiological sample per calendar year. ~~In the event that the establishment changes ownership or business activity, reregistration is required. A fee of $15 shall be assessed for registration.~~

Section 20. Subsections (3) and (4) of section 381.0065, Florida Statutes, 1996 Supplement, are amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH ~~AND REHABILITATIVE SERVICES~~.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day which is not currently regulated under chapter 403.

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, repaired, modified, abandoned, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination and surface water contamination and to preserve the public health. The *department* ~~State Health Office~~ is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the *Division Director* ~~Assistant Health Officer~~ for Environmental Health of the department ~~of Health and Rehabilitative Services~~, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be initially approved by the technical advisory panel and shall be applicable to and reflect the soil conditions specific to Florida. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in Florida and that are principally located in Florida. Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical advisory panel or the research review and advisory committee.

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate septage-stabilization and disposal facilities not regulated by the Department of Environmental Protection.

(m) Permit and inspect portable or temporary toilet services.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department ~~of Health and Rehabilitative Services~~. The department may issue permits to carry out this section. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit is valid for 1 year from the date of issuance and must be renewed annually. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance

formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily domestic sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily domestic sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding the provisions of paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the Department of Health and Rehabilitative Services, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed upon densities are reached. The department may consider assurances filed with the Department of Business and Professional Regulation under chapter 498 in determining the adequacy of the financial assurance required by this paragraph. In a subdivision regulated by this paragraph, the average daily domestic sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph. The department shall report to the Legislature by February 1 of each odd-numbered year concerning the success in meeting this intent.

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Seventy-five feet from surface waters.

5. Fifty feet from any nonpotable well.

6. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

7. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual-lot stormwater-retention areas.

(f) All provisions of this section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for domestic onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(g)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. There is no fee associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. No reasonable alternative exists for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The board consists of the following:

a. The *Division Director* ~~Assistant Health Officer~~ for Environmental Health of the department ~~of Health and Rehabilitative Services~~ or his or her designee.

b. A representative from the county public health units.

c. A representative from the home building industry.

d. A representative from the septic tank industry.

e. A representative from the Department of Environmental Protection.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but may be reimbursed for per diem and travel expenses as provided in s. 112.061.

(h) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(i) An onsite sewage treatment and disposal system for a single-family residence that is designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. The technical review and advisory panel shall assist the department in the development of performance criteria applicable to engineer-designed systems. Workshops on the development of the rules delineating such criteria shall commence not later than September 1, 1996, and the department shall advertise such rules for public hearing no later than October 1, 1997.

3. A person electing to utilize an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the *county health department* ~~local public health unit~~. The *county health department* ~~local public health unit~~ may utilize an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the *county health department* ~~local public health unit~~ shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the *county health department* ~~local public health unit~~ either shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to ~~the State Health Office of~~ the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The *department* ~~State Health Office~~ engineer's determination shall prevail over the action of the *county health department* ~~local public health unit~~. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

4. The owner of an engineer-designed performance-based system must obtain an annual system operating permit from the department. The department shall inspect the system at least annually and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the annual operating permit shall be collected beginning with the second year of system operation.

5. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(j) An innovative system may be approved in conjunction with an engineer-designed site-specific system which is certified by the engineer to meet the performance-based criteria adopted by the department.

(k) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and which considers water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The department shall require effluent from onsite sewage treatment and disposal systems to meet advanced waste treatment concentrations, as defined in s. 403.086.

(l) No product sold in the state for use in onsite sewage treatment and disposal systems may contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. In the event a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(m) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(n) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:

1. A representative of *the Division of* ~~a district~~ Environmental Health ~~Office~~ of the Department of Health ~~and Rehabilitative Services~~.

2. A representative from the septic tank industry.

3. A representative from the home building industry.

4. A representative from an environmental interest group.

5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.

6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.

7. A representative from the real estate profession.

8. A representative from the restaurant industry.

9. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but may be reimbursed for per diem and travel expenses as provided in s. 112.061.

(o) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. No specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider prior to submission of an application for an onsite sewage treatment and disposal system.

(q) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

Section 21. Section 381.0101, Florida Statutes, is amended to read:

381.0101 Environmental health professionals.—

(1) LEGISLATIVE INTENT.—Persons ~~specifically~~ responsible for providing technical and scientific evaluations of environmental health and sanitary conditions in business establishments and communities throughout the state may create a danger to the public health if they are not skilled or competent to perform such evaluations. The public relies on the judgment of environmental health professionals employed by both government agencies and industries to assure them that environmental hazards are identified and removed before they endanger the health or safety of the public. The purpose of this section is to assure the public that persons specifically responsible for performing environmental health and sanitary evaluations have been certified by examination as competent to perform such work.

(2) DEFINITIONS.—As used in this section:

(a) "Board" means the Environmental Health Professionals *Advisory* ~~Certification~~ Board.

(b) "Department" means the Department of Health ~~and Rehabilitative Services~~.

(c) "Environmental health" means that segment of public health work which deals with the examination of those factors in the human environment which may impact adversely on the health status of an individual or the public.

(d) "Environmental health professional" means a person who is employed or assigned the responsibility for assessing the environmental health or sanitary conditions within a building, on an individual's property, or within the community at large, and who has the knowledge, skills, and abilities to carry out these tasks.

(e) "Certified" means a person who has displayed competency ~~by examination~~ to perform evaluations of environmental or sanitary conditions *through examination*.

(f) "Registered sanitarian" or "R.S." means a person who has been certified by either the National Environmental Health Association or the Florida Environmental Health Association as knowledgeable in the environmental health profession.

(g) "Primary environmental health program" means those programs determined by the department to be essential for providing basic environmental and sanitary protection to the public. At a minimum, these programs shall include food hygiene evaluations, and onsite *sewage treatment and* ~~wastewater~~ disposal system evaluations.

(3) CERTIFICATION REQUIRED.—No person shall perform environmental health or sanitary evaluations in any primary program area of environmental health without being certified by the department as competent to perform such evaluations. The requirements of this section shall not be mandatory for persons performing inspections of public food service establishments licensed under chapter 509.

(4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The State Health Officer shall appoint an advisory board to assist the department in the promulgation of rules for certification, testing, establishing standards, and seeking enforcement actions against certified professionals.

(a) The board shall be comprised of the *Division Director* ~~Assistant Health Officer~~ for Environmental Health or his or her designee, one individual who will be certified under this section, one individual not employed in a governmental capacity who will or does employ a certified environmental health professional, one individual whose business is or will be evaluated by a certified environmental health professional, a citizen of the state who neither employs nor is routinely evaluated by a person certified under this section.

(b) The board shall advise the department as to the minimum standards of competency and proficiency necessary to obtain certification in a primary area of environmental health practice.

1. The board shall recommend primary areas of environmental health practice in which environmental health professionals should be required to obtain certification.

2. The board shall recommend minimum standards of practice which the department shall incorporate into rule.

3. The board shall evaluate and recommend to the department existing registrations and certifications which meet or exceed minimum department standards and should, therefore, exempt holders of such certificates or registrations from compliance with this section.

4. The board shall hear appeals of certificate denials, revocation, or suspension and shall advise the department as to the disposition of such an appeal.

5. The board shall meet as often as necessary, but no less than semiannually, handle appeals to the department, and conduct other duties of the board.

6. Members of the board shall receive no compensation but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(5) STANDARDS FOR CERTIFICATION.—The department shall adopt rules that establish minimum standards of education, training, or experience for those persons subject to this section. The rules shall also address ethical standards of practice for the profession.

(a) Persons employed as environmental health professionals shall exhibit a knowledge of rules and principles of environmental and public health law in Florida through examination. No person shall conduct environmental health evaluations in a primary program area unless he or she is currently certified in that program area or works under the direct supervision of a certified environmental health professional.

1. All ~~such~~ persons who begin employment in a primary environmental health program *on or* after *September 21, 1994, must* ~~July 1, 1991, shall~~ be certified in that program within 6 months after employment.

2. Persons employed in a primary environmental health program prior to *September 21, 1994, shall be considered certified* ~~July 1, 1991, are exempt from certification requirements~~ while employed in that position *and shall be required to adhere to any professional standards established by the department pursuant to paragraph (b); complete any continuing education requirements imposed under paragraph (d); and pay the certificate renewal fee imposed under subsection (7).*

3. Persons employed in a primary environmental health program prior to September 21, 1994, who change positions or program areas and transfer into another primary environmental health program area on or after September 21, 1994, must be certified in that program within 6 months after such transfer, except that they will not be required to possess the college degree required under paragraph (e).

4. Registered sanitarians shall be considered certified and shall be required to adhere to any professional standards established by the department pursuant to paragraph (b).

(b) At a minimum, the department shall establish standards for professionals in the areas of food hygiene and onsite sewage treatment and disposal.

(c) Those persons conducting primary environmental health evaluations shall be certified by examination to be knowledgeable in any primary area of environmental health in which they are routinely assigned duties.

(d) Persons who are certified shall renew their certification biennially by completing not less than *24* ~~6~~ contact hours of continuing education for each program area in which they maintain certification.

(e) Applicants for certification shall have graduated from an accredited 4-year college or university with major coursework in environmental health, environmental science, or a physical or biological science.

(6) EXEMPTIONS.—A person who conducts primary environmental evaluation activities and maintains a current registration or certification from another state agency which examined the person's knowledge of the primary program area and requires comparable continuing education to maintain the certificate shall not be required to be certified by this section. Examples of persons not subject to certification are physicians, registered dietitians, certified laboratory personnel, and nurses. ~~Registered sanitarians are deemed to have met the certification requirements of this section.~~

(7) FEES.—The department shall charge fees in amounts necessary to meet the cost of providing certification. ~~Application~~ Fees for certification ~~in a program area~~ shall be no less than $25 nor more than *$300 and shall be set by rule* ~~$100~~. *Application,* examination, *and certification* costs shall be included in this fee. ~~Certification fees shall be no less than $25 nor more than $50 per biennium.~~ Fees for renewal of a certificate shall be no less than $25 nor more than *$150* ~~$50~~ per biennium.

(8) PENALTIES.—The department may deny, suspend, or revoke a certificate or impose an administrative fine of up to $500 for each violation of this section or a rule adopted under this section or may pursue any other enforcement action authorized by law. Any person who has had a certificate revoked may not conduct environmental health evaluations in a primary program area for a minimum of 5 years from the date of revocation.

Section 22. Paragraph (e) is added to subsection (2) of section 381.0203, Florida Statutes, to read:

381.0203 Pharmacy services.—

(2) The department may establish and maintain a pharmacy services program, including, but not limited to:

(e) A contraception distribution program which shall be implemented, to the extent resources permit, through the licensed pharmacies of county health departments. A woman who is eligible for participation in the contraceptive distribution program is deemed a patient of the county health department.

1. To be eligible for participation in the program a woman must:

a. Be a client of the department or the Department of Children and Family Services.

b. Be of childbearing age with undesired fertility.

c. Have an income between 150 and 200 percent of the federal poverty level.

d. Have no Medicaid benefits or applicable health insurance benefits.

e. Have had a medical examination by a licensed health care provider within the past 6 months.

f. Have a valid prescription for contraceptives that are available through the contraceptive distribution program.

g. Consent to the release of necessary medical information to the county health department.

2. Fees charged for the contraceptives under the program must cover the cost of purchasing and providing contraceptives to women participating in the program.

3. The department may adopt rules to administer this program.

Section 23. Subsections (3) and (12) of section 381.0302, Florida Statutes, are amended to read:

381.0302 Florida Health Services Corps.—

(3) The Florida Health Services Corps shall be developed by the *department* ~~State Health Office~~ in cooperation with the programs in the area Health Education Center network as defined in s. 381.0402 and the state's health care education and training institutions. The State Health Officer shall be the director of the Florida Health Services Corps.

(12) Funds appropriated under this section shall be deposited in the Florida Health Services Corps Trust Fund, which shall be administered by the *department* ~~State Health Office~~. The department may use funds appropriated for the Florida Health Services Corps as matching funds for federal service-obligation scholarship programs for health care practitioners, such as the Demonstration Grants to States for Community Scholarship Grants program. If funds appropriated under this section are used as matching funds, federal criteria shall be followed whenever there is a conflict between provisions in this section and federal requirements.

Section 24. Subsection (1) of section 381.0405, Florida Statutes, is amended to read:

381.0405 Office of Rural Health.—

(1) ESTABLISHMENT.—The Department *of Health* shall establish an Office of Rural Health ~~within the State Health Office~~. The Office of Rural Health shall coordinate its activities with the area health education center network established pursuant to s. 381.0402 and with any appropriate research and policy development centers within universities that have state-approved medical schools. The Office of Rural Health may enter into a formal relationship with any center that designates the office as an affiliate of the center.

Section 25. Subsections (13), (16), and (17), and paragraph (a) of subsection (15), of section 381.0406, Florida Statutes, are amended to read:

381.0406 Rural health networks.—

(13) TRAUMA SERVICES.—In those network areas which have an established trauma agency approved by the Department of Health ~~and Rehabilitative Services~~, that trauma agency must be a participant in the network. Trauma services provided within the network area must comply with s. 395.037.

(15) NETWORK IMPLEMENTATION.—As funds become available, networks shall be developed and implemented in two phases.

(a) Phase I shall consist of a network planning and development grant program ~~administered by the Agency for Health Care Administration in consultation with the State Health Officer~~. Planning grants shall be used to organize networks, incorporate network boards, and develop formal provider agreements as provided for in this section. The *Department of Health* ~~Agency for Health Care Administration~~ shall develop a request-for-proposal process to solicit grant applications.

(16) CERTIFICATION.—For the purpose of certifying networks that are eligible for Phase II funding, the *Department of Health* ~~Agency for Health Care Administration, in consultation with the State Health Office,~~ shall certify networks that meet the criteria delineated in this section and the rules governing rural health networks.

(17) RULES.—The *Department of Health* ~~Agency for Health Care Administration, in consultation with the State Health Office,~~ shall establish rules that govern the creation and certification of networks, including establishing outcome measures for networks.

Section 26. Section 381.04065, Florida Statutes, is amended to read:

381.04065 Rural health network cooperative agreements.—

(1) INTENT.—It is the Legislature's intent that, to the extent necessary to foster the development of rural health networks as provided for in s. 381.0406, competitive market forces shall be replaced with state regulation, as provided for in *this section* ~~subsections (2) and (3)~~. It is also the intent of the Legislature that consolidation of network hospital services or technologies undertaken pursuant to this section, and cooperative agreements between members of rural health networks, shall not violate the state's antitrust laws when such arrangements improve the quality of health care, moderate cost increases, and are made between members of rural health networks as defined in s. 381.0406. It is also the intent of the Legislature that such arrangements be protected from federal antitrust laws, subject to the approval and supervision of the *Department of Health* ~~Agency for Health Care Administration~~. Such intent is within the public policy of the state to facilitate the provision of quality, cost-efficient medical care to rural patients.

(2) *DEPARTMENT* ~~STATE ACTION~~ APPROVAL.—Providers who are members of certified rural health networks who seek to consolidate services or technologies or enter into cooperative agreements shall seek approval from the *Department of Health* ~~Agency for Health Care Administration~~, which may consult with the Department of Legal Affairs. The *department* ~~agency~~ shall determine that the likely benefits resulting from the agreement outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement and issue a letter of approval if, in its determination, the agreement reduces or moderates costs and meets any of the following criteria:

(a) Consolidates services or facilities in a market area used by rural health network patients to avoid duplication;

(b) Promotes cooperation between rural health network members in the market area;

(c) Encourages cost sharing among rural health network facilities;

(d) Enhances the quality of rural health care; or

(e) Improves utilization of rural health resources and equipment.

(3) STATE OVERSIGHT.—The *Department of Health* ~~agency~~ shall review each agreement approved under *this section* ~~subsection (2)~~ at least every 2 years. If the *department* ~~agency~~ determines that the likely benefits resulting from its state action approval no longer outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement, the *department* ~~agency~~ shall initiate proceedings to terminate its state action approval governing the agreement. Such termination proceeding shall be governed by chapter 120~~, the Florida Administrative Procedure Act~~.

(4) JUDICIAL REVIEW.—Any applicant aggrieved by a decision of the *Department of Health* ~~Agency for Health Care Administration~~ shall be entitled to both administrative and judicial review thereof in accordance with chapter 120. In such review, the decision of the *department* ~~agency~~ shall be affirmed unless it is arbitrary, capricious, or it is not in compliance with this section.

(5) RULEMAKING.—The *Department of Health* ~~Agency for Health Care Administration~~, in consultation with the ~~State Health Office and the~~ Office of the Attorney General, shall establish rules necessary to implement this section.

Section 27. Subsections (3) through (7) of section 381.0407, Florida Statutes, 1996 Supplement, are amended to read:

381.0407 Managed care and publicly funded primary care program coordination.—

(3) DEFINITIONS.—As used in this section the term:

(a) "Managed care plan" or "plan" means an entity that contracts with the Agency for Health Care Administration on a prepaid or fixed-sum basis for the provision of Medicaid services pursuant to s. 409.912.

(b) "Publicly funded primary care provider" or "public provider" means a county *health department* ~~public health unit~~ or a migrant health center funded under s. 329 of the Public Health Services Act or a community health center funded under s. 330 of the Public Health Services Act.

(4) REIMBURSEMENT REQUIRED.—Without prior authorization, managed care plans, and the MediPass program as administered by the Agency for Health Care Administration, shall pay claims initiated by any public provider, to the extent the managed care plan or MediPass program provides coverage, for:

(a) The diagnosis and treatment of sexually transmitted diseases and other communicable diseases such as tuberculosis and human immunodeficiency *virus infection* ~~syndrome~~.

(b) The provision of immunizations.

(c) Family planning services and related pharmaceuticals.

(d) School health services listed in paragraphs (a), (b), and (c) and ~~for~~ services rendered on an urgent basis. Services rendered on an urgent basis are ~~those~~ health care services needed to immediately relieve pain or distress for medical problems such as injuries, nausea, and fever, and ~~services needed~~ to treat infectious diseases and other similar conditions.

Public providers shall attempt to contact managed care plans before providing health care services to their subscribers. Public providers shall provide managed care plans with the results of the office visit, including test results, and shall be reimbursed by managed care plans at the rate negotiated between the managed care plan and the public provider or, if a rate has not been negotiated, at the lesser of either the rate charged by the public provider or the Medicaid fee-for-service reimbursement rate.

(5) EMERGENCY SHELTER *MEDICAL SCREENING* REIMBURSEMENT.—County *health departments* ~~public health units~~ shall be reimbursed by managed care plans, *and the MediPass program as administered by the Agency for Health Care Administration,* for *clients of the* Department of *Children and Family* ~~Health and Rehabilitative~~ Services *who receive* emergency shelter medical screenings.

(6) MATERNAL AND CHILD HEALTH SERVICES.—The Agency for Health Care Administration, in consultation with the *Department of Health* ~~State Health Office~~, shall encourage agreements between Medicaid-financed managed care plans and public providers for the authorization of and payment for the following services:

(a) Maternity case management.

(b) Well-child care.

(c) Prenatal care.

(7) VACCINE-PREVENTABLE DISEASE EMERGENCIES.—In the event that a vaccine-preventable disease emergency is declared by the State Health Officer or a county *health department* ~~public health unit~~ director or administrator, managed care plans, the MediPass program as administered by the Agency for Health Care Administration, and health maintenance organizations and prepaid health clinics licensed under chapter 641 shall reimburse county *health departments* ~~public health units~~ for the cost of the administration of vaccines to persons covered by these entities, provided such action is necessary to end the emergency. Reimbursement shall be at the rate negotiated between the entity and the county *health department* ~~public health unit~~ or, if a rate has not been negotiated, at the lesser of either the rate charged by the county *health department* ~~public health unit~~ or the Medicaid fee-for-service reimbursement rate. No charge shall be made by the county *health department* ~~public health unit~~ for the actual cost of the vaccine *or* ~~and~~ for services not covered under the policy or contract of the entity.

Section 28. Subsection (5) of section 383.14, Florida Statutes, 1996 Supplement, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(5) ADVISORY COUNCIL.—There is established a Genetics and Infant Screening Advisory Council made up of 12 members appointed by the Secretary ~~of~~ Health ~~and Rehabilitative Services~~. The council shall be composed of two consumer members, three practicing pediatricians,

at least one of whom must be a pediatric hematologist, one representative from each of the four medical schools in the state, the ~~Deputy~~ Secretary *of* ~~for~~ Health or his or her designee, one representative from the *Division of* Children's Medical Services ~~Program Office~~, and one representative from the Developmental Services Program Office *of the Department of Children and Family Services.* All appointments shall be for a term of 4 years. The chairperson of the council shall be elected from the membership of the council and shall serve for a period of 2 years. The council shall meet at least semiannually or upon the call of the chairperson. The council may establish ad hoc or temporary technical advisory groups to assist the council with specific topics which come before the council. Council members shall serve without pay. Pursuant to the provisions of s. 112.061, the council members are entitled to be reimbursed for per diem and travel expenses. It is the purpose of the council to advise the department about:

(a) Conditions for which testing should be included under the screening program and the genetics program;

(b) Procedures for collection and transmission of specimens and recording of results; and

(c) Methods whereby screening programs and genetics services for children now provided or proposed to be offered in the state may be more effectively evaluated, coordinated, and consolidated.

Section 29. Section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden Infant Death Syndrome.—

(1) FINDINGS AND INTENT.—The Legislature recognizes that ~~research has shown~~ Sudden Infant Death Syndrome, or SIDS, *is* ~~to be~~ a leading cause of death among children under the age of 1 year, both nationally and in this state. The Legislature further recognizes that first responders to emergency calls relating to such a death need access to special training to better enable them to distinguish SIDS from death caused by criminal acts and to appropriately interact with the deceased infant's parents or caretakers. At the same time, the Legislature, recognizing that the primary focus of first responders is to carry out their assigned duties, intends to increase the awareness of SIDS by first responders, but in no way expand or take away from their duties. Further, the Legislature recognizes the importance of a standard protocol for review of SIDS deaths by medical examiners and the importance of appropriate followup in cases of certified or suspected SIDS deaths. ~~Further, the Legislature recognizes the benefits of establishing a SIDS Advisory Council.~~ Finally, the Legislature finds that it is desirable to analyze existing data, and to conduct further research on, the possible causes of SIDS and how to lower the number of sudden infant deaths.

(2) DEFINITION.—As used in this section, the term "Sudden Infant Death Syndrome," or "SIDS," means the sudden unexpected death of an infant under 1 year of age which remains unexplained after a complete autopsy, death-scene investigation, and review of the case history. The term includes only those deaths for which, currently, there is no known cause or cure.

(3) TRAINING.—

(a) The Legislature finds that an emergency medical technician, a paramedic, a firefighter, or a law enforcement officer is likely to be the first responder to a request for assistance which is made immediately after the sudden unexpected death of an infant. The Legislature further finds that these first responders should be trained in appropriate responses to sudden infant death.

(b) After January 1, 1995, the basic training programs required for certification as an emergency medical technician, a paramedic, a firefighter, or a law enforcement officer as defined in s. 943.10, other than a correctional officer or a correctional probation officer, must include curriculum that contains instruction on Sudden Infant Death Syndrome.

(c) ~~On or before January 1, 1994,~~ The Department of Health ~~and Rehabilitative Services~~, in consultation with ~~the Sudden Infant Death Syndrome Advisory Council,~~ the Emergency Medical Services Advisory Council, the Firefighters Standards and Training Council, and the Criminal Justice Standards and Training Commission, shall develop and adopt, by rule, curriculum that, at a minimum, includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance.

(4) AUTOPSIES.—

(a) The medical examiner must perform an autopsy upon any infant under the age of 1 year who is suspected to have died of Sudden Infant Death Syndrome. The autopsy must be performed within 24 hours after the death, or as soon thereafter as is feasible. When the medical examiner's findings are consistent with the definition of sudden infant death syndrome in subsection (2), the medical examiner must state on the death certificate that sudden infant death syndrome was the cause of death.

(b) ~~Before January 1, 1994,~~ The Medical Examiners Commission shall develop and implement a protocol for dealing with suspected sudden infant death syndrome. The protocol must be followed by all medical examiners when conducting the autopsies required under this subsection. The protocol may include requirements and standards for scene investigations, requirements for specific data, criteria for ascertaining cause of death based on the autopsy, criteria for any specific tissue sampling, and any other requirements that the commission considers necessary.

(c) A medical examiner is not liable for damages in a civil action for any act or omission done in compliance with this subsection.

(d) An autopsy must be performed under the authority of a medical examiner under s. 406.11.

~~(5) VISITATION BY COUNTY PUBLIC HEALTH NURSE OR SOCIAL WORKER.—~~

~~(a) After the death of an infant which is attributed to Sudden Infant Death Syndrome, a county public health unit nurse or professional social worker affiliated with the county public health unit must attempt to visit the parents or guardians of the deceased, in order to provide the parents or guardians with appropriate educational and support services.~~

~~(b) A nurse or social worker who conducts visits under paragraph (a) must receive training in providing appropriate educational and support services to the parents or guardians of an infant whose death is attributed to SIDS. The State Health Office shall by rule prescribe the requirements for the training, including content, protocol, and frequency.~~

~~(6) SUDDEN INFANT DEATH SYNDROME ADVISORY COUNCIL.—~~

~~(a) There is created the Sudden Infant Death Syndrome Advisory Council, consisting of nine members appointed by the secretary of the Department of Health and Rehabilitative Services in consultation with the Florida SIDS Alliance, of whom three are members of SIDS parents' groups, one is a medical examiner, one is a county public health nurse, one is a physician who has expertise in SIDS, one is a law enforcement officer, one is an emergency medical technician, and one is a paramedic. Either the emergency medical technician or the paramedic must also be a firefighter. Each member must be appointed for a term of 3 years, except that, of the initial appointees, who must be appointed before October 1, 1993, three must be appointed for terms of 1 year each, two must be appointed for terms of 2 years each, and three must be appointed for terms of 3 years each.~~

~~(b) The council shall meet at least annually, and hold additional meetings by teleconference as necessary, and shall annually choose a chair from among its membership.~~

~~(c) The State Health Office shall administer and provide support staff to the council.~~

~~(d) The duties of the council are:~~

~~1. To provide guidance to the department in the development of training, educational, and research programs regarding SIDS.~~

~~2. To provide ongoing guidance to the Governor and the Legislature regarding the need for specific programs regarding SIDS for specific targeted groups of persons.~~

~~3. To establish a link with the fetal and infant mortality reviews of the county Healthy Start Coalitions authorized under chapter 383, to the extent that those coalitions exist in the various counties.~~

~~4. In conjunction with the department or a person with whom the department contracts to provide SIDS education, to convene annually a statewide conference for examining the progress in discovering the cause of SIDS, exploring the progress of newly established programs and services relating to SIDS, identifying future needs for legislation and program development regarding SIDS, and making recommendations on the needs of programs regarding SIDS. Invited conference participants shall include professionals and service providers in the area of SIDS, family members of SIDS victims, members of the Legislature or their staffs, and appropriate state agency staff.~~

~~(c) The members of the advisory council shall serve at the pleasure of the secretary. The members of the advisory council shall serve without compensation, but may be reimbursed for necessary per diem and travel expenses incurred in the performance of the duties of the advisory council, as provided in s. 112.061.~~

(5)~~(7)~~ *DEPARTMENT* ~~STATE HEALTH OFFICE,~~ DUTIES RELATING TO SUDDEN INFANT DEATH SYNDROME (SIDS).—The *Department of* ~~State~~ Health ~~Office~~ shall:

(a) Collaborate with other agencies in the development and presentation of the Sudden Infant Death Syndrome (SIDS) training programs for first responders, including those for emergency medical technicians and paramedics, firefighters, and law enforcement officers.

(b) Maintain a database of statistics on reported SIDS deaths, and analyze the data as funds allow.

~~(c) Administer and provide staff support for the Sudden Infant Death Syndrome Advisory Council.~~

(c)~~(d)~~ Serve as liaison and closely coordinate activities with the Florida SIDS Alliance, including the services related to the SIDS hotline.

(d)~~(e)~~ Maintain a library reference list and materials about SIDS for public dissemination.

(e)~~(f)~~ Provide professional support to field staff.

(f) Coordinate the activities of and promote a link between the fetal and infant mortality review committees of the local healthy start coalitions, the local SIDS alliance, and other related support groups.

~~(g) Provide professional support services to people who are affected by SIDS.~~

~~(h) Prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report, beginning January 1, 1995, which must include information on the training programs for first responders, the results of visitation by county public health unit personnel, a summary of the information presented at the annual conference, and statistical data and findings from research relating to SIDS.~~

~~(8) FISCAL CONSTRAINT.—This section may be implemented only to the extent that funding is provided by the Legislature.~~

Section 30. Section 385.202, Florida Statutes, 1996 Supplement, is amended to read:

385.202 Statewide cancer registry.—

(1) Each *facility* ~~hospital~~ licensed *under* ~~pursuant to~~ chapter 395 *and each freestanding radiation therapy center as defined in s. 408.07* shall report to the Department of Health ~~and Rehabilitative Services~~ such information, specified by the department, by rule, *which indicates* ~~as will indicate~~ diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, and radiation, surgical, or other methods of *diagnosis or* treatment *for* ~~on~~ each cancer *diagnosed or* ~~patient~~ treated by the *facility or center* ~~hospital~~. Failure to comply with this requirement may be cause for *registration or licensure* suspension or revocation ~~of the license of any such hospital~~.

(2) The department shall establish, or cause to have established, by contract with a recognized medical organization in this state and its affiliated institutions, a statewide cancer registry program to ensure that cancer reports *required under this section* ~~as required in subsection (1)~~ shall be maintained and ~~shall be~~ available for use in the course of any study for the purpose of reducing morbidity or mortality; and no liability of any kind or character for damages or other relief shall arise or be enforced against any hospital by reason of having provided such information or material to the department.

(3) The department or a contractual designee operating the statewide cancer registry program required by this *section* ~~act~~ shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released for general publication. Information which discloses or could lead to the disclosure of the identity of any person whose condition or treatment has been reported and studied shall be confidential and exempt from the provisions of s. 119.07(1), except that:

(a) Release may be made with the written consent of all persons to whom the information applies;

(b) The department or a contractual designee may contact individuals for the purpose of epidemiologic investigation and monitoring, provided information that is confidential under this section is not further disclosed; or

(c) The department may exchange personal data with any other governmental agency or a contractual designee for the purpose of medical or scientific research, provided such governmental agency or contractual designee shall not further disclose information that is confidential under this section.

(4) Funds appropriated for this *section* ~~act~~ shall be *used* ~~utilized~~ for ~~the purposes of~~ establishing, administering, compiling, processing, and providing ~~suitable~~ biometric and statistical analyses to the reporting *facilities* ~~hospitals and shall be utilized to help defray the expenses incurred by the reporting hospitals in providing information to the cancer registry~~. *Funds may also be used to ensure the quality and accuracy of the information reported and to provide management information to the reporting facilities.* Such reporting hospitals shall be reimbursed for reasonable costs.

(5) *The department may, by rule, classify facilities for purposes of reports made to the cancer registry and specify the content and frequency of the reports. In classifying facilities, the department shall exempt certain facilities from reporting cancer information that was previously reported to the department or retrieved from existing state reports made to the department or the Agency for Health Care Administration.* The provisions of this *section* ~~act~~ shall not apply to any *facility* ~~hospital~~ whose primary function is to provide psychiatric care to its patients.

Section 31. Section 385.203, Florida Statutes, is amended to read:

385.203 Diabetes Advisory Council; creation; function; membership.—

(1) There is created a Diabetes Advisory Council to the diabetes centers, *the Board of Regents,* and the Department of Health ~~and Rehabilitative Services~~. The council shall:

(a) Serve as a forum for the discussion and study of issues related to the delivery of health care services *to* ~~for~~ persons with diabetes.

(b) Provide advice and consultation to~~:~~

~~1.~~ the deans of the medical schools in which are located diabetes centers, and by June 30 of each year, the council shall submit written recommendations to the deans regarding the need for diabetes education, treatment, and research activities to promote the prevention and control of diabetes.

(c)~~2. The secretary of the department, and~~ By June 30 of each year, ~~the council shall~~ meet with the Secretary *of Health* or his or her designee to make specific recommendations regarding the public health aspects of the prevention and control of diabetes.

~~(c) By October 1, 1991, and, subsequently, no later than October 1 of each year preceding a legislative session for which a biennial budget is submitted, submit to the Governor and the Legislature a diabetes state plan. The plan must be developed with administrative assistance from the department and must contain information regarding: the problems of diabetes in Florida; the resources currently available and needed to~~

~~address the problems; the goals and methods by which the department, the diabetes centers, the council, and the health care community should address the problems; and an evaluation scheme for assessing progress. The plan shall set the overall policy and procedures for establishing a statewide health care delivery system for diabetes mellitus.~~

(2) The members of the council shall be appointed by the Governor from nominations by the Board of Regents, the Board of Trustees of the University of Miami, and the Secretary of ~~the Department of~~ Health ~~and Rehabilitative Services~~. Members shall serve 4-year terms or until their successors are appointed or qualified.

(3) The council shall be composed of 18 citizens of the state as follows: four practicing physicians; one representative from each medical school; seven interested citizens, at least three of whom shall be persons who have or have had diabetes mellitus or who have a child with diabetes mellitus; the ~~Deputy~~ Secretary *of* ~~for~~ Health or his or her designee; one representative from the *Division of* Children's Medical Services *of the Department of Health* ~~Program Office~~; and one professor of nutrition.

(4)(a) The council shall annually elect from its members a chair and a secretary. The council shall meet at the chair's discretion; however, at least three meetings shall be held each year.

(b) In conducting its meetings, the council shall use accepted rules of procedure. A majority of the members of the council constitutes a quorum, and action by a majority of a quorum is necessary for the council to take any official action. The secretary shall keep a complete record of the proceedings of each meeting. The record shall show the names of the members present and the actions taken. The records shall be kept on file with the department, and these and other documents about matters within the jurisdiction of the council may be inspected by members of the council.

(5) Members of the council shall serve without remuneration but may be reimbursed for per diem and travel expenses as provided in s. 112.061, *to the extent resources are available.*

(6) The department shall serve as an intermediary for the council if the council coordinates, applies for, or accepts any grants, funds, gifts, or services made available to it by any agency or department of the Federal Government, or any private agency or individual, for assistance in the operation of the council or the diabetes centers established in the various medical schools.

~~(7) The department shall consider the plan of the advisory council in dispersing funds appropriated for the prevention and control of diabetes.~~

Section 32. Section 391.051, Florida Statutes, 1996 Supplement, is amended to read:

391.051 Qualifications of director.—The Director *for* ~~of~~ Children's Medical Services must be a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of medical care to children and *who* has recognized skills in leadership and the promotion of children's health programs. The Director *for* ~~of~~ Children's Medical Services shall be *the deputy secretary and the Deputy State Health Officer for Children's Medical Services and is appointed by and reports to the secretary* ~~the division director of the Division of Children's Medical Services as provided under s. 20.43~~.

Section 33. Subsections (1), (2), and (4) of section 392.52, Florida Statutes, are amended to read:

392.52 Definitions.—As used in this chapter, the term:

(1) "Active tuberculosis" means tuberculosis disease that is demonstrated to be contagious by clinical *or*~~,~~ bacteriological~~, or radiographic~~ evidence, or by other means as determined by rule of the department. Tuberculosis disease is considered active until cured.

(2) "County *health department* ~~public health unit~~" means an agency or entity designated as such in chapter 154.

(4) "Department" means the Department of Health ~~and Rehabilitative Services~~.

Section 34. Section 392.565, Florida Statutes, is amended to read:

392.565 Execution of certificate for involuntary hold.—When a person who has active tuberculosis or who is reasonably suspected of having ~~or having been exposed to~~ active tuberculosis presents to a physician licensed under chapter 458 or chapter 459 for examination or treatment and the physician has reason to believe that if the person leaves the treatment location the person will pose a threat to the public health based on test results or the patient's medical history and the physician has reason to believe that the person is not likely to appear at a hearing scheduled under s. 392.55 or s. 392.56, the treating physician shall request the State Health Officer or his or her designee to order that the person be involuntarily held by executing a certificate stating that the person appears to meet the criteria for involuntary examination or treatment and stating the observation upon which that conclusion is based. The sheriff of the county in which the certificate was issued shall take such person into custody and shall deliver the person to the nearest available licensed hospital, or to another location where isolation is available, as appropriate, for observation, examination, and treatment for a period not to exceed 72 hours, pending a hearing scheduled under s. 392.55 or s. 392.56. The certificate must be filed with the circuit court in which the person is involuntarily held and constitutes a petition for a hearing under s. 392.55 or s. 392.56.

Section 35. Subsections (2) and (4) of section 392.62, Florida Statutes, are amended to read:

392.62 Hospitalization and placement programs.—

(2) The department may operate a licensed hospital for the care and treatment to cure of persons who have active tuberculosis. *The hospital may have a forensic unit where, under medical protocol, a patient can be held in a secure or protective setting.* ~~However,~~ The department shall also seek to maximize use of existing licensed community hospitals for the care and treatment to cure of persons who have active tuberculosis.

(4) A hospital may, pursuant to court order, place a patient in temporary isolation for a period of no more than 72 continuous hours. The department shall obtain a court order in the same manner as prescribed in s. 392.57. *Nothing in this subsection precludes a hospital from isolating an infectious patient for medical reasons.*

Section 36. Subsections (4) and (5) of section 395.3025, Florida Statutes, 1996 Supplement, are amended to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(a) Licensed facility personnel and attending physicians for use in connection with the treatment of the patient.

(b) Licensed facility personnel only for administrative purposes or risk management and quality assurance functions.

(c) The agency, for purposes of health care cost containment.

(d) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his or her legal representative.

(e) The agency ~~or the Department of Business and Professional Regulation~~ upon subpoena issued pursuant to s. 455.223, but the records obtained thereby must be used solely for the purpose of the agency ~~or the Department of Business and Professional Regulation~~ and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the agency ~~or the Department of Business and Professional Regulation~~ requests copies of the records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency~~, the Department of Business and Professional Regulation,~~ or the appropriate regulatory board. However, the agency ~~or the Department of Business and Professional Regulation~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause.

(f) The Department *of Health* or its agent, for the purpose of establishing and maintaining a trauma registry and for the purpose of ensuring that hospitals and trauma centers are in compliance with the standards and rules established under ss. 395.401, 395.4015, 395.4025, 395.404, 395.4045, and 395.405, and for the purpose of monitoring patient outcome at hospitals and trauma centers that provide trauma care services.

(g) The Department of *Children and Family* ~~Health and Rehabilitative~~ Services or its agent, for the purpose of investigations of cases of abuse, neglect, or exploitation of children or disabled adults or elderly persons.

(h) The State Long-Term Care Ombudsman Council and the district long-term care ombudsman councils, with respect to the records of a patient who has been admitted from a nursing home or long-term care facility, when the councils are conducting an investigation involving the patient as authorized under part II of chapter 400, upon presentation of identification as a council member by the person making the request. Disclosure under this paragraph shall only be made after a competent patient or the patient's representative has been advised that disclosure may be made and the patient has not objected.

(i) A local trauma agency or a regional trauma agency that performs quality assurance activities, or a panel or committee assembled to assist a local trauma agency or a regional trauma agency in performing quality assurance activities. Patient records obtained under this paragraph are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(j) Organ procurement organizations, tissue banks, and eye banks required to conduct death records reviews pursuant to s. 395.2050.

(5) The Department *of Health* may examine patient records of a licensed facility*, whether held by the facility or the Agency for Health Care Administration,* for the purpose of epidemiological investigations. ~~, provided that~~ The unauthorized release of information by agents of the department which would identify an individual patient is a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 37. Present paragraphs (c) through (l) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (d) through (m), respectively, and a new paragraph (c) is added to that subsection, to read:

395.401 Trauma services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) As used in this part, the term:

(c) "Department" means the Department of Health.

Section 38. Subsection (1) of section 401.107, Florida Statutes, is amended to read:

401.107 Definitions.—As used in this part, the term:

(1) "Department" means the Department of Health ~~and Rehabilitative Services~~.

Section 39. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The department ~~of Health and Rehabilitative Services~~ is hereby authorized to make grants to local agencies and emergency medical services organizations in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist said agencies and organizations in providing emergency medical services. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 40. Section 401.117, Florida Statutes, is amended to read:

401.117 Grant agreements; conditions.—The department ~~of Health and Rehabilitative Services~~ shall use the following guidelines in developing the procedures for grant disbursement:

(1) The need for emergency medical services and the requirements of the population to be served.

(2) All emergency vehicles and attendants must conform to state standards established by law or *rule* ~~regulation~~ of the department.

(3) All vehicles shall contain minimum equipment and supplies as required by law or *rule* ~~regulation~~ of the department.

(4) All vehicles shall have at a minimum a direct communications linkup with the operating base and hospital designated as the primary receiving facility.

(5) Emphasis shall be accorded to applications that contain one or more of the following provisions:

(a) Services provided on a county, multicounty, or areawide basis.

(b) A single provider, or a coordinated provider, method of delivering services.

(c) Coordination of all communication links, including police, fire, emergency vehicles, and other related services.

Section 41. Subsections (10) and (21) of section 401.23, Florida Statutes, are amended to read:

401.23 Definitions.—As used in this part, the term:

(10) "Department" means the Department of Health ~~and Rehabilitative Services~~.

(21) "Secretary" means the Secretary of Health ~~and Rehabilitative Services~~.

Section 42. Paragraphs (a) and (c) of subsection (2) and subsection (5) of section 401.245, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

401.245 Emergency Medical Services Advisory Council.—

(2)(a) No more than 15 members may be appointed to this council. ~~Each district of the department shall, when possible, be represented on the advisory council.~~ Members shall be appointed for 4-year terms in such a manner that each year the terms of approximately one-fourth of the members expire. The chair of the council shall be designated by the secretary. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointment. Members shall receive no compensation but may be reimbursed for per diem and travel expenses.

(c) Appointments to the council shall be made by the secretary ~~of the Department of Health and Rehabilitative Services~~, except that state agency representatives shall be appointed by the respective agency head.

(5) The department ~~of Health and Rehabilitative Services~~ shall adopt rules to implement this section, which rules shall serve as formal operating procedures for the Emergency Medical Services Advisory Council.

(6) There is established a committee to advise the Department of Health on matters concerning preventative, pre-hospital, hospital, rehabilitative, and other post-hospital medical care for children.

(a) Committee members shall be appointed by the secretary, and shall include, but not be limited to, physicians and other medical professionals that have experience in emergency medicine or expertise in emergency and critical care for children.

(b) Appointments to the committee shall be for a term of two years. Vacancies may be filled for the unexpired term at the discretion of the secretary. The members shall serve without compensation, and shall not be reimbursed for necessary expenses incurred in the performance of their duties, unless there is funding available from the Federal government or contributions or grants from private sources.

Section 43. Section 401.252, Florida Statutes, is amended to read:

401.252 Interfacility transfer.—

(1) A licensed basic or advanced life support ambulance service may conduct interfacility transfers in a permitted ambulance, using a regis-

tered nurse in place of an emergency medical technician or paramedic, if:

(a) The registered nurse holds a current certificate of successful course completion in advanced cardiac life support;

(b) The physician in charge has granted permission for such a transfer, has designated the level of service required for such transfer, and has deemed the patient to be in such a condition appropriate to this type of ambulance staffing; and

(c) The registered nurse operates within the scope of chapter 464.

(2) A licensed basic or advanced life support service may conduct interfacility transfers in a permitted ambulance if the patient's treating physician certifies that the transfer is medically appropriate and the physician provides reasonable transfer orders. *An interfacility transfer must be conducted in a permitted ambulance if it is determined that the patient needs, or is likely to need, medical attention during transport.* If the emergency medical technician or paramedic believes the level of patient care required during the transfer is beyond his or her capability, the medical director, or his or her designee, must be contacted for clearance prior to conducting the transfer. If necessary, the medical director, or his or her designee, shall attempt to contact the treating physician for consultation to determine the appropriateness of the transfer.

(3) Infants less than 28 days old or infants weighing less than 5 kilograms, who require critical care interfacility transport to a neonatal intensive care unit, shall be transported in a permitted advanced life support or basic life support transport ambulance, or in a permitted advanced life support or basic life support ambulance that is recognized by the department as meeting designated criteria for neonatal interfacility critical care transport.

(4) The department shall adopt and enforce rules to carry out this section, including rules for permitting, equipping, and staffing transport ambulances and that govern the medical direction under which interfacility transfers take place.

Section 44. Subsection (2) of section 401.265, Florida Statutes, is amended to read:

401.265 Medical directors.—

(2) Each medical director shall establish a quality assurance committee to provide for quality assurance review of all emergency medical technicians and paramedics operating under his or her supervision. If the medical director has reasonable belief that conduct by an emergency medical technician or paramedic may constitute one or more grounds for discipline as provided by this part, he or she shall document facts and other information related to the alleged violation. The medical director shall report to the department ~~of Health and Rehabilitation Services~~ any emergency medical technician or paramedic whom the medical director reasonably believes to have acted in a manner which might constitute grounds for disciplinary action. Such a report of disciplinary concern must include a statement and documentation of the specific acts of the disciplinary concern. Within 7 days after receipt of such a report, the department shall provide the emergency medical technician or paramedic a copy of the report of the disciplinary concern and documentation of the specific acts related to the disciplinary concern. If the department determines that the report is insufficient for disciplinary action against the emergency medical technician or paramedic pursuant to s. 401.411, the report shall be expunged from the record of the emergency medical technician or paramedic.

Section 45. Subsection (8) of section 401.27, Florida Statutes, is amended to read:

401.27 Personnel; standards and certification.—

(8) Each emergency medical technician certificate and each paramedic certificate will expire automatically and may be renewed if the holder meets the qualifications for renewal as established by the department. *A certificate that is not renewed at the end of the 2-year period will automatically revert to an inactive status for a period not to exceed 180 days. Such certificate may be reactivated and renewed within the 180 days if the certificateholder meets all other qualifications for renewal and pays a $25 late fee. Reactivation shall be in a manner and on forms prescribed by department rule. The holder of a certificate that expired on December 1, 1996, has until September 30, 1997, to reactivate the certificate in accordance with this subsection.*

Section 46. Section 402.105, Florida Statutes, is transferred, renumbered as section 381.85, Florida Statutes, and amended to read:

381.85 ~~402.105~~ Biomedical and social research.—

(1) SHORT TITLE; PURPOSE AND INTENT.—

(a) This section may be cited as the "Florida Biomedical and Social Research Act."

(b) The purpose of this section is to provide a procedure by which proposed research on children or adults will be supported with funds appropriated to the department, and can be efficiently and expeditiously assessed for compliance with the substantive and procedural requirements established by the Review Council for Biomedical and Social Research in rules adopted by the department.

(c) It is the intent of the Legislature that:

1. Research involving human beings be conducted by the department, or with funds appropriated to the department, only when necessary and appropriate, and only after review and approval pursuant to the provisions of this section and related rules.

2. The department and the Review Council for Biomedical and Social Research jointly develop rules under which proposed research on human beings shall be promptly and appropriately submitted for review and approval pursuant to this section.

3. The rules to be adopted by the department and the procedures and criteria to be adopted by the Review Council for Biomedical and Social Research be guided by the ethical standards for human research set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

(2) DEFINITIONS.—When used in this section:

(a) "Department" means the Department of Health ~~and Rehabilitative Services~~.

(b) "Research" means a systematic investigation designed to develop or contribute to knowledge that can be generalized.

(c) "Intervention" means physical procedures by which data are gathered and manipulations of the subject or the subject's environment that are performed for research purposes.

(d) "Interaction" means communication or interpersonal contact between investigator and subject.

(e) "Private information" means information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public.

(3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

(a) There is created the Review Council for Biomedical and Social Research to consist of nine members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint, no later than January 1, 1991, three members, as follows: one individual knowledgeable in biomedical research, one individual knowledgeable in behavioral research, and one individual from the client advocacy community. The chairperson shall be elected by majority vote of the members.

(b) Members of the Review Council for Biomedical and Social Research shall be appointed to serve terms of 3 years. A member may not serve more than two consecutive terms.

(c) The council shall adopt internal organizational procedures or bylaws necessary for efficient operation of the council.

(d) The council shall have a budget and shall be financed through an annual appropriation made for this purpose in the General Appropria-

tions Act. Each member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, while carrying out official business of the council. For administrative purposes only, the council shall be assigned to the Department of Legal Affairs.

(e) The council shall be staffed by an executive director and a secretary who shall be appointed by the council and who shall be exempt from the provisions of part II of chapter 110 relating to the Career Service System.

(f) The council shall meet and conduct business at least quarterly, or more often at the call of the chairperson.

(g) The council shall consult outside experts, target populations, and others to assist in decisionmaking during the review process.

(h) Meetings of the council shall be subject to the provisions of chapter 119 and s. 286.011.

(4) RESEARCH SUBJECT TO REVIEW.—Any research on human beings conducted under the authority of the department shall be subject to review and approval by the Review Council for Biomedical and Social Research. In order to effectuate the review and approval process, the council shall adopt criteria to be used in its review of proposed research, procedures by which proposals for research on human beings by the department are to be submitted to the council, and other procedures necessary to assist in providing an efficient and effective decisionmaking process.

(5) RULES.—The department, in consultation with the Review Council for Biomedical and Social Research, shall adopt rules necessary to carry out the provisions of this section. Such rules shall include, but not be limited to, defining the type of research to which such rules shall apply and prescribing internal departmental procedures for review and approval of research on human beings prior to submission to the council.

Section 47. Section 402.32, Florida Statutes, is transferred, renumbered as section 381.0056, Florida Statutes, and amended to read:

381.0056 ~~402.32~~ School health services program.—

(1) This section ~~shall be known and~~ may be cited as the "School Health Services Act."

(2) The Legislature finds that health services conducted as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physicians, dentists, and community health agencies.

(3) *When used in this* ~~The following words and phrases have the following meanings for the purpose of this~~ section:

(a) "Emergency health needs" means onsite management and aid for illness or injury pending the student's return to the classroom or release to a parent, guardian, designated friend, or designated health care provider.

(b) "Invasive screening" means any screening procedure in which the skin or any body orifice is penetrated.

(c) "Physical examination" means a thorough evaluation of the health status of an individual.

(d) "School health services plan" means the document that describes the services to be provided, the responsibility for provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by local school districts and *county health departments* ~~public health units of the Department of Health and Rehabilitative Services~~.

(e) "Screening" means presumptive identification of unknown or unrecognized diseases or defects by the application of tests that can be given with ease and rapidity to apparently healthy persons.

(4) The Department of Health ~~and Rehabilitative Services~~ shall have the responsibility, in cooperation with the Department of Education, to supervise the administration of the school health services program and perform periodic program reviews. However, the principal of each school shall have immediate supervisory authority over the health personnel working in the school.

(5) Each *county health department* ~~public health unit~~ shall develop, jointly with the district school board and the local school health advisory committee, a health services plan; and the plan shall include, at a minimum, provisions for:

(a) Health appraisal;

(b) Records review;

(c) Nurse assessment;

(d) Nutrition assessment;

(e) A preventive dental program;

(f) Vision screening;

(g) Hearing screening;

(h) Scoliosis screening;

(i) Growth and development screening;

(j) Health counseling;

(k) Referral and followup of suspected or confirmed health problems by the local *county health department* ~~public health unit~~;

(l) Meeting emergency health needs in each school;

(m) *County health department* ~~Public health unit~~ personnel to assist school personnel in health education curriculum development;

(n) Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;

(o) Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;

(p) Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 228.093;

(q) Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs; and

(r) Notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan.

(6) A nonpublic school may request to participate in the school health services program. A nonpublic school voluntarily participating in the school health services program shall:

(a) Cooperate with the *county health department* ~~public health unit~~ and district school board in the development of the cooperative health services plan;

(b) Make available physical facilities for health services;

(c) Provide inservice health training to school personnel;

(d) Cooperate with public health personnel in the implementation of the school health services plan;

(e) Be subject to health service program reviews by the Department of Health ~~and Rehabilitative Services~~ and the Department of Education; and

(f) At the beginning of each school year, inform parents or guardians in writing that their children who are students in the school will receive

specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

(7) The district school board shall:

(a) Coordinate the educational aspects of the school health services program with the *Florida Comprehensive Health Education and Substance Abuse Prevention Act* ~~Comprehensive Health Education Act of 1973~~;

(b) Include health services and health education as part of the comprehensive plan for the school district;

(c) Provide inservice health training for school personnel;

(d) Make available physical facilities for health services; and

(e) At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

(8) The Department of Health ~~and Rehabilitative Services~~, in cooperation with the Department of Education, *may adopt* ~~is authorized to promulgate~~ rules necessary to implement this section.

(9) In the absence of negligence, no person shall be liable for any injury caused by an act or omission in the administration of school health services.

Section 48. Section 402.321, Florida Statutes, is transferred, renumbered as section 381.0057, Florida Statutes, and amended to read:

381.0057 ~~402.321~~ Funding for school health services.—

(1) It is the intent of the Legislature that funds in addition to those provided under the School Health Services Act be provided to those school districts and schools where there is a high incidence of medically underserved high-risk children, low birthweight babies, infant mortality, or teenage pregnancy. The purpose of this funding is to phase in those programs which offer the greatest potential for promoting the health of students and reducing teenage pregnancy.

(2) The Secretary of Health ~~and Rehabilitative Services~~, or his or her designee, in cooperation with the Commissioner of Education, or his or her designee, shall publicize the availability of funds, targeting those school districts or schools which have a high incidence of medically underserved high-risk children, low birthweight babies, infant mortality, or teenage pregnancy.

(3) The Secretary of Health ~~and Rehabilitative Services~~, or his or her designees, in cooperation with the Commissioner of Education, or his or her designees, in equal representation, shall form a joint committee to evaluate and select the school districts or schools to be funded.

(4) Any school district, school, or laboratory school which desires to receive state funding under the provisions of this section shall submit a proposal to the joint committee established in subsection (3). The proposal shall state the goals of the program, provide specific plans for reducing teenage pregnancy, and describe all of the health services to be available to students with funds provided pursuant to this section, including a combination of initiatives such as health education, counseling, extracurricular, and self-esteem components. School health services shall not promote elective termination of pregnancy as a part of counseling services. Only those program proposals which have been developed jointly by county *health departments* ~~public health units~~ and local school districts or schools, and which have community and parental support, shall be eligible for funding. Funding shall be available specifically for implementation of one of the following programs:

(a) School health improvement pilot project.—The program shall include basic health care to an elementary school, middle school, and high school feeder system. Program services shall include, but not be limited to:

1. Planning, implementing, and evaluating school health services. Staffing shall include a full-time, trained school health aide in each elementary, middle, and high school; one full-time nurse to supervise the aides in the elementary and middle schools; and one full-time nurse in each high school.

2. Providing student health appraisals and identification of actual or potential health problems by screenings, nursing assessments, and record reviews.

3. Expanding screening activities.

4. Improving the student utilization of school health services.

5. Coordinating health services for students with parents or guardians and other agencies in the community.

(b) Student support services team program.—The program shall include a multidisciplinary team composed of a psychologist, social worker, and nurse whose responsibilities are to provide basic support services and to assist, in the school setting, children who exhibit mild to severely complex health, behavioral, or learning problems affecting their school performance. Support services shall include, but not be limited to: evaluation and treatment for minor illnesses and injuries, referral and followup for serious illnesses and emergencies, onsite care and consultation, referral to a physician, and followup care for pregnancy or chronic diseases and disorders as well as emotional or mental problems. Services also shall include referral care for drug and alcohol abuse and sexually transmitted diseases, sports and employment physicals, immunizations, and in addition, effective preventive services aimed at delaying early sexual involvement and aimed at pregnancy, acquired immune deficiency syndrome, sexually transmitted diseases, and destructive lifestyle conditions, such as alcohol and drug abuse. Moneys for this program shall be used to fund three teams, each consisting of one half-time psychologist, one full-time nurse, and one full-time social worker. Each team shall provide student support services to an elementary school, middle school, and high school that are a part of one feeder school system and shall coordinate all activities with the school administrator and guidance counselor at each school. A program which places all three teams in middle schools or high schools may also be proposed.

(c) Full service schools.—The full-service schools shall integrate the services of the Department of Health ~~and Rehabilitative Services~~ that are critical to the continuity-of-care process. The department ~~of Health and Rehabilitative Services~~ shall provide services to students on the school grounds. ~~The~~ Department ~~of Health and Rehabilitative Services~~ personnel shall provide their specialized services as an extension of the educational environment. Such services may include nutritional services, medical services, aid to dependent children, parenting skills, counseling for abused children, and education for the students' parents or guardians.

Funding may also be available for any other program that is comparable to a program described in this subsection but is designed to meet the particular needs of the community.

(5) In addition to the merits of a proposal, selection shall be based on those school districts or schools that most closely meet the following criteria:

(a) Have evidence of a comprehensive inservice staff development plan to ensure delivery of appropriate curriculum.

(b) Have evidence of a cooperative working relationship between the county public health unit and the school district or school and have community as well as parental support.

(c) Have a high percentage of subsidized school lunches.

(d) Have a high incidence of medically underserved high-risk children, low birthweight babies, infant mortality, or teenage pregnancy.

(6) Each school district or school program that is funded through the provisions of this section shall provide a mechanism through which a parent may, by written request, exempt a child from all or certain services provided by a school health services program described in subsection (4).

Section 49. Section 402.41, Florida Statutes, is amended to read:

402.41 Educational materials and training concerning human immunodeficiency virus infections and acquired immune deficiency syndrome.—The Department of Health ~~and Rehabilitative Services~~ shall develop educational materials and training about the transmission, control, and prevention of human immunodeficiency virus infections and acquired immune deficiency syndrome and other communicable diseases relevant for use in those facilities licensed under the provisions of this chapter.

Section 50. Section 402.475, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 381.87, Florida Statutes, and amended to read:

381.87 ~~402.475~~ Osteoporosis prevention and education program.—

(1) The Department of Health ~~and Rehabilitative Services~~, using available federal funds, state funds appropriated for that purpose, or other available funding as provided for in this section, shall establish, promote, and maintain an osteoporosis prevention and education program to promote public awareness of the causes of osteoporosis, options for prevention, the value of early detection, and possible treatments, including the benefits and risks of those treatments. The department shall consult with medical professionals, including physicians licensed under chapter 458 or chapter 459, in carrying out these duties. The department may accept, for that purpose, any special grant of money, services, or property from the Federal Government or any of its agencies or from any foundation, organization, or medical school.

(2) The program must include:

(a) Development of a public education and outreach campaign to promote osteoporosis prevention and education, including, but not limited to, the following subjects:

1. The cause and nature of the disease.

2. Risk factors.

3. The role of oophorectomy and hysterectomy.

4. Prevention of osteoporosis, including nutrition, diet, and physical exercise.

5. Diagnostic procedures and appropriate indications for their use.

6. Hormone replacement, including benefits and risks.

7. Environmental safety and injury prevention.

8. Availability of osteoporosis treatment services in the community.

(b) Distribution of educational materials to be made available for consumers, particularly targeted to high-risk groups, through local health departments, local physicians, and other providers, including, but not limited to, health maintenance organizations, hospitals, and clinics, and through women's organizations and the Department of Elderly Affairs.

(c) Development of professional education programs for health care providers to assist them in understanding research findings and the subjects set forth in paragraph (a).

(3) The *Department of Health* ~~State Health Office~~ shall implement this section. The *department* ~~State Health Office~~ shall consult with the Agency for Health Care Administration and the Department of Elderly Affairs with respect to the prevention and education activities relating to osteoporosis which are described in this section.

Section 51. Section 402.60, Florida Statutes, is transferred, renumbered as section 381.88, Florida Statutes, and amended to read:

381.88 ~~402.60~~ Insect sting emergency treatment.—

(1) This section may be cited as the "Insect Sting Emergency Treatment Act."

(2) The purpose of this section is to provide for the certification of persons who administer lifesaving treatment to persons who have severe adverse reactions to insect stings when a physician is not immediately available.

(3) The Department of Health ~~and Rehabilitative Services~~ may:

(a) Adopt rules necessary to administer this section.

(b) Conduct educational training programs as described in subsection (4), and approve programs conducted by other persons or governmental agencies.

(c) Issue and renew certificates of training to persons who have complied with this section and the rules adopted by the department.

(d) Collect fees necessary to administer this section.

(4) Educational training programs required by this section must be conducted by a physician licensed to practice medicine in this state. The curriculum must include at a minimum:

(a) Recognition of the symptoms of systemic reactions to insect stings; and

(b) The proper administration of a subcutaneous injection of epinephrine.

(5) A certificate of training may be given to a person who:

(a) Is 18 years of age or older;

(b) Has, or reasonably expects to have, responsibility for at least one other person who has severe adverse reactions to insect stings as a result of his or her occupational or volunteer status, including a camp counselor, scout leader, school teacher, forest ranger, tour guide, or chaperone;

(c) Has successfully completed an educational training program as described in subsection (4).

(6) A person who successfully completes an educational training program may obtain a certificate upon payment of an application fee of $25.

(7) A certificate issued pursuant to this section authorizes the holder thereof to receive, upon presentment of the certificate, from any physician licensed in this state or from the department, a prescription for premeasured doses of epinephrine and the necessary paraphernalia for administration. The certificate also authorizes the holder thereof to possess and administer, in an emergency situation when a physician is not immediately available, the prescribed epinephrine to a person suffering a severe adverse reaction to an insect sting.

Section 52. Section 402.61, Florida Statutes, is transferred, renumbered as section 381.89, Florida Statutes, and amended to read:

381.89 ~~402.61~~ Regulation of tanning facilities.—

(1) As used in this section:

(a) "Tanning facility" means a place of business which provides access to a tanning device by customers.

(b) "Department" means the Department of Health ~~and Rehabilitative Services~~.

(c) "Tanning device" means equipment that emits electromagnetic radiation of wavelengths between 200 and 400 nanometers and that is used for tanning the skin, including a sunlamp, tanning booth, or tanning bed or any accompanying equipment.

(2) This section does not apply to a tanning facility that uses only phototherapy devices that emit ultraviolet radiation which are used only by or under the direct supervision of a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459.

(3)(a) A person may not operate a tanning facility unless it is licensed under this section.

(b) The department shall establish procedures for the issuance and annual renewal of licenses and shall establish annual license and renewal fees in an amount necessary to cover the expenses of administering this section. Annual license and renewal fees shall be not less than $125 nor more than $250 per tanning device. Effective October 1, 1991, the fee amount shall be the minimum fee proscribed in this paragraph and such fee amount shall remain in effect until the effective date of a fee schedule adopted by the department.

(c) The department may adopt a system under which licenses expire on staggered dates and the annual renewal fees are prorated monthly to reflect the actual number of months the license is valid.

(d) The department may cancel, revoke, or suspend a license to operate a tanning facility if the licensee:

1. Fails to pay any fee required by this section;

2. Obtains or attempts to obtain a license by fraud; or

3. Violates a provision of this section.

(4)(a) A tanning facility must give each customer a written warning that states that:

1. Not wearing the provided eye protection can cause damage to the eyes.

2. Overexposure causes burns.

3. Repeated exposure can cause premature aging of the skin or skin cancer.

4. Abnormal skin sensitivity or burning may be caused by certain foods, cosmetics, or medications, including, without limitation, tranquilizers, diuretics, antibiotics, high blood pressure medicines, or birth control pills.

5. Any person who takes a prescription or over-the-counter medication should consult a physician before using a tanning device.

6. It does not carry liability insurance for injuries caused by tanning devices or states the limits of any liability insurance it carries.

(b) A tanning facility must post a warning sign in any area where a tanning device is used. Posting this sign does not absolve the facility of any liability. The sign must state:

DANGER, ULTRAVIOLET RADIATION
Follow these instructions:

1. Avoid frequent or lengthy exposure. As with natural sunlight, exposure can cause eye and skin injury or allergic reactions. Repeated exposure can cause chronic sun damage characterized by wrinkling, dryness, fragility and bruising of the skin or skin cancer.

2. Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR CAN RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

3. Ultraviolet radiation from sunlamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation.

4. Using medications or cosmetics can increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight. Women who are pregnant or on birth control who use this product can develop discolored skin. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN BY USING THIS DEVICE.

(5) A tanning facility may not claim or distribute promotional materials that claim a tanning device is safe or free from risk.

(6) A tanning facility must:

(a) During operating hours, have an operator present who is sufficiently knowledgeable in the correct operation of the tanning devices to inform and assist each customer in the proper use of the devices.

(b) Before each use of a tanning device:

1. Properly sanitize that tanning device equipment, including, without limitation, handrails, headrests, and bed surfaces; and

2. Provide a customer with properly sanitized protective eyewear that protects the eye from ultraviolet radiation and allows adequate vision to maintain balance.

(c) Show each customer how to use suitable physical aids, such as handrails and floor markings, to maintain proper exposure distances recommended by the manufacturer.

(d) Use a timer on each tanning device which is accurate for any selected time interval to plus or minus 10 percent.

(e) Limit each customer to the maximum exposure time recommended by the manufacturer of the tanning device.

(f) Maintain the interior temperature of the tanning facility below 100° F.

(g) Each time a person uses a tanning facility or executes or renews a contract to use a tanning facility, have him sign a written statement acknowledging that he has read and understands the warnings before using the device and that he agrees to use the protective eyewear.

(h) Display its license in a public area of the tanning facility.

(i) Report any injury or any complaint of injury to the department on forms prescribed by the department and provide a copy of the report to the complainant. The department shall send to the federal Food and Drug Administration a copy of any report of an injury occurring in a tanning facility.

(j) Keep a record, for a period of not less than 4 years, of each customer's use of a tanning device.

(7) A tanning facility may not allow a minor between the ages of 14 and 18 to use a tanning device unless it has on file a statement signed by the minor's parent or legal guardian stating that the parent or legal guardian has read and understands the warnings given by the tanning facility, consents to the minor's use of a tanning device, and agrees that the minor will use the provided protective eyewear.

(8) A minor under the age of 14 must be accompanied by a parent or legal guardian when using a tanning device.

(9) The department shall inspect or investigate a tanning facility as necessary but at least annually.

(10) PENALTIES.—

(a) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083:

1. Owning or operating, or soliciting business as, a tanning facility in this state without first procuring a license from the department, unless specifically exempted by this section.

2. Obtaining or attempting to obtain a license by means of fraud, misrepresentation, or concealment.

(b) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

1. Failing to maintain the records required by this section or knowingly making false entries in such records.

2. Failing to comply with subsection (7) or subsection (8).

(c) The court may, in addition to other punishment provided for, suspend or revoke the license of any licensee under this section who has been found guilty of any violation listed in paragraph (a) or paragraph (b).

(d) In the event the department or any state attorney shall have probable cause to believe that a tanning facility or other person has violated any provision of paragraph (a), an action may be brought by the department or any state attorney to enjoin such tanning facility or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate.

(11)(a) The department may impose an administrative fine not to exceed $1,000 per violation per day, for the violation of any provision of this section, rule adopted under this section, or term or condition of any license issued by the department.

(b) In determining the amount of fine to be levied for a violation, as provided in paragraph (a), the following factors shall be considered:

1. The severity of the violation and the extent to which the provisions of this act, the rules adopted under this act, or any terms or conditions of any license were violated.

2. Actions taken by the licensee to correct the violation.

3. Any previous violations by the licensee.

(12) The department may institute legal action for injunctive or other relief to enforce this section.

(13) The department shall adopt rules to implement this act.

Section 53. Subsection (41) of section 403.703, Florida Statutes, 1996 Supplement, is amended to read:

403.703 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(41) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of s. 403.7045(1)*(e)*~~(f)~~.

Section 54. Subsection (6) of section 404.031, Florida Statutes, is amended to read:

404.031 Definitions.—As used in this chapter, unless the context clearly indicates otherwise, the term:

(6) "Department" means the Department of Health ~~and Rehabilitative Services~~.

Section 55. Section 404.051, Florida Statutes, is amended to read:

404.051 Powers and duties of the Department of Health ~~and Rehabilitative Services~~.—For protection of the public health and safety, the department is authorized to:

(1) Develop comprehensive policies and programs for the evaluation, determination, and amelioration of hazards associated with the use, possession, or disposal of sources of ionizing radiation. Such policies and programs shall be developed with due regard for compatibility or consistency with federal programs for regulation of radiation machines and byproduct, source, and special nuclear materials.

(2) Advise, consult, and cooperate with other agencies of the state, the Federal Government, other states, interstate agencies, political subdivisions, and other organizations concerned with the safe use of sources of radiation.

(3) Encourage, participate in, or conduct studies, investigations, public hearings, training, research, and demonstrations relating to the control of sources of ionizing radiation, the measurement of ionizing radiation, the effect upon public health and safety of exposure to ionizing radiation, and related problems.

(4) Adopt, promulgate, amend, and repeal rules and standards which may provide for licensure, registration, or regulation relating to the manufacture, production, transportation, use, possession, handling, treatment, storage, disposal, sale, lease, or other disposition of radioactive material, including naturally occurring radioactive material and low-level radioactive waste, and radiation machines as may be necessary to carry out the provisions of this chapter. The recommendations of nationally recognized bodies in the field of radiation protection shall be taken into consideration in the adoption, promulgation, amendment, and repeal of such rules and standards.

(5) Require the submission of plans, specifications, and reports for new construction and material alterations on the design and protective shielding of installations for radioactive material and radiation machines, excluding X-ray machines of less than 200,000 volts potential, and on systems for the disposal of radioactive wastes, for the determination of any ionizing radiation hazard; and it may render opinions and approve or disapprove such plans and specifications.

(6) Require all sources of ionizing radiation to be shielded, transported, handled, used, possessed, treated, stored, or disposed of in a manner to provide compliance with the provisions of this chapter and rules and standards adopted hereunder.

(7) Conduct evaluations of the levels of radioactive materials in the environment for the purpose of determining whether there is compliance with, or violation of, the provisions or standards contained in this chapter or the rules issued pursuant hereto or to otherwise protect the public health and safety.

(8) Collect and disseminate information relating to the control of sources of ionizing radiation, including, but not limited to:

(a) Maintenance of files of all radioactive material license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(b) Maintenance of files of all radiation machine registrants requiring registration under the provisions of this chapter.

(c) Maintenance of files of department licensees and nuclear power plant licensees of the United States Nuclear Regulatory Commission that generate low-level radioactive waste, recording the quarterly amount of low-level radioactive waste shipped by each licensee to commercial low-level radioactive waste management facilities.

(9) Require, on forms prescribed and furnished by the department, registration and periodic reregistration of radiation machines, and licensing and periodic renewal of licenses for radioactive materials.

(10) Exempt certain sources of ionizing radiation, or kinds of uses or users, from the licensing or registration requirements set forth in this chapter when the department determines that the exemption of such sources of ionizing radiation, or kinds of users or uses, will not constitute a significant risk to the health and safety of the public.

(11) *Adopt* ~~Promulgate~~ rules pursuant to this chapter which may provide for the recognition of other state and federal licenses as the department deems desirable, subject to such registration requirements as it may prescribe.

(12) Respond to any emergency which involves possible or actual release of radioactive materials, carry out or supervise any required decontamination, and otherwise protect the public health and safety.

(13) Act as the designated state agency in this state responsible for ensuring compliance with the provisions of the Southeast Interstate Low-Level Radioactive Waste Compact and for assessing penalties for noncompliance with such provisions as prescribed in ss. 404.161 and 404.162.

(14) Require department licensees and nuclear power plant licensees of the United States Nuclear Regulatory Commission to take appropriate measures to reduce the volume of low-level radioactive waste they generate, and to monitor the progress of department licensees and nuclear power plant licensees of the commission in reducing such volume.

(15) Develop and implement a responsible data-management program for the purpose of collecting and analyzing statistical information necessary to protect the public health and safety and to reply to requests from the Southeast Interstate Low-Level Radioactive Waste Commission for data and information.

(16) Accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions from the Federal Government and from other sources, public or private.

Section 56. Paragraphs (a) and (b) of subsection (2) of section 404.056, are amended, present paragraphs (e) through (h) of subsection (3) are redesignated as paragraphs (f) through (i), respectively, and a new paragraph (e) is added to subsection (3) of that section, to read:

404.056 Environmental radiation standards and programs; radon protection.—

(2) FLORIDA COORDINATING COUNCIL ON RADON PROTECTION.—

(a) Establishment.—It is declared to be in the best interest of the state that public agencies responsible for and involved in radon protection activities work together to reduce duplication of effort, foster maximum efficient use of existing resources, advise and assist the agencies involved in radon protection and mitigation in implementing the best management practices and the best available technology in limiting exposure to radon, identify outside funding sources and recommend priorities for research into the effects of radon, and enhance communication between all interests involved in radon protection and mitigation activities. Therefore, the Florida Coordinating Council on Radon Protection is hereby established as an advisory body~~, as defined in s. 11.611(3)(a),~~ to the Department of Community Affairs in developing the construction and mitigation standards required by s. 553.98 and to the department ~~of Health and Rehabilitative Services~~ in developing the public information program on radon and radon progeny as required by subsection (4).

(b) Membership.—The Florida Coordinating Council on Radon Protection shall be composed of the following representatives or their authorized designees:

1. The Secretary of Community Affairs;

2. The Secretary of Health ~~and Rehabilitative Services~~;

3. The Commissioner of Education or a representative;

4. An expert in the mitigation or prevention of radon, the development of building codes designed to control and abate radon, or the development of construction techniques to mitigate the effects of radon in existing buildings, one representative of one of these fields to be jointly appointed by the University of South Florida and Florida Agricultural and Mechanical University, and one representative of one of these fields to be appointed by the University of Florida. Two representatives from any of these fields shall be appointed by the Board of Regents from other universities in the state;

5. One representative each from the Florida Association of the American Institute of Architects, the Florida Engineering Society, the Associated General Contractors Council, the Florida Association of Counties, the Florida League of Cities, the Florida Association of Realtors, the Florida Home Builders Association, and the Florida Phosphate Council; and an elected official of county government, to be appointed by the Association of Counties; and an elected official of city government, to be appointed by the League of Cities;

6. One representative each from two recognized voluntary health agencies to be appointed by the Secretary of Health ~~and Rehabilitative Services~~; and

7. One representative each from two public interest consumer groups to be appointed by the Secretary of ~~the Department of~~ Community Affairs.

(3) CERTIFICATION.—

(e) Any person who practices fraud, deception, or misrepresentation in performing radon gas or radon progeny measurements or in performing mitigation of buildings for radon gas or radon progeny is subject to the penalties provided in s. 404.161.

Section 57. Subsections (2), (3), and (5) of section 404.0614, Florida Statutes, are amended to read:

404.0614 Licensing of commercial low-level radioactive waste management facilities.—

(2) The department, within 90 days of receiving an application for a license to construct, operate, or close a commercial low-level radioactive waste management facility, shall forward a copy of the application to the Department of Environmental Protection and, after review by both departments, notify the applicant of any errors or omissions and request any additional information needed by the Department of Environmental Protection to issue a report to the Department of Health ~~and Rehabilitative Services~~ as required by subsection (3) and needed by the Department of Health ~~and Rehabilitative Services~~ to review the license application.

(3) The department, after receiving a complete license application, shall notify the Department of Environmental Protection that a complete license application to construct, operate, or close a commercial low-level radioactive waste management facility has been received, shall send a copy of the complete application to the Department of Environmental Protection, and shall request a report from the Department of Environmental Protection describing the ecological, meteorological, topographical, hydrological, geological, and seismological characteristics of the proposed site. Such report shall be completed no later than 180 days from the date the department requests the report. The Department of Environmental Protection shall be reimbursed for the cost of the report from fees collected by the Department of Health ~~and Rehabilitative Services~~ pursuant to subsection (8).

(5) The department shall consider the report by the Department of Environmental Protection in addition to information required by the Department of Health ~~and Rehabilitative Services~~ in the license application and, within 180 days from receiving that report, decide whether to grant a license to construct, operate, or close the commercial low-level radioactive waste management facility. Such a license shall be subject to renewal by the department as specified in the terms of the license initially granted by the department. The failure of the department to renew a license does not relieve the licensee of any obligations incurred under this section.

Section 58. Subsection (1) of section 404.131, Florida Statutes, 1996 Supplement, is amended to read:

404.131 Fees.—

(1) The department ~~of Health and Rehabilitative Services~~ is authorized to charge and collect reasonable fees for specific and general licenses and for the registration of radiation machines. The fees shall not exceed the estimated costs to the department of performing licensing, registration, inspection, and other regulatory duties. Unless otherwise provided by law, such fees shall be deposited to the credit of the Radiation Protection Trust Fund, to be held and applied solely for salaries and expenses of the department incurred in implementing and enforcing the provisions of this chapter.

Section 59. Subsections (1), (2), (6), and (8) of section 404.20, Florida Statutes, are amended to read:

404.20 Transportation of radioactive materials.—

(1) The department ~~of Health and Rehabilitative Services~~ shall adopt reasonable rules governing the transportation of radioactive materials which, in the judgment of the department, will promote the public health, safety, or welfare and protect the environment.

(a) Such rules shall be limited to provisions for the packing, marking, loading, and handling of radioactive materials, and the precautions necessary to determine whether the material when offered is in proper condition for transport, and shall include criteria for departmental approval of routes in this state which are to be used for the transportation of radioactive materials as defined in 49 C.F.R. s. 173.403(l)(1), (2), and (3) and (n)(4)(i), (ii), and (iii), and all radioactive materials shipments destined for treatment, storage, or disposal facilities as defined in the Southeast Interstate Low-Level Radioactive Waste Compact. The department may designate routes in the state to be used for the transportation of all other shipments of radioactive materials.

(b) Such rules shall be compatible with, but no less restrictive than, those established by the United States Nuclear Regulatory Commission, the United States Federal Aviation Agency, the United States Department of Transportation, the United States Coast Guard, or the United States Postal Service.

(2)(a) Rules adopted by the department ~~of Health and Rehabilitative Services~~ pursuant to subsection (1) may be enforced, within their respec-

tive jurisdictions, by any authorized representative of the department ~~of Health and Rehabilitative Services~~, the Department of Highway Safety and Motor Vehicles, and the Department of Transportation.

(b) The department ~~of Health and Rehabilitative Services~~, through any authorized representative, is authorized to inspect any records of persons engaged in the transportation of radioactive materials when such records reasonably relate to the method or contents of packing, marking, loading, handling, or shipping of radioactive materials.

(c) The department ~~of Health and Rehabilitative Services~~, through any authorized representative, is authorized to enter upon and inspect the premises or vehicles of any person engaged in the transportation of radioactive materials, with or without a warrant, for the purpose of determining compliance with the provisions of this section and the rules promulgated hereunder.

(6) Any person desiring to transport radioactive materials into or through the borders of this state, destined to a treatment, storage, or disposal facility as defined in the Southeast Interstate Low-Level Radioactive Waste Compact, shall obtain a permit from the department ~~of Health and Rehabilitative Services~~ to bring such materials into the state. A permit application shall contain the time at which such radioactive materials will enter the state; a description of the radioactive materials to be shipped; the proposed route over which such radioactive materials will be transported into the state; and, in the event that such radioactive materials will leave the state, the time at which that will occur.

(8) Upon a finding by the department ~~of Health and Rehabilitative Services~~ that any provision of this section, or of the rules *adopted* ~~promulgated~~ hereunder, is being violated, it may issue an order requiring correction.

Section 60. Subsections (1), (2), (3), (4), and (5) of section 404.22, Florida Statutes, are amended to read:

404.22 Radiation machines and components; inspection.—

(1) The department ~~of Health and Rehabilitative Services~~ and its duly authorized agents have the power to inspect in a lawful manner at all reasonable hours any hospital or other health care facility or other place in the state in which a radiation machine is installed for the purpose of determining whether the facility, the radiation machine and its components, the film and film processing equipment, and the resultant image produced meet the standards of the department ~~of Health and Rehabilitative Services~~ as set forth in this chapter and rules adopted pursuant thereto. If, in the opinion of the department, a radiation machine which fails to meet such standards can be made to meet the standards through an adjustment or limitation upon the stations or range of the radiation machine or through the purchase of a component meeting the standards, the department shall order the owner of the radiation machine to make the necessary adjustment or to purchase the necessary component within 90 days of the date or receipt of the order. However, if the radiation machine cannot be made to meet the standards, the department shall order the owner to cease the utilization of the radiation machine.

(2) Any person who enters the state with a radiation machine or component owned by him for the purpose of installing and utilizing the radiation machine shall register the radiation machine with the department ~~of Health and Rehabilitative Services~~. The department shall inspect the radiation machine to determine its compliance with the standards and shall approve or disapprove the radiation machine or shall order adjustments to the radiation machine in accordance with the provisions of subsection (1).

(3) No person shall sell or offer to sell in this state any radiation machine or component thereof which does not meet the standards of the department ~~of Health and Rehabilitative Services~~ or which cannot be adjusted to meet such standards in accordance with the provisions of subsection (1).

(4) The department ~~of Health and Rehabilitative Services~~ shall enforce the provisions of this section and may impose an administrative fine, in addition to all other fines and penalties imposed by law, in an amount of $1,000 for each violation of this section.

(5)(a) The department *may* ~~is authorized to~~ charge and collect reasonable fees annually for the registration and inspection of radiation machines pursuant to this section. Such fees shall include the registration fee provided in s. 404.131 and shall be deposited into the Radiation Protection Trust Fund. Registration shall be on an annual basis. Registration shall consist of having the registrant file, on forms prescribed and furnished by the department, information which includes, but is not limited to: type and number of radiation machines, location of radiation machines, and changes in ownership. ~~Subsequent to fiscal year 1981-1982,~~ The department shall establish by rule *a* ~~an annual~~ fee schedule based upon the actual costs incurred by the department in carrying out its registration and inspection responsibilities, including the salaries, expenses, and equipment of inspectors, but excluding costs of supervision and program administration. The fee schedule shall reflect differences in the frequency and complexity of inspections necessary to ensure that the radiation machines are functioning in accordance with the applicable standards developed pursuant to this chapter and rules adopted pursuant hereto.

(b) The fee schedule and frequency of inspections shall be determined as follows:

1. Radiation machines which are used in the practice of medicine, chiropractic medicine, osteopathic medicine, or naturopathic medicine shall be inspected at least *once every 2 years, but not more than* annually, for an annual fee which is not less than $83 or more than $145 for the first radiation machine within an office or facility and not less than $36 or more than $85 for each additional radiation machine therein.

2. Radiation machines which are used in the practice of veterinary medicine shall be inspected at least once every 3 years for an annual fee which is not less than $28 or more than $50 for the first radiation machine within an office or facility and not less than $19 or more than $34 for each additional radiation machine therein.

3. Radiation machines which are used for educational or industrial purposes shall be inspected at least once every 3 years for an annual fee which is not less than $26 or more than $47 for the first radiation machine within an office or facility and not less than $12 or more than $23 for each additional radiation machine therein.

4. Radiation machines which are used in the practice of dentistry or podiatry shall be inspected at least once every 5 years but not more often than once every 4 years for an annual fee which is not less than $16 or more than $31 for the first radiation machine within an office or facility and not less than $5 or more than $11 for each additional radiation machine therein.

5. Radiation machines which accelerate particles and are used in the healing arts shall be inspected at least annually for an annual fee which is not less than $153 or more than $258 for the first radiation machine within an office or facility and not less than $87 or more than $148 for each additional radiation machine therein.

6. Radiation machines which accelerate particles and are used for educational or industrial purposes shall be inspected at least once every 2 years for an annual fee which is not less than $46 or more than $81 for the first radiation machine within an office or facility and not less than $26 or more than $48 for each additional radiation machine therein.

7. If a radiation machine fails to meet the applicable standards upon initial inspection, the department may reinspect the radiation machine and charge a reinspection fee in accordance with the same schedule of fees as in subparagraphs 1. through 6.

(c) The fee schedule for fiscal year 1981-1982 shall be the minimum fee prescribed in subparagraphs (b)1. through 6. and shall remain in effect until the effective date of a fee schedule *adopted* ~~promulgated~~ by rule by the department pursuant to this subsection.

Section 61. Paragraph (e) of subsection (1) and paragraph (f) of subsection (3) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(e) Local health councils may employ personnel *or contract for staffing services with persons who possess appropriate qualifications* to carry

out the councils' purposes. ~~Such personnel shall possess qualifications and be compensated in a manner commensurate with comparable positions in the Career Service System.~~ However, such personnel *are* ~~shall~~ not ~~be deemed to be~~ state employees.

(3) FUNDING.—

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and proceeds from the certificate-of-need application fees. *The agency shall transfer to the Department of Health an amount* ~~which are~~ sufficient to maintain the aggregate funding level for the local health councils and the Statewide Health Council as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the Health Facility and Services Development Act.

Section 62. Subsection (13) of section 408.701, Florida Statutes, is amended to read:

408.701 Community health purchasing; definitions.—As used in ss. 408.70-408.706, the term:

(13) "Health care provider" or "provider" means a state-licensed or state-authorized facility, *a facility principally supported by a local government or by funds from a charitable organization that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code,* a licensed practitioner, ~~or~~ a county *health department* ~~public health unit~~ established under part I of chapter 154, *a patient care center described in s. 391.031, a prescribed pediatric extended care center defined in s. 391.202, a federally supported primary-care program such as a migrant health center or a community health center authorized under s. 329 or s. 330 of the United States Public Health Services Act that* ~~which~~ delivers health care services to individuals, *or a community facility that receives funds from the state under the Community Alcohol, Drug Abuse, and Mental Health Services Act and provides mental health services to individuals.*

Section 63. Subsections (1) and (3) and paragraph (b) of subsection (5) of section 409.905, Florida Statutes, 1996 Supplement, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the *Department of Health* ~~Department of Business and Professional Regulation~~ or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(3) FAMILY PLANNING SERVICES.—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information*;* ~~,~~ education*; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention;* ~~,~~ drugs and supplies*;* ~~,~~ and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental disease" or "IMD's." The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in *Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County* ~~District 6 of the Department of Health and Rehabilitative Services~~. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers. The department is directed to monitor and evaluate the implementation of this waiver program if it is granted and report to the chairs of the appropriations committees of the Senate and the House of Representatives by February 1, 1992.

Section 64. Subsection (19) of section 409.908, Florida Statutes, 1996 Supplement, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(19) County *health department* ~~public health clinic~~ services may be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations under the authority of 42 C.F.R. s. 431.615. ~~However, this cost-based reimbursement shall not be implemented until the State Health Officer has certified that cost-accounting systems have been modified and are in place prior to implementation in a specific county in order to ensure accurate and timely reporting of Medicaid-related costs in accordance with established Medicaid reimbursement standards. This section shall be repealed effective June 30, 1995, unless otherwise provided for in the General Appropriations Act or other provision of law. The agency shall develop a methodology to adequately evaluate the cost-effectiveness of this method of reimbursement and shall make recommendations to the Legislature based on this evaluation prior to the 1995 regular legislative session.~~

Section 65. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of *Children and Family* ~~Health and Rehabilitative~~ Services.

3. The Secretary of Health.

4.~~3.~~ The Secretary of Labor and Employment Security.

5.~~4.~~ The Secretary of Community Affairs.

6.~~5.~~ The Secretary of Commerce.

7.~~6.~~ The president of Enterprise Florida Jobs and Education Partnership, established under s. 288.0475.

8.~~7.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole. ~~The list of initial five nominees shall be submitted by the President of the Senate and the Speaker of the House of Representatives by July 1, 1996, and the initial appointments by the Governor shall be made by September 1, 1996.~~

Section 66. Subsection (7) of section 414.23, Florida Statutes, 1996 Supplement, is amended to read:

414.23 Evaluation.—The department shall arrange for evaluation of programs operated under this chapter, as follows:

(7) Evaluations described in this section are exempt from the provisions of *s. 381.85* ~~s. 402.105~~.

Section 67. Paragraph (c) of subsection (10) of section 414.38, Florida Statutes, 1996 Supplement, is amended to read:

414.38 Pilot work experience and job training for noncustodial parents program.—

(10)

(c) In order to provide evaluation findings with the highest feasible level of scientific validity, the Department of Health and Rehabilitative Services may contract for an evaluation design that includes random assignment of program participants to program groups and control groups. Under such design, members of control groups must be given the level of job training and placement services generally available to noncustodial parents who are not included in the local work experience and job training pilot program areas. The provisions of *s. 381.85* ~~s. 402.105~~ or similar provisions of federal or state law do not apply under this section.

Section 68. Section 414.391, Florida Statutes, is created to read:

414.391 Automated fingerprint imaging.—

(1) The Department of Children and Family Services shall develop and implement, as part of the electronic benefits transfer program, a statewide program to prevent public assistance fraud by using a type of automated fingerprint imaging of adult and teen parent applicants for, and adult and teen parent recipients of, public assistance under this chapter.

(2) In adopting rules under this section, the department shall ensure that any automated fingerprint imaging performed by the department is used only to prevent fraud by adult and teen parent recipients of public assistance and is in compliance with state and federal disclosure requirements.

(3) The department shall prepare, by April 1998, a plan for implementation of this program. Implementation shall begin with a pilot of the program in one or more areas of the state by November 1, 1998. Pilot evaluation results shall be used to determine the method of statewide expansion. The priority for use of the savings derived from reducing fraud through this program shall be to expand the program to other areas of the state.

(4) The department shall request any waivers of federal regulations necessary to implement the program within the limits described in this section.

Section 69. Section 414.392, Florida Statutes, is created to read:

414.392 Applicant screening.—At the time of application or reapplication, each adult or teen parent applying for public assistance benefits under this chapter must provide the state with an automated fingerprint image performed by the state, before receiving any benefits.

Section 70. Subsection (2) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(2) Such certificate shall be issued pursuant to the following conditions:

(a) The certificate shall authorize the holder to practice only in conjunction with his employment duties with the Department of Health ~~and Rehabilitative Services~~ and shall automatically expire when the holder's relationship with the department is terminated.

(b) The certificate is subject to biennial renewal and shall be renewable only if the secretary of the Department of Health ~~and Rehabilitative Services~~ recommends in writing that the certificate be renewed.

Section 71. Subsections (5) and (15) of section 468.301, Florida Statutes, are amended to read:

468.301 Definitions.—As used in this part, the term:

(5) "Department" means the Department of Health ~~and Rehabilitative Services~~.

(15) "Secretary" means the Secretary of Health ~~and Rehabilitative Services~~.

Section 72. Present paragraphs (d) through (i) of subsection (1) of section 468.3101, Florida Statutes, are redesignated as paragraphs (e) through (j), respectively, a new paragraph (d) is added to that section, and subsection (2) of that section is reenacted to read:

468.3101 Disciplinary grounds and actions.—

(1) The following acts shall be grounds for disciplinary action as set forth in this section:

(d) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime against a person. A plea of nolo contendere shall be considered a conviction for the purposes of this provision.

(2) If the department finds any person or firm guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to approve an application for certification.

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the radiologic technologist on probation for such period of time and subject to such conditions as the department may specify, including requiring the radiologic technologist to submit to treatment, to undertake further relevant education or training, to take an examination, or to work under the supervision of a licensed practitioner.

Section 73. Subsection (1) of section 468.314, Florida Statutes, is amended to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(1) The Advisory Council on Radiation Protection is created within the Department of Health ~~and Rehabilitative Services~~ and shall consist of 15 persons to be appointed by the secretary for 3-year terms.

Section 74. Subsections (4) and (5) of section 489.553, Florida Statutes, 1996 Supplement, are amended to read:

489.553 Administration of part; registration qualifications; examination.—

(4) To be eligible for registration by the department as a septic tank contractor, the applicant must:

(a) Be of good moral character. *In considering good moral character, the department may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to: the applicant being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting; and previous disciplinary action involving septic tank contracting, where all judicial reviews have been completed.*

(b) Pass an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the state laws relating to the installation and maintenance of onsite sewage treatment and disposal systems.

(c) Be at least 18 years of age.

(d) Have a total of at least 3 years of active experience serving an apprenticeship as a skilled workman under the supervision and control of a registered septic tank contractor or a plumbing contractor as defined in s. 489.105 who has provided septic tank contracting services. Related work experience or educational experience may be substituted for no more than 2 years of active contracting experience. Each 30 hours of course work approved by the department will substitute for 6 months of work experience.

(e) Have not had a registration revoked, the effective date of which was less than 5 years before the application.

(5) To be eligible for registration by the department as a master septic tank contractor, the applicant must:

(a) Have been a registered septic tank contractor in Florida for at least 3 years *or a plumbing contractor certified under part I of this chapter who has provided septic tank contracting services for at least 3 years.*

(b) Take and complete, to the satisfaction of the department, a minimum of 30 hours of approved coursework.

(c) Pass an examination approved by the department which demonstrates that the applicant has advanced knowledge relating to the installation and maintenance of onsite sewage treatment and disposal systems, including, but not limited to, the fundamental knowledge required to close residential repair jobs, design systems, and perform soil evaluations, when determined to meet site-evaluation expertise established by rule.

(d) Be reviewed by the department for any major infractions of this chapter or other law relating to onsite sewage treatment and disposal.

Section 75. Subsection (1) of section 514.011, Florida Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(1) "Department" means the Department of Health ~~and Rehabilitative Services~~.

Section 76. Subsection (3) of section 514.028, Florida Statutes, is amended to read:

514.028 Advisory review board.—

(3) Members shall ~~not~~ be reimbursed for *travel* expenses incurred in connection with service on the advisory review board *pursuant to s. 112.061.*

Section 77. Subsection (3) of section 627.4236, Florida Statutes, is amended to read:

627.4236 Coverage for bone marrow transplant procedures.—

(3)(a) The *Agency for Health Care Administration shall* ~~Secretary of Health and Rehabilitative Services must~~ adopt rules specifying the bone marrow transplant procedures that are accepted within the appropriate oncological specialty and are not experimental for purposes of this section. The rules must be based upon recommendations of an advisory panel appointed by the *director of the agency* ~~secretary~~, composed of:

1. One adult oncologist, selected from a list of three names recommended by the Florida Medical Association;

2. One pediatric oncologist, selected from a list of three names recommended by the Florida Pediatric Society;

3. One representative of the J. Hillis Miller Health Center at the University of Florida;

4. One representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.;

5. One consumer representative, selected from a list of three names recommended by the Insurance Commissioner;

6. One representative of the Health Insurance Association of America;

7. Two representatives of health insurers, one of whom represents the insurer with the largest Florida health insurance premium volume and one of whom represents the insurer with the second largest Florida health insurance premium volume; and

8. One representative of the insurer with the largest Florida small group health insurance premium volume.

(b) The *director shall also* ~~secretary must~~ appoint a member of the advisory panel to serve as chairperson.

(c) The *agency shall* ~~Office of the Deputy Secretary for Health of the Department of Health and Rehabilitative Services must~~ provide, within existing resources, staff support to enable the panel to carry out its responsibilities under this section.

(d) In making recommendations and adopting rules under this section, the advisory panel and the *director* ~~secretary~~ shall:

1. Take into account findings, studies, or research of the federal Agency for Health Care Policy, National Cancer Institute, National Academy of Sciences, Health Care Financing Administration, and Congressional Office of Technology Assessment, and any other relevant information.

2. Consider whether the federal Food and Drug Administration or National Cancer Institute are conducting or sponsoring assessment pro-

cedures to determine the safety and efficacy of the procedure or substantially similar procedures, or of any part of such procedures.

3. Consider practices of providers with respect to requesting or requiring patients to sign a written acknowledgment that a bone marrow transplant procedure is experimental.

(e) The advisory panel shall conduct, at least biennially, a review of scientific evidence to ensure that its recommendations are based on current research findings and that insurance policies offer coverage for the latest medically acceptable bone marrow transplant procedures.

Section 78. Subsection (1) of section 766.101, Florida Statutes, 1996 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,

b. A committee of a state or local professional society of health care providers,

c. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

g. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

h. A peer review or utilization review committee organized under chapter 440, or

i. *A committee of a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records* ~~An optometric service plan certified under chapter 637~~,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

(b) The term "health care providers" means physicians licensed under chapter 458, osteopaths licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractors licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 79. Paragraph (b) of subsection (4) of section 766.314, Florida Statutes, 1996 Supplement, is amended to read:

766.314 Assessments; plan of operation.—

(4) The following persons and entities shall pay into the association an initial assessment in accordance with the plan of operation:

(b)1. On or before October 15, 1988, all physicians licensed pursuant to chapter 458 or chapter 459 as of October 1, 1988, other than participating physicians, shall be assessed an initial assessment of $250, which must be paid no later than December 1, 1988.

2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of $250 upon licensure.

3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).

4. However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Business and Professional Regulation. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 455.02.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, *a county health department, or* ~~and~~ state-owned mental health *or developmental services* facilities, *or who is employed full time by the Department of Health*.

Section 80. Section 28.101, Florida Statutes, 1996 Supplement, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(a) A charge of $5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph ~~to the Department of Health and Rehabilitative Services~~ for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

(b) A charge of $5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. 410.30. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.

(c) A charge of $18. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund. Such funds which are generated shall be directed to the Department of *Children and Family*

~~Health and Rehabilitative~~ Services for the specific purpose of funding domestic violence centers.

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk shall collect and receive a service charge of $7 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health ~~and Rehabilitative Services~~.

Section 81. Paragraph (g) of subsection (3) of section 28.222, Florida Statutes, is amended to read:

28.222 Clerk to be county recorder.—

(3) The clerk of the circuit court shall record the following kinds of instruments presented to him or her for recording, upon payment of the service charges prescribed by law:

(g) Certified copies of death certificates authorized for issuance by the Department of Health ~~and Rehabilitative Services~~ which exclude the information that is confidential under s. 382.008~~(6)~~, and certified copies of death certificates issued by another state whether or not they exclude the information described as confidential in s. 382.008~~(6)~~.

Section 82. Paragraph (b) of subsection (1) of section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption.—

(1) Unless consent is excused by the court, a petition to adopt a minor may be granted only if written consent has been executed after the birth of the minor by:

(b) The father of the minor, if:

1. The minor was conceived or born while the father was married to the mother.

2. The minor is his child by adoption.

3. The minor has been established by court proceeding to be his child.

4. He has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor and has filed such acknowledgment with the Office of Vital Statistics of the Department of Health ~~and Rehabilitative Services~~.

5. He has provided the child with support in a repetitive, customary manner.

Section 83. Section 63.165, Florida Statutes, is amended to read:

63.165 State registry of adoption information; duty to inform and explain.—*Notwithstanding any other law to the contrary, the department shall maintain a registry with the last known names and addresses of an adoptee and his or her natural parents and adoptive parents and any other identifying information which the adoptee, natural parents, or adoptive parents desire to include in the registry. The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information therein, but no one shall be required to do so.*

(1) Anyone seeking to enter, change, or use information in the registry, or any agent of such person, shall present verification of his or her identity and, if applicable, his or her authority. A person who enters information in the registry shall be required to indicate clearly the persons to whom he or she is consenting to release this information, which persons shall be limited to the adoptee and the natural mother, natural father, adoptive mother, adoptive father, natural siblings, and maternal and paternal natural grandparents of the adoptee. Except as provided in this section, information in the registry is confidential and exempt from the provisions of s. 119.07(1). Consent to the release of this information may be made in the case of a minor adoptee by his or her adoptive parents or by the court after a showing of good cause. At any time, any person may withdraw, limit, or otherwise restrict consent to release information by notifying the department in writing.

(2) The department may charge a reasonable fee to any person seeking to enter, change, or use information in the registry. The department shall deposit such fees in a trust fund to be used by the department only for the efficient administration of this section. The department and agencies shall make counseling available for a fee to all persons seeking to use the registry, and the department shall inform all affected persons of the availability of such counseling.

(3) The department, intermediary, or licensed child-placing agency must inform the birth parents before parental rights are terminated, and the adoptive parents before placement, in writing, of the existence and purpose of the registry established under *this section* ~~s. 382.027~~, but failure to do so does not affect the validity of any proceeding under this chapter.

Section 84. Subsection (4) of section 68.07, Florida Statutes, is amended to read:

68.07 Change of name.—

(4) On filing the final judgment, the clerk shall*, if the birth occurred in this state,* send a report of the judgment to the *Office of Vital Statistics of the* Department of Health ~~and Rehabilitative Services~~ on a form to be furnished by *the* ~~that~~ department. The form shall contain sufficient information to identify the original birth certificate of the person, the new name, and the file number of the judgment. This report shall be filed by the *department* ~~state registrar~~ with respect to a person born in this state and shall become a part of the vital statistics of this state. With respect to a person born in another state, the *clerk shall provide the petitioner with a certified copy of the final judgment.* ~~Department of Health and Rehabilitative Services shall send the report to the office of vital statistics of the state in which the person's birth occurred.~~

Section 85. Section 382.002, Florida Statutes, is amended to read:

382.002 Definitions.—As used in this chapter, the term:

~~(1) "Applicant" means the person requesting a copy of a vital record.~~

(1)~~(2)~~ "~~Computer~~ Certification" *or "certified"* means a document ~~produced by computer or other electromagnetic equipment~~ containing all or a part of the exact information contained on the original vital record, and which, when *issued* ~~certified~~ by the State Registrar, has the full force and effect of the original vital record.

(2)~~(3)~~ "Dead body" means a human body or such parts of a human body from the condition of which it reasonably may be concluded that death recently occurred.

~~(4) "Death without medical attendance" means a death occurring more than 30 days after the decedent was last treated by a physician, except where death was medically expected as certified by an attending physician.~~

(3)~~(5)~~ "Department" means the Department of Health ~~and Rehabilitative Services~~.

(4)~~(6)~~ "Dissolution of marriage" includes an annulment of marriage.

(5)~~(7)~~ "Fetal death" means death prior to the complete expulsion or extraction of a product of human conception from its mother if the 20th week of gestation has been reached and the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(6)~~(8)~~ "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or *a* fetus~~,~~ as *described* ~~defined~~ in subsection *(5)* ~~(7)~~. In the case of cremation, dispersion of ashes or cremation residue is considered to occur after final disposition; the cremation itself is considered final disposition.

(7)~~(9)~~ "Funeral director" means a licensed funeral director or direct disposer licensed pursuant to chapter 470 or other person who first assumes custody of or effects the final disposition of a dead body or *a* fetus~~,~~ as *described* ~~defined~~ in subsection *(5)* ~~(7)~~.

(8) "Legal age" means a person who is not a minor, or a minor who has had the disability of nonage removed as provided under chapter 743.

(9)~~(10)~~ "Live birth" means the complete expulsion or extraction of a product of human conception from its mother, irrespective of the dura-

tion of pregnancy, which, after such expulsion, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, and definite movement of the voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(10)~~(11)~~ "Medical examiner" means a person ~~so~~ appointed pursuant to chapter 406.

(11)~~(12)~~ "Physician" means a person authorized to practice medicine, ~~or~~ osteopathic medicine, *or chiropractic* pursuant to chapter 458, ~~or~~ chapter 459*, or chapter 460*.

~~(13) "Presumptive death" means determination by a court of competent jurisdiction that a death has occurred or is presumed to have occurred in this state or adjacent waters, but the body of the person involved has not been located or recovered.~~

(12)~~(14)~~ "Registrant" means the child entered on a birth certificate, the deceased entered on a death certificate, and ~~both~~ the husband *or* ~~and~~ wife entered on a marriage or dissolution of marriage record.

(13)~~(15)~~ "Vital records" *or "records"* means certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, name change filed pursuant to s. 68.07, and data related thereto.

(14)~~(16)~~ "Vital statistics" means a system of registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this act, and activities related thereto, including the tabulation, analysis, and publication of data obtained from vital records.

Section 86. Subsections (2), (6), (7), (8), and (10) of section 382.003, Florida Statutes, are amended to read:

382.003 Powers and duties of the department.—The department may:

(2) Procure the complete registration of *all vital records* ~~the same~~ in each registration district ~~as constituted in subsection (4)~~ and in the Office of Vital Statistics.

(6) Investigate cases of irregularity or violation of law, and all local registrars of vital statistics shall aid the department in such investigations. When necessary, the department shall report cases of violations of any of the provisions of this chapter to the state attorney having charge of the prosecution of misdemeanors in the registration district in which *the* ~~such~~ violation *occurs* ~~shall occur~~.

(7) Approve all forms used in registering, recording, certifying, and preserving vital records, or in otherwise carrying out the purposes of this chapter, and no other forms shall be used other than those approved by the department. The department is responsible for the careful examination of the certificates received monthly from the local registrars and marriage certificates and dissolution of marriage reports received from the circuit and county courts. A certificate that is complete and satisfactory shall be accepted and given a state file number and considered a state-filed record. If any such certificates are incomplete or unsatisfactory, the department shall require ~~such~~ further information to be supplied as may be necessary to make the record complete and satisfactory. All physicians, midwives, informants, or funeral directors, and all other persons having knowledge of the facts, are required to supply, upon a form approved by the department or upon the original certificate, such information as they may possess regarding any vital record~~, as requested by the department~~.

(8) Prepare and publish an annual report of vital statistics and such other reports as may be required ~~by the department~~.

(10) Adopt, promulgate, and enforce rules necessary for the *creation, issuance, recording, rescinding, maintenance, and processing* ~~preservation and protection~~ of vital records and for carrying out *the* ~~other~~ provisions of *ss. 382.004-382.014 and ss. 382.016-382.019* ~~this chapter~~.

Section 87. Section 382.004, Florida Statutes, is amended to read:

382.004 *Reproduction* ~~Microfilming~~ and *destruction of* ~~destroying~~ records.—

(1) The department is authorized to photograph, microphotograph, reproduce on film, or reproduce by electronic means vital records in such a manner that the data on each page are in exact conformity with the original record.

(2) The department is ~~hereby~~ authorized to destroy any of the original vital records after they have been photographed or reproduced in exact conformity with the original record and after approval for destruction in accordance with chapter 257.

(3) Photographs, microphotographs, or reproductions of any record in the form of film, prints, or electronically produced certifications made in compliance with the provisions of this chapter *and certified by the department* shall have the same force and effect as the originals thereof, ~~and~~ shall be treated as originals for the purpose of their admissibility in any court or case*, and shall be prima facie evidence in all courts and cases of the facts stated therein* ~~where the documents have been duly certified by the department~~.

Section 88. Section 382.005, Florida Statutes, is amended to read:

382.005 Duties of local registrars.—

(1) Each local registrar is charged with the strict and thorough enforcement of the provisions of this chapter and rules adopted hereunder in his or her registration district, and ~~he or she~~ shall make an immediate report to the department of any violation or apparent violation of this law or rules adopted hereunder.

(2) Each local registrar shall make available blank forms as necessary ~~to such persons as required of them~~ and shall *examine* ~~be responsible for the careful examination of~~ each certificate of *live* birth, death, or fetal death when presented for registration~~,~~ in order to ascertain whether or not it has been completed in accordance with the provisions of this chapter *and adopted*~~,~~ rules ~~adopted hereunder, and the instructions of the department~~. All birth, death, and fetal death certificates shall be typewritten ~~or printed legibly~~ in permanent black ink, and a certificate is not complete and correct if it does not supply each item of information called for ~~therein~~ or satisfactorily account for its omission.

~~(3) If any certificate of death or fetal death is incomplete or unsatisfactory, the local registrar shall call attention to the defect in the record and may withhold the burial, removal, or other permit until such defects are corrected. If the certificate of death or fetal death is properly executed and complete, the local registrar shall then issue a burial, removal, or other permit to the funeral director; provided, that in case the death occurred from some disease which is held by the department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the dead body shall be issued by the local registrar, except under such conditions as may be prescribed by the department.~~

~~(4) If a certificate of birth is incomplete, the local registrar shall immediately notify the institution where the birth occurred or the informant, and require the completion of the missing items of information, if they can be obtained prior to issuing certified copies of the record.~~

(3)~~(5)~~ The local registrar or his or her deputy, if ~~so~~ authorized by the department, shall sign as registrar in attestation of the date of registration ~~in his or her office~~ and may also make and preserve a local record of each birth, death, and fetal death certificate registered by him or her, in such manner as directed by the department. ~~And~~ The local registrar ~~or deputy~~ shall~~, on or before the 7th day of each month,~~ transmit *daily* to the department all original certificates registered. ~~by him or her for the preceding month. And~~ If no births, ~~or~~ deaths, or ~~no~~ fetal deaths occurred in any month, the local registrar or deputy shall, on the 7th day of the following month, report that fact to the department on a form provided for such purpose.

(4)~~(6)~~ Each local registrar, immediately upon ~~his or her acceptance of~~ appointment, shall *designate one or more deputy registrars to act on behalf of the local registrar* ~~appoint a chief deputy registrar, who shall act in the local registrar's stead in case of his or her absence or disability and may appoint other deputy registrars~~.

Section 89. Section 382.006, Florida Statutes, is amended to read:

382.006 Burial-transit permit.—

(1) The funeral director who first assumes custody of a dead body or fetus *must* ~~shall~~ obtain a burial-transit permit prior to final disposition ~~or removal from the state of the dead body or fetus~~ and within 5 days after death. *The application for a burial-transit permit must be signed by the funeral director and include the funeral director's license number. The funeral director must attest on the application that he or she has contacted the physician's or medical examiner's office and has received assurance that the physician or medical examiner will provide medical certification of the cause of death within 72 hours after receipt of the death certificate from the funeral director.*

(2) A ~~Such~~ burial-transit permit shall be issued by the local registrar or subregistrar of the registration district in which the death occurred or the body was found. *A* ~~No such~~ burial-transit permit shall *not* be issued*:*

(a) Until a complete and satisfactory certificate of death or fetal death has been filed in accordance with the requirements of this chapter *and adopted rules, unless* ~~or~~ the funeral director provides adequate assurance that a complete and satisfactory certificate will be so registered.

(b) Except under conditions prescribed by the department, if the death occurred from some disease which is held by the department to be infectious, contagious, or communicable and dangerous to the public health.

(3)~~(2)~~ The funeral director shall deliver the burial-transit permit to the person in charge of the place of final disposition, before interring or otherwise disposing of the dead body or fetus within this state; or when transported to a point outside the state, the permit shall accompany the dead body or fetus to its destination.

(4)~~(3)~~ A burial-transit permit issued under the law of another state or country, *or a certification of a death certificate issued under the law of a state or country that does not issue burial-transit permits,* which accompanies a dead body or fetus brought into this state~~,~~ shall be authority for final disposition of the dead body or fetus in this state.

(5) Rules of the department may provide for the issuance of a burial-transit permit prior to the filing of a certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.

(6) Burial-transit permits filed with the local registrar under the provisions of this chapter may be destroyed after the expiration of 3 years from the date of filing.

~~(4) A permit for disinterment and reinterment shall be required prior to disinterment or reinterment of a dead body or fetus except as authorized or otherwise provided by law. Such permit shall be issued by the local registrar for vital statistics of the district in which the dead body or fetus is buried, to a funeral director, upon proper application.~~

Section 90. Section 382.007, Florida Statutes, is amended to read:

382.007 Final dispositions prohibited without *burial-transit* ~~burial~~ permit; records of dead bodies disposed.—*A* ~~No~~ person in charge of any premises on which final dispositions are made shall *not* inter or permit the interment or other disposition of any dead body unless it is accompanied by a *burial-transit permit* ~~burial, other disposition, or removal permit as herein provided~~. Any such person shall endorse upon the permit the date of interment, or other disposition, over his or her signature, and shall return all permits so endorsed to the local registrar of *the district where the place of final disposition is located* ~~his or her district~~ within 10 days from the date of interment or other disposition. He or she shall keep a record of all dead bodies interred or otherwise disposed of on the premises under his or her charge, in each case stating the name of each deceased person, place of death, date of burial or other disposition, and name and address of the funeral director which record shall at all times be open to official inspection.~~; provided, that~~ The funeral director, when burying a dead body in a cemetery ~~or burial grounds~~ having no person in charge, shall sign the *burial-transit* ~~burial or removal~~ permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the ~~burial or removal~~ permit within 10 days *after burial* with the *local* registrar of the district in which the cemetery is located. ~~Permits filed with the local registrar under the provisions of this section may be destroyed by the official custodian after the expiration of 3 years from the date of such filing.~~

Section 91. Section 382.008, Florida Statutes, 1996 Supplement, is amended to read:

382.008 Death and fetal death registration.—

(1) A certificate for each death and fetal death which occurs in this state shall be *filed on a form prescribed by the department* ~~registered~~ with the local registrar of the district in which the death occurred within 5 days after such death and prior to final disposition ~~or removal of the dead body or fetus from the state~~, and shall be registered by such registrar if it has been completed and filed in accordance with this chapter *or adopted rules. In addition, each certificate of death or fetal death*:

(a) *If requested by the informant, shall include aliases or "also known as" (AKA) names of a decedent in addition to the decedent's name of record. Aliases shall be entered on the face of the death certificate in the space provided for name if there is sufficient space. If there is not sufficient space, aliases may be recorded on the back of the certificate and shall be considered part of the official record of death* ~~The certificate of death or fetal death shall be in the form prescribed by the department~~;

(b) If the place of death is unknown, ~~a certificate~~ shall be registered in the registration district in which *the* ~~a~~ dead body or fetus is found within 5 days after such occurrence; and

(c) If death occurs in a moving conveyance, ~~a death certificate~~ shall be registered in the registration district in which the dead body was first removed from such conveyance.

(2) The funeral director who first assumes custody of a dead body or fetus shall file the *certificate of* death or fetal death ~~certificate~~. In the absence of *the funeral director* ~~such a person~~, the physician or other person in attendance at or after the death shall file the certificate of death or fetal death. The person who *files* ~~registers~~ the certificate shall obtain ~~the~~ personal data from the next of kin or the best qualified person or source available. The medical certification of cause of death shall be furnished to the funeral director, either in person or via certified mail, by the physician or medical examiner responsible for furnishing such information. *For fetal deaths, the physician, midwife, or hospital administrator shall provide any medical or health information to the funeral director within 72 hours after expulsion or extraction.*

(3) Within 72 hours after receipt of a death or fetal death certificate from *the* ~~a~~ funeral director, the medical certification *of cause of death* shall be completed~~, signed,~~ and made available to the funeral director by the physician in charge of the decedent's care for the illness or condition which resulted in death, ~~or~~ the physician in attendance at the time of death or fetal death or immediately before or after such death or fetal death*, or the medical examiner if the provisions of s. 382.011 apply. The physician or medical examiner*~~, who~~ shall certify over his or her signature the cause of death to *the best of* his or her ~~best~~ knowledge and belief~~; except the provisions of s. 382.011 apply when the death or fetal death requires investigation pursuant to s. 406.11 or the death or fetal death occurred without medical attendance~~.

(a) The local registrar may grant the funeral director an extension of time upon a good and sufficient showing of any of the following conditions:

1. An autopsy is pending.

2. Toxicology, laboratory, or other diagnostic reports have not been completed.

3. The identity of the decedent is unknown and further investigation or identification is required.

(b) If the physician or medical examiner has indicated that he or she will sign and complete the medical certification of cause of death, but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

(4) If the local registrar has granted an extension of time to provide the medical certification of cause of death, the funeral director shall file

a temporary certificate of death or fetal death which shall contain all available information, including the fact that the cause of death is pending. The physician or medical examiner shall provide an estimated date for completion of the permanent certificate.

(5) A permanent certificate of death or fetal death, containing the cause of death and any other information which was previously unavailable, shall be registered as a replacement for the temporary certificate. The permanent certificate may also include corrected information if the items being corrected are noted on the back of the certificate and dated and signed by the funeral director, physician, or medical examiner, as appropriate.

~~(4) The department may by rule and upon such conditions as it may prescribe to assure compliance with the purposes of this act, provide for the extension of the periods prescribed in this chapter for the filing of death certificates, fetal death certificates, medical certifications of causes of death, and for the obtaining of burial-transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.~~

~~(5) Rules of the department may provide for the issuance of a burial-transit permit prior to the filing of a certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this act in cases in which compliance with the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.~~

(6) *The original certificate of death or fetal death shall contain all the information required by the department for legal, social, and health research purposes. All information relating to cause of death in* ~~The cause-of-death section of~~ all death and fetal death records and the parentage, marital status, and medical information included in all fetal death records of this state are confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department; nor may copies of the same be issued except as provided in s. 382.025~~(4)~~.

~~(7) The provisions of s. 382.013(5), (6), and (7) also apply to the entry of similar information on fetal death certificates.~~

Section 92. Section 382.011, Florida Statutes, is amended to read:

382.011 *Medical examiner determination of cause of death* ~~When Death occurs without medical attendance or due to unlawful act or neglect.~~—

(1) In the case of any death or fetal death due to causes or conditions listed in s. 406.11, *or where the death occurred more than 30 days after the decedent was last treated by a physician unless the death was medically expected as certified by an attending physician* ~~occurring without medical attendance~~, or where there is reason to believe that the death may have been due to unlawful act or neglect, the funeral director or other person to whose attention the death may come shall refer the case to the medical examiner of the district in which the death occurred for ~~his or her~~ investigation and *determination of* ~~certification; and the medical examiner shall certify the cause of death, as required for a burial permit, and to properly classify~~ the cause of death.

(2) The medical examiner shall complete and sign the medical certification *of cause of death* ~~section~~ of the death or fetal death certificate within 72 hours after notification, whether or not final determination of the cause of death has been established, *unless an extension has been granted as provided under s. 382.008. Any* amendment fees *prescribed in s. 382.0255 shall be* ~~are~~ waived when a later determination of cause of death is made ~~in such a case~~.

(3) The funeral director shall retain the responsibility for preparation of the death or fetal death certificate, obtaining the necessary signatures, filing with the local registrar in a timely manner, and disposing of the remains when the remains are released by the medical examiner.

Section 93. Section 382.012, Florida Statutes, is amended to read:

382.012 Presumptive death *certificate.*—

(1) "Presumptive death" means a determination by a court of competent jurisdiction that:

(a) A death of a resident of this state has occurred or is presumed to have occurred, but the body of the person involved has not been located or recovered; or

(b) A death of a nonresident of this state has occurred or is presumed to have occurred in this state, but the body of the person involved has not been located or recovered.

(2) The department shall file a presumptive death certificate when ordered by a court of competent jurisdiction. In case of a presumptive death certificate, the medical certification *of cause of death must* ~~section shall~~ be signed by the judge issuing the court order. *A petitioner seeking a presumptive death certificate must include in the petition before the court all information necessary to complete the presumptive death certificate.*

Section 94. Section 382.013, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 382.013, F.S., for present text.)

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in accordance with this chapter and adopted rules.

(1) FILING.—

(a) If a birth occurs in a hospital, birth center, or other health care facility, or en route thereto, the person in charge of the facility shall be responsible for preparing the certificate, certifying the facts of the birth, and filing the certificate with the local registrar. Within 48 hours after the birth, the physician, midwife, or person in attendance during or immediately after the delivery shall provide the facility with the medical information required by the birth certificate.

(b) If a birth occurs outside a facility and the child is not taken to the facility within 3 days after delivery, the certificate shall be prepared and filed by one of the following persons in the indicated order of priority:

1. The physician or midwife in attendance during or immediately after the birth.

2. In the absence of persons described in subparagraph 1., any other person in attendance during or immediately after the birth.

3. In the absence of persons described in subparagraph 2., the father or mother.

4. In the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(c) If a birth occurs in a moving conveyance and the child is first removed from the conveyance in this state, the birth shall be filed and registered in this state and the place to which the child is first removed shall be considered the place of birth.

(d) At least one of the parents of the child shall attest to the accuracy of the personal data entered on the certificate in time to permit the timely registration of the certificate.

(e) If a certificate of live birth is incomplete, the local registrar shall immediately notify the health care facility or person filing the certificate and shall require the completion of the missing items of information if they can be obtained prior to issuing certified copies of the birth certificate.

(2) PATERNITY.—

(a) If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(b) If the husband of the mother dies while the mother is pregnant but before the birth of the child, the name of the deceased husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(c) If the mother is not married at the time of birth, the name of the father may not be entered on the birth certificate without the execution of a consenting affidavit signed by both the mother and the person to be named as the father. The facility shall provide the mother and the person to be named as the father with the affidavit, as well as information provided by the Title IV-D agency established pursuant to s. 409.2557, regarding the benefits of voluntary establishment of paternity. Upon request of the mother and the person to be named as the father, the facility shall assist in the execution of the affidavit.

(d) If the paternity of the child is determined by a court of competent jurisdiction as provided under s. 382.015, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the court. If the court fails to specify a surname for the child, the surname shall be entered in accordance with subsection (3).

(e) If the father is not named on the certificate, no other information about the father shall be entered on the certificate.

(3) NAME OF CHILD.—

(a) If the mother is married at the time of birth, the mother and father whose names are entered on the birth certificate shall select the given names and surname of the child if both parents have custody of the child, otherwise the parent who has custody shall select the child's name.

(b) If the mother and father whose names are entered on the birth certificate disagree on the surname of the child and both parents have custody of the child, the surname selected by the father and the surname selected by the mother shall both be entered on the birth certificate, separated by a hyphen, with the selected names entered in alphabetical order. If the parents disagree on the selection of a given name, the given name may not be entered on the certificate until a joint agreement that lists the agreed upon given name and is notarized by both parents is submitted to the department, or until a given name is selected by a court.

(c) If the mother is not married at the time of birth, the person who will have custody of the child shall select the child's given name and surname.

(d) If multiple names of the child exceed the space provided on the face of the birth certificate they shall be listed on the back of the certificate. Names listed on the back of the certificate shall be part of the official record.

(4) UNDETERMINED PARENTAGE.—A birth certificate shall be registered for every child of undetermined parentage showing all known or approximate facts relating to the birth. To assist in later determination, information concerning the place and circumstances under which the child was found shall be included on the portion of the birth certificate relating to marital status and medical details. In the event the child is later identified to the satisfaction of the department, a new birth certificate shall be prepared which shall bear the same number as the original birth certificate, and the original certificate shall be sealed and filed, shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be opened to inspection by, nor shall certified copies of the same be issued except by court order to, any person other than the registrant if of legal age.

(5) DISCLOSURE.—The original certificate of live birth shall contain all the information required by the department for legal, social, and health research purposes. However, all information concerning parentage, marital status, and medical details shall be confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department, nor shall copies of the same be issued except as provided in s. 382.025.

Section 95. Section 382.0135, Florida Statutes, is amended to read:

382.0135 Social security numbers; enumeration-at-birth program.—The department ~~of Health and Rehabilitative Services, through the State Registrar,~~ shall make arrangements with the United States Social Security Administration to *participate* ~~enable this state to begin participating, as soon as practicable,~~ in the voluntary enumeration-at-birth program ~~established by that federal agency~~. The State Registrar is authorized to ~~and shall~~ take any actions ~~that are~~ necessary ~~in order~~ to administer the program in this state, including modifying the procedures and forms used in the birth registration process.

Section 96. Section 382.015, Florida Statutes, 1996 Supplement, is amended to read:

382.015 New ~~or amended~~ certificates of *live* birth; duty of clerks of court and department.—The clerk of the court in which any proceeding for ~~determination of paternity,~~ adoption, ~~or~~ annulment of an adoption, *affirmation of parental status, or determination of paternity is to* ~~shall~~ be registered, shall within 30 days after the final disposition, ~~thereof~~ forward to the department *a court-certified copy of the court decree, or* a report of *the* ~~said~~ proceedings upon a form to be furnished by the department, *together with*~~, which form shall contain~~ sufficient information to identify the original birth certificate ~~of the child~~ and to enable *the preparation of a* ~~an amendatory or~~ new birth certificate ~~to be prepared~~.

(1) ADOPTION *AND ANNULMENT OF ADOPTION.*—

(a) Upon receipt of the report *or certified copy of an adoption decree, together with the information necessary to identify the original certificate of live birth, and establish a new certificate* ~~of an adoption from a clerk of the court, or upon receipt of a certified copy of a final decree of adoption, together with all necessary information, from any registrant or adoptive parent of a registrant~~, the department shall prepare and file a new birth certificate, *absent objection by the court decreeing the adoption, the adoptive parents, or the adoptee if of legal age. The* ~~, which~~ certificate shall bear the same file number as the original birth certificate. All names and *identifying information relating to the adoptive parents* ~~statistical particulars~~ entered on the new certificate shall refer to the adoptive parents, but nothing in *the* ~~said~~ certificate shall refer to or designate *the* ~~said~~ parents as being adoptive. All other items not affected by adoption shall be copied as on the original certificate, including the date of registration and filing.

(b) Upon receipt of the report or certified copy of an annulment-of-adoption decree, together with the sufficient information to identify the original certificate of live birth, the department shall, if a new certificate of birth was filed following an adoption report or decree, remove the new certificate and restore the original certificate to its original place in the files, and the certificate so removed shall be sealed by the department.

(c) Upon receipt of a report or certified copy of an adoption decree or annulment-of-adoption decree for a person born in another state, the department shall forward the report or decree to the state of the registrant's birth. If the adoptee was born in Canada, the department shall send a copy of the report or decree to the appropriate birth registration authority in Canada.

(2) DETERMINATION OF PATERNITY.—

(a) Upon receipt of the report *or* ~~of a determination of paternity from a clerk of the court, or upon receipt of~~ a certified copy of a final decree ~~or judgment~~ of determination of paternity, *or upon written request and receipt of a consenting affidavit signed by both parents acknowledging the paternity of the registrant,* together with *sufficient information to identify the original certificate of live birth* ~~all necessary information from a registrant or the parent or parents of a registrant, or upon receipt of evidence of the marriage of the parents of a person subsequent to the birth of said person~~, the department shall prepare and file a new birth certificate which ~~certificate~~ shall bear the same file number as the original birth certificate. *If paternity has been established pursuant to court order, the registrant's name shall be entered as decreed by the court. Otherwise, the surname of the registrant may be changed from that shown on the original birth certificate at the request of the parents or the registrant if of legal age.* The names and *identifying information of the parents* ~~statistical particulars~~ shall be entered as of the date of *the registrant's* birth ~~but as though the parents were married at that time~~.

(b) If the parents marry each other at any time after the registrant's birth, the department shall, upon request of the parents or registrant if of legal age and proof of the marriage, amend the certificate with regard to the parent's marital status as though the parents were married at the time of birth.

(c) If a father's name is already listed on the birth certificate, the birth certificate may only be amended to add a different father's name upon court order. If a change in the registrant's surname is also desired, such change must be included in the court order determining paternity or the name must be changed pursuant to s. 68.07.

(3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an order of affirmation of parental status issued pursuant to s. 742.16, together with sufficient information to identify the original certificate of live birth, the department shall prepare and file a new birth certificate which shall bear the same file number as the original birth certificate. The names and identifying information of the registrant's parents entered on the new certificate shall be the commissioning couple, but the new certificate may not make reference to or designate the parents as the commissioning couple.

~~(3) ANNULMENT OF ADOPTION.—Upon receipt of the report of an annulment of an adoption from a clerk of the court, or upon receipt of a certified copy of a final decree, or judgment of the annulment of adoption, the department shall, if a new certificate of birth was filed, based upon an adoption order, remove such new certificate and restore the original certificate to its original place in the files and the certificate so removed shall then be destroyed by the department.~~

~~(4) DUTY OF DEPARTMENT UPON RECEIPT OF REPORTS ON CHILDREN NOT BORN IN THIS STATE.—Upon receipt of a report of an adoption, determination of paternity, or annulment of an adoption from a clerk of the court, in which report it affirmatively appears that the person involved was born in a state other than the State of Florida, it shall be the duty of the department to forward a copy of such report to the State Registrar or comparable official of the state in which said person was born.~~

(4)~~(5)~~ SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR ORIGINAL.—When a new certificate of birth is prepared, the department shall substitute the new certificate of birth for the *original certificate* ~~one~~ on file ~~in the Office of Vital Statistics~~. *All copies of the original certificate of live birth in the custody of a local registrar or other state custodian of vital records shall be forwarded to the State Registrar.* Thereafter, when a certified copy of the certificate of birth of such person or portion thereof is issued, it shall be a copy of the new certificate of birth or portion thereof, except when *a court* ~~an~~ order *requires* ~~of a court of competent jurisdiction shall require the~~ issuance of a *certified* copy of the original certificate of birth. *In*~~, and in the case of~~ an adoption, change in paternity, *affirmation of parental status, undetermined parentage,* or court-ordered substitution, the department shall place the original certificate of birth and all papers pertaining thereto under seal, not to be broken ~~or opened~~ except by order of a court of competent jurisdiction *or as otherwise provided by law*. ~~The original birth certificate is confidential and exempt from the provisions of s. 119.07(1). In the case of an adoptive child, access to the original certificate of birth shall be governed by s. 63.162.~~

(5) FORM.—Except for certificates of foreign birth which are registered as provided in s. 382.017, and delayed certificates of birth which are registered as provided in ss. 382.019 and 382.0195, all original, new, or amended certificates of live birth shall be identical in form, regardless of the marital status of the parents or the fact that the registrant is adopted or of undetermined parentage.

(6) RULES.—The department shall adopt and enforce all rules necessary for carrying out the provisions of this section.

Section 97. Section 382.016, Florida Statutes, is amended:

(Substantial rewording of section. See s. 382.016, F.S., for present text.)

382.016 Amendment of records.—

(1) The department, upon receipt of the fee prescribed in s. 382.0255, documentary evidence of any misstatement, error, or omission occurring in any birth, death, or fetal death record as may be required by department rule, and an affidavit setting forth the changes to be made, shall amend or replace the original certificate as necessary. However, except for a misspelling or an omission on a death certificate with regard to the name of the surviving spouse, the department may not change the name of the surviving spouse on the certificate except by order of a court of competent jurisdiction.

(2) Until a child's first birthday, the child's given name or surname may be amended upon receipt of the fees prescribed in s. 382.0255 and an affidavit signed by each parent named on the original birth certificate or by the registrant's guardian. If both parents are named on the certificate but both are not willing or available to sign the affidavit, the registrant's name may only be amended by court order.

Section 98. Section 382.017, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 382.017, F.S., for present text.)

382.017 Foreign births.—

(1) Upon request, the department shall prepare and register a certificate of foreign birth for an adoptee born in a foreign country who is not a citizen of the United States and whose judgment of adoption was entered by a court of competent jurisdiction of this state. The certificate shall be established upon receipt of the report or certified copy of the adoption decree, proof of the date and place of the adoptee's birth, and a request that the certificate be prepared from the court, the adopting parents, or the adoptee if of legal age. The certificate shall be labeled "Certificate of Foreign Birth" and shall show the true country and date of birth of the adoptee, and must include a statement that the certificate is not evidence of United States citizenship. After registering the certificate of foreign birth in the new name of the adoptee, the department shall place the adoption report or decree under seal, not to be broken except pursuant to court order.

(2) If the adoptee was born in a foreign country but was a citizen of the United States at the time of birth, the department shall not prepare a certificate of foreign birth but shall notify the adoptive parents, or the adoptee if of legal age, of the procedure for obtaining a revised birth certificate through the United States Department of State.

Section 99. Section 382.018, Florida Statutes, is renumbered as section 382.0195, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 382.018, F.S., for present text.)

382.0195 Court-issued delayed birth certificate.—

(1) In addition to the provisions of s. 382.019, any state resident or person born in this state who does not have a birth certificate may, at any time after birth, file a petition in the circuit court in the county of residence or in the alleged county of his or her birth, setting forth the date, place, and parentage of birth and petitioning the court to issue a delayed birth certificate. The petition must be on a form furnished by the department and must be accompanied by a certified statement from the state registrar of the alleged state of birth, stating that, based on the facts submitted by the petitioner, a birth certificate for the petitioner is not on file.

(2) Upon the filing of the petition, the court shall hold a hearing at which time such evidence may be presented as may be required by the court to establish the fact of the petitioner's birth and the date, place, and parentage of his or her birth. However, a certificate may not be granted based solely on the uncorroborated testimony of the petitioner.

(3) If the evidence is sufficient, the court shall issue a delayed birth certificate on a form furnished by the department. Documentation submitted by the petitioner in support of the petition shall be recorded on the delayed birth certificate.

(4) The original and court copies of the delayed birth certificate issued by the court shall be distributed as follows:

(a) One copy shall be filed in the circuit court as a permanent record.

(b) If the birth occurred in this state, one copy shall be delivered to the petitioner and the original shall be mailed to the department by the clerk of the court within 10 days after the delayed certificate is issued by the court.

(c) If the birth occurred outside this state, the original certificate plus one copy shall be delivered to the petitioner by the court.

(5) A delayed birth certificate issued by a court pursuant to this section and registered with the department may not be amended except by court order.

Section 100. Section 382.019, Florida Statutes, is amended to read:

382.019 *Delayed registration* ~~Filing of certificates of birth, death, or fetal death in cases where no certificate was filed at time of birth, death, or fetal death.—~~

(1) *Registration after 1 year is a delayed registration, and the department may, upon receipt of the fee required under s. 382.0255, and proof of the birth, death, or fetal death as prescribed by this section or rule, register a delayed certificate if the department does not already have a certificate of the birth, death, or fetal death on file.* ~~If at any time after the birth, death, or fetal death of any person within the state, a copy of the official record or portion thereof of said birth, death, or fetal death is necessary and, after search by the department or its representative, it should appear that no such certificate of birth, death, or fetal death was prepared or filed, the physician, midwife, or funeral director responsible for the report, or father, mother, older brother or sister, or other person knowing the facts may file with the department such certificate of birth, death, or fetal death, together with such sworn statements and affidavits and other evidence as may be required by rule of the department.~~

(2) The department may require such *supporting documents* ~~affidavits~~ to be presented and such proof to be filed as it *deems* ~~may deem advisable or~~ necessary *and sufficient* to establish the truth of the facts ~~endeavored~~ to be ~~made or~~ recorded by the certificate, ~~provided for in subsection (1)~~ and may withhold *registering* ~~filing of~~ the birth, death, or fetal death certificate ~~involved~~ until its requirements are *met* ~~complied with~~.

(3) Certificates *registered* ~~filed and accepted~~ under this section *are* ~~shall be~~ admissible as prima facie evidence of the facts recited therein with like force and effect as other vital ~~statistics~~ records ~~are~~ received or admitted in evidence. ~~The department may make and enforce appropriate rules to carry out this section and to prevent fraud and deception.~~

(4) A delayed certificate of birth filed under this section shall include a summary statement of the evidence submitted in support of the delayed registration.

(5) A delayed certificate of birth submitted for registration under this section shall be signed before a notarizing official by the registrant if of legal age, or by the parent or guardian of a minor registrant.

(6) A person may not establish more than one birth certificate, and a delayed certificate of birth may not be registered for a deceased person.

(7) A delayed death or fetal death record shall be registered on a certificate of death or fetal death and marked "delayed."

Section 101. Section 382.021, Florida Statutes, is amended to read:

382.021 Department to receive marriage licenses.—

~~(1) Upon the return of each marriage license to the issuing county court judge or clerk of the circuit court, as provided and issued under chapter 741, the issuing county court judge or clerk of the circuit court shall forthwith record the same, and shall,~~ On or before the 5th day of each month, *the county court judge or clerk of the circuit court shall* transmit all ~~the~~ original *marriage* licenses, with endorsements ~~thereon~~, received ~~by him or her~~ during the preceding calendar month, to the department. Any marriage licenses issued and not returned ~~to the issuing county court judge or clerk of the circuit court~~ or any marriage licenses returned *but* ~~to the issuing county court judge or clerk of the circuit court and~~ not recorded ~~by him or her so as to be transmitted to the department~~ shall be reported by the issuing county court judge or clerk of the circuit court to the department at the time of transmitting the recorded licenses on the forms to be prescribed and furnished by the department. If during any month no marriage licenses are issued or returned ~~to a county court judge or clerk of the circuit court~~, the county court judge or clerk of the circuit court shall report such fact to the department upon forms prescribed and furnished by the department.

~~(2) From and after October 1, 1987, marriage licenses shall be valid only for a period of 60 days after issuance, and no person shall perform any ceremony of marriage after the expiration date of such license. The county court judge or clerk of the circuit court shall recite on each marriage license the final date that such is so valid.~~

Section 102. Section 382.022, Florida Statutes, is amended to read:

382.022 ~~County court judges and clerks of the circuit courts to transmit~~ Marriage application fees ~~monthly~~.—*Upon the receipt of each application for the issuance of a marriage license, the county court judge or clerk of the circuit court shall, pursuant to s. 741.02, collect and receive a fee of $4 which shall be transmitted,* on or before the 10th day of each month, ~~each of the several county court judges and clerks of the circuit courts of the state shall transmit~~ to the department *to defray part of the cost of maintaining marriage records*~~, for deposit in the trust fund provided in s. 382.025(9), the fees collected by him or her under the provisions of s. 741.02 during the preceding calendar months~~.

Section 103. Section 382.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 382.023, F.S., for present text.)

382.023 Department to receive dissolution-of-marriage records; fees.—Clerks of the circuit courts shall collect for their services at the time of the filing of a final judgment of dissolution of marriage a fee of $7, of which $3 shall be retained by the circuit court as a part of the cost in the cause in which the judgment is granted. The remaining $4, together with a record of each and every judgment of dissolution of marriage granted by the court during the preceding calendar month, giving names of parties and such other data as required by forms prescribed by the department, shall be transmitted to the department, on or before the 10th day of each month, to defray part of the cost of maintaining the dissolution-of-marriage records.

Section 104. Section 382.025, Florida Statutes, 1996 Supplement, is amended to read:

382.025 Certified copies of vital records~~, birth records, and other records~~; *confidentiality; research* ~~copies as evidence; searches of records; fees; disposition of fees~~.—

(1) *BIRTH RECORDS.*—All birth records of this state shall be confidential and are exempt from the provisions of s. 119.07(1).

(a)~~(2)~~ Certified copies of the original birth certificate ~~and computer certifications and birth cards in such form as the department may designate~~ or *a* ~~any~~ new or *amended* ~~amendatory~~ certificate, or affidavits thereof, are confidential and exempt from the provisions of s. 119.07(1) and*, upon receipt of a request and payment of the fee prescribed in s. 382.0255,* shall be issued only as authorized by the department *and in the form prescribed by the department,* and only*:*

1. To the registrant, if of legal age;

2. To the registrant's ~~his or her~~ parent or guardian or other legal representative;

3. Upon receipt of the registrant's death certificate, to the registrant's spouse or to the registrant's child, grandchild, or sibling, if of legal age, or to the legal representative of any of such persons;

4. To any person if the birth record is over 100 years old and not under seal pursuant to court order;

5. To a law enforcement agency for *official purposes;* ~~the purpose of facilitating the prosecution of offenses under s. 794.011, s. 794.05, s. 800.04 and s. 827.04(4); or~~

6. To any agency of the state or the United States for official purposes upon approval of the department*;* or

7. Upon order of any court of competent jurisdiction.

(b)~~(3)~~ *To protect the integrity of vital records and prevent the fraudulent use of the birth certificates of deceased persons, the department shall match birth and death certificates and post the fact of death to the appropriate birth certificate. A certification of a birth certificate of a deceased registrant shall be marked "deceased."* ~~All such computer certificates of birth or birth cards, including those for persons born out of wedlock or of undetermined parentage or for persons for whom paternity has been determined or for adopted persons, shall be identical in form.~~

(c) The department shall issue, upon request and upon payment of an additional fee as prescribed under s. 382.0255, a commemorative birth certificate representing that the birth of the person named thereon is recorded in the office of the registrar. The certificate issued under this paragraph shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor.

(2)~~(4)~~ *OTHER RECORDS.*—

(a) The department shall authorize the issuance of a certified copy ~~or computer certification~~ of all or part of any marriage, dissolution of marriage, or death or fetal death certificate, excluding that portion which is confidential ~~pursuant to s. 382.008(6)~~ and exempt from the provisions of s. 119.07(1) *as provided under s. 382.008,* to any person requesting it upon *receipt of a request and* payment of the fee prescribed by this section. A ~~copy or computer~~ certification of the death ~~certificate~~ or fetal death certificate *which includes*~~, including~~ the confidential portions~~,~~ shall be issued only*:*

1. To the registrant's *spouse or parent, or to the registrant's child, grandchild, or sibling, if of legal age, or to any family member who provides a will, insurance policy, or other document that demonstrates the family member's interest in the estate of the registrant, or to any person who provides documentation that he or she is acting on behalf of any of them;* ~~immediate family or guardian, the representative of the family or guardian, or~~

2. To any agency of the state or *local government or the* United States for official purposes upon approval of the department*;* or

3. Upon order of any court of competent jurisdiction.

(b) All portions of a certificate of death shall cease to be exempt from the provisions of s. 119.07(1) 50 years after the date of death.

(c) The department shall issue, upon request and upon payment of an additional fee prescribed by this section, a commemorative marriage license representing that the marriage of the persons named thereon is recorded in the office of the registrar. The certificate issued under this paragraph shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor.

~~(5) Any copy of any record or part thereof filed under the provisions of this act when properly certified by the department shall be prima facie evidence in all courts and cases of the facts therein stated.~~

~~(6) The department is entitled to fees as follows:~~

~~(a) Not less than $3 or more than $5 for the first calendar year of records searched for a vital record and not less than $1 or more than $2 for each additional calendar year of records searched, up to a maximum of $50. If the record is located, this fee entitles the applicant to one computer certification of the record or a photocopy or birth card if computer certification is not available. An additional fee of not less than $3 or more than $5 is required if a photocopy, short-form photocopy, or birth card is requested in place of or in addition to a computer certification.~~

~~(b) Not less than $10 or more than $20 for processing and filing a delayed certification of birth, death, or fetal death. This fee entitles the applicant to one certification of the record, if filed.~~

~~(c) Not less than $10 or more than $20 for processing and filing a change of name, a correction on a death record, or a correction on a birth record. This fee entitles the applicant to one certification of the corrected record.~~

~~(d) Not less than $10 or more than $20 for processing and filing a new birth certificate for reason of adoption or for reason of determination of paternity. This fee entitles the applicant to one certification of the new certificate.~~

~~(e) Not less than $2 or more than $4 for each certification of a vital record in excess of one certification for which a fee for search or a filing fee is paid, when ordered at the same time.~~

~~(f) Not less than $5 or more than $10 for processing and forwarding each exemplified copy of a vital record.~~

~~(g) Twenty-five dollars for a commemorative certificate of birth or marriage. Fees collected pursuant to this paragraph in excess of expenses shall be deposited by the department in the Maternal and Child Health Block Grant Trust Fund.~~

~~(h) Not less than $5 or more than $10 for each search of state census records.~~

~~(i) Not less than $5 or more than $10 for expedited processing of an initial certified copy or certified statement of a vital record.~~

~~(j) Not less than 5 cents or more than 10 cents for each vital record listed on computer tape or printout plus cost of preparation and handling or a fee consistent with a nationally negotiated or established schedule of charges.~~

~~(7) Until rules establishing fees under subsection (6) are promulgated by the department, the fees assessed pursuant to this subsection shall be the minimum fees cited. All fees are due and payable at the time that services are requested and are nonrefundable, except that, when a search is conducted and no vital record is found, any fees paid for additional copies shall be refunded.~~

(3)~~(8)~~ *RECORDS AND DATA DISTRIBUTION.*—The department may issue *vital* records or data to*:* ~~federal, state, local, or other public or private agencies, as specified in this subsection. Issuance of such records or data is exempt from the provisions of s. 119.07(1). The copies of records or data issued pursuant to this subsection shall remain the property of the department. The department shall govern what use may be made of these records and data.~~

(a) *A* ~~The~~ federal agency ~~responsible for national vital statistics may be furnished such copies or data from the system of vital statistics as are required for national statistics~~, if the agency shares in the cost of collecting, processing, and transmitting such data and if the data is only used by the federal agency for statistical purposes or for other purposes specifically authorized by the department.

~~(b) Federal, state, local, and other public or private agencies may, upon request, be furnished copies or data from the system of vital statistics for statistical or administrative purposes upon such terms or conditions as may be prescribed by the department, but such copies or data may not be used for purposes other than those for which they are requested unless specifically authorized by the department.~~

(b)~~(c) The department may, by agreement, transmit copies of records and other reports to~~ An office of vital statistics for a jurisdiction outside this state*, pursuant to an agreement with the department,* when such records or other reports relate to residents of that jurisdiction or persons born in that jurisdiction. The agreement must require that the copies be used for statistical and administrative purposes only, and ~~the agreement~~ must provide for the retention and disposition of such copies.

(c) Other governmental agencies upon such terms or conditions as may be prescribed by the department.

(d) A research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department and maintains the records or data in accordance with the approved protocol and a purchase and data-use agreement with the department. The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, or does not have scientific merit. The agreement must restrict the release of any information which would permit the identification of persons found in vital statistics records, limit the use of the records or data to the approved research protocol, and prohibit any other use of the records or data.

Records or data issued under this subsection are exempt from the provisions of s. 119.07(1) and copies of records or data issued pursuant to this subsection remain the property of the department.

~~(9) All fees prescribed herein shall be paid by the applicant. The department may waive any or all of the fees required in this section. The department shall keep a true and correct account of all fees required under this section and deposit such fees in a trust fund to be used by the department for the efficient administration of this chapter.~~

(4)~~(10)~~ *CERTIFIED COPIES OF ORIGINAL CERTIFICATES.*—*Only the state registrar and local registrars are authorized to* ~~No person shall prepare or~~ issue any certificate which purports to be *a certified copy of* an original~~, or a copy of an original,~~ certificate of *live* birth, death, or fetal death~~, except as authorized in this act or rules adopted hereunder~~. Except as provided in this section, preparing or issuing certificates is exempt from the provisions of s. 119.07(1).

(5) RULES.—The department shall adopt and enforce all rules necessary for carrying out the provisions of this section.

~~(11) The fee charged for each request for a certified birth certificate or birth record as issued by the department or by the local registrar shall be subject to a nonrefundable additional fee of $4, due and payable at the time the request is made. The state and local registrars shall collect the additional fee and deposit it in the appropriate department trust funds. On a quarterly basis, the department shall transfer $2 of each additional fee collected by the state and local registrars to the General Revenue Fund and $1.50 to the Child Welfare Training Trust Fund created in s. 402.40. Fifty cents of the fee shall be available for appropriation to the department for administration of this chapter.~~

~~(12)(a) In addition to the original birth certificate and any other birth record or copy thereof, the State Registrar shall issue upon request and upon payment of an additional fee prescribed by this section a birth certificate representing that the birth of the person named thereon is recorded in the office of the registrar. The certificate issued under this paragraph shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor. It shall have the same status as evidence as the original birth certificate. Funds derived from such fee in excess of departmental expenses shall be deposited by the department into the Maternal and Child Health Block Grant Trust Fund for use in the Regional Perinatal Intensive Care Centers (RPICC) Program to prevent child abuse and neglect.~~

~~(b) In addition to the original marriage license or copy thereof, the State Registrar shall issue upon request and upon payment of an additional fee prescribed by this section a marriage license representing that the marriage of the persons named thereon is recorded in the office of the registrar. The certificate issued under this paragraph shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor. It shall have the same status as evidence as the original marriage license. Funds derived from such fee in excess of departmental expenses shall be deposited by the department into the Maternal and Child Health Block Grant Trust Fund for use in funding the Improved Pregnancy Outcome Program.~~

Section 105. Section 382.0255, Florida Statutes, is created to read:

382.0255 Fees.—

(1) The department is entitled to fees, as follows:

(a) Not less than $3 or more than $5 for the first calendar year of records searched or retrieved and a computer certification of the record, a photocopy or birth card if a computer certification is not available, or, if no record is located, a certified statement to that effect. An additional fee of not less than $3 or more than $5 if a photocopy is requested in place of or in addition to a computer certification. Additional fees of not less than $1 or more than $2, up to a maximum total of $50, shall be charged for additional calendar years of records searched or retrieved.

(b) Not less than $10 or more than $20 for processing and filing a delayed certification of birth, death, fetal death, or presumptive death. This fee entitles the applicant to one certification of the record if filed.

(c) Not less than $10 or more than $20 for processing and filing a change of name, an amendment to a death record, or an amendment to a birth record. This fee entitles the applicant to one certification of the corrected record.

(d) Not less than $10 or more than $20 for processing and filing a new birth certificate due to an adoption, affirmation of parental status, or determination of paternity. This fee entitles the applicant to one certification of the new certificate.

(e) Not less than $2 or more than $4 for each additional certification of the same vital record when ordered at the same time as the initial certification.

(f) Not less than $5 or more than $10 for processing and forwarding each exemplified copy of a vital record.

(g) Not less than $5 or more than $10 for an expedited processing of a vital record.

(h) Not less than 5 cents or more than 10 cents for each vital record listed on electronic media plus a reasonable charge for the cost of preparation, as defined by department rule.

(i) Twenty-five dollars for a commemorative certificate of birth or marriage. Fees collected pursuant to this paragraph in excess of expenses shall be available for use by the Regional Perinatal Intensive Care Centers (RPICC) Program to prevent child abuse and neglect. Funds derived from the issuance of commemorative marriage certificates shall be available for use by the Improved Pregnancy Outcome Program.

(2) The fee charged for each request for a certification of a birth record issued by the department or by the local registrar shall be subject to an additional fee of $4 which shall be deposited in the appropriate departmental trust fund. On a quarterly basis, the department shall transfer $2 of this additional fee to the General Revenue Fund and $1.50 to the Child Welfare Training Trust Fund created in s. 402.40. Fifty cents of the fee shall be available for appropriation to the department for administration of this chapter.

(3) Fees shall be established by rule. However, until rules are adopted, the fees assessed pursuant to this section shall be the minimum fees cited. The fees established by rule must be sufficient to meet the cost of providing the service. All fees shall be paid by the person requesting the record, are due and payable at the time services are requested, and are nonrefundable, except that, when a search is conducted and no vital record is found, any fees paid for additional certified copies shall be refunded. The department may waive all or part of the fees required under this section for any government entity.

(4) The department shall keep an account of all fees required under this chapter, and deposit such fees in a trust fund used by the department to pay for the efficient administration of this chapter and services provided. It is the intent of the Legislature that the total fees assessed under this chapter be in an amount sufficient to meet the cost of carrying out the provisions of this chapter.

Section 106. Section 382.026, Florida Statutes, is amended to read:

382.026 Penalties.—

(1) Any person who willfully *and knowingly makes any false statement in a certificate, record, or report required by this chapter, or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information, intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084* ~~makes or alters any certificate or record or certification therefrom provided for in this chapter, or who shall willfully furnish false or fraudulent information affecting any certificate or record required by this chapter, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

(2) Any person who, without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required by this chapter, or a certified copy of such certificate, record, or report, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who willfully and knowingly obtains, possesses, uses, sells, or furnishes to another, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, or report required by this chapter, or any certified copy thereof so made, counterfeited, altered, amended, or mutilated, or which is false in whole or in part, or which relates to the birth of another person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any employee of the department charged with responsibility for maintaining vital records who willfully or knowingly furnishes or possesses a certificate of live birth, death, or fetal death, or a certified copy of a certificate of birth, death, or fetal death, with the knowledge or intention that it be used for purposes of deception commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who, without lawful authority, possesses any certificate, record, or report required by this chapter or a copy or certified copy

of such certificate, record, or report, knowing same to have been stolen or otherwise unlawfully obtained, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any person who is authorized by this chapter to certify the cause of death of a person and who charges a fee for making such certification commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7)~~(2)~~ Any person who knowingly transports or accepts for transport, inters, or otherwise disposes of a dead body without an accompanying permit issued in accordance with the provisions of this chapter *commits*~~, is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.083.

(8)~~(3)~~ Except where a different penalty is provided for in this section, any person who violates any of the provisions of this chapter, or the rules ~~and regulations~~ of the department, or who neglects or refuses to perform any of the duties imposed upon him or her thereunder, *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in *s. 775.082 or* s. 775.083.

(9)~~(4)~~ In addition to any other sanction or penalty authorized by law, the department may impose a fine which may not exceed *$1,000* ~~$500~~ for each violation of *this chapter* ~~s. 382.006, s. 382.007, s. 382.008, or s. 382.013,~~ or rules adopted thereunder. ~~Notice of intent to impose such fine must be given by the department to the alleged violator.~~ Each day that a violation continues may constitute a separate violation. In determining the amount of any fine to be imposed for a violation, the department shall consider the following factors:

(a) The gravity of the violation or extent to which the provisions of the applicable statute or rule were violated.

(b) Any action taken by the alleged violator to correct the violation or assure that the violation will not reoccur.

(c) Any previous violation.

~~(5)~~ All fines collected under *this subsection* ~~subsections (1)-(4)~~ shall be deposited in *a* ~~the~~ trust fund *used by the department to pay for the efficient administration of this chapter and services* provided ~~for in s. 382.025(9)~~.

(10) The department shall adopt and enforce all rules to carry out the provisions of this section.

Section 107. Section 382.356, Florida Statutes, 1996 Supplement, is amended to read:

382.356 Protocol for sharing certain birth certificate information.—In order to facilitate the prosecution of offenses under s. 794.011, s. 794.05, s. 800.04, or s. 827.04(4), ~~the Office of Vital Statistics of~~ the Department of Health ~~and Rehabilitative Services~~, the Department of Revenue, and the Florida Prosecuting Attorneys Association shall develop a protocol for sharing birth certificate information for all children born to unmarried mothers who are less than 17 years of age at the time of the child's birth.

Section 108. Section 383.2161, Florida Statutes, is amended to read:

383.2161 Maternal and child health report.~~—Beginning in 1993,~~ The Department of Health ~~and Rehabilitative Services~~ annually shall compile and analyze the risk information collected by the Office of Vital Statistics and the district prenatal and infant care coalitions and shall prepare and submit to the Legislature by January 2 a report that includes, but is not limited to:

(1) The number of families identified as families at potential risk;

(2) The number of families that receive family outreach services;

(3) The increase in demand for services; and

(4) The unmet need for services for identified target groups.

Section 109. Paragraph (c) of subsection (5) of section 402.40, Florida Statutes, 1996 Supplement, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(5) CHILD WELFARE TRAINING TRUST FUND.—

(c) In addition to the funds generated by paragraph (b), the trust fund shall receive funds generated from an additional fee on birth certificates and dissolution of marriage filings, as specified in ss. *382.0255* ~~382.025~~ and 28.101, respectively, and may receive funds from any other public or private source.

Section 110. Section 460.414, Florida Statutes, is amended to read:

460.414 Chiropractic physicians subject to state and municipal *rules and* regulations.—All licensed chiropractic physicians shall observe and be subject to all state and municipal *rules and* regulations relating to the control of contagious and infectious diseases, sign death certificates *in accordance with chapter 382*, and comply with all laws pertaining to public health, reporting to the proper authority as other practitioners are required to do.

Section 111. Section 741.041, Florida Statutes, is amended to read:

741.041 Marriage license application valid for *60* ~~30~~ days.—Marriage *licenses shall be valid only for a period of 60 days after issuance, and no person shall perform any ceremony of marriage after the expiration date of such license. The county court judge or clerk of the circuit court shall recite on each marriage license the final date that the license is valid* ~~license applications shall be valid only for a period of 30 days after receipt by an applicant, and no clerk of the circuit court shall issue a license for the marriage of two people more than 30 days after the application was received by the applicant~~.

Section 112. Subsection (1) of section 742.10, Florida Statutes, is amended to read:

742.10 Establishment of paternity for children born out of wedlock.—

(1) This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, *or* dependency under workers' compensation or similar compensation programs, ~~or vital statistics,~~ or when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, or when a consenting affidavit as provided for in *s. 382.013 or s. 382.015* ~~s. 382.013(6)(b)~~ is executed by both parties, it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a voluntary acknowledgment of paternity shall create a rebuttable presumption, as defined by s. 90.304, of paternity. *Except for consenting affidavits under seal pursuant to s. 382.015,* the *Office* ~~Bureau~~ of Vital Statistics shall provide certified copies of ~~consenting~~ affidavits to the Title IV-D agency upon request.

Section 113. Subsection (8) of section 742.16, Florida Statutes, 1996 Supplement, is amended to read:

742.16 Expedited affirmation of parental status for gestational surrogacy.—

(8) Within 30 days after entry of the order, the clerk of the court shall prepare a certified statement of the order for the state registrar of vital statistics on a form provided by the registrar. The court shall thereupon enter an order requiring the Department of Health ~~and Rehabilitative Services~~ to issue a new birth certificate naming the commissioning couple as parents and requiring the department to seal the original birth certificate.

Section 114. Subsections (1) and (2) and paragraphs (b) and (c) of subsection (7) of section 945.602, Florida Statutes, 1996 Supplement, are amended to read:

945.602 State of Florida Correctional Medical Authority; creation; members.—

(1) There is created ~~in the Department of Corrections~~ the State of Florida Correctional Medical Authority, *which for administrative purposes shall be assigned to the Department of Health*. The governing board of the authority shall be composed of nine persons appointed by the Governor subject to confirmation by the Senate. One member must be

a member of the Florida Hospital Association; one member must be a member of the Florida League of Hospitals; one member must be a member of the Association of *Community* ~~Voluntary~~ Hospitals *and Health Systems of Florida*; and one member must be a member of the Florida Medical Association. *The authority shall contract with the Department of Health for the provision of administrative support services, including purchasing, personnel, general services, and budgetary matters.* ~~The Department of Corrections shall provide administrative support and service to the authority.~~ The authority shall not be subject to control, supervision, or direction by the Department *of Health or the Department of Corrections*. The authority shall annually elect one member to serve as chairman. Members shall be appointed for terms of 4 years each. Each member is authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution.

(2) A member of the authority may not be a current employee of the Department *of Corrections*. Not more than one member of the authority may be a former employee of the Department *of Corrections* and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his *or her* last employment *with* ~~by~~ the Department *of Corrections*.

(7)

(b) Neither the provisions of this section nor those of chapter 119, or of s. 154.207(7), shall apply to any health care provider under contract with the Department *of Corrections* except to the extent such provisions would apply to any similar *provider* ~~entity~~ not under contract with the Department *of Corrections*.

(c) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority or the Department *of Corrections* shall not vote on any matter related to such facility.

Section 115. Section 945.603, Florida Statutes, 1996 Supplement, is amended to read:

945.603 Powers and duties of authority.—The purpose of the authority is to assist in the delivery of health care services for inmates in the Department of Corrections by advising the Secretary *of Corrections* on the professional conduct of primary, convalescent, dental, and mental health care and the management of costs consistent with quality care, by advising the Governor and the Legislature on the status of the *Department of Corrections*' ~~department's~~ health care delivery system, and by assuring that adequate standards of physical and mental health care for inmates are maintained at all Department *of Corrections* institutions. For this purpose, the authority has the authority to:

(1) Review and advise the Secretary *of Corrections* on cost containment measures the Department *of Corrections* could implement.

(2) Review and make recommendations regarding health care for the delivery of health care services including, but not limited to, acute hospital-based services and facilities, primary and tertiary care services, ancillary and clinical services, dental services, mental health services, intake and screening services, medical transportation services, and the use of nurse practitioner and physician assistant personnel to act as physician extenders *as these relate to inmates in the Department of Corrections*.

(3) Develop and recommend to the Governor and the Legislature an annual budget for all or part of the operation of the *State of Florida* prison health care system.

(4) Review and advise the Secretary *of Corrections* on contracts between the Department *of Corrections* and third parties for quality management programs.

(5) Review and advise the Secretary *of Corrections* on minimum standards needed to ensure that an adequate physical and mental health care delivery system is maintained *by the Department of Corrections*.

(6) Review and advise the Secretary *of Corrections* on the sufficiency, adequacy, and effectiveness of the *Department of Corrections*' ~~department's~~ Office of Health Services' quality management program.

(7) Review and advise the Secretary *of Corrections* on the projected medical needs of the inmate population and the types of programs and resources required to meet such needs.

(8) Review and advise the Secretary *of Corrections* on the adequacy of preservice, inservice, and continuing medical education programs for all health care personnel and, if necessary, recommend changes to such programs *within the Department of Corrections*.

(9) Identify and recommend to the Secretary *of Corrections* the professional incentives required to attract and retain qualified professional health care staff *within the prison health care system*.

(10) Coordinate the development of prospective payment arrangements as described in s. 408.50 when appropriate for the acquisition of inmate health care services.

(11) Review the *Department of Corrections*' ~~department's~~ health services plan and advise the Secretary *of Corrections* on its implementation.

(12) Sue and be sued in its own name and plead and be impleaded.

(13) Make and execute agreements of lease, contracts, deeds, mortgages, notes, and other instruments necessary or convenient in the exercise of its powers and functions under this act.

(14) Employ or contract with health care providers, medical personnel, management consultants, consulting engineers, architects, surveyors, attorneys, accountants, financial experts, and such other employees, entities, or agents as may be necessary in its judgment *to carry out the mandates of the Correctional Medical Authority* and fix their compensation.

(15) Recommend to the Legislature such performance and financial audits of the Office of Health Services in the Department of Corrections as the authority considers advisable.

Section 116. Section 945.6031, Florida Statutes, 1996 Supplement, is amended to read:

945.6031 Required reports and surveys.—

(1) Not less than annually, the authority shall report to the Governor and the Legislature the status of the *Department of Corrections*' ~~department's~~ health care delivery system. The report must include, but need not be limited to:

(a) Recommendations regarding cost containment measures the Department *of Corrections* could implement; and

(b) Recommendations regarding performance and financial audits of the *Department of Corrections*' Office of Health Services.

(2) The authority shall conduct surveys of the physical and mental health care system at each correctional institution at least triennially and shall report the survey findings for each institution to the Secretary *of Corrections*.

(3) Deficiencies found by the authority to be life-threatening or otherwise serious shall be immediately reported to the Secretary *of Corrections*. The Department *of Corrections* shall take immediate action to correct life-threatening or otherwise serious deficiencies identified by the authority and within 3 calendar days file a written corrective action plan with the authority indicating the actions that will be taken to address the deficiencies. Within 60 calendar days following a survey, the authority shall submit a report to the Secretary *of Corrections* indicating deficiencies found at the institution.

(4) Within 30 calendar days after the receipt of a survey report from the authority, the Department *of Corrections* shall file a written corrective action plan with the authority, indicating the actions which will be taken to address deficiencies determined by the authority to exist at an

institution. Each plan shall set forth an estimate of the time and resources needed to correct identified deficiencies.

(5) The authority shall monitor the *Department of Corrections'* ~~department's~~ implementation of corrective actions which have been taken at each institution to address deficiencies related to the *Department of Corrections'* ~~department's~~ provision of physical and mental health care services found to exist by the authority.

(6) Failure of the Department *of Corrections* to file a corrective action plan or to timely implement the provisions of a corrective action plan correcting identified deficiencies may result in the initiation of the dispute resolution procedures by the authority pursuant to s. 945.6035.

Section 117. Subsections (1) and (2) of section 945.6032, Florida Statutes, 1996 Supplement, are amended to read:

945.6032 Quality management program requirements.—

(1) The authority shall appoint a medical review committee pursuant to s. 766.101 to provide oversight for the *Department of Corrections' inmate health care* ~~department's~~ quality management program. The authority shall also designate one of its members to serve on the *Department of Corrections'* ~~department's~~ medical review committee in order to ensure coordination between the department and the authority with regard to issues of quality management and to enhance the authority's oversight of the *Department of Corrections'* ~~department's~~ quality management system.

(2) The authority's medical review committee shall review amendments to the *Department of Corrections' inmate health care* ~~department's~~ quality management program prior to implementation by the department.

Section 118. *All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Agency for Health Care Administration related to rural health networks and rural health network cooperative agreements as provided in sections 381.0406 and 381.04065, Florida Statutes, and local health councils as established in section 408.033, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Health. The Department of Health may organize, classify, and manage the positions transferred in a manner that will reduce duplication, achieve maximum efficiency, and ensure accountability.*

Section 119. *All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Correctional Medical Authority are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Health.*

Section 120. *The administrative rules of the agencies involved in this reorganization that are in effect immediately prior to the effective date of this act shall remain in effect until specifically changed in the manner provided by law.*

Section 121. *This act shall not affect the validity of any judicial or administrative proceeding pending on the effective date of this act, and any agency to which are transferred the powers, duties, and functions relating to the pending proceeding shall be substituted as a party in interest for that proceeding.*

Section 122. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 123. *Sections 110.1125, 381.81, 382.024, 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, 387.10, 402.37, 501.061, 501.065, 501.071, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, 501.121, and 501.124, Florida Statutes; paragraph (e) of subsection (1) of section 403.7045, Florida Statutes; section 381.698, Florida Statutes, as amended by chapter 95-148, Laws of Florida; section 382.014, Florida Statutes, as amended by chapters 96-215 and 96-406, Laws of Florida; section 382.027, Florida Statutes, as amended by chapters 95-148 and 96-406, Laws of Florida; and section 501.075, Florida Statutes, as amended by chapter 96-406, Laws of Florida, are repealed.*

Section 124. *Effective June 30, 1997, subsection (12) of section 766.1115, as created by section 1 of chapter 92-278, Laws of Florida, is repealed.*

Section 125. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending ss. 154.067, 395.1023, 415.501, F.S.; clarifying agency responsibilities with respect to certain child protection functions; amending s. 415.5055, F.S.; requiring an interagency agreement; providing specific agency responsibilities; requiring consultation between agencies for certain functions; providing for the transfer of certain funds; amending s. 20.19, F.S.; conforming provisions to changes made by the act; amending s. 20.43, F.S.; modifying the purposes of the Department of Health; renaming a division within the department; creating a new division; authorizing the department to expend funds for certain purposes; amending s. 110.131, F.S.; conforming provisions to changes made by the act; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending s. 216.0172, F.S.; requiring the department to implement performance-based budgeting by a specified date; amending ss. 216.341, 232.032, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0406, 381.04065, 392.52, 392.565, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete provisions; creating a committee to advise the Department of Health concerning medical care for children; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; creating s. 381.0021, F.S.; authorizing the Department of Health to establish Client Welfare Accounts; providing for the deposit of funds; providing for use of the funds; amending s. 381.0055, F.S.; deleting a provision relating to confidentiality of certain quality assurance information; amending s. 381.0062, F.S.; revising definitions; revising certain supervisory duties of the department; revising fees; revising requirements to obtain certain exemptions; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.14, F.S.; conforming the membership of the Infant Screening Advisory Council; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; deleting requirement for an annual diabetes state plan; amending s. 391.051, F.S.; revising the qualifications and designation of the director of Children's Medical Services; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S., relating to regulation of tanning facilities; amending s. 404.031, F.S.; revising a definition; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or

mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; modifying local health planning council staffing requirements; requiring the transfer of specified funds; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; expanding family planning services provided under the Medicaid program; amending s. 409.908, F.S.; authorizing a county health department to be reimbursed for certain Medicaid compensable services; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the WAGES board; creating s. 414.391, F.S.; requiring development of an automated fingerprint imaging program for public assistance applicants and recipients by the Department of Children and Family Services, in conjunction with the Department of Labor and Employment Security; providing for rules relating to use of information; requiring a plan for implementation; providing for pilot implementation and evaluation; providing priority for use of funds from reducing fraud to expand the program; authorizing request for federal waivers; creating s. 414.392, F.S.; requiring applicants for public assistance to provide an automated fingerprint image before receiving any benefits; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising eligibility requirements for septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting developmental services and public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; revising and expanding provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; amending ss. 945.602, 945.603, 945.6031, 945.6032, F.S.; conforming provisions to the changes made by the act; transferring certain powers, duties, functions, and assets of the Agency for Health Care Administration with respect to rural health networks and local health councils to the Department of Health; transferring certain powers, duties, functions, and assets of the Correctional Medical Authority to the Department of Health; providing for the continued effect of rules; providing for continuation of judicial and administrative proceedings; providing for severability; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing effective dates.

Senator Bankhead moved the following amendment to **Amendment 1**:

Amendment 1A (with title amendment)—On page 129, between lines 3 and 4, insert:

Section 65. Paragraphs (a) and (c) of subsection (3) of section 409.912, Florida Statutes, 1996 Supplement, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county public health unit, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by July 1, *1998* ~~1997~~, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641 by July 1, *1998* ~~1997~~. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (14) and (15).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 205, line 16, after "provision;" insert: amending s. 409.912, F.S.; postponing licensing requirements for certain entities contracting to provide Medicaid services;

On motion by Senator Brown-Waite, further consideration of **HB 1357** with pending **Amendment 1** and **Amendment 1A** was deferred.

Consideration of **CS for CS for SB 698**, **CS for SB 1632**, **CS for SB 508** and **CS for SB 716** was deferred.

SENATOR CRIST PRESIDING

CS for CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 393.063, 393.0657, 394.4787, 394.67, 394.875, 394.876, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.497, 400.506, 400.509, 400.512, 400.555, 400.606, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing appropriations from the Health Care Trust Fund; providing effective dates.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Forman and adopted:

Amendment 1—On page 111, line 9 through page 141, line 11, delete those lines and insert:

Section 37. Section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(1) "Administrator" means a direct employee to whom the governing body has delegated the responsibility for day-to-day administration of the home health agency. The administrator must be a licensed physician, physician assistant, or registered nurse licensed to practice in this state or an individual with at least 1 year of supervisory or administrative experience in home health care or related health programs. An employee may be the administrator of a maximum of five licensed home health agency offices.

(2)~~(1)~~ "Certified nursing assistant" means any person who has been issued a certificate after fulfilling the requirements of s. 400.211. *A certified nursing assistant may provide home health aide services without any additional training requirements.*

(3) "Client" means an elderly, handicapped, or convalescent individual who receives home health aide services, companion services, or homemaker services in the client's home or place of residence.

(4)~~(2)~~ "Companion" ~~or "sitter"~~ means a person who cares for an elderly, handicapped, or convalescent individual and accompanies such individual on trips and outings and may prepare and serve meals to such individual. *A companion or sitter may not provide hands-on personal care to the client.*

(5)~~(3)~~ "Department" means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(6) "Director of nursing" means a registered nurse, and direct employee of the agency, who is a graduate of an approved school of nursing and is licensed in this state, who has at least 1 year of supervisory experience as a registered nurse and experience in a licensed home health agency, or a facility licensed under chapter 400, part II, part III, or part VI, and who is responsible, directly or through a designated, on-site, registered nurse, to oversee the professional nursing and home health aid delivery of services of the agency. An employee may be the director of nursing of a maximum of five licensed home health agency offices.

(7)~~(4)~~ "Home health agency" means an organization that provides home health services and staffing services for health care facilities.

(8)~~(5)~~ "Home health agency personnel" means persons who are employed by or under contract with a home health agency and enter the home or place of residence of patients at any time in the course of their employment or contract.

(9)~~(6)~~ "Home health services" means health and medical services and medical supplies furnished to an individual by home health agency personnel or by others under arrangements with the agency, on a visiting basis, in the individual's home or place of residence. The term includes, but is not limited to, the following:

(a) Nursing care.

(b) Physical, occupational, respiratory, or speech therapy.

(c) Home health aide services.

(d) Nutritional guidance.

(e) Medical supplies, restricted to drugs and biologicals prescribed by a physician.

(10) "Home health aide" means a person who provides hands-on personal care for which the person has received training, established by the Agency for Health Care Administration pursuant to s. 400.497(1).

(11)~~(7)~~ "Homemaker" means a person who performs household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for an elderly, handicapped, or convalescent individual.

(12) "Home infusion therapy provider" means an organization that administers prescribed intravenous pharmacological and nutritional products to a patient in the patient's home or place of residence.

(13) "Infusion therapy" means the administration of intravenous treatment in the patient's home or place of residence by a licensed professional who is employed by, or under contract with, a home health agency and who has received advanced training and experience in IV infusion therapy.

(14)~~(8)~~ "Nurse registry" means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, *home health aides* ~~sitters~~, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395 or this chapter.

(15)~~(9)~~ "Patient" means any person who receives home health services in his or her home or place of residence.

(16) "Physician" means a person licensed under chapter 458, chapter 459, chapter 460 or chapter 461.

(17)~~(10)~~ "Screening" means the assessment of the background of home health agency personnel, nurse registry personnel, and persons registered under s. 400.509 and includes employment history checks, records checks of the department's central abuse hotline under chapter 415 relating to vulnerable adults, and statewide criminal records correspondence checks through the Department of Law Enforcement.

(18) "Skilled care" means health care delivered by a health care professional who is licensed under chapter 464, parts I, III, or V of chapter 468, or chapter 486, and either is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

(19)~~(11)~~ "Staffing services" means services provided to a health care facility on a temporary basis by licensed health care personnel, including certified nursing assistants *and home health aides who are employed by or work under the auspices of a licensed home health agency or are registered with a licensed nurse registry.*

Section 38. Section 400.464, Florida Statutes, is amended to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(1) Any home health agency must be licensed by the Agency for Health Care Administration to operate in this state. A license issued to a home health agency, unless sooner suspended or revoked, expires 1 year after its date of issuance. ~~However, any home health agency that is operated by the Federal Government is exempt from this part.~~

(2) If the licensed home health agency operates related offices, each related office outside the county where the main office is located must be separately licensed. The counties where the related offices are operating must be specified on the license in the main office.

~~(3) The furnishing of only home dialysis services, supplies, or equipment, or personal care services as provided by a community-care-for-the-elderly lead agency under s. 430.205, or personal care services provided through a community-care-for-disabled-adults program under s. 410.604, is exempt from this part. The personal care services exemptions apply only to community-care-for-the-elderly lead agencies and community-care-for-disabled-adults programs that directly provide only personal care services to their clients and do not provide other home health services.~~

~~(4) Any program offered through a county public health unit that makes home visits for the purpose of providing only environmental assessments, case management, health education, or personal care services is exempt from this part.~~

~~(5)(a) It is unlawful for any person to offer or advertise home health services to the public unless he or she has a valid license under this part. It is unlawful for any holder of a license issued under this part to advertise or indicate to the public that it holds a home health agency license other than the one it has been issued.~~

~~(b) A person who violates paragraph (a) is subject to an injunctive proceeding under s. 400.515. A violation of paragraph (a) is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act.~~

~~(c) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~Each day of continuing violation constitutes a separate offense.~~

(3)~~(6)~~ Any *home* infusion therapy provider shall be licensed as a home health agency. Any infusion therapy provider currently authorized to receive Medicare reimbursement under a DME - Part B Provider number for the provision of infusion therapy shall be licensed as a noncertified home health agency. Such a provider shall continue to receive that specified Medicare reimbursement without being certified so long as the reimbursement is limited to those items authorized pursuant to the DME - Part B Provider Agreement and the agency is licensed in compliance with the other provisions of this part.

(4)(a) A person may not provide, offer, or advertise home health services to the public unless that person has a valid license or is specifically exempted under this part. A person who offers or advertises to the public any service for which licensure or registration is required under this part must include in the advertisement the license number or registration number issued to the person by the Agency for Health Care Administration. The Agency for Health Care Administration shall assess a fine of not less than $100 to any licensee or registrant who fails to include the license or registration number when submitting an advertisement for publication, broadcast, or printing. It is unlawful for any holder of a license issued under this part to advertise or indicate to the public that it holds a home health agency or nurse registry license other than the one it has been issued.

(b) A person who violates paragraph (a) is subject to an injunctive proceeding under s. 400.515. A violation of paragraph (a) is a deceptive and unfair trade practice and constitutes a violation of the Florida Unfair and Deceptive Trade Practices Act.

(c) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation constitutes a separate offense.

(5) The following are exempt from the licensure requirements of this part:

(a) A home health agency operated by the Federal Government.

(b) The furnishing of only home dialysis services, supplies, or equipment, or personal care services as provided through a Department of Elderly Affairs program or contract, or personal care services provided through a community-care-for-disabled-adults program under s. 410.604. These personal care services exemptions apply only to services provided through a Department of Elderly Affairs program or contract and community-care-for-disabled-adults programs that directly provide only personal care services to their clients and do not provide other home health services.

(c) Any program offered through a county health department which makes home visits for the purpose of providing only environmental assessments, case management, health education, or personal care services.

(d) A health care professional, licensed under chapter 464, parts I, III, or V of chapter 468, or chapter 486, who is acting alone, in his or her individual capacity, to provide skilled care to patients in their homes.

(e) A home health aide, or certified nursing assistant, who acts alone, in his or her individual capacity and not as an organization, to provide hands-on care to patients in their homes.

(f) A physician assistant licensed under chapter 458 or chapter 459.

(g) Family members, friends, and neighbors who were personally known to the patient before the start of care for the patient, and who are not employed by or affiliated with a licensed home health agency or registered with a licensed nurse registry.

(h) The delivery of nursing home services, for which the nursing home is licensed under part II of this chapter, to serve its residents in its facility.

(i) The delivery of assisted living facility services, for which the assisted living facility is licensed under part III of this chapter, to serve its residents in its facility.

(j) The delivery of hospice services, for which the hospice is licensed under part VI of this chapter, to serve hospice patients admitted to its service.

(k) A not-for-profit, community-based agency providing early intervention services to infants and toddlers or services to persons with developmental disabilities as defined in s. 393.063(11).

Section 39. Section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(1) Application for an initial license or for renewal of an existing license must be made under oath to the Agency for Health Care Administration on forms furnished by it and must be accompanied by the appropriate license fee as provided in subsection *(8)* ~~(7)~~. The *Agency for Health Care Administration* ~~Agency~~ must take final action on an initial licensure application within *90* ~~60~~ days after receipt of all required documentation.

(2) The applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(a) A listing of services to be provided, either directly by the applicant or through contractual arrangements with existing providers;

(b) The number and discipline of professional staff to be employed; and

(c) Proof of financial ability to operate.

(3) An applicant for initial licensure must demonstrate financial ability to operate by submitting a balance sheet and income and expense statement for the first 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses. The applicant shall have demonstrated financial ability to operate if the assets, credit, and projected revenues meet or exceed projected liabilities and expenses. All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and signed by a certified public accountant.

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the Agency for Health Care Administration shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term "applicant" means the facility administrator and the facility financial officer or similarly titled individual who is responsible for the financial operation of the licensed facility.

(b) The Agency for Health Care Administration may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the Agency for Health Care Administration reasonably suspects that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Department of Insurance pursuant to chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community is acceptable in fulfillment of the Department of Law Enforcement and Federal Bureau of Investigation background check.

(d) A provisional license may be granted to a potential licensee when each individual required by this section to undergo background screening has met the standards for the abuse registry background check and the Department of Law Enforcement background check, but the Agency for Health Care Administration has not yet received background screening results from the Federal Bureau of Investigation, or a disqualification exemption request has been submitted to the agency as set forth in chapter 435 but a response has not been issued. A standard license may be granted to the licensee upon the Agency for Health Care Administration's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the Agency for Health Care Administration as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the Agency for Health Care Administration's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the Agency for Health Care Administration as set forth in chapter 435.

(e) Each applicant must submit to the Agency for Health Care Administration, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with disclosure of ownership and control interest requirements of the Medicaid or Medicare programs shall be accepted in lieu of this submission.

(f) Each applicant must submit to the Agency for Health Care Administration a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement shall not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this provision.

(g) A license may not be granted to any potential licensee if any applicant, administrator, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the Agency for Health Care Administration as set forth in chapter 435.

(h) The Agency for Health Care Administration may deny or revoke licensure to any potential licensee if any applicant:

1. Has falsely represented a material fact in the application required by paragraphs (e) and (f), or has omitted any material fact from the application required by paragraphs (e) and (f); or

2. Has had prior Medicaid or Medicare action taken against the applicant as set forth in paragraph (e).

(5)~~(4)~~ The home health agency must ~~also~~ obtain and maintain *the following* ~~liability~~ insurance *coverages, in an*~~. Proof of liability insurance, as defined in s. 624.605, must be submitted with the application. The Agency for Health Care Administration shall set the required amounts of liability insurance by rule, but the required~~ amount *of* ~~must~~

not ~~be~~ less than $250,000 per claim, *and the Agency for Health Care Administration shall submit proof of coverage with each annual licensure renewal application:*~~.~~

(a) Malpractice insurance, as defined in s. 624.605(1)(k);

(b) Liability insurance, as defined in s. 624.605(1)(b).

(6)~~(5)~~ *Ninety* ~~Sixty~~ days before the expiration date, an application for renewal must be submitted to the Agency for Health Care Administration under oath on forms furnished by it, and a license must be renewed if the applicant has met the requirements established under this part and applicable rules. The home health agency must file with the application satisfactory proof that it is in compliance with this part and applicable rules. *If there is evidence of financial instability,* the home health agency must submit satisfactory proof of its financial ability to comply with the requirements of this part.

(7)~~(6)~~ When transferring the ownership of a home health agency, the transferee must submit an application for a license at least *90* ~~60~~ days before the effective date of the transfer. If the home health agency is being leased, a copy of the lease agreement must be filed with the application.

(8)~~(7)~~ The license fee and annual renewal fee required of a home health agency is nonrefundable. The Agency for Health Care Administration shall set the fees in an amount that is sufficient to cover its costs in carrying out its responsibilities under this part, but not to exceed $1,000. However, state, county, or municipal governments applying for licenses under this part are exempt from the payment of license fees. All fees collected under this part must be deposited in the Health Care Trust Fund for the administration of this part.

(9)~~(8)~~ The license must be displayed in a conspicuous place in the administrative office of the home health agency and is valid only while in the possession of the person to which it is issued. The license may not be sold, assigned, or otherwise transferred, voluntarily or involuntarily, and is valid only for the home health agency and location for which originally issued.

(10)~~(9)~~ A home health agency against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a provisional license effective until final disposition by the Agency for Health Care Administration of such proceedings. If judicial relief is sought from the final disposition, the court that has jurisdiction may issue a temporary permit for the duration of the judicial proceeding.

(11)~~(10)~~ The *Agency for Health Care Administration may* ~~department shall~~ not issue a license designated as certified to a home health agency *that* ~~which~~ fails to receive a certificate of need under ~~the provisions of~~ ss. 408.031-408.045.

(12) The Agency for Health Care Administration may not issue a license to an agency that has any unpaid fines assessed under this part.

Section 40. Section 400.474, Florida Statutes, is amended to read:

400.474 Denial, suspension, revocation of license; injunction; grounds.—

(1) The Agency for Health Care Administration may deny, revoke, or suspend a license, or impose an administrative fine in the manner provided in chapter 120, or initiate injunctive proceedings under s. 400.515.

(2) Any of the following actions by a home health agency ~~or its employee~~ is grounds for disciplinary action by the Agency for Health Care Administration:

(a) Violation of this part or of applicable rules.

(b) An intentional, reckless, or negligent act that materially affects the health or safety of a patient.

(3) The Agency for Health Care Administration may impose the following penalties for operating without a license upon an owner who has in the past operated or who currently operates a licensed home health agency:

(a) If a home health agency that is found to be operating without a license wishes to apply for a license, the home health agency may submit an application only after the Agency for Health Care Administration has verified that the home health agency no longer operates an unlicensed agency.

(b) Any person, partnership, or corporation that violates paragraph (a) and that previously operated a licensed home health agency or concurrently operates a licensed agency and an unlicensed agency commits a felony of the third degree, and, when an owner has an interest in more than one agency and fails to license any one of those agencies, the Agency for Health Care Administration must revoke the license of the home health agency and impose a moratorium on any or all of the licensed agencies until the unlicensed agency is licensed.

(c) If any home health agency meets the criteria in paragraph (a) or paragraph (b) and that agency has received any government reimbursement for services provided by an unlicensed agency, the Agency for Health Care Administration must make a fraud referral to the appropriate government reimbursement program.

(4) The Agency for Health Care Administration may deny, revoke, or suspend the license of a home health agency, or may impose on a home health agency administrative fines not to exceed the aggregate sum of $10,000, if:

(a) A home health agency fails to provide at least nursing services directly to patients for a period of 6 consecutive months.

(b) The Agency for Health Care Administration is unable to obtain entry to the home health agency to conduct a licensure survey, complaint investigation, surveillance visit, or monitoring visit.

Section 41. Section 400.484, Florida Statutes, is amended to read:

400.484 Right of inspection.—

(1) Any duly authorized officer or employee of the Agency for Health Care Administration may make such inspections and investigations as are necessary in order to determine the state of compliance with this part and with applicable rules. The right of inspection extends to any business that the Agency for Health Care Administration has reason to believe is being operated as a home health agency without a license, but such inspection of any such business may not be made without the permission of the owner or person in charge unless a warrant is first obtained from a circuit court. Any application for a license issued under this part or for license renewal constitutes permission for an appropriate inspection to verify the information submitted on or in connection with the application.

(2) The Agency for Health Care Administration shall impose fines for various classes of deficiencies in accordance with the following schedule:

(a) A class I deficiency is any act, omission, or practice that results in a patient's death, disablement, or permanent injury, or places a patient at imminent risk of death, disablement, or permanent injury. Upon finding a class I deficiency, the Agency for Health Care Administration must impose an administrative fine in the amount of $10,000 for each occurrence and each day that the deficiency exists. In addition, the Agency for Health Care Administration may immediately revoke the license, or impose a moratorium on the admission of new patients, until the factors causing the deficiency have been corrected.

(b) A class II deficiency is any act, omission, or practice that has a direct, adverse relationship to the health, safety, or security of a patient. Upon finding a class II deficiency, the Agency for Health Care Administration must impose an administrative fine in the amount of $5,000 for each occurrence and each day that the deficiency exists. In addition, the Agency for Health Care Administration may suspend the license, or impose a moratorium on the admission of new patients, until the factors causing the deficiency have been corrected.

(c) A class III deficiency is any act, omission, or practice that has an indirect, adverse relationship to the health, safety, or security of a patient. Upon finding an uncorrected or repeated class III deficiency, the Agency for Health Care Administration may impose an administrative fine not to exceed $1,000 for each occurrence and each day that the deficiency exists.

Section 42. Section 400.487, Florida Statutes, 1996 Supplement, is amended to read:

400.487 Patient assessment; establishment and review of plan of care; provision of services.—

(1) The home health agency providing *skilled* care ~~and treatment~~ must make an assessment of the patient's needs within 48 hours after the start of services.

(2) The attending physician for a patient *who is to receive skilled* ~~receiving~~ care ~~or treatment provided by a licensed nurse or by a physical, occupational, or speech therapist~~ must establish a plan of *treatment which contains applicable orders* ~~care for the patient on behalf of the home health agency that provides services to the patient~~. The original plan of treatment must be signed by the physician *within 21 days of the start of care* and reviewed, at least every 62 days or more frequently if the patient's illness requires, by the physician in consultation with home health agency personnel that provide services to the patient.

(3) Each patient has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of *treatment* ~~care~~ established *by the physician* and maintained for that patient by the home health agency.

~~(4) Home health services that are provided to a patient must be evaluated in the patient's home by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 or by a registered nurse licensed under chapter 464 as frequently as necessary to assure safe and adequate care, but not less frequently than once every 62 days.~~

(4)~~(5)~~ *In the case of nursing services delivered by* a home health agency *to a patient, the home health agency to which a patient has been admitted for care* must provide *the initial admission visit, all service evaluation visits, and the discharge visit by qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the agency* ~~at least one home health service to patients for whom it has agreed to provide care~~. Services provided by others under contractual arrangements to a home health *agency* ~~agency's patients~~ must be monitored and *managed* ~~controlled~~ by the *admitting* home health agency.

(5)~~(6)~~ The *skilled care* ~~services~~ provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of *treatment* ~~care~~.

Section 43. Section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The Agency for Health Care Administration shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which ~~must~~ provide reasonable and fair minimum standards relating to:

~~(1) Scope of home health services to be provided.~~

(1)~~(2)~~ The qualifications, ~~and~~ minimum training requirements, *and supervision requirements* of all home health agency personnel, *including aides*.

(2)~~(3)~~ *Requirements for prospective employees* ~~Procedures for maintaining a record of the employment history of all home health agency personnel. A home health agency must require its personnel~~ to submit an employment history to the home health agency, and *verification of* ~~it must verify~~ the employment history unless through diligent efforts such verification is not possible. The Agency for Health Care Administration shall prescribe by rule the minimum requirements for establishing that diligent efforts have been made. ~~The administrator of a home health agency must review the employment history and references of home health agency personnel and applicants for employment. The Agency for Health Care Administration must review the employment history and references of each administrator of a home health agency.~~ There is no monetary liability on the part of, and no cause of action for damages arises against, a former employer of a prospective employee of or prospective independent contractor with a licensed home health agency who reasonably and in good faith communicates his or her honest opinions about the former employee's job performance. This subsection does not affect the official immunity of an officer or employee of a public corporation.

(3)~~(4)~~ Licensure application and renewal.

(4)~~(5)~~ The administration of the home health agency, *including requirements for onsite and electronic accessibility of supervisory personnel*.

(5)~~(6)~~ Procedures for administering drugs and biologicals.

(6)~~(7)~~ Procedures for maintaining *patients'* ~~patient~~ records.

(7)~~(8)~~ *Provision of* ~~Ensuring that the~~ home health services ~~provided~~ by a home health agency ~~are~~ in accordance with the plan of treatment established for each patient *for whom a plan of treatment is required*.

(8)~~(9)~~ Geographic service areas.

(9)~~(10)~~ Standards for contractual arrangements for the provision of home health services by providers not employed by the home health agency providing for the patient's care and treatment.

Section 44. Present subsections (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), and (16) of section 400.506, Florida Statutes, are redesignated as subsections (3), (4), (5), (6), (7), (8), (9), (11), (12), (13), (14), (15), (16), and (17), respectively, present subsection (9) of that section is redesignated as subsection (10) and amended, and a new subsection (2) is added to that section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the Agency for Health Care Administration shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the facility, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the facility, including billings for patient care and services. The applicant shall comply with the procedures for level 2 background screening as set forth in chapter 435.

(b) The Agency for Health Care Administration may require background screening of any other individual who is an applicant, if the Agency for Health Care Administration has a reasonable basis for believing that he or she has been convicted of a crime or committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraphs (a) and (b).

(d) The application must be accompanied by an affidavit, under penalty of perjury, providing the following information regarding any individual defined as the applicant:

1. The identity of the applicant. As used in this subsection, the term "applicant" means an individual applicant, or any officer, director, or agent, or any partner or shareholder having an ownership interest equal to a 5-percent or greater interest in the corporation, partnership or other business entity. As used in this subsection, the term "director" means any member of the official board of directors reported in the organization's annual corporate report to the Florida Department of State, or, if no such report is made, any member of the operating board of directors. The term "director" excludes members of separate, restricted boards that serve only in an advisory capacity to the operating board.

2. A description and explanation of any criminal offense or other offense committed by the applicant as specified under the level 2 standards for screening set forth in chapter 435. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, and if the director and the not-for-profit corporation or organization includes in the affidavit required by this section a statement affirming that the director's relationship to the corporation satisfies the requirements of this provision.

3. A description and explanation of any final actions imposed against the applicant by a healthcare or assisted living licensure agency of this

or any other state, including any prior moratorium or other temporary cessation of services, any final administrative fine equal to or greater than $500 imposed within the immediately preceding 5 years for violations of licensure standards relating to financial management or quality of care and services, or any denial, suspension, or revocation of a license.

4. A description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from participation in the Medicaid or Medicare programs or any other governmental health care or governmental health insurance program.

5. Proof of compliance by the managing employee and financial officer with the level 2 background screening standards set forth in chapter 435.

(e) A provisional license may be granted to a potential licensee when each individual required by this section to undergo background screening has met the standards for the abuse registry background check and the Department of Law Enforcement background check, but the Agency for Health Care Administration has not yet received background screening results from the Federal Bureau of Investigation, or a disqualification exemption request has been submitted to the Agency for Health Care Administration as set forth in chapter 435 but a response has not been issued. A standard license may be granted to the licensee upon the Agency for Health Care Administration's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the Agency for Health Care Administration as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the Agency for Health Care Administration's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the Agency for Health Care Administration as set forth in chapter 435.

(f) A license may not be granted to any potential licensee if any applicant, managing employee, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the Agency for Health Care Administration as set forth in chapter 435.

(g) The Agency for Health Care Administration may deny or revoke licensure to any potential licensee if any applicant:

1. Has falsely represented a material fact in the application or accompanying affidavit required by paragraph (d), or has omitted any material fact from the application or accompanying affidavit required by paragraph (d); or

2. Has had prior licensure, Medicaid, Medicare, or other governmental healthcare or governmental health insurance action taken against the applicant as set forth in paragraph (d).

(h) Upon renewal of licensure, an application must be accompanied by an affidavit, under penalty of perjury, as set forth in paragraph (d).

(10)~~(9)~~(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under chapter 464, certified nursing assistants certified under s. 400.211, *home health aides who present documented proof of successful completion of the training required by rule of the Agency for Health Care Administration,* and ~~sitters,~~ companions, or homemakers for the purposes of providing those services authorized under s. 400.509(1).

(b) A certified nursing assistant *or home health aide* may be referred for a contract to provide care to a patient in his or her home only if that patient is under a physician's care. A certified nursing assistant, *or home health aide,* referred for contract in a private residence shall be limited to assisting a patient with bathing, dressing, toileting, grooming, eating, physical transfer, and those normal daily routines the patient could perform for himself or herself were he or she physically capable. A certified nursing assistant *or home health aide* may not provide medical or other health care services that require specialized training and that may be performed only by licensed health care professionals. The nurse registry shall obtain the name and address of the attending physician and send written notification to the physician within 48 hours after a contract is concluded that a certified nursing assistant *or home health aide* will be providing care for that patient.

(c) A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant *or home health aide.* Any condition which in the professional judgment of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry. The assessment shall become a part of the patient's file with the nurse registry and may be reviewed by the Agency for Health Care Administration during their survey procedure.

~~(d) In order to refer for contract in private residences a certified nursing assistant or any person specified in s. 400.509(1), the nurse registry and such person registered with the nurse registry must also be registered under s. 400.509. Any person registered as an independent contractor with a nurse registry for the purpose of providing services authorized under s. 400.509(1) on or before October 1, 1990, is exempt from registration under s. 400.509 so long as such person remains continuously registered with that nurse registry.~~

Section 45. Subsections (1) and (2) of section 400.509, Florida Statutes, are amended, present subsections (3), (6), (7), (8), (9), (10), (11), (12), and (13) of that section are redesignated as subsections (4), (7), (8), (9), (10), (11), (12), (13), and (14), respectively, subsections (4) and (5) of that section are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (3) is added to that section, to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(1) Any person *who* ~~that~~ provides domestic maid services, ~~sitter services,~~ companion services, or homemaker services and does not provide a home health service to a person is exempt from licensure under this part. However, any person *who* ~~that~~ provides ~~sitter services for adults,~~ companion services~~,~~ or homemaker services must register with the Agency for Health Care Administration.

(2) Registration consists of annually filing with the Agency for Health Care Administration, under oath, on forms provided by it, the following information:

(a) The name, address, date of birth, and social security number of the individual~~, or the name and address of the person,~~ providing the service.

(b) If the registrant is a firm or partnership, the name, address, date of birth, and social security number of every member.

(c) If the registrant is a corporation or association, its name and address, the name, address, date of birth, and social security number of each of its directors and officers, and the name and address of each person having at least a *5-percent* ~~10-percent~~ interest in the corporation or association.

(d) The name, address, date of birth, and social security number of each person employed or under contract.

(3) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the Agency for Health Care Administration shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the individual providing the service, or, if the registrant is a firm or partnership, of the managing employee, or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the entity, including billings for client services. The applicant shall comply with the procedures for level 2 background screening as set forth in chapter 435.

(b) The Agency for Health Care Administration may require background screening of any other individual who is an applicant if the Agency for Health Care Administration has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other healthcare or assisted living licensure requirements of this state is acceptable in fulfillment of paragraphs (a) and (b).

(d) The application must be accompanied by an affidavit, under penalty of perjury, providing the following information regarding any individual defined as the applicant:

1. The identity of the applicant. As used in this subsection, the term "applicant" means an individual applicant, or any officer, director, or agent, or any partner or shareholder having an ownership interest equal to a 5-percent or greater interest in the firm, partnership, or other business entity. As used in this subsection, the term "director" means any member of the official board of directors reported in the organization's annual corporate report to the Florida Department of State, or, if no such report is made, any member of the operating board of directors. The term "director" excludes members of separate, restricted boards that serve only in an advisory capacity to the operating board.

2. A description and explanation of any criminal offense or other offense committed by the applicant as specified under the level 2 standards for screening set forth in chapter 435. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, and if the director and the not-for-profit corporation or organization includes in the affidavit required by this section a statement affirming that the director's relationship to the corporation satisfies the requirements of this provision.

3. A description and explanation of any final actions imposed against the applicant by a healthcare or assisted living licensure agency of this or any other state, including any prior moratorium or other temporary cessation of services, any final administrative fine equal to or greater than $500 imposed within the immediately preceding 5 years for violations of licensure standards relating to financial management or quality of care and services, or any denial, suspension, or revocation of a license.

4. A description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from participation in the Medicaid or Medicare programs or any other governmental health care or governmental health insurance program.

5. Proof of compliance by the individual registrant, or managing employee and financial officer of the firm, partnership or other business entity with the level 2 background screening standards set forth in chapter 435.

(e) A provisional registration may be granted to a potential registrant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check and the Department of Law Enforcement background check, but the Agency for Health Care Administration has not yet received background screening results from the Federal Bureau of Investigation, or a disqualification exemption request has been submitted to the Agency for Health Care Administration as set forth in chapter 435 but a response has not been issued. A standard registration may be granted upon the Agency for Health Care Administration's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the Agency for Health Care Administration as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the Agency for Health Care Administration's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the Agency for Health Care Administration as set forth in chapter 435.

(f) A registration may not be granted if any applicant, managing employee, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the Agency for Health Care Administration as set forth in chapter 435.

(g) The Agency for Health Care Administration may deny or revoke registration to any applicant that:

Amendment 2 (with title amendment)—On page 157, between lines 24 and 25, insert:

Section 51. Subsection (1) of section 400.702, Florida Statutes, is amended to read:

400.702 Development of intermediate care facilities.—

(1) The Department of Health and Rehabilitative Services is directed to issue a request for proposals, pursuant to the provisions of chapter 287, for a pilot program of intermediate-level care facilities. The development of intermediate-level care facilities under this pilot program shall be limited to four projects in geographic locations distributed in the south, north, and central part of the state and shall not exceed a total of 120 beds in each location. None of the projects may accept residents prior to July 1, 1990. The intermediate-level care facilities shall:

(a) Provide care to residents whose condition requires intermediate care services, including 24-hour observation and care and the constant availability of medical and nursing treatment and care, but not to the degree of care and treatment provided in a hospital or that which meets the criteria for skilled nursing services.

~~(b) Accept only low-income residents who receive subsidized housing vouchers through the United States Department of Housing and Urban Development or other subsidized housing programs.~~

(b)~~(c)~~ Accept only low-income residents who are Medicaid *recipients or Medicaid eligible* recipients.

(c)~~(d)~~ Be exempt from all requirements to obtain a certificate of need pursuant to ss. 408.031-408.045; however, the beds so utilized will be counted in the total bed supply for determination of nursing home bed needs.

(d)~~(e)~~ Be licensed as a nursing home pursuant to part II and ss. 408.061, 408.08, and 408.20, except that the department is given the authority to waive any requirement that unnecessarily restricts the development of intermediate care facilities, provided such waiver does not contravene federal or state law. The department shall, however, ensure that the health and safety of residents of intermediate care facilities are adequately protected.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 4, line 18, after the semicolon (;) insert: amending s. 400.702, F.S.; deleting a requirement that certain intermediate-level care facilities accept only certain low-income residents who receive subsidized housing vouchers;

Amendment 3 (with title amendment)—On page 183, between lines 13 and 14, insert:

Section 64. *A physician who is licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, or a group practice consisting of two or more physicians who are licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, and are legally organized as a partnership, professional corporation, or similar association, who render cardiovascular services or procedures and the technical services for percutaneous transluminal coronary angioplasty procedures as defined and regulated by Rule 59C-1.032, Florida Administrative Code are exempt from the assessment on health care entities imposed under section 395.7015 or section 395.7015, Florida Statutes.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 4, line 11, following the semicolon (;) insert: exempting specified health care providers from certain assessments on health care entities;

The Committee on Ways and Means recommended the following amendment which was moved by Senator Forman and failed:

Amendment 4—On page 186, between lines 16 and 17, insert:

Section 70. *Conditions which limit a specialty psychiatric hospital from admitting and treating patients based on the psychiatric diagnosis or geographic origin of the patient shall not remain valid and enforceable for a period greater that ten years from the date when the agency first imposed such conditions on the certificate of need for the specialty psychiatric hospital regardless of whether such conditions resulted from a final agency action, a final judicial decree, or any such action or decree based upon a stipulation or settlement of the parties.*

(Renumber subsequent sections.)

MOTION

On motion by Senator Sullivan, the rules were waived to allow the following amendment to be considered:

Senator Sullivan moved the following amendment which was adopted:

Amendment 5—On page 21, line 24, after "*facilities*" insert: *, if requested,*

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 186, between lines 16 and 17, insert:

Section 70. *(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 46l, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent l0 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.

(2) Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to $50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.3l9, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law

Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous l0 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 71. *(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).*

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which has been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 72. *The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.*

Section 73. *Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.*

Section 74. *Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.*

Section 75. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 76. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 77. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 78. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 79. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable;~~.~~

(i) Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 80. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 81. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 82. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 83. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 84. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed $350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 85. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1)*(a)* The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board.

(b) Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously

and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, should complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 86. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 87. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 88. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 89. Section 455.2478, Florida Statutes, is created to read:

455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 90. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against,~~ Any insurer reporting hereunder or its agents or employees or the department or its employees *is not liable* for any action taken by them *under* ~~pursuant to~~ this section, *except that the department shall impose a fine of $250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 91. *The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.*

Section 92. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 93. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificateholder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 94. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~ and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 18, after the semicolon (;) insert: requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references;

MOTION

On motion by Senator Sullivan, the rules were waived to allow the following amendment to be considered:

Senator Sullivan moved the following amendment:

Amendment 7 (with title amendment)—On page 4, line 21, insert:

Section 1. Subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of Environmental Health.

(c) Division of Disease Control.

(d) Division of Family Services.

(e) Division of Children's Medical Services.

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

~~The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.~~

Section 2. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 20.43, F.S.; changing the effective date for the establishment of the Division of Medical Quality Assurance; deleting duty of the Department of Health to contract with the Agency for Health Care Administration; amending s. 11, ch. 96-403, Laws of Florida; revising the list of functions transferred from the agency to the department;

Senator Gutman moved the following amendment to **Amendment 7**:

Amendment 7A (with title amendment)—On page 3, lines 17-21, delete those lines and insert: The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

And the title is amended as follows:

On page 5, line 19, delete "deleting duty of" and insert: authorizing

Further consideration of **Amendment 7** and **Amendment 7A** was deferred.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 185, between lines 21 and 22, insert:

Section 66. Section 458.351, Florida Statutes, is created to read:

458.351 Telemedicine; licensure required; exception.—In addition to any other provision of this chapter defining or otherwise regulating the practice of medicine, any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state is practicing medicine in this state and shall be subject to licensure as required by this chapter. A physician lawfully licensed in another state or territory of the United States or in a foreign country who engages in consultation with a physician duly licensed in this state and does not exercise primary authority over the patient's care and diagnosis is exempt from licensure, as provided in s. 458.303(1)(b). In the case of electronic transmission of radiographic images, a physician who provides, through an ongoing regular arrangement, official authenticated interpretations of radiographic images to any health care practitioner or patient located in this state shall be regarded as exercising primary authority over the diagnosis of the involved patient and subject to licensure as required by this chapter.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 4, line 11, after the semicolon (;) insert: creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images;

On motion by Senator Forman, further consideration of **CS for CS for SB 2142** with pending **Amendment 7** and **Amendment 7A** was deferred.

On motion by Senator Brown-Waite, the Senate resumed consideration of—

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to

biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

—which was previously considered this day. Pending **Amendment 1A** by Senator Bankhead was withdrawn.

Senator Bankhead moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 129, between lines 3 and 4, insert:

Section 65. Paragraphs (a) and (c) of subsection (3) of section 409.912, Florida Statutes, 1996 Supplement, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county public health unit, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by *January 1, 1998* ~~July 1, 1997~~, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641 by *January 1, 1998* ~~July 1, 1997~~. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (14) and (15).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 205, line 16, after "provision;" insert: amending s. 409.912, F.S.; postponing licensing requirements for certain entities contracting to provide Medicaid services;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 201, between lines 6 and 7, insert:

Section 125. *(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 46l, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent l0 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.

(2) Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to $50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.3l9, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous l0 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may

be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 126. *(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).*

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which has been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 127. *The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.*

Section 128. *Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.*

Section 129. *Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.*

Section 130. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 131. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 132. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 133. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 134. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable;~~.~~

(i) Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 135. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 136. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 137. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 138. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 139. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed $350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 140. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1)*(a)* The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board.

(b) Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, should complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning

the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 141. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 142. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential

claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 143. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The li-

censee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 144. Section 455.2478, Florida Statutes, is created to read:

455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 145. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against,~~ Any insurer reporting hereunder or its agents or employees or the department or its employees *is not liable* for any action taken by them *under* ~~pursuant to~~ this section, *except that the department shall impose a fine of $250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 146. *The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.*

Section 147. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 148. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificateholder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 149. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~ and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(Renumber subsequent section.)

And the title is amended as follows:

On page 210, line 21, after the semicolon (;) insert: requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1357** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1814—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising

a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice

of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1—On page 126, lines 20-26, delete those lines and insert: *pharmacist members one must be currently engaged in the practice of pharmacy in a community pharmacy, one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and five shall be pharmacists licensed in this state*

Senator Grant moved the following amendment:

Amendment 2 (with title amendment)—On page 245, between lines 27 and 28, insert:

Section 187. *(1) There is created within the Department of Health a Task Force on Exemptions from Licensure under section 468.505(1)(k), Florida Statutes. The Department of Health shall provide staff support for the task force. The task force shall consist of not more than 15 members nominated by the associations and entities named in this section and appointed by the Secretary of Health. Members of the task force shall not receive compensation, per diem, or reimbursement for travel expenses for service on the task force. Participation in the task force is optional and at the discretion of each identified group or entity. If all identified groups and entities participate, the task force shall include:*

(a) One representative from each of the following associations:

1. The Florida Dietetic Association.

2. The Florida Health Care Association.

3. The Florida Association of Homes for the Aging.

4. The Florida Assisted Living Association.

5. The Florida League of Health Systems.

6. The Association of Community Hospitals and Health Systems of Florida, Inc.

7. The Florida Hospital Association.

8. The Florida Medical Association.

9. The Florida Osteopathic Medical Association.

(b) One representative from each of the following entities:

1. The Department of Health.

2. The Dietetics and Nutrition Practice Council.

3. The Board of Medicine, which representative must be a member of the board who is licensed under chapter 458, Florida Statutes.

4. The Board of Osteopathic Medicine, which representative must be a member of the board who is licensed under chapter 459, Florida Statutes.

5. The Department of Elderly Affairs.

6. The Agency for Health Care Administration.

(2) The task force shall hold its first meeting no later than August 1, 1997, and shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance not later than December 31, 1997. All task force meetings must be held in Tallahassee at the Department of Health in order to minimize costs to the state.

(3) The task force shall be charged with the responsibility to:

(a) Determine the number of licensed dietitians, the number of registered dietitians, and the number of dietitians who are neither licensed nor registered who are employed by or under contract with a hospital licensed under chapter 395, Florida Statutes, a nursing home or assisted living facility licensed under part II or part III of chapter 400, Florida Statutes, or a continuing care facility certified under chapter 651, Florida Statutes; and

(b) Assess the need and make recommendations for retaining the exemptions from licensure under section 468.505(1)(k), Florida Statutes, in light of the legislative purpose and intent of licensure as set forth in section 468.502, Florida Statutes, and review the quality of dietetic and nutrition services provided in the settings set forth in section 468.505(1)(k), Florida Statutes.

(4) The task force is dissolved effective January 1, 1998.

(Renumber subsequent section.)

And the title is amended as follows:

On page 15, line 5, after the semicolon (;) insert: creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force;

On motion by Senator Jones, further consideration of **CS for CS for SB 1814** with pending **Amendment 2** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Rossin—

CS for SB 1836—A bill to be entitled An act relating to assisted living facilities; suspending provisions of s. 400-4075, F.S., and ch. 58A-5.029, F.A.C.; amending s. 400.402, F.S.; revising definitions; providing additional definitions; amending s. 400.407, F.S.; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the community living support plan and a cooperative agreement for each mental health resident and verify that such resident meets certain requirements; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; requiring certain documentation for a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing for an evaluation of a mental health resident in certain instances; amending s. 394.455, F.S.; revising provisions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; Providing the department with certain responsibilities related to a mental health resident; amending s. 409.912, F.S.; requiring an entity that provides Medicaid prepaid health services to coordinate health care services with an assisted living facility in certain instances; requiring a workgroup to be established; requiring a report; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Rossin and failed:

Amendment 1—On page 22, line 15, delete "*s. 400.420*" and insert: *s. 400.402*

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The provisions of section 400.4075, Florida Statutes, 1996 Supplement, and Rule 58A-5.029, Florida Administrative Code, are hereby suspended and shall not be enforced by the Department of Elderly Affairs or the Agency for Health Care Administration until July 1, 1997.*

Section 2. Present subsections (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (21), (22), (23), (24), (25), and (26) of section 400.402, Florida Statutes, are renumbered as subsections (11), (12), (13), (14), (15), (16), (18), (19), (20), (21), (23), (24), (25), (26), (27), and (28), respectively, present subsection (15) is renumbered as subsection (17) and amended, present subsection (20) is renumbered as subsection (22) and amended, and new subsections (9) and (10) are added to that section, to read:

400.402 Definitions.—When used in this part, unless the context otherwise requires, the term:

(9) "Community living support plan" means a written document prepared by a mental health resident and the mental health case manager of that resident in consultation with the administrator of the facility or the administrator's designee. A copy must be provided to the administrator. The plan must include information about the supports, services, and special needs of the resident which enable the resident to live in the assisted living facility.

(10) "Cooperative agreement" means a written statement of understanding between a mental health care services provider and the administrator of the assisted living facility with a limited mental health license in which a mental health resident is living. The agreement specifies directions for accessing emergency and after-hours care for the mental health resident and a method by which the staff of the facility can recognize and respond to the signs and symptoms particular to that mental health resident that indicate the need for professional services. The cooperative agreement may be a component of the community living support plan.

(17)~~(15)~~ "Mental health resident" means an individual who *receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.*~~:~~

~~(a) Is a member of a specified population group having priority for district alcohol, drug abuse, and mental health services as provided in s. 394.75(4); and~~

~~(b) Has been determined to be in need of primary care services as provided in s. 394.675(1)(a).~~

(22)~~(20)~~ "Service plan" means a written plan, developed and agreed upon by the resident and, if applicable, the resident's representative or designee or the resident's surrogate, guardian, or attorney in fact, if any, and the administrator or designee representing the facility, which addresses the unique physical and psychosocial needs, abilities, and personal preferences of each resident receiving extended congregate care services ~~or mental health services~~. The plan shall include a brief written description, in easily understood language, of what services shall be provided, who shall provide the services, when the services shall be rendered, and the purposes and benefits of the services.

Section 3. Paragraph (b) of subsection (1) and subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(1)

(b)1. Any person found guilty of violating paragraph (a) who, upon notification by the agency, fails, within 10 working days after receiving such notification, to apply for a license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person found to be in violation of paragraph (a) due to a change in s. 400.402(3), *(18), (24), or (25)* ~~(16), (22), or (23)~~ or a modification in department policy pertaining to personal services as provided for in s. 400.402~~(16)~~ and who, upon notification by the agency, fails, within 10 working days after receiving such notification, to apply for a license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Except as provided for in subparagraph 2., any person who violates paragraph (a) who previously operated a licensed facility or concurrently operates a licensed facility and an unlicensed facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Any person who fails to obtain a license after agency notification may be fined for each day of noncompliance pursuant to s. 400.419(1)(b).

5. When an owner has an interest in more than one facility, and fails to license any one of these facilities, the agency may revoke the license or impose a moratorium on any or all of the licensed facilities until such time as the delinquent facility is licensed.

6. If the agency determines that an owner is operating or maintaining a facility without obtaining a license authorizing such operation and determines that a condition exists in the facility that poses a threat to the health, safety, or welfare of a resident of the facility, the owner commits neglect as defined in s. 415.102 and is subject to the same actions and penalties specified in ss. 400.414 and 400.419 for a negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(3) Any license granted by the agency *must* ~~shall~~ state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health ~~services~~.

(a) A standard license shall be issued to facilities providing one or more of the services identified in s. 400.402~~(16)~~. Such facilities may also employ or contract with a person licensed under chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to chapter 464 by persons licensed thereunder, and supportive services ~~which may be~~ defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or biennial relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services *must* ~~shall~~ have maintained a standard license and *may* ~~shall~~ not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations *that* ~~which~~ were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities *that* ~~which~~ are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least *two* ~~three~~ times a year to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with ~~applicable provisions of~~ this part and with ~~related~~ rules *that relate to extended congregate care. One of these visits may be in conjunction with the regular biennial survey.* The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that biennially inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the biennial inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency *may* ~~shall~~ not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities *that* ~~which~~ are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment *that* ~~which~~ promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures *that* ~~which~~ maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services *are* ~~shall be~~ exempt from the criteria for continued residency as set forth in *rules adopted under* ~~rule pursuant to~~ s. 400.441~~(1)(h)~~. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities *may* ~~shall~~ not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility. ~~and either:~~

~~a. Transfers from a facility with a standard license; or~~

~~b. Transfers from another facility licensed to provide extended congregate care services.~~

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairmen of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during biennial inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

(c) A limited nursing services license shall be issued to a facility *that* ~~which~~ provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or biennial relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and *may* ~~shall~~ not have been subject to administrative sanctions *that* ~~which~~ affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities *that* ~~which~~ are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least once a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that biennially inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is $240 per license, with an additional fee of $30 per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee *may* ~~shall~~ not exceed $10,000, no part of which shall be returned to the facility. ~~Effective July 1, 1995,~~ The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $400 per license, no part of which shall be returned to the facility. ~~Beginning July 1, 1990,~~ The agency may adjust the annual license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be $200 per license, with an additional fee of $10 per resident based on the total licensed resident capacity of the facility. The total biennial fee *may* ~~shall~~ not exceed $2,000, no part of which shall be returned to the facility. ~~Beginning July 1, 1990,~~ The agency may adjust the $200 biennial license fee and the maximum total license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

~~(d) In addition to the total fee assessed under paragraph (a), the agency shall require that facilities designated to provide limited mental health services under this part pay an additional fee per licensed facility. The biennial fee shall be $200 per facility with an additional fee of $10 per resident based on the capacity of the facility for limited mental health services. The total fee shall not exceed $1,000, no part of which shall be returned to the facility. Beginning July 1, 1990, the agency may adjust the $200 biennial license fee and the maximum total license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.~~

Section 4. Section 400.4075, Florida Statutes, 1996 Supplement, is amended to read:

400.4075 Limited mental health license.—*An assisted living facility that serves three or more mental health residents must obtain a limited mental health license.*

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. This training will be provided by or approved by the Department of Children and Family Services. ~~A limited mental health license shall be issued to facilities that provide services to mental health residents who meet the criteria of s. 400.402(15).~~

~~(1) In order for services to be provided to mental health residents in a facility licensed under this part, the agency shall first determine that all requirements established in law and rule are met and shall specifically designate, on the facility's license, that services may be provided to mental health residents, and shall designate the number of such residents who may receive services. Such designation may be made at the time of initial licensure or biennial relicensure, or if requested in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide services to such residents shall meet the licensing standards in this section and shall not have been subject to administrative sanctions which affect the health, safety, or welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.~~

(2) Facilities licensed to provide services to mental health residents shall provide appropriate supervision and staffing~~, as defined by rule,~~ to provide for the health, safety, and welfare of such residents.

(3) A facility that has a limited mental health license must:

(a) Have a copy of each mental health resident's community living support plan and the cooperative agreement with the mental health care services provider. The support plan and the agreement may be combined.

(b) Have documentation that is provided by the Department of Children and Family Services that each mental health resident has been assessed and determined to be able to live in the community in an assisted living facility with a limited mental health license.

(c) Make the community living support plan available for inspection by the resident, the resident's legal guardian, the resident's health care surrogate, and other individuals who have a lawful basis for reviewing this document.

(d) Assist the mental health resident in carrying out the activities identified in the individual's community living support plan.

(4) A facility with a limited mental health license may enter into a cooperative agreement with a private mental health provider. For purposes of the limited mental health license, the private mental health provider may act as the case manager.

(5) As used in this section, the term:

(a) "Bribe" means any consideration corruptly given, received, promised, solicited, or offered to any individual with intent or purpose to influence the performance of any act or omission.

(b) "Kickback" means that part of the payment for items or services which is returned to the payor by the provider of such items or services with the intent or purpose to induce the payor to purchase the items or services from the provider.

(6)(a) Whoever furnishes items or services directly or indirectly to a mental health resident and solicits, offers, or receives any:

1. Kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment; or

2. Return of part of an amount given in payment for referring any such individual to another person for the furnishing of such items or services; or

(b) Whoever pays or receives any commission, bonus, kickback, or rebate, or engages in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for mental health residents referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by fine not exceeding $5,000, or both.

(c) This section may not be construed to prevent a physician from receiving a fee for professional consultation services.

~~(3) In addition to the training as provided in s. 400.452, staff in facilities that are authorized to provide services to mental health residents shall receive training, as defined by rule, on the special needs of such residents.~~

~~(4) Facilities designated to provide services to mental health residents may not have more than the maximum resident capacity for the facility.~~

~~(5) A mental health resident who receives services under this part shall meet the admission criteria established by the department for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k).~~

~~(6) An assisted living facility serving mental health residents under this part shall have on file for each mental health resident a written mental health plan. The plan shall be open and available for inspection by the resident, the resident's legal guardian, if any, the resident's health care surrogate, if any, and all other entities or individuals having lawful access to such records. The department shall establish standards regarding the format and content of such plans.~~

~~(7) Facilities licensed to provide services to mental health residents under this part shall be required to have a written agreement with the nearest publicly funded community facility as defined in s. 394.455 or a licensed mental health professional designated by the district alcohol, drug abuse, and mental health program office. The agreement shall specify the manner in which the clinical mental health services that are included in residents' mental health plans shall be accessed and delivered.~~

Section 5. Subsections (1), (4), (6), (7), and (8) of section 400.426, Florida Statutes, 1996 Supplement, are amended to read:

400.426 Appropriateness of placements; examinations of residents.—

(1) The owner or administrator of a facility is responsible for determining the appropriateness of admission of an individual to the facility and for determining the continued appropriateness of residence of an individual in the facility. A determination shall be based upon an assessment of the strengths, needs, and preferences of the resident, the care and services offered or arranged for by the facility in accordance with facility policy, and any limitations in law or rule related to admission criteria or continued residency for the type of license held by the facility under this part. A resident may not be moved from one facility to another without consultation with and agreement from the resident or, if applicable, the resident's representative or designee or the resident's family, guardian, surrogate, or attorney in fact. In the case of a resident who has been placed by the department or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the administrator must notify the appropriate contact person in the applicable department.

(4) *If* ~~Where~~ possible, each resident shall have been examined by a licensed physician or a licensed nurse practitioner within 60 days before admission to the facility. The signed and completed medical examination report shall be submitted to the owner or administrator of the facility who shall *use* ~~utilize~~ the information contained therein to assist in the determination of the appropriateness of the resident's admission and continued stay in the facility. The medical examination report shall become a permanent part of the record of the resident at the facility and shall be made available to the agency during inspection or upon request. *An assessment that has been completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills the requirements for a medical examination under this subsection and s. 400.407(3)(b)6.*

(6) Any resident accepted in a facility and placed by the department or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall have been examined by medical personnel within 30 days before placement in the facility. The examination shall include an assessment of the appropriateness of placement in a facility. The findings *of this* ~~pursuant to such~~ examination shall be recorded on the examination form provided by the agency. The completed form shall accompany the resident and shall be submitted to the facility owner or administrator. *Additionally, in the case of a mental health resident, the Department of Children and Family Services must provide documentation that the individual has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be in the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident providing it was completed within 90 days prior to admission to the facility.* ~~In addition, any resident placed by the department or the Department of Health and Rehabilitative Services who is a mental health resident shall also be evaluated by a mental health professional, as defined in s. 394.455(2), (4), (20), (22), or (23), to assess the resident's appropriateness for placement in a facility.~~ The applicable department shall provide to the facility administrator any information about the resident that would help the administrator meet his or her responsibilities under subsection (1). Further, department personnel shall explain to the facility operator any special needs of the resident and advise the operator whom to call should problems arise. The applicable department shall advise and assist the facility administrator where the special needs of residents who are recipients of optional state supplementation require such assistance.

(7) The Department of *Children and Family* ~~Health and Rehabilitative~~ Services may require an examination for supplemental security income and optional state supplementation recipients residing in facilities at any time and shall provide *the* ~~such~~ examination whenever a resident's condition requires it. Any facility administrator; personnel of the agency, the department, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services; or long-term care ombudsman council member who believes a resident needs to be evaluated shall notify the resident's case manager, who shall take appropriate action. A report of the examination findings shall be provided to the resident's case manager and the facility administrator to help the administrator meet his or her responsibilities under subsection (1).

(8) If, at any time after admission to a facility, a resident appears to need care beyond that which the facility is licensed to provide, the agency shall require the resident to be physically examined by a licensed physician or licensed nurse practitioner. *This* ~~or evaluated by an appropriate mental health professional, as defined in s. 394.455(2), (4), (20), (22), or (23); such~~ examination shall, to the extent possible, be performed by the resident's preferred physician or nurse practitioner ~~or mental health professional~~ and shall be paid for by the resident with personal funds, except as provided in s. 400.418(1)(b). *Following this* ~~Pursuant to such~~ examination, the examining physician or licensed nurse practitioner shall complete and sign a medical form provided by the agency. The completed medical form shall be submitted to the agency within 30 days *after* ~~from~~ the date the facility owner or administrator is notified by the agency that the physical examination is required. After consultation with the physician or licensed nurse practitioner who performed the examination, a medical review team designated by the agency shall then determine whether the resident is appropriately residing in the facility. The medical review team shall base its decision on a comprehensive review of the resident's physical and functional status, including the resident's preferences, and not on an isolated health-related problem. *In the case of a mental health resident, if the resident appears to have needs in addition to those identified in the community living support plan, the agency may require an evaluation by a mental health professional, as determined by the Department of Children and Family Services.* A facility *may* ~~must~~ not be required to retain a resident who requires more services or care than the facility is able to provide in accordance with its policies and criteria for admission and continued residency. Members of the medical review team making the final determination *may* ~~shall~~ not include the agency personnel who initially questioned the appropriateness of a resident's placement. Such determination *is* ~~shall be~~ final and binding upon the facility and the resident. Any resident who is determined by the medical review team to be inappropriately residing in a facility shall be given 30 days' written notice to relocate by the owner or administrator, unless the resident's continued residence in the facility presents an imminent danger to the health, safety, or welfare of the resident or a substantial probability exists that death or serious physical harm would result to the resident if allowed to remain in the facility.

Section 6. Paragraph (k) of subsection (1) of section 400.628, Florida Statutes, is amended to read:

400.628 Residents' bill of rights.—

(1) A resident of an adult family-care home may not be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the State Constitution, or the Constitution of the United States solely by reason of status as a resident of the home. Each resident has the right to:

(k) Be free from chemical and physical restraints ~~except as ordered by a physician~~.

Section 7. *The Department of Elderly Affairs, in conjunction with the Department of Health, the Agency for Health Care Administration, the Board of Nursing, the Board of Pharmacy, and the Department of Education and in cooperation with the Florida Health Care Association, the Florida Association of Homes for the Aged and the Florida Assisted Living Association, shall study and report to the Legislature, no later than January 1, 1998, concerning:*

(1) The need for certified medication technicians and the expected impact of the use of these technicians in assisted living facilities;

(2) A determination as to whether statutory revision is necessary to implement a program for medication technicians, and if so, recommended statutory language;

(3) A training course for certified medication technicians, and a plan for making this certification course available throughout the state; and

(4) A process for the certification of medication technicians, including the entity responsible for this certification.

Section 8. Subsections (8) and (28) of section 394.455, Florida Statutes, 1996 Supplement, are amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(8) "Department" means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(28) "Secretary" means the Secretary of *Children and Family* ~~Health and Rehabilitative~~ Services.

Section 9. Section 394.4574, Florida Statutes, is created to read:

394.4574 Department responsibilities for a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(1) The term "mental health resident," for purposes of this section, means an individual who receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.

(2) The department must ensure that:

(a) A mental health resident has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be provided to the administrator of the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident if it was completed within 90 days prior to admission to the facility.

(b) A cooperative agreement, as required in s. 400.4075, is developed between the mental health care services provider that serves a mental health resident, and the administrator of the assisted living facility with a limited mental health license in which the mental health resident is living. Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

(c) The community living support plan, as defined in s. 400.402, has been prepared by a mental health resident and a mental health case manager of that resident in consultation with the administrator of the facility or the administrator's designee. The plan must be provided to the administrator of the assisted living facility with a limited mental health license in which the mental health resident lives. The support plan and the agreement may be in one document.

(d) The assisted living facility with a limited mental health license is provided with documentation that the individual meets the definition of a mental health resident.

(e) The mental health services provider assigns a case manager to each mental health resident who lives in an assisted living facility with a limited mental health license. The case manager is responsible for coordinating the development of and implementation of the community living support plan defined in s. 400.402. The plan must be updated at least annually.

Section 10. Subsection (2) of section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—

(2) The base rate of payment for optional state supplementation shall be established by the department within funds appropriated. Additional amounts may be provided for mental health residents in facilities designed to provide limited mental health services as provided for in *s. 400.4075* ~~s. 400.407(5)~~. The base rate of payment does not include the personal needs allowance.

Section 11. Subsection (34) is added to section 409.912, Florida Statutes, 1996 Supplement, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(34) Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

Section 12. Subsection (2) of section 651.011, Florida Statutes, 1996 Supplement, is amended to read:

651.011 Definitions.—For the purposes of this chapter, the term:

(2) "Continuing care" or "care" means furnishing pursuant to an agreement shelter, food, and either nursing care or personal services as defined in s. 400.402~~(16)~~, whether such nursing care or personal services are provided in the facility or in another setting designated by the agreement for continuing care, to an individual not related by consanguinity or affinity to the provider furnishing such care, upon payment of an entrance fee. Other personal services provided shall be designated in the continuing care agreement. Agreements to provide continuing care include agreements to provide care for any duration, including agreements that are terminable by either party.

Section 13. Subsection (8) of section 651.118, Florida Statutes, 1996 Supplement, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(8) A provider may petition the Agency for Health Care Administration to use a designated number of sheltered nursing home beds to provide extended congregate care as defined in s. 400.402~~(11)~~ if the beds are in a distinct area of the nursing home which can be adapted to meet the requirements for extended congregate care. The provider may subsequently use such beds as sheltered beds after notifying the agency of the intended change.

Section 14. *The Department of Children and Family Services, in cooperation with the Agency for Health Care Administration, shall establish a workgroup of interested parties, to include relevant state agencies, representatives of providers of mental health services, and owners and administrators of assisted living facilities, to develop criteria and recommend changes to the state contracting procurement process for the provision of state-funded substance abuse and mental health services to residents of assisted living facilities with a limited mental health license. Staff support will be provided by the Department of Children and Family*

Services. Participation in this workgroup will be at the expense of each individual except for representatives of state agencies, whose expenses must be covered by the agency for whom they work. The workgroup must report its findings and recommended changes to the Governor and the Legislature no later than January 1, 1998.

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to assisted living; suspending provisions of s. 400.4075, F.S., and ch. 58A-5.029, F.A.C., relating to limited mental health licenses; amending s. 400.402, F.S.; revising definitions; providing additional definitions; amending s. 400.407, F.S.; correcting cross references; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the community living support plan and a cooperative agreement for each mental health resident and verify that such resident meets certain requirements; providing a criminal penalty for bribes and kickbacks; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; requiring certain documentation for a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing for an evaluation of a mental health resident in certain instances; amending s. 400.628, F.S.; prohibiting the use of restraints in adult family-care homes; requiring a study relating to certified medication technicians; requiring a report; amending s. 394.455, F.S.; revising definitions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing certain department responsibilities related to a mental health resident; amending ss. 409.212, 651.011, and 651.118, F.S.; correcting cross references; amending s. 409.912, F.S.; requiring an entity that provides Medicaid prepaid health services to coordinate health care services with an assisted living facility in certain instances; requiring establishment of a workgroup on procurement of services for assisted living facilities with a limited mental health license; requiring a report; providing an effective date.

Senator Bankhead moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 15, line 9 through page 16, line 11, delete all of those lines

SENATOR HORNE PRESIDING

Senator Rossin moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (with title amendment)—On page 27, between lines 11 and 12, insert:

Section 15. Section 400.4178, Florida Statutes, is created to read:

400.4178 Special care for persons with Alzheimer's disease or other related disorders.—

(1) A facility which advertises that it provides special care for persons with Alzheimer's disease or other related disorders must meet the following standards of operation:

(a)1. If the facility has 17 or more residents, have an awake staff member on duty at all hours of the day and night; or

2. If the facility has fewer than 17 residents, have an awake staff member on duty at all hours of the day and night or have mechanisms in place to monitor and ensure the safety of the facility's residents.

(b) Offer activities specifically designed for persons who are cognitively impaired.

(c) Have a physical environment that provides for the safety and welfare of the facility's residents.

(d) Employ staff who have completed the training and continuing education required in subsection (2).

(2)(a) An individual who is employed by a facility that provides special care for residents with Alzheimer's disease or other related disorders, and who has regular contact with such residents, must complete up to 4 hours of initial dementia-specific training developed or approved by the department. The training shall be completed within 3 months after beginning employment and shall satisfy the core training requirements of s. 400.452(2)(g).

(b) A direct caregiver who is employed by a facility that provides special care for residents with Alzheimer's disease or other related disorders, and who provides direct care to such residents, must complete the required initial training and 4 additional hours of training developed or approved by the department. The training shall be completed within 9 months after beginning employment and shall satisfy the core training requirements of s. 400.452(2)(g).

(c) An individual who is employed by a facility that provides special care for residents with Alzheimer's disease or other related disorders, but who only has incidental contact with such residents, must be given, at a minimum, general information on interacting with individuals with Alzheimer's disease or other related disorders, within 3 months after beginning employment.

(3) In addition to the training required under subsection (2), a direct caregiver must participate in a minimum of 4 contact hours of continuing education each calendar year. The continuing education must include one or more topics included in the dementia-specific training developed or approved by the department, in which the caregiver has not received previous training.

(4) Upon completing any training listed in subsection (2), the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility. The employee or direct caregiver must comply with other applicable continuing education requirements.

(5) The department, or its designee, shall approve the initial and continuing education courses and providers.

(6) The department shall keep a current list of providers who are approved to provide initial and continuing education for staff of facilities that provide special care for persons with Alzheimer's disease or other related disorders.

(7) Any facility more than 90 percent of whose residents receive monthly optional supplementation payments is not required to pay for the training and education programs required under this section. A facility that has one or more such residents shall pay a reduced fee that is proportional to the percentage of such residents in the facility. A facility that does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee, as established by the department, for such training and education programs.

(8) The department shall adopt rules to establish standards for trainers and training and to implement this section.

Section 16. Paragraph (g) is added to subsection (2) of section 400.452, Florida Statutes, to read:

400.452 Staff training and educational programs; core educational requirement.—

(2) The department shall also establish a core educational requirement to be used in these programs. Successful completion of the core educational requirement must include successful completion of a competency test. Programs must be provided by the department or by a pro-

vider approved by the department at least quarterly. The core educational requirement must cover at least the following topics:

(g) Alzheimer's disease and other related disorders.

(Renumber subsequent section.)

And the title is amended as follows:

On page 29, line 19, after the semicolon (;) insert: creating s. 400.4178, F.S.; providing standards for facilities that provide special care for persons with Alzheimer's disease and other related disorders; providing employee training requirements; providing continuing education requirements; providing for approval of education courses and providers; providing for fees; providing for rules; amending s. 400.452, F.S.; including education on Alzheimer's disease and related disorders in the core educational requirement for facility administrators and staff;

Senator Dyer moved the following amendment to **Amendment 2** which was adopted:

Amendment 2C (with title amendment)—On page 27, between lines 11 and 12, insert:

Section 15. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) *There is established* ~~The Legislature shall fund~~:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.; ~~and~~

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.; and

(g)~~(f)~~ A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

(Renumber subsequent section.)

And the title is amended as follows:

On page 29, line 19, after the second semicolon (;) insert: amending s. 430.502, F.S.; revising provisions relating to establishing memory disorder clinics; creating an additional clinic;

Senator Bankhead moved the following amendment to **Amendment 2** which was adopted:

Amendment 2D—In title, on page 28, lines 13 and 14, delete those lines and insert: requirements; amending s. 400.426,

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1836** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Hargrett, by two-thirds vote **CS for HB 95** was withdrawn from the Committees on Transportation; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Hargrett—

CS for HB 95—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver's license records, to conform; increasing the fees for providing certain transcripts or searching for certain records; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB's 2028 and 394** and read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (bb) is added to subsection (3) of section 119.07, Florida Statutes, 1996 Supplement, to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(bb) Upon a request made in a form designated by the Department of Highway Safety and Motor Vehicles, personal information contained in a motor vehicle record that identifies the requester is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution except as provided in this paragraph. Personal information includes, but is not limited to, the requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. For purposes of this paragraph, personal information does not include information relating to vehicular crashes, driving violations, and driver's status. Such request may be made only by the person who is the subject of the motor vehicle record. For purposes of this paragraph, "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles. Personal information contained in motor vehicle records exempted by an individual's request pursuant to this paragraph shall be released by the department for any of the following uses:

1. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers, to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

2. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

3. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor

vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

4. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

b. If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

5. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or agency or before any self-regulatory body for:

a. Service of process by any certified process server, special process server, or other person authorized to serve process in this state.

b. Investigation in anticipation of litigation by an attorney licensed to practice law in this state or the agent of the attorney.

c. Investigation by any person in connection with any filed proceeding.

d. Execution or enforcement of judgments and orders.

e. Compliance with an order of any court.

6. For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

8. For use in providing notice to the owners of towed or impounded vehicles.

9. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this paragraph. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a police report, court order, or a business or personal relationship with the subject of the investigation.

10. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App. 2710 et seq.

11. For use in connection with the operation of private toll transportation facilities.

12. For bulk distribution for surveys, marketing, or solicitations when the department has implemented methods and procedures to ensure that:

a. Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

b. The information will be used, rented, or sold solely for bulk distribution for survey, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have timely requested that they not be directed at them.

13. For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record.

14. For any other use specifically authorized by state law, if such use is related to the operation of a motor vehicle or public safety.

Personal information exempted from public disclosure according to this paragraph may be disclosed by the Department of Highway Safety and Motor Vehicles to an individual, firm, corporation, or similar business entity whose primary business interest is to resell or redisclose the personal information to persons who are authorized to receive such information. Prior to the department's disclosure of personal information, such individual, firm, corporation, or similar business entity must first enter into a contract with the department regarding the care, custody, and control of the personal information to ensure compliance with the federal Driver's Privacy Protection Act of 1994 and applicable state laws. An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subparagraph 12., may contract with the Department of Highway Safety and Motor Vehicles to resell or redisclose the information for any use permitted under this paragraph. However, only authorized recipients of personal information under subparagraph 12. may resell or redisclose personal information pursuant to subparagraph 12. Any authorized recipient who resells or rediscloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. Such records shall be made available for inspection upon request by the department. The department shall adopt rules to carry out the purposes of this paragraph and the federal Driver's Privacy Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules adopted by the department shall provide for the payment of applicable fees and, prior to the disclosure of personal information pursuant to this paragraph, shall require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department requires.

Section 2. Subsection (3) of section 319.17, Florida Statutes, is amended to read:

319.17 Rules; forms; indexes and records.—

(3) The department shall maintain indexes of motor vehicles and mobile homes by name of owner, by title number, and by manufacturer's motor number or vehicle identification number. The department shall keep a permanent record of notices of liens and satisfactions thereof. Such indexes and records shall be open to the inspection of the public at all reasonable times*, except as provided in chapter 119.*

Section 3. Subsection (2) of section 319.25, Florida Statutes, is amended to read:

319.25 Cancellation of certificates.—

(2) The department is authorized, upon application of any person and payment of the proper fees, to prepare and furnish lists containing title information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof*, except as provided in chapter 119.*

Section 4. Section 320.05, Florida Statutes, 1996 Supplement, is amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in s. 119.07(3), the department may release records as provided in this section.

(2)~~(1)~~ Upon receipt of an application for the registration of a motor vehicle or mobile home, as herein provided for, the department shall register the motor vehicle or mobile home under the distinctive number assigned to such motor vehicle or mobile home by the department, which registration record shall be open to the inspection of the public during business hours. Information on a motor vehicle registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle registration record shall record the name and address of any person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about

which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection *(3)* ~~(2)~~ have been paid.

(3)~~(2)~~(a) The department is authorized, upon application of any person and payment of the proper fees, to prepare and furnish lists containing motor vehicle or vessel information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof.

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, $1 per page.

3. For providing noncertified photographic copies of micrographic records, $1 per page.

4. For providing certified copies of motor vehicle or vessel records, $3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, $3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, $15 per list.

10. For providing lists of licensed motor vehicle dealers, $25 per list.

11. For each copy of a videotape record, $15 per tape.

12. For each copy of the Division of Motor Vehicles Procedures Manual, $25.

(c) Fees collected pursuant to paragraph (b) shall be deposited into the Highway Safety Operating Trust Fund.

(d) The department shall furnish such information without charge to any court or governmental entity.

(e) When motor vehicle, vessel, or mobile home registration data is provided by electronic access through a tax collector's office, a fee for the electronic access is not required to be assessed. However, at the tax collector's discretion, a fee equal to or less than the fee charged by the department for such information may be assessed by the tax collector for the electronic access. Notwithstanding paragraph (c), any funds collected by the tax collector as a result of providing such access shall be retained by the tax collector.

(4)~~(3)~~ The department is authorized to reproduce such documents, records, and reports as required to meet the requirements of the law and the needs of the public, either by photographing, microphotographing, or reproducing on film the document, record, or report, or by using an electronic digitizing process capable of reproducing a true and correct image of the original source document. The photographs, microphotographs, or electronic digitized copy of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility into evidence. Duly certified or authenticated reproductions of such photographs, microphotographs, or electronically digitized records shall be admitted into evidence equally with the original photographs, microphotographs, or electronically digitized records.

Section 5. Subsections (8), (9), (10), (11), (12), and (13) of section 322.20, Florida Statutes, 1996 Supplement, are renumbered as subsections (9), (10), (11), (12), (13), and (14), respectively, and amended, and a new subsection (8) is added to that section, to read:

322.20 Records of the department; fees; destruction of records.—

(8) Except as provided in s. 119.07(3), the department may release records as provided in this section.

(9)~~(8)~~ The department may, upon application, furnish to any person, from the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. In addition, the department may furnish to the courts, for the purpose of establishing jury selection lists, the names, addresses, and birth dates of the persons of the entire state or any portion thereof by age group having identification cards issued by the department. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to the courts for the purpose of jury selection or to any state agency or to any state attorney, sheriff, or chief of police. Such court, state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying court, state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

(10)~~(9)~~ The Division of Driver Licenses is authorized, upon application of any person and payment of the proper fees, to search and to assist such person in the search of the records of the department and make reports thereof and to make photographic copies of the departmental records and attestations thereof.

(11)~~(10)~~(a) The department is authorized to charge the following fees for the following services and documents:

1. For providing a transcript of any one individual's driver history record *or any portion thereof* for the past 3 years or for searching for such record when no record is found to be on file . . . . . *$2.10* ~~$2.00~~

2. For providing a transcript of any one individual's driver history record *or any portion thereof* for the past 7 years or for searching for such record when no record is found to be on file . . . . . *$3.10* ~~$3.00~~

3. For providing a certified copy of a transcript of the driver history record *or any portion thereof* for any one individual . . . . . *$3.10* ~~$3.00~~

4. For providing a certified photographic copy of a document, per page $1.00

5. For providing an exemplified record $15.00

6. For providing photocopies of documents, papers, letters, clearances, or license or insurance status reports, per page $0.50

7. For assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee $2.00

(b) The department shall furnish such information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the department as to the purpose of the investigation.

(12)~~(11)~~ The fees collected under this section shall be placed in the Highway Safety Operating Trust Fund.

(13)~~(12)~~ The department is authorized in accordance with chapter 257 to destroy reports, records, documents, papers, and correspondence in the Division of Driver Licenses which are considered obsolete.

(14)~~(13)~~ The department is authorized to photograph, microphotograph, or reproduce on film such documents, records, and reports as it may select. The photographs or microphotographs in the form of film or print of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

Section 6. Subsection (15) is added to section 409.175, Florida Statutes, 1996 Supplement, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(15) The following information contained in the licensing file is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless otherwise ordered by the court: the home, business, work, childcare, or school addresses, floor plan of the home, telephone numbers, social security numbers, birthdates, neighbor references, and photographs of persons who are licensed under this section to be family foster parents and of their spouses, their minor children, and other adult household members, as well as identifying information in similar sensitive, personal information that is provided to the department by the foster parents, their spouses, their children, or other household members. This provision shall apply to all individuals who were foster parents and became adoptive parents. This subsection shall stand repealed October 2, 2002, unless reviewed and saved from repeal by the Legislature.

Section 7. *The Legislature finds that exempting from public records requirements personal information concerning persons who are licensed under section 409.175, Florida Statutes, to be family foster parents and their spouses, children, and other adult household members would reduce the risk that other individuals including parents or relatives could threaten, harass, or cause physical harm or other injury to foster children or their foster families. The Legislature finds that the availability to the public of personal and sensitive background information lessens the willingness of prospective caregivers to reveal sensitive information that is necessary in assessing the abilities of foster parents and making appropriate placements of children. The Legislature further finds that the availability to the public of such information has a negative effect on the recruitment and retention of foster parents.*

Section 8. *The Legislature finds that it is a public necessity that personal information in a person's motor vehicle record held by the Department of Highway Safety and Motor Vehicles be exempt from public disclosure. Limiting access to motor vehicle records will afford the public an added measure of protection by preventing individuals from obtaining for malicious purposes personal information contained in the state's motor vehicle records. Further, such an exemption will conform state law to the requirements of the federal Driver's Privacy Protection Act of 1994, which prohibits disclosure of such information of a sensitive, personal nature, with specified exceptions.*

Section 9. *If this act is adjudged to be unconstitutional on the ground that it relates to more than one subject, or for any other reason involving section 6 or 7 relating to s. 409.175, it is the intent of the Legislature that sections 6 and 7 be severed and that the remainder of the act become law.*

Section 10. This act shall take effect September 13, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records requirements; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, and s. 320.05, F.S., relating to registration records; amending s. 322.20, F.S., to increase fees for services and documents and to conform; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing a finding of public necessity; providing severability; providing an effective date.

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 13, line 3 through page 14, line 26, delete sections 6, 7, 8, and 9 and insert:

Section 6. *The Legislature finds that it is a public necessity that personal information in a person's motor vehicle record held by the Department of Highway Safety and Motor Vehicles be exempt from public disclosure. Limiting access to motor vehicle records will afford the public an added measure of protection by preventing individuals from obtaining for malicious purposes personal information contained in the state's motor vehicle records. Further, such an exemption will conform state law to the requirements of the federal Driver's Privacy Protection Act of 1994, which prohibits disclosure of such information of a sensitive, personal nature, with specified exceptions.*

And the title is amended as follows:

On page 15, line 29 through page 16, line 8, delete those lines and insert: services and documents and to conform; providing a finding of public necessity; providing an

Amendment 1 as amended was adopted.

On motion by Senator Hargrett, by two-thirds vote **CS for HB 95** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Horne

On motion by Senator Rossin—

CS for SB 1288—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law;

requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites and ports; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; amending s. 196.199, F.S.; providing that all nonalienated or reversionary interests in governmental property which is subject to a leasehold or other possessory interest of a nongovernmental lessee shall be deemed to be used for a governmental, municipal, or public purpose or function; providing effective dates.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1288** to **CS for HB 1683**.

Pending further consideration of **CS for SB 1288** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 1683** was withdrawn from the Committees on Community Affairs; Rules and Calendar; and Ways and Means.

On motions by Senator Rossin, by two-thirds vote—

CS for HB 1683—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; creating s. 189.4047, F.S.; providing for refund of special assessments levied by a dependent special district under certain conditions; providing for retroactive effect; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites; providing that certain ports are deemed to be in compliance with said section; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; specifying additional activities that are deemed to serve such purposes; amending s. 200.069, F.S.; authorizing inclusion in the notice of proposed property taxes of a notice of adopted non-ad valorem assessments and providing requirements with respect thereto; providing effective dates.

—a companion measure, was substituted for **CS for SB 1288** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1683** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 508—A bill to be entitled An act relating to Medicaid provider agreements; amending s. 409.907, F.S.; requiring state and national criminal-history checks of those who apply to be providers; defining the term "applicant"; allowing the Agency for Health Care Administration to permit an applicant to become a provider pending the results of such checks, and to revoke permission in specified circumstances; providing exemptions from the background-screening requirements for certain providers and under certain circumstances; amending s. 409.920, F.S.; increasing the penalty for knowingly submitting false or misleading information to Medicaid for purposes of being accepted as a Medicaid provider; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 7 through page 3, line 14, delete those lines and insert:

(8)(a) Each provider, or each principal of the provider if the provider is a corporation, partnership, association, or other entity, seeking to participate in the Medicaid program must submit a complete set of his or her

fingerprints to the agency for the purpose of conducting a criminal history record check. Principals of the provider include any officer, director, billing agent, managing employee, or affiliated person, or any partner or shareholder who has an ownership interest equal to 5 percent or more in the provider. This subsection shall not apply to:

1. A hospital licensed under chapter 395;

2. A nursing home licensed under chapter 400;

3. A hospice licensed under chapter 400.

(b) The agency shall submit the fingerprints to the Department of Law Enforcement. The department shall conduct a state criminal-background investigation and forward the fingerprints to the Federal Bureau of Investigation for a national criminal-history record check. The cost of the state and national criminal record check shall be borne by the provider.

(c) The agency may permit a provider to participate in the Medicaid program pending the results of the criminal record check. However, such permission is fully revocable if the record check reveals any crime-related history as provided in subsection (10).

(d) Proof of compliance with the requirements of level 2 screening under s. 435.04 conducted within 12 months prior to the date that the Medicaid provider application is submitted to the agency shall fulfill the requirements of this subsection. Proof of compliance with the requirements of level 1 screening under s. 435.03 conducted within 12 months prior to the date that the Medicaid provider application is submitted to the agency shall meet the requirement that the Department of Law Enforcement conduct a state criminal history record check.

(9)~~(8)~~ Upon receipt of a completed, signed, and dated application, and *completion of* ~~after~~ any necessary *background* investigation *and criminal history record check* ~~by the agency, which may include Florida Department of Law Enforcement background checks~~, the agency must either:

And the title is amended as follows:

On page 1, line 6, delete "defining the term 'applicant';"

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, delete line 30 and insert:

3. A hospice licensed under chapter 400;

4. An assisted living facility licensed under chapter 400.

Senator Myers moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 1, between lines 30 and 31, insert:

4. A unit of local government, except that requirements of this subsection apply to nongovernmental providers and entities when contracting with the local government to provide Medicaid services. The actual cost of the state and national criminal history record checks must be borne by the nongovernmental provider or entity; or

Senator Bankhead moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 1, line 27, after the period (.) insert: *However, a director of a not-for-profit corporation or organization is not a principal for purposes of a background investigation as required by this section if the director: serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration from the not-for-profit corporation or organization for his or her service on the board of directors, has no financial interest in the not-for-profit corporation or organization, and has no family members with a financial interest in the not-for-profit corporation or organization; and if the director submits an affidavit, under penalty of perjury, to this effect to the agency and the not-for-profit corporation or organization submits an affidavit, under penalty of perjury, to this effect to the agency as part of the corporation's or organization's Medicaid provider agreement application. Notwithstanding the above, the agency may require a background check for any person reasonably suspected by the agency to have been convicted of a crime.*

And the title is amended as follows:

On page 3, line 2, insert: providing an exemption from a criminal history record check for directors of certain not-for-profit corporations or organizations;

Amendment 1 as amended was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. *Subsection (31) of section 409.912, Florida Statutes, 1996 Supplement, is repealed.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: repealing s. 409.912(31), F.S., relating to Medicaid recipient selection of provider entities;

Pursuant to Rule 4.19, **CS for SB 508** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, the Senate resumed consideration of—

CS for CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 393.063, 393.0657, 394.4787, 394.67, 394.875, 394.876, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.497, 400.506, 400.509, 400.512, 400.555, 400.606, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners;

requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing appropriations from the Health Care Trust Fund; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 7A** by Senator Gutman was adopted.

Senator Myers moved the following amendment to **Amendment 7** which was adopted:

Amendment 7B (with title amendment)—On page 5, between lines 7 and 8, insert:

Section 3. Section 455.401, Florida Statutes, is created to read:

455.401 Intent.—It is the intent of the Legislature that all policymaking and rulemaking authority relating to health care practitioner regulation and the Division of Medical Quality Assurance belongs to the Department of Health, including consumer complaint, investigative, and prosecutorial services.

And the title is amended as follows:

On page 5, line 24, after the semicolon (;) insert: creating s. 455.401, F.S.; providing intent relating to health care practitioner regulation;

Amendment 7 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 2142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 918—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing for application of the act; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, between lines 6 and 7, insert:

Section 3. Section 196.195, Florida Statutes, is amended to read:

196.195 Determining profit or nonprofit status of applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.

(2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:

(a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;

(b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;

(c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;

(d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and

(e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.

(3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.

(4) Notwithstanding the provisions of subsections (2) and (3), a corporation organized as nonprofit under chapter 617 which has a valid consumer certificate of exemption pursuant to s. 212.08(7)(o) and which has a valid exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code is nonprofit. Proof provided by a corporation of its status as described in this subsection shall be sufficient to establish the organization's nonprofit status and any corporation providing such proof is not required to provide any other information in order to establish its nonprofit status.

(5)~~(4)~~ No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.

Section 4. Paragraph (c) is added to subsection (1) of section 196.196, Florida Statutes, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:

(c) The extent to which the property is used to conduct activities which cause a corporation to qualify for a consumer certificate of exemption under s. 212.08(7)(o). Such activities shall be considered as part of the exempt purposes of the applicant.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 196.195, F.S.; providing that certain corporations are nonprofit; amending s. 196.196, F.S.; providing criteria for determining if an applicant is using its property for a charitable, religious, scientific, or literary purpose;

Pursuant to Rule 4.19, **CS for SB 918** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 972—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring agency inspectors general to report on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; authorizing the division to operate a centralized vehicle leasing program; providing for the deposit of lease payments; specifying the use of lease payments; requiring a report to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, line 21 through page 2, line 9, delete those lines and insert:

Section 1. *Each state agency's inspector general shall, by December 30, 1999, conduct or oversee a review of motor vehicle utilization. This review shall consist of two parts. The first part of the review shall determine the number of miles that each assigned motor vehicle has been driven on official state business in the past fiscal year. Commuting mileage shall be excluded from calculating vehicle use. The purpose of this review is to determine whether employees with assigned motor vehicles are driving the vehicles a sufficient number of miles to warrant continued vehicle assignment. The second part of the review shall identify employees who have driven personal vehicles extensively on state business in the past fiscal year. The purpose of this review is to determine whether it would be cost-effective to provide state motor vehicles to such employees. In making this determination, the inspector general shall use the break-even mileage criteria developed by the Department of Management Services. A copy of the review shall be presented to the Office of Program Policy Analysis and Government Accountability and to the agency head.*

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: agencies; requiring a report from agency inspectors general on employee use of state motor vehicles; amending s.

Amendment 2—On page 2, delete line 23 and insert:

(3) Effective July 1, 1998, to establish and operate a centralized state

Pursuant to Rule 4.19, **CS for SB 972** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1548 and CS for SB 1434** was deferred.

On motion by Senator Dyer—

CS for SB's 1414 and 228—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; deleting a requirement that a certain portion of the cost of certain construction projects be included in a budget request; deleting a limitation upon the number of such construction projects allowed to an educational agency; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending s. 240.289, F.S.; authorizing the universities to accept credit card payments; prohibiting the imposition of a service fee or surcharge for credit card payments; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; amending ss. 240.207, 240.307, F.S.; adding members to the Board of Regents and the State Board of Community Colleges; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 22, line 23 through page 23, line 15, delete those lines and insert:

Section 13. Subsection (1) of section 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide a *product or* service, *or both,* to a university or its students, faculty, or staff and for which *a charge may be made but such charge, except for a fee that is a condition of the student enrollment and registration process, is not imposed by the Legislature* ~~is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service~~. *These* ~~Auxiliary~~ enterprises are ~~generally~~ *the activities of a university and are as a unit generally* self-sufficient. *These enterprises* ~~operations, and~~ include *activities such as* housing, bookstores, student health services, continuing education programs, food services, college stores, vending machines, specialty shops, day care centers, golf courses, student activities programs, *data center operations,* financial aid programs, *and* intercollegiate athletics ~~programs, and other programs for which the funds are deposited outside the State Treasury~~. *Fees that are a condition of the student enrollment and registration process are state revenues for purposes of Article VII, Section 1(e) of the State Constitution.*

Senator Dyer moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 25, lines 15-24, delete those lines and insert:

240.289 Credit *and charge* card use in university system; authority.—The ~~several~~ universities in the State University System *may, notwithstanding* ~~are authorized, pursuant to~~ s. 215.322, ~~to~~ enter into agreements and accept credit *and charge* card payments as compensation for goods, services, tuition, and fees, in accordance with rules *adopted* ~~established~~ by the Board of Regents. *The rules must allow the universities to accept credit and charge card payment for matriculation or tuition, nonresident tuition, and fees. The universities may not collect a service fee or surcharge for credit and charge card payments.*

And the title is amended as follows:

On page 2, line 31, after "credit" insert: and charge

Senator Grant moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 29, between lines 10 and 11, insert:

Section 21. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university is authorized to establish separate activity and service, health, and athletic fees, *which are defined as state revenues and which must be established annually in the General Appropriations Act.* When duly established, the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic *fund accounts within the Educational and General Student and Other Fees Trust Fund* ~~funds~~.

(a)1. *Within the ranges established in the General Appropriations Act,* each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. *Within the ranges established in the General Appropriations Act,* the student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. *The president of each university must survey the student body at least once every 3 years to determine priorities for the use of activity and service fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by* ~~The allocation and expenditure of the fund shall be determined by the student government association of the university, except that~~ the president of the university, *who* may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have *30* ~~15~~ school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the *30* ~~15~~ school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within *30* ~~15~~ school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. *Funds may not be used for the construction, remodeling, or expansion of facilities, unless approved in the General Appropriations Act.* Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b)*1. Within the range established in the General Appropriations Act,* each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any ~~subsequent~~ increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student health fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes primary care for enrolled students, health and fitness services, and other health-related services. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of health fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the health fee fund and be available for allocation and expenditure during the next fiscal year.

(c)*1.* Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. ~~The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee.~~ Any ~~subsequent~~ increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student athletic fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes operating support for athletic programs, scholarships, and academic support for student athletes. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of athletic fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare

and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the athletic fee fund and be available for allocation and expenditure during the next fiscal year.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 12, after the semicolon (;) insert: amending s. 240.235, F.S.; defining fees; providing for fee ranges; providing budget procedures; restricting the use of fee revenue for certain purposes;

Senator Dyer moved the following amendments which were adopted:

Amendment 4 (with title amendment)—On page 29, between lines 10 and 11, insert:

Section 21. Present paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of subsection (10) of section 240.1201, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and a new paragraph (c) is added to that subsection, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(c) Active duty members of the Canadian military residing or stationed in this state and serving under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a public community college or university within 50 miles of the military establishment where they are stationed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 12, after the semicolon (;) insert: amending s. 240.1201, F.S.; providing that certain members of the Canadian military are classified as residents for tuition purposes;

Amendment 5 (with title amendment)—On page 29, between lines 10 and 11, insert:

Section 21. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. In making recommendations, the commission shall consider the annual report submitted by the Board of Regents pursuant to s. 240.209(3)*(s)*~~(r)~~. Each program shall be reviewed, with the cooperation of the institution, every 5 years.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 12, after the semicolon (;) insert: amending s. 240.147, F.S.; correcting a cross-reference;

Amendment 6 (with title amendment)—On page 29, between lines 10 and 11, insert:

Section 21. Section 240.2475, Florida Statutes, is amended to read:

240.2475 State University System *employment* equity accountability program.—

(1) ~~No later than August 1, 1992,~~ Each state university shall *maintain an annual equity* ~~develop a~~ plan for *appropriate representation* ~~increasing the number~~ of women and minorities in senior-level administrative positions, *within tenure-track faculty, and within faculty granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:*

(a) "Appropriate representation" means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.

(b) "Category" means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty ~~for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992~~.

(2)(a) By *April 1* ~~October 31~~ of each year, each state university president shall submit an *annual* equity ~~accountability~~ report to the Chancellor and the Board of Regents. *The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the job classification title, gender, race, and appointment status of selected personnel transactions. The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation.* ~~which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:~~

~~1. Job classification title;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;~~

~~5. The salary at which the individual was hired;~~

~~6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;~~

~~7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

~~9. An assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.~~

(b) *After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities pursuant to this section.* ~~Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:~~

~~1. Rank;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. The salary at which the individual was hired; and~~

~~5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.~~

(c) *The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions.* ~~The report must also include:~~

~~1. The requirements for achieving tenure;~~

~~2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;~~

~~3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and~~

~~4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.~~

(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each stage of the transaction process, and provide certification that each eligible faculty member was apprised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives, *as specified in the university's equity plan and affirmative action plan*. Annual budget allocations for positions and funding shall be based on this evaluation. *A summary of such evaluations* ~~Such evaluation~~ shall be submitted to the Chancellor and the Board of Regents *as part of the university's annual equity report*.

(b) ~~Beginning January 1994,~~ The Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual *equity* ~~and long-term~~ goals and objectives. *A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the Board of Regents to the Legislature and the State Board of Education.*

(4) The Board of Regents shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *August* ~~December~~ 1 of each year.

(5) *Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the Board of Regents, the plan shall be submitted as part of the annual equity report submitted by each university to the Board of Regents.* ~~Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.~~

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to the Board of Regents to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 22. Section 240.3355, Florida Statutes, is amended to read:

240.3355 Community College System *employment* equity accountability program.—

(1) ~~No later than May 1, 1993,~~ Each community college *shall include in its* annual equity update ~~plan must include~~ a plan for increasing the *representation* ~~number~~ of women and minorities in senior-level administrative positions *and*~~, for increasing the number of women and minorities~~ in *full-time* ~~ranked~~ faculty positions, and for increasing the *representation* ~~number~~ of women and minorities who have attained continuing-contract status. *Positions shall be defined in the personnel data element directory of the Division of Community Colleges.* The plan must include specific measurable goals and objectives, specific strategies *and timelines* for accomplishing these goals and objectives, and *comparable national standards as provided by the Division of Community Colleges* ~~a time period for accomplishing these goals and objectives~~. The goals *and objectives* shall *be based on meeting or exceeding comparable national standards and shall* be reviewed and recommended by the State Board of Community Colleges as appropriate. *Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.*

(2)(a) On *or before* May 1 of each year, each community college president shall submit *an* ~~the~~ annual *employment accountability plan* ~~equity update~~ to the Executive Director of the State Board of Community Colleges. The *accountability plan* ~~equity update~~ must show *faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report* ~~the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings~~.

(b) The *plan* ~~report~~ must show the following information for those positions including, but not limited to:

1. Job classification title.~~;~~

2. Gender.~~;~~

3. Ethnicity.~~;~~

4. Appointment status.~~;~~

5. Salary information. *At each community college, salary information shall also include* ~~including~~ the salary *ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.* ~~at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;~~

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires.~~;~~

7. *A statement certifying diversity and balance in* the gender and ethnic composition of the selection committee for each vacancy, *including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.*~~;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

(c)~~9.~~ *The annual employment accountability plan shall also include an analysis and* an assessment of the community college's *attainment* ~~accomplishment~~ of annual goals and of long-range goals for increasing the number of women and minorities in *faculty and* senior-level administrative positions, *and a corrective action plan for addressing underrepresentation.*

(d)~~(c)~~ Each community college's *employment* ~~equity~~ accountability *plan* ~~report~~ must also include:

1. The requirements for receiving a continuing contract.~~;~~

2. *A brief description of the process used to grant* ~~The gender and ethnic composition of the committees that review~~ continuing-contract *status.* ~~recommendations;~~

3. *A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.* ~~The enhancement of continuing-contract opportunities for women and minority faculty; and~~

~~4. Written documentation of feedback on the annual progress towards achievement of continuing-contract status by women and minorities.~~

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the *community college's employment accountability* ~~equity update~~ plan.

(a) The community college presidents, *or the president's designee,* shall annually evaluate each department chairperson, dean, *provost,* and vice president in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported annually by the president of the community college to the board of trustees.* Annual budget allocations *by the board of trustees* for positions and funding must take into consideration *these evaluations* ~~this evaluation~~.

(b) ~~Beginning January 1994,~~ Community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported to the Executive Director of the State Board of Community Colleges as part of the community college's annual employment accountability plan, and to the Legislature and State Board of Education as part of the annual equity progress report submitted by the State Board of Community Colleges.*

(4)~~(c)~~ The State Board of Community Colleges shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *January* ~~December~~ 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the community college president and the State Board of Community Colleges, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Community Colleges.

(6)~~(4)~~ Subject to available funding, the Legislature shall provide an annual appropriation *to the State Board of Community Colleges* to be allocated to *community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments* ~~the department managers~~ in recognition of the attainment of the equity goals and objectives.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 12, after the semicolon (;) insert: amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan;

Senator Latvala moved the following amendment which failed:

Amendment 7—On page 7, line 21 through page 8, line 29, delete those lines and insert: ~~Notwithstanding the provisions of s.~~

Pursuant to Rule 4.19, **CS for SB's 1414 and 228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones, the Senate resumed consideration of—

CS for CS for SB 1814—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for

disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the defini-

tion of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Grant was withdrawn.

Pending further consideration of **CS for CS for SB 1814** as amended, on motion by Senator Jones, by two-thirds vote **HB 2013** was withdrawn from the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Jones, by two-thirds vote—

HB 2013—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; correcting a cross reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; correcting a cross reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; correcting a cross reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing conditions under which resident physicians may prescribe medicinal drugs; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; correcting a cross reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss.

240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and transferring and amending s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; correcting a cross reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant;

creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1814** as amended and by two-thirds vote read the second time by title.

Senator Jones moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1), subsection (4), and paragraph (g) of subsection (8) of section 402.48, Florida Statutes, 1996 Supplement, are amended to read:

402.48 Health care services pools.—

(1) As used in this section, the term:

(a) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(4) Each registration shall be for a period of *2 years* ~~1 year~~. A new registration is required upon the sale of a controlling interest in a health care services pool.

(8)

(g) Meeting the financial responsibility requirements of this section must be established at the time of issuance or renewal of a certificate of registration ~~on or after January 1, 1991~~.

Section 2. Subsections (2), (4), and (9) of section 455.225, Florida Statutes, 1996 Supplement, are amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, shall complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits in this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction, if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has

been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint, including:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action is taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

Section 3. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 4. Section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body.

(2) "Acupuncturist" means any person *licensed* ~~certified~~ as provided in this chapter to practice acupuncture as a primary health care provider.

(3) "Board" means the Board of Acupuncture.

(4) "*License* ~~Certificate~~" means the document of authorization issued by the department for a person to engage in the practice of acupuncture.

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 5. Subsection (1) of section 457.103, Florida Statutes, is amended to read:

457.103 Board of Acupuncture; membership; appointment and terms.—

(1) The Board of Acupuncture is created within the department and shall consist of five members, to be appointed by the Governor and confirmed by the Senate. Three members of the board must be *licensed* ~~certified~~ Florida acupuncturists. Two members must be laypersons who are not and who have never been acupuncturists or members of any closely related profession. Members shall be appointed for 4-year terms or for the remainder of the unexpired term of a vacancy.

Section 6. Section 457.105, Florida Statutes, is amended to read:

457.105 *Licensure* ~~Certification~~ qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been *licensed* ~~certified~~ by the board, is in a board-approved ~~tutorial program or~~ course of study, or is otherwise exempted by this chapter.

(2) A person may become *licensed* ~~certified~~ to practice acupuncture if the *person applies to the department and* ~~applicant~~:

(a) Is 18 years of age or older ~~and meets one of the following criteria:~~

~~1. He is a citizen of the United States;~~

~~2. He is a permanent resident of the United States; or~~

~~3. He is a legal alien who has resided in the United States for 6 months immediately prior to qualifying for examination~~;

(b) Has completed *60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture, and has completed a 3-year course of study in acupuncture, and effective July 31, 2001, a 4-year course of study in acupuncture, which meets standards established by the board by rule, which standards include successful completion of academic courses in western anatomy, western physiology, western pathology, and western biomedical terminology. However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only* ~~the following:~~

~~1.~~ a 2-year course of study which meets standards established by the board by rule, which standards *must* ~~shall~~ include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

~~2. A 2-year tutorial program which meets standards established by the board by rule, which standards shall include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology. Prior to entrance in a tutorial program, an individual shall have been approved by the board, registered with the department, and paid a registration fee not to exceed $200 as set by rule of the board. Such tutorial program shall be of a continuous nature for not less than 2 years under the supervision of an acupuncturist certified under this chapter and shall have commenced after October 1, 1986. A person enrolled in a tutorial program approved by the board prior to October 1, 1986, may complete that program to meet the requirement for such training; or~~

~~3. At least 5 years of experience as an acupuncturist pursuant to standards and criteria established by board rule;~~

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state *that* ~~which~~ has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice acupuncture, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

2. Application fee: *$300* ~~$750~~.

3. Reexamination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

4. Initial biennial *licensure* ~~certification~~ fee: *$400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium* ~~$2,000~~.

Section 7. Section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of *licenses* ~~certificates~~; continuing education.—

(1) The department shall renew a *license* ~~certificate~~ upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$700* ~~$1,000~~.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of *licenses* ~~certificates~~.

(3) The board shall by rule prescribe continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a *license* ~~certificate~~. The criteria for such programs or courses shall be approved by the board. In order to meet continuing education requirements, prior approval by the board of such programs or courses is required. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. The board shall have the authority to set a fee, not to exceed $100, for each continuing education provider or program submitted for approval.

Section 8. Section 457.108, Florida Statutes, is amended to read:

457.108 Inactive status; expiration; reactivation of *licenses* ~~certificates~~.—

(1) A *license* ~~certificate~~ that has become inactive may be reactivated under this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate~~. The continuing education requirements for reactivating a *license* ~~certificate~~ must not exceed 10 classroom hours for each year the *license* ~~certificate~~ was inactive, in addition to completion of the number of hours required for renewal on the date the *license* ~~certificate~~ became inactive.

(2) The board shall adopt rules relating to application procedures for inactive status, renewal of inactive *licenses* ~~certificates~~, and reactivation of *licenses* ~~certificates~~. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a *license* ~~certificate~~. None of these fees may exceed the biennial renewal fee established by the board for an active *license* ~~certificate~~.

(3) The department shall not reactivate a *license* ~~certificate~~ unless the inactive or delinquent *licensee* ~~certificateholder~~ has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 9. Section 457.1085, Florida Statutes, is amended to read:

457.1085 Infection control.—Prior to November 1, 1986, the board shall adopt rules relating to the prevention of infection, ~~the sterilization of needles and other equipment or materials capable of transmitting possible infection,~~ the safe disposal of any potentially infectious materials, and other requirements to protect the health, safety, and welfare of the public. *Beginning October 1, 1997, all acupuncture needles that are to be used on a patient must be sterile and disposable, and each needle may be used only once.* ~~Acupuncture needles shall be thoroughly cleansed with an antiseptic solution and hot water prior to sterilization by autoclave. Presterilized, prewrapped, disposable needles may be used.~~

Section 10. Section 457.109, Florida Statutes, is amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a *license* ~~certificate~~ to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a *license* ~~certificate~~ to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of *licensure* ~~certification~~, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the *licensee* ~~certificateholder~~ knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any *unlicensed* ~~uncertified~~ person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a *licensed* ~~certified~~ acupuncturist.

(i) Making or filing a report which the *licensee* ~~certificateholder~~ knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a *licensed* ~~certified~~ acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the *licensee* ~~certificateholder~~ or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his designee that probable cause exists to believe that the *licensee* ~~certificateholder~~ is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the *licensee* ~~certificateholder~~ to submit to a mental or physical examination by a physician designated by the department. If the *licensee* ~~certificateholder~~ refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the *licensee* ~~certificateholder~~ resides or serves as an acupuncturist. The *licensee* ~~certificateholder~~ against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of acupuncture with reasonable skill and safety to patients.

In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the *licensee* ~~certificateholder~~ knows or has reason to know that he is not competent to perform.

(r) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder~~ delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or *licensure* ~~certification~~ to perform them.

(s) Violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another *licensee* ~~certificateholder~~ from lawfully advertising his services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a ~~tutorial program or a~~ course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a *license* ~~certificate~~.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.

(3) The department shall not reinstate the *license* ~~certificate~~ of an acupuncturist, or cause a *license* ~~certificate~~ to be issued to a person it has deemed to be unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in the final order and that he is capable of safely engaging in the practice of acupuncture.

Section 11. Section 457.116, Florida Statutes, is amended to read:

457.116 Prohibited acts; penalty.—

(1) It is unlawful for any person to:

(a) Hold himself out as a certified or licensed acupuncturist unless *licensed under this chapter* ~~certified as provided herein~~.

(b) Practice ~~acupuncture~~ or attempt to practice acupuncture without an active *license* ~~certificate or as otherwise permitted by board rule established under the authority of s. 457.105(2)(b)~~ or as otherwise provided by this chapter.

(c) *Obtain or* attempt to obtain or obtain a *license* ~~certificate~~ to practice acupuncture by fraudulent misrepresentation.

(d) Permit an employed person to engage in the practice of acupuncture unless such person holds an active *license* ~~certificate~~ as an acupuncturist, except as otherwise provided by this chapter.

(2) Any person who violates any provision of this section *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a ~~physician's trained assistant, a~~ registered nurse~~,~~ or a licensed practical nurse, if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a *medical assistant* ~~physician's trained assistant~~ in accordance with the provisions of *s. 458.3485* ~~this subsection~~.

Section 13. Subsection (2) of section 458.305, Florida Statutes, is amended to read:

458.305 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 14. Subsections (2) and (5) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(2)~~(a)~~ Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine for at least 4 years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. The remaining three members must be residents of the state who are not, and never have been, licensed health care practitioners. One member must be a hospital risk manager certified under part IX of chapter 626. At least one member of the board must be 60 years of age or older.

~~(b) The board shall establish at least one, but not more than two, probable cause panels to meet the responsibilities set out in s. 455.225(4). Each probable cause panel shall be composed of three members, one of whom shall be a lay member. One physician member may, if provided for in administrative rule, be a past board member who is not currently appointed to the board.~~

(5) During the time members are appointed to a probable cause panel, they shall attempt to complete their work on every case presented to them. In the event that consideration of a case is begun but not completed during the term of those members on the panel, they may reconvene as a probable cause panel~~, in addition to the panels established under paragraph (2)(b),~~ for the purpose of completing their deliberations on that case.

Section 15. Section 455.206, Florida Statutes, is amended to read:

455.206 Board members.—Notwithstanding any provision of law to the contrary, any person who otherwise meets the requirements of law for board membership and who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income. However, this section shall not apply to the physicians required by s. 458.307(2)~~(a)~~ to be on the faculty of a medical school in this state or on the full-time staff of a teaching hospital in this state.

Section 16. Paragraph (f) of subsection (1) and subsection (2) of section 458.311, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to said section, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(f) Meets one of the following medical education and postgraduate training requirements:

1.a. Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education *or is a graduate of an allopathic medical school or allopathic college within a territorial jurisdiction of the United States recognized by the accrediting agency of the governmental body of that jurisdiction*;

b. If the language of instruction of the medical school is other than English, has demonstrated competency in English through presentation of a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

2.a. Is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to s. 458.314 as having met the standards required to accredit medical schools in the United States or reasonably comparable standards;

b. If the language of instruction of the foreign medical school is other than English, has demonstrated competency in English through presentation of the Educational Commission *for* ~~on~~ Foreign Medical Graduates English proficiency certificate or by a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

3.a. Is a graduate of a foreign medical school which has not been certified pursuant to s. 458.314;

b. Has had his medical credentials evaluated by the *Educational* ~~Education~~ Commission *for* ~~on~~ Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the examination utilized by that commission; and

c. Has completed an approved residency of at least 1 year; however, after October 1, 1992, the applicant shall have completed an approved residency *or fellowship* of at least *2* ~~3~~ years in one specialty area. *However, to be acceptable, the fellowship experience and training must be counted toward regular or subspecialty certification by a board recognized and certified by the American Board of Medical Specialties.*

(2) *As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~Every applicant who is otherwise qualified may take the licensing examination five times after October 1, 1986, notwithstanding the number of times the examination has been previously failed. If an applicant fails the examination taken after October 1, 1986, five times, he shall no longer be eligible for licensure.~~

(10) Notwithstanding any other provision of this section, the department shall examine any person who meets the criteria set forth in sub-subparagraph (1)(f)1.a., sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the person:

(a) Submits proof of successful completion of Steps I and II of the United States Medical Licensing Examination or the equivalent, as defined by rule of the board;

(b) Is participating in an allocated slot in an allopathic training program in this state on a full-time basis at the time of examination;

(c) Makes a written request to the department that he or she be administered the examination without applying for a license as a physician in this state; and

(d) Remits a nonrefundable administration fee not to exceed $50 and an examination fee not to exceed $300 plus the actual cost per person to the department for the purchase of the examination from the Federation of State Medical Boards of the United States or a similar national organization. The examination fee is refundable if the person is found to be ineligible to take the examination.

Section 17. Section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, ~~demonstrates to~~ the board *certifies* ~~that he~~:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(f);

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), *or of* the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided *the board certifies as eligible for licensure by endorsement any applicant who took the required examinations more than 10 years prior to application* ~~that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section~~; and

(c) *Has submitted* ~~Shows~~ evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or *evidence of successful* completion of *either* board-approved postgraduate training, *or a board-approved clinical competency examination,* within the year preceding the filing of an application for licensure. *For purposes of this paragraph, "active licensed practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, medical directors under s. 641.495(11) who are practicing medicine, and those on the active teaching faculty of an accredited medical school.*

(2)*(a) As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~The board may require oral examinations of any applicant under the provisions of this section. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.~~

(b) The board may require an applicant for licensure by endorsement to take and pass the appropriate licensure examination prior to certifying the applicant as eligible for licensure.

(3) The department and the board shall *ensure* ~~assure~~ that applicants for licensure by endorsement meet applicable criteria in this chapter through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(1) and the department or board has reason to believe that the applicant does not meet the criteria, the secretary or his designee may issue a 90-day licensure delay which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(1).

~~(4) If the applicant has not actively practiced medicine or been on the active teaching faculty of an accredited medical school within the previous 4 years, the board shall certify the applicant to the department for licensure by endorsement subject to the condition that the applicant work under the supervision of another physician for a period, not to exceed 1 year, as determined by the board based on its determination of~~

~~the licensee's ability to practice medicine. The supervising physician shall have had no probable cause findings against him within the previous 3 years.~~

(4)~~(5)~~ The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(5)~~(6)~~ Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter.

(6)~~(7)~~ The department shall not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, ~~then~~ the board may enter an order imposing one or more of the terms set forth in subsection *(7)* ~~(8)~~.

(7)~~(8)~~ When the board determines that any applicant for licensure by endorsement has failed to meet, to the board's satisfaction, each of the appropriate requirements set forth in this section, it may enter an order requiring one or more of the following terms:

(a) Refusal to certify to the department an application for licensure, certification, or registration;

(b) Certification to the department of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or

(c) Certification to the department of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

(8) The department shall reactivate the license of any physician whose license has become void by failure to practice in Florida for a period of 1 year within 3 years after issuance of the license by endorsement, if the physician was issued a license by endorsement prior to 1989, has actively practiced medicine in another state for the last 4 years, applies for licensure before October 1, 1998, pays the applicable fees, and otherwise meets any continuing education requirements for reactivation of the license as determined by the board.

Section 18. Paragraphs (a) and (b) of subsection (1) of section 458.317, Florida Statutes, are amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years ~~and has retired or intends to retire from the practice of medicine~~ and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. *However, a physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive ~~monetary~~ compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.*

2. Meet the requirements in s. 458.311(1)(b)-(f) and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(b) After approval of an application under this section, no license shall be issued until the applicant provides to the board an affidavit that ~~the applicant has in fact retired from the practice of medicine in this or any other jurisdiction in which the applicant holds a license and that~~ there have been no substantial changes in status since initial application.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 19. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine.

Section 20. Paragraphs (a) and (g) of subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, are amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 21. Paragraphs (m), (cc), and (ii) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, are amended, and paragraph (ll) is added to said subsection, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(m) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ii) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under this chapter or ~~osteopathic physician licensed~~ under chapter 459 who the physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician *or physician assistant* also provides services.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

Section 22. Section 458.3312, Florida Statutes, is created to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency approved by the board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician.

Section 23. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; *prescribing of medicinal drugs;* penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall, on January 1 and July 1 of each year, furnish the department with a list of *the hospital's* ~~its~~ employees and such other information as the board may direct. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.*

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training which leads to a subspecialty board certification in a hospital of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed $300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training which leads to subspecialty board certification shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7)~~(5)~~ Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (2) of section 458.346, Florida Statutes, is amended to read:

458.346 Public Sector Physician Advisory Committee.—

(2) PUBLIC SECTOR PHYSICIAN ADVISORY COMMITTEE.—There is hereby created a Public Sector Physician Advisory Committee which shall be comprised of three physicians. One physician shall be appointed by the *chair* ~~chairman~~ of the Board of Medicine. The two remaining physicians shall be appointed by the secretary of the department from recommendations of the appropriate organization, if any, representing such physicians for the purpose of collective bargaining. The *chair* ~~chairman~~ of the committee shall be one of the two public sector physicians who shall be elected by majority vote of the committee members. Members of the committee shall serve 3-year terms and *shall* meet at least *once each year or upon the call of the committee chair* ~~on a quarterly basis~~. The initial term for one public sector physician shall be for 2 years, and the other for 3 years. Members of the committee are subject to reappointment. Committee members shall receive reimbursement for per diem and travel expenses.

Section 25. Section 458.347, Florida Statutes, 1996 Supplement, is amended to read:

458.347 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of physicians or groups of physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to paragraph (f). A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. *459.022* ~~458.022~~, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 459. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.* Any educational institution offering a physician assistant program approved by the boards pursuant to this paragraph may also offer the physician assistant program authorized in paragraph (c) for unlicensed physicians.

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(c) Any community college with the approval of the State Board of Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation, or its successor organization, and which may admit unlicensed physicians, as authorized in subsection (7), who are graduates of foreign medical schools listed with the World Health Organization. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the *department* ~~agency~~ shall examine each applicant who the Board of Medicine certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the *department* ~~agency~~ to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The *department* ~~agency~~ shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided the applicant demonstrates to the *department* ~~agency~~ the ability to communicate orally in basic English.

b. Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), (3), (4), and (5), with

the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates.

c. Was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991.

d. Was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990.

2. The *department* ~~agency~~ may grant temporary certification to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. A temporary certificate expires upon receipt and notice of scores to the certificateholder from the first available examination specified in subparagraph 1. following certification by the *department* ~~agency~~. An applicant who fails the proficiency examination is no longer temporarily certified, but may apply for a one-time extension of temporary certification after reapplying for the next available examination. Extended certification shall expire upon failure of the certificateholder to sit for the next available examination or upon receipt and notice of scores to the certificateholder from such examination.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the *department* ~~agency~~ only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at intervals determined by the *department* ~~agency~~ after the reporting of the scores of the first examination. For the purposes of this paragraph, the *department* ~~agency~~ may develop, contract for the development of, purchase, or approve an examination, including a practical component, that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the *department* ~~agency~~, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such examination. Any applicant who passes the examination and meets the requirements of this section shall be certified as a physician assistant with all rights defined thereby.

(c) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(d) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(e) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(f) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (e). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.227 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 26. Subsections (1) and (2) of section 458.3485, Florida Statutes, are amended to read:

458.3485 Medical assistant.—

(1) DEFINITION.—As used in this section, "medical assistant" means a professional multiskilled person dedicated to assisting in all aspects of medical practice under the direct *supervision and* responsibility of a physician. This practitioner assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a medical assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

(2) DUTIES.—Under the direct *supervision and* responsibility of a licensed physician, ~~the duties of~~ a medical assistant *may undertake the following duties* ~~are to~~:

(a) *Performing* ~~Perform~~ clinical procedures, to include:

1. Performing aseptic procedures.

2. Taking vital signs.

3. Preparing patients for the physician's care.

4. *Performing* venipunctures and nonintravenous injections.

5. Observing and reporting patients' signs or symptoms.

(b) Administering basic first aid.

(c) Assisting with patient examinations or treatments.

(d) Operating office medical equipment.

(e) Collecting routine laboratory specimens as directed by the physician.

(f) Administering medication as directed by the physician.

(g) Performing basic laboratory procedures.

(h) Performing office procedures including all general administrative duties required by the physician.

(i) *Performing* ~~Perform~~ dialysis procedures, including home dialysis.

Section 27. Subsection (2) of section 459.003, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

459.003 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(5) "Doctor of Osteopathy" and "Doctor of Osteopathic Medicine," when referring to degrees, shall be construed to be equivalent and equal degrees.

Section 28. Subsections (1) and (3) and paragraph (b) of subsection (5) of section 459.021, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall furnish, in January and July of each year, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.*

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital, and also for the superintendent, administrator, and other person or persons having administrative authority in a hospital:

(b) To fail to furnish to the department the list *and information* required by subsection (3).

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 29. Subsection (1) of section 459.0075, Florida Statutes, is amended to read:

459.0075 Limited licenses.—

(1) Any person desiring to obtain a limited license shall:

(a) Submit to the board a licensure application and fee required by this chapter. *However, an osteopathic physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* ~~However,~~ If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of osteopathic medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of osteopathic medicine.*

(b) Submit an affidavit that such osteopathic physician has been licensed to practice osteopathic medicine in any jurisdiction in the United States in good standing and pursuant to law for at least 10 years ~~and has now retired and that he was in good standing at the time of his retirement~~.

(c) Complete an amount of continuing education established by the board.

Section 30. Paragraphs (a) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, *or its* ~~and~~ subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 31. Paragraphs (o), (gg), and (ll) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, are amended, and paragraph (nn) is added to said subsection, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(o) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ll) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under this chapter who the osteopathic physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician *or physician assistant* also provides services.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

Section 32. Section 459.0152, Florida Statutes, is created to read:

459.0152 Specialties.—An osteopathic physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the osteopathic physician has successfully completed the requirements for certification by the American Osteopathic Association or the Accreditation Council on Graduate Medical Education and is certified as a specialist by a certifying agency approved by the board. However, an osteopathic physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the osteopathic physician.

Section 33. Section 459.022, Florida Statutes, 1996 Supplement, is amended to read:

459.022 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of osteopathic physicians or groups of osteopathic physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by osteopathic physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to s. 458.347. A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and

sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.*

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(c) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(d) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(e) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice to physician assistant applicants based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (d). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.227 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 34. Subsection (1) of section 240.4067, Florida Statutes, is amended to read:

240.4067 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner or physician's assistant certification. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of *osteopathic medicine* ~~osteopathy~~ with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health and Rehabilitative Services.

Section 35. Subsection (5) of section 390.011, Florida Statutes, is amended to read:

390.011 Definitions.—As used in this act:

(5) "Physician" means a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or *osteopathic medicine* ~~osteopathy~~ in the employment of the United States or this state.

Section 36. Subsection (1) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.—

(1) No licensed facility, in considering and acting upon an application for staff membership or clinical privileges, shall deny the application of a qualified doctor of medicine licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapter 459, a doctor of dentistry licensed under chapter 466, a doctor of podiatry licensed under chapter 461, or a psychologist licensed under chapter 490 for such staff membership or clinical privileges within the scope of his or her respective licensure solely because the applicant is licensed under any of such chapters.

Section 37. Paragraph (g) of subsection (1) of section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(1) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and services, hospices, and health maintenance organizations in context with the following criteria:

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of *osteopathic medicine* ~~osteopathy~~ and medicine at the student, internship, and residency training levels.

Section 38. Subsection (9) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(9) PHYSICIAN SERVICES.—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or *osteopathic medicine* ~~osteopathy~~. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment

of an injury, illness, or disease within the scope of the practice of medicine or *osteopathic medicine* ~~osteopathy~~ as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

Section 39. Subsection (33) of section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(33) "Specified medical personnel" means licensed or certified physicians, *osteopathic physicians* ~~osteopaths~~, nurses, paramedics, advanced registered nurse practitioners, psychologists, psychiatrists, mental health professionals, or any other licensed or certified medical personnel.

Section 40. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 41. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, 1996 Supplement, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 42. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of *Medicine* ~~Medical Examiners~~ as set forth in chapter 458, the Board of Osteopathic *Medicine* ~~Medical Examiners~~ as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or other practitioner.

Section 43. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, 1996 Supplement, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(r) "Physician" or "doctor" means ~~a medical doctor or doctor of osteopathy licensed under chapter 458,~~ a physician licensed under chapter 458, an *osteopathic physician* ~~osteopath~~ licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 44. Paragraphs (i) and (k) of subsection (1) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(i) "Medical care coordinator" means a primary care provider within a provider network who is responsible for managing the medical care of an injured worker including determining other health care providers and health care facilities to which the injured employee will be referred for evaluation or treatment. A medical care coordinator shall be a physician licensed under chapter 458 or an *osteopathic physician* ~~osteopath~~ licensed under chapter 459.

(k) "Primary care provider" means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 45. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, 1996 Supplement, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the

Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapters 458 and 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 46. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, chiropractor, *osteopathic physician* ~~osteopath~~, or physician of medicine.

Section 47. Subsection (1) of section 459.006, Florida Statutes, is amended to read:

459.006 Licensure by examination.—Any person desiring to be licensed by examination shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant. This requirement may be waived for applicants who matriculated in a college of *osteopathic medicine* ~~osteopathy~~ during or before 1948.

Section 48. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) "Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic, nor shall the provisions of this law in any manner apply to or affect the practice of *osteopathic medicine* ~~osteopathy~~, chiropractic, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 49. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, *osteopathic medicine* ~~osteopathy~~, naturopathy, or chiropractic in this state.

Section 50. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, 1996 Supplement, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, *osteopathic medicine* ~~osteopathy~~, chiropody, podiatry, or chiropractic or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 51. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, naturopathy, or podiatry;

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;

(3) Licensed nurses under the laws of this state;

(4) Persons practicing cosmetology under the laws of this state;

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases; ~~or~~

(6) Persons who practice only shampooing as defined in s. 477.013 and whose practice is limited to the acts described therein*; or*~~.~~

(7) Persons whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails of any person when said cutting, trimming, polishing, or cleansing is done in a barbershop licensed pursuant to this chapter which is carrying on a regular and customary business of barbering, and such individual has been practicing the activities set forth in this subsection prior to October 1, 1985.

Section 52. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, massage, naturopathy, or podiatry.

Section 53. Paragraph (a) of subsection (8) of section 483.291, Florida Statutes, is amended to read:

483.291 Powers and duties of the agency; rules.—The agency shall adopt rules to implement this part, which rules must include the following:

(8) PERSONNEL.—The agency shall prescribe minimum qualifications for center personnel. A center may employ as a medical assistant a person who has at least one of the following qualifications:

(a) Prior experience of not less than 6 months as a medical assistant in the office of a licensed medical doctor or *osteopathic physician* ~~osteopath~~ or in a hospital, an ambulatory surgical center, a home health agency, or a health maintenance organization.

Section 54. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, chiropractors, dentists, *osteopathic physicians* ~~osteopaths~~, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 55. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, 1996 Supplement, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 56. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant certified, under chapter 458.

3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. Chiropractor licensed under chapter 460.

8. Psychologist licensed under chapter 490.

9. Optometrist licensed under chapter 463.

10. Dentist licensed under chapter 466.

11. Pharmacist licensed under chapter 465.

12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.

13. Other medical facility.

14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 57. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 58. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by him thereunto lawfully authorized.

Section 59. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, 1996 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term "health care providers" means physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractors licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 60. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his informed consent when:

(a)1. The action of the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized among other physicians, *osteopathic physicians* ~~osteopaths~~, chiropractors, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he been advised by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 61. Paragraphs (b) and (i) of subsection (1) and paragraph (e) of subsection (2) of section 766.105, Florida Statutes, 1996 Supplement, are amended to read:

766.105 Florida Patient's Compensation Fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(b) The term "health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant certified, under chapter 458.

3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. "Other medical facility" as defined in paragraph (c).

8. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(i) The term "house physician" means any physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist except: a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist with staff privileges at a hospital; a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist providing emergency room services; an anesthesiologist, pathologist, or radiologist; or a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist who performs a service for a fee.

(2) COVERAGE.—

(e) The coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, trainees, committee members (including physicians, *osteopathic physicians* ~~osteopaths~~, podiatrists, and dentists), and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458, physician assistants licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, dentists licensed under chapter 466, and podiatrists licensed under chapter 461. However, the coverage afforded by the fund for a participating hospital shall apply to house physicians, interns, employed physician residents in a resident training program, or physicians performing purely administrative duties for the participating hospitals other than the treatment of patients. This coverage shall apply to the hospital or ambulatory surgical center and those included in this subsection as one health care provider.

Section 62. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than $1.5 million per claim, $5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 63. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic as

set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner.

Section 64. Subsection (1) of section 945.047, Florida Statutes, is amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and chiropractors employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, *osteopathic medicine* ~~osteopathy~~, or chiropractic in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

Section 65. Subsection (1) of section 460.403, Florida Statutes, 1996 Supplement, is amended to read:

460.403 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 66. Paragraphs (bb) and (cc) of subsection (1) of section 460.413, Florida Statutes, 1996 Supplement, are repealed, paragraphs (q) and (gg) of subsection (1) and subsection (2) of that section are amended, and subsections (6) and (7) are added to that section, to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(q) Being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings.* A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of chiropractic with reasonable skill and safety to patients.

(gg) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the chiropractic physician *or chiropractic physician's assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician *or chiropractic physician's assistant* also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.

(g) Imposition of costs of the investigation and prosecution.

(h) Requirement that the chiropractic physician undergo remedial education.

(i) Issuance of a letter of concern.

(j) Corrective action.

(k) Refund of fees billed to and collected from the patient or a third party.

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

(6) In any administrative action against a chiropractic physician which does not involve revocation or suspension of license, the department shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The department shall establish grounds for revocation or suspension of license by clear and convincing evidence.

(7) If any chiropractic physician is guilty of such unprofessional conduct, negligence, or mental or physical incapacity or impairment that the department determines that the chiropractic physician is unable to practice with reasonable skill and safety and presents a danger to patients, the department shall be authorized to maintain an action in circuit court enjoining such chiropractic physician from providing medical services to the public until the chiropractic physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.

Section 67. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (9) of section 320.0848, Florida Statutes, is reenacted to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(9) A violation of this section is grounds for disciplinary action under s. 458.331, s. 459.015, s. 460.413, or s. 461.013, as applicable.

Section 68. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (4) of section 455.236, Florida Statutes, is reenacted to read:

455.236 Financial arrangements between referring health care providers and providers of health care services.—

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by

the Department of Health and Rehabilitative Services pursuant to s. 395.0185(2).

Section 69. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (2) of section 766.111, Florida Statutes, is reenacted to read:

766.111 Engaging in unnecessary diagnostic testing; penalties.—

(2) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, s. 461.013, or s. 466.028, as applicable.

Section 70. Paragraph (a) of subsection (8) of section 460.4165, Florida Statutes, is amended to read:

460.4165 Chiropractic physician's assistants.—

(8) FEES.—

(a) A fee not to exceed $100 set by the board shall accompany the ~~annual~~ application by a chiropractic physician ~~or group of chiropractic physicians~~ for authorization to supervise a certified chiropractic physician's assistant.

Section 71. Subsection (1) of section 461.003, Florida Statutes, is amended to read:

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 72. Paragraph (aa) of subsection (1) of section 461.013, Florida Statutes, is amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(aa) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the podiatrist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatrist also provides services.

Section 73. Section 461.018, Florida Statutes, 1996 Supplement, is amended to read:

461.018 Limited scope of practice; area of need.—Those persons holding valid certificates on October 1, 1991, who were certified pursuant to chapters 88-205 and 88-392, Laws of Florida, and who have been practicing under a board-approved protocol for at least 2 years are eligible to receive a *podiatry* license to practice without supervision under their present limited scope of practice of the nonsurgical treatment of corns, calluses, and ingrown toenails in a specially designated area of need as provided by rule of the board.

Section 74. Subsection (1) and paragraph (c) of subsection (3) of section 464.003, Florida Statutes, 1996 Supplement, are amended to read:

464.003 Definitions.—As used in this chapter:

(1) "*Department* ~~Agency~~" means the *Department of* ~~Agency for~~ Health ~~Care Administration~~.

(3)

(c) "Advanced or specialized nursing practice" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom shall be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom shall have had work experience with advanced registered nurse practitioners; and the *secretary* ~~director~~ of the *department* ~~agency~~ or the *secretary*'s ~~director's~~ designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts shall be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The *department* ~~agency~~ may, by rule, require that a copy of the protocol be filed with the *department* ~~agency~~ along with the notice required by s. 458.348.

Section 75. Subsection (1) of section 464.004, Florida Statutes, 1996 Supplement, is amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(1) The Board of Nursing is created within the *department* ~~agency~~ and shall consist of 13 members to be appointed by the Governor and confirmed by the Senate.

Section 76. Subsection (1) of section 464.008, Florida Statutes, 1996 Supplement, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the *department* ~~agency~~ to take the licensure examination. The *department* ~~agency~~ shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed $150 and has remitted an examination fee set by the board not to exceed $75 plus the actual per applicant cost to the *department* ~~agency~~ for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the *department* ~~agency~~ for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the *department* ~~agency~~.

Section 77. Subsections (1) and (3) of section 464.009, Florida Statutes, 1996 Supplement, are amended to read:

464.009 Licensure by endorsement.—

(1) The *department* ~~agency~~ shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the *department* ~~agency~~ and remitting a fee set by the board not to exceed $100, demonstrates to the board that he:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the *department* ~~agency~~.

(3) The *department* ~~agency~~ shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 78. Subsections (1) and (5) of section 464.012, Florida Statutes, 1996 Supplement, are amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the *department* ~~agency~~ and submit proof that he holds a current license to practice professional nursing and that he meets one or more of the following requirements as determined by the board:

(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.

(b) Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(c) Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

(5) The board shall certify, and the *department* ~~agency~~ shall issue a certificate to, any nurse meeting the qualifications in this section. The board shall establish an application fee not to exceed $100 and a biennial renewal fee not to exceed $50. The board is authorized to adopt such other rules as are necessary to implement the provisions of this section.

Section 79. Subsections (1) and (2) of section 464.013, Florida Statutes, 1996 Supplement, are amended to read:

464.013 Renewal of license or certificate.—

(1) The *department* ~~agency~~ shall renew a license upon receipt of the renewal application and fee.

(2) The *department* ~~agency~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

Section 80. Subsection (2) of section 464.014, Florida Statutes, 1996 Supplement, is amended to read:

464.014 Inactive status.—

(2) The *department* ~~agency~~ may not reactivate a license unless the inactive or delinquent licensee has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 81. Paragraphs (a), (c), (j), (k), (l), and (m) of subsection (1) and paragraph (a) of subsection (2) of section 464.018, Florida Statutes, 1996 Supplement, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the *department* ~~agency~~ or the board.

(c) Being *convicted or* found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the *department* ~~agency~~ shall have, upon a finding of the *secretary* ~~director~~ or *the secretary's* ~~his~~ designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the *department* ~~agency~~. If the licensee refuses to comply with such order, the *department's* ~~agency's~~ order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The *department* ~~agency~~ shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the *department* ~~agency~~ any person who the licensee knows is in violation of this chapter or of the rules of the *department* ~~agency~~ or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this chapter, a rule of the board or the *department* ~~agency~~, or a lawful order of the board or *department* ~~agency~~ previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the *department* ~~agency~~.

(m) Failing to report to the *department* ~~Division of Health Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the *department* ~~agency~~ an application for licensure.

Section 82. Subsections (1), (3), and (4) of section 464.019, Florida Statutes, 1996 Supplement, are amended to read:

464.019 Approval of nursing programs.—

(1) An institution desiring to conduct an approved program for the education of professional or practical nurses shall apply to the *department* ~~agency~~ and submit such evidence as may be required to show that it complies with the provisions of this chapter and with the rules of the board. *The application shall include a program review fee, as set by the board, not to exceed $1,000.*

(3) The *department* ~~agency~~ shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this chapter and rules pursuant thereto, it shall certify the program for approval and the *department* ~~agency~~ shall approve the program.

(4) If the board, through an investigation by the *department* ~~agency~~, finds that an approved program no longer meets the required standards, it may place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within a specified period of time, the board may rescind the approval. Any program having its approval rescinded shall have the right to reapply.

Section 83. Section 464.0205, Florida Statutes, is created to read:

464.0205 Retired volunteer nurse certificate.—

(1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:

(a) A complete application.

(b) An application and processing fee of $25.

(c) Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).

(d) Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.

(2) All related administrative costs shall be borne by the applicant.

(3) The board may deny a retired volunteer nurse certificate to any applicant who has committed, or who is under investigation or prosecution for, any act that would constitute a ground for disciplinary action under s. 464.018.

(4) A retired volunteer nurse receiving certification from the board shall:

(a) Work under the direct supervision of the director of a county health department, a physician working under a limited license issued pursuant to s. 458.317 or s. 459.0075, a physician licensed under chapter 458 or chapter 459, an advanced registered nurse practitioner certified under s. 464.012, or a registered nurse licensed under s. 464.008 or s. 464.009.

(b) Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018, except that the scope of practice for certified volunteers shall be limited to primary and preventive health care, or as further defined by board rule.

(c) Work only in a setting for which there are provisions for professional liability coverage for acts or omissions of the retired volunteer nurse.

(d) Provide services under the certificate only in settings whose sponsors have been approved by the board.

(5) A retired volunteer nurse receiving certification from the board shall not:

(a) Administer controlled substances.

(b) Supervise other nurses.

(c) Receive monetary compensation.

(6) A retired volunteer nurse certified under this section may practice only in board-approved settings in public agencies or institutions or in nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in areas of critical nursing need as determined by the board. Determination of underserved areas shall be made by the board after consultation with the Department of Health, the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Elderly Affairs; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services. The sponsoring agencies desiring to use certified retired volunteer nurses shall submit to the board verification of their status under s. 501(c)(3) of the Internal Revenue Code, the sites at which such volunteer nurses would work, the duties and scope of practice intended for such volunteer nurses, and the training or skills validation for such volunteer nurses.

(7) The retired volunteer nurse certificate shall be valid for 2 years, and a certificateholder may reapply for a certificate so long as the certificateholder continues to meet the eligibility requirements of this section. Any legislatively mandated continuing education on specific topics must be completed by the certificateholder prior to renewal; otherwise, the provisions of s. 464.013 do not apply.

Section 84. Subsection (12) is added to section 464.022, Florida Statutes, to read:

464.022 Exceptions.—No provision of this chapter shall be construed to prohibit:

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.

Section 85. Subsections (4) and (10) of section 465.003, Florida Statutes, are amended to read:

465.003 Definitions.—As used in this chapter, the term:

(4) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(10)*(a)* "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, and a special pharmacy.

1.~~(a)~~ The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2.~~(b)~~ The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3.~~(c)~~ The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4.~~(d)~~ The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

Section 86. Subsections (1) and (2) of section 465.004, Florida Statutes, are amended to read:

465.004 Board of Pharmacy.—

(1) The Board of Pharmacy is created within the department and shall consist of *nine* ~~seven~~ members to be appointed by the Governor and confirmed by the Senate.

(2) *Seven* ~~Five~~ members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years *and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, one must be on the full-time faculty of a pharmacy school in this state, one must be currently engaged in the practice of pharmacy in a community pharmacy, one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and four shall be pharmacists licensed in this state irrespective of practice setting.* The remaining

two members must be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person may be appointed as a *consumer* ~~lay~~ member who is in any way connected with a drug manufacturer or wholesaler. At least one member of the board must be 60 years of age or older.

Section 87. Section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees*; responsibilities; rules*.—

(1) The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application which conforms to the requirements for consultant pharmacist initial licensure or renewal as promulgated by the board by rule and a fee set by the board not to exceed $250. The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for ordering and evaluating any laboratory or clinical testing when, in the judgment of the consultant pharmacist, such activity is necessary for the proper performance of the consultant pharmacist's responsibilities. Such laboratory or clinical testing may be ordered only with regard to patients residing in a nursing home facility, and then only when authorized by the medical director of the nursing home facility. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the board ~~of Pharmacy~~ in addition to licensure as a registered pharmacist. ~~The board shall promulgate rules necessary to implement and administer this section.~~

(2) Notwithstanding the provisions of subsection (1), a consultant pharmacist or a doctor of pharmacy licensed in this state may also be responsible for ordering and evaluating any laboratory or clinical testing for persons under the care of a licensed home health agency when, in the judgment of the consultant pharmacist or doctor of pharmacy, such activity is necessary for the proper performance of his or her responsibilities and only when authorized by a practitioner licensed under chapter 458, chapter 459, chapter 461, or chapter 466. In order for the consultant pharmacist or doctor of pharmacy to qualify and accept this authority, he or she must receive 3 hours of continuing education relating to laboratory and clinical testing as established by the board.

(3) The board shall promulgate rules necessary to implement and administer this section.

Section 88. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his *or her* supervision. *A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests.* No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than *three* ~~two~~ pharmacy technicians.

Section 89. Subsection (1) of section 465.0156, Florida Statutes, is amended to read:

465.0156 Registration of nonresident pharmacies.—

(1) Any pharmacy which is located outside this state and which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident pharmacy, shall be registered with the board, *shall* provide pharmacy services at a high level of protection and competence, and *shall* disclose to the board the following specific information:

(a) That it maintains at all times a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(b) The location, names, and titles of all principal corporate officers and *the pharmacist who serves as the prescription department manager for* ~~all pharmacists who are~~ dispensing medicinal drugs to residents of this state. This disclosure shall be made ~~on an annual basis and~~ within 30 days after any change of ~~office~~ location, corporate officer, or pharmacist *serving as the prescription department manager for dispensing medicinal drugs to residents of this state*;

(c) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(d) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed; and

(e) That during its regular hours of operation but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drugs.

Section 90. Paragraph (o) of subsection (1) and paragraph (e) of subsection (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(o) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.

Section 91. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(10)(a)*1.*, *2.*~~(b)~~, and *3.*~~(c)~~ shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

Section 92. Section 465.026, Florida Statutes, is amended to read:

465.026 Filling of certain prescriptions.—Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state

from filling or refilling a valid prescription which is on file in a pharmacy located in this state or in another state and has been transferred from one pharmacy to another by any means, including *any electronic means* ~~transfer by way of electronic data processing equipment~~, under the following conditions:

(1) Prior to dispensing *any transferred* ~~pursuant to any such~~ prescription, the dispensing pharmacist *must, either verbally or by any electronic means, do all of the following* ~~shall~~:

(a) Advise the patient that the prescription on file at *the* ~~such~~ other pharmacy must be canceled before *it may be filled or refilled* ~~he will be able to fill or refill it~~.

(b) Determine ~~from the requested pharmacist~~ that the prescription is valid and on file at *the* ~~such~~ other pharmacy and that *the* ~~such~~ prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on *the* ~~such~~ prescription.

(c) Notify the pharmacist *or* ~~at the~~ pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing, *or by any electronic means,* ~~or cause to be recorded by data processing equipment~~ the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the *dispensing pharmacist's* professional judgment ~~of the dispensing pharmacist~~, so requires. Any interference with the professional judgment of the dispensing pharmacist by any *pharmacist or* pharmacy permittee, *or* its agents~~,~~ or employees, shall be grounds for *discipline* ~~revocation or suspension of the permit issued to the pharmacy~~.

(2) Upon receipt of a ~~request for~~ prescription *transfer request* ~~information set forth in paragraph (1)(d)~~, if the ~~requested~~ pharmacist is satisfied in his professional judgment that *the* ~~such~~ request is valid, *or if the request has been validated by any electronic means,* the ~~requested~~ pharmacist *or pharmacy must do all of the following* ~~shall~~:

(a) *Transfer the information required by paragraph (1)(d)* ~~Provide such information~~ accurately and completely.

(b) Record on the prescription, *or by any electronic means,* ~~or record with data processing equipment the name of~~ the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by *electronic means or by* recording the word "void" on the prescription record. No further prescription information shall be given or medication dispensed pursuant to *the* ~~said~~ original prescription.

(3) *If a transferred prescription is not dispensed within a reasonable time, the pharmacist shall, by any means, so notify the transferring pharmacy.* ~~In the event that, after the information set forth in paragraph (1)(d) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which said information was obtained;~~ Such notice shall serve to revalidate the *canceled* ~~voided~~ prescription. The pharmacist who has served such notice shall then cancel the prescription in the same manner as set forth in paragraph (2)(c).

(4) In the case of a prescription to be transferred from or to a pharmacy located *in another* ~~outside of the~~ state, it shall be the responsibility of the pharmacist *or pharmacy* located in the State of Florida to *verify, whether by electronic means or otherwise,* ~~assure~~ that the person *or entity involved in the* ~~performing the act of~~ transfer *is a licensed pharmacist or pharmacy in the other state* ~~from outside the state is a practitioner licensed to practice pharmacy in the jurisdiction wherein the non-Florida pharmacy involved is located~~.

(5) Electronic transfers of prescriptions are permitted regardless of whether the transferor or transferee pharmacy is open for business.

(6)~~(5)~~ The transfer of a prescription for medicinal drugs listed in Schedules III, IV, and V appearing in chapter 893 for the purpose of refill dispensing is permissible, ~~between pharmacies on a one-time basis~~ subject to the requirements of this section and federal law. Compliance with federal law shall be deemed compliance with the requirements of this section.

Section 93. Section 465.035, Florida Statutes, is amended to read:

465.035 Dispensing of *medicinal* ~~medical~~ drugs pursuant to facsimile of prescription.—

(1) Notwithstanding any other provision of this chapter, it is lawful for a pharmacy to dispense medicinal drugs, *including controlled substances authorized under subsection (2),* based on reception of an electronic facsimile of the original prescription if all of the following conditions are met:

(a) In the course of the transaction the pharmacy complies with laws and administrative rules relating to pharmacies and pharmacists.

(b) Except in the case of the transmission of a prescription by a person authorized by law to prescribe medicinal drugs:

1. The facsimile system making the transmission provides the pharmacy receiving the transmission with audio communication via telephonic, electronic, or similar means with the person presenting the prescription.

2. At the time of the delivery of the medicinal drugs, the pharmacy has in its possession the original prescription for the medicinal drug involved.

3. The recipient of the prescription shall sign a log and shall indicate the name and address of both the recipient and the patient for whom the medicinal drug was prescribed.

(2) ~~This section does not apply to the dispensing of~~ Controlled substances listed in Schedule II as defined in s. 893.03(2) *may be dispensed as provided in this section to the extent allowed by 21 C.F.R. s. 1306.11.*

Section 94. Subsection (1) of section 465.186, Florida Statutes, is amended to read:

465.186 Pharmacist's order for medicinal drugs; dispensing procedure; development of formulary.—

(1) There is hereby created a committee composed of two members of the Board of Medicine licensed under chapter 458 chosen by said board, one member of the Board of Osteopathic Medicine licensed under chapter 459 chosen by said board, three members of the Board of Pharmacy licensed under this chapter and chosen by said board, and one additional person with a background in health care or pharmacology chosen by the committee. The committee shall establish a formulary of medicinal drug products and dispensing procedures which shall be used by a pharmacist when ordering and dispensing such drug products to the public. Dispensing procedures may include matters related to reception of patient, description of his *or her* condition, patient interview, patient physician referral, product selection, and dispensing and use limitations. In developing the formulary of medicinal drug products, the committee may include products falling within the following categories:

(a) Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the United States Food and Drug Administration.

(b) Any medicinal drug recommended by the United States Food and Drug Administration Advisory Panel for transfer to over-the-counter status pending approval by the United States Food and Drug Administration.

(c) Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination.

(d) Any medicinal drug containing fluoride in any strength.

(e) Any medicinal drug containing lindane in any strength.

(f) Any over-the-counter proprietary drug under federal law that has been approved for reimbursement by the Florida Medicaid Program.

(g) Any topical anti-infectives excluding eye and ear topical anti-infectives.

However, any drug which is sold as an over-the-counter proprietary drug under federal law shall not be included in the formulary or otherwise affected by this section.

Section 95. Paragraph (iii) is added to subsection (4) of section 893.03, Florida Statutes, 1996 Supplement, to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(iii) Butorphanol tartrate.

Section 96. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 316.193, Florida Statutes, 1996 Supplement, is reenacted to read:

316.193 Driving under the influence; penalties.—

(5) The court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course licensed by the department; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If an offender referred to treatment under this subsection fails to report for or complete such treatment or fails to complete the substance abuse education course, the DUI program shall notify the court and the department of the failure. Upon receipt of the notice, the department shall cancel the offender's driving privilege. The department shall reinstate the driving privilege when the offender completes the substance abuse education course or enters treatment required under this subsection. The organization that conducts the substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department determines, in accordance with its rules, that the service provider that conducts the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. All DUI treatment programs providing treatment services on January 1, 1994, shall be allowed to continue to provide such services until the department determines whether a waiver should be granted. A statistical referral report shall be submitted quarterly to the department by each organization authorized to provide services under this section.

Section 97. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 327.35, Florida Statutes, 1996 Supplement, is reenacted to read:

327.35 Boating under the influence; penalties.—

(5) In addition to any sentence or fine, the court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03.

Section 98. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (11) of section 440.102, Florida Statutes, 1996 Supplement, is reenacted to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR SPECIAL-RISK POSITIONS.—

(b) An employee who is employed by a public employer in a special-risk position may be discharged or disciplined by a public employer for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or safety-sensitive position of the public employer, but may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

Section 99. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (3) of section 458.326, Florida Statutes, is reenacted to read:

458.326 Intractable pain; authorized treatment.—

(3) Notwithstanding any other provision of law, a physician may prescribe or administer any controlled substance under Schedules II-V, as provided for in s. 893.03, to a person for the treatment of intractable pain, provided the physician does so in accordance with that level of care, skill, and treatment recognized by a reasonably prudent physician under similar conditions and circumstances.

Section 100. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (1) of section 817.563, Florida Statutes, is reenacted to read:

817.563 Controlled substance named or described in s. 893.03; sale of substance in lieu thereof.—It is unlawful for any person to agree, consent, or in any manner offer to unlawfully sell to any person a controlled substance named or described in s. 893.03 and then sell to such person any other substance in lieu of such controlled substance. Any person who violates this section with respect to:

(1) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 101. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, section 831.31, Florida Statutes, is reenacted to read:

831.31 Counterfeit controlled substance; sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver.—

(1) It is unlawful for any person to sell, manufacture, or deliver, or to possess with intent to sell, manufacture, or deliver, a counterfeit controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) For purposes of this section, "counterfeit controlled substance" means:

(a) A controlled substance named or described in s. 893.03 which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, or number, or any likeness thereof, of a manufacturer other than the person who in fact manufactured the controlled substance; or

(b) Any substance which is falsely identified as a controlled substance named or described in s. 893.03.

Section 102. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (d) of subsection (1) of section 856.015, Florida Statutes, is reenacted to read:

856.015 Open house parties.—

(1) Definitions.—As used in this section:

(d) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

Section 103. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (4) of section 893.02, Florida Statutes, is reenacted to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(4) "Controlled substance" means any substance named or described in Schedules I through V of s. 893.03. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

Section 104. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (1) of section 893.08, Florida Statutes, is reenacted to read:

893.08 Exceptions.—

(1) The following may be distributed at retail without a prescription, but only by a registered pharmacist:

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance described in s. 893.03(2)(a) or (c) except any amphetamine drug or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to this chapter; in s. 893.03(3)(a); or in Schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and

2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

Section 105. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraphs (a), (c), and (d) of subsection (1), paragraph (a) of subsection (2), paragraph (b) of subsection (4), and paragraph (b) of subsection (5) of section 893.13, Florida Statutes, 1996 Supplement, are reenacted to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and must be sentenced to a minimum term of imprisonment of 3 calendar years.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public housing facility, within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution, or within 200 feet of any public park. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person

under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 106. Subsection (7) of section 466.003, Florida Statutes, is amended to read:

466.003 Definitions.—As used in this chapter:

(7) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 107. Subsection (3) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(3) If an applicant is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) or of a dental college or school not approved by the board, he shall not be entitled to take the examinations required in this section to practice dentistry until he ~~meets the following requirements:~~

~~(a) Furnishes evidence to the board of a score on the examination of the National Board of Dental Examiners taken within 10 years of the date of application, which score is at least equal to the minimum score required for certification by that board. If the applicant fails to attain the score needed for certification on part I of the national board examination in two attempts, or fails to attain the score needed for certification on part II of the national board examination in two attempts, he shall not be entitled to take the laboratory model examination authorized in paragraph (c).~~

~~(b) Submits, upon meeting the requirements of paragraph (a), the following credentials for review by the board:~~

~~1. Transcripts of predental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and~~

~~2. A dental school diploma.~~

~~The board shall not review the credentials specified in this paragraph until the applicant has furnished to the board evidence of satisfactory completion of the National Board of Dental Examiners examination as required by paragraph (a). Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant hereto. The provisions of this paragraph notwithstanding, an applicant who cannot produce the credentials required by this paragraph as a result of political or other conditions in the country in which he received his education may seek approval by the board of his educational background prior to complying with the provisions of paragraph (a) by submitting such other reasonable and reliable evidence as may be set forth by rule of the board in lieu of the credentials required in this paragraph. The board shall not accept such alternative evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.~~

~~(c)~~ satisfies one of the following:

(a)~~1.~~ Completes a program of study, as defined by the board by rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; *or*

(b)~~2.~~ Completes a 2-year supplemental dental education program at an accredited dental school and receives a dental diploma, degree, or certificate as evidence of program completion.~~; or~~

~~3. Exhibits manual skills on a laboratory model pursuant to rules of the board. The board may charge a reasonable fee, not to exceed $250, to cover the costs of administering the exhibition of competency in manual skills. If the applicant fails to exhibit competent clinical skills in two attempts, he shall not be entitled to take the examinations authorized in subsection (4). Effective December 31, 1991, no applicant may fulfill the requirements of this paragraph by taking the laboratory model exam. On or after said date, applicants must complete the educational requirements set forth in subparagraph 1. or subparagraph 2.~~

~~The provisions of paragraph (a) and subparagraph (c)3. notwithstanding, an applicant who is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) and who has failed to pass part I or part II of the national board examination in two attempts may take the laboratory model exam required in subparagraph (c)3. if the board finds that he has taken remedial training in the subject areas in which he tested below standard on said national board examination and that he has subsequently passed that part of such exam which he had previously failed, provided that no applicant shall be entitled to this exception who fails either part of the national board examination a total of three times. Further, an applicant who has failed to pass the laboratory model exam required in subparagraph (c)3. in two attempts may be allowed by the board to make a third and final attempt if the board finds that he has taken remedial training in clinical subjects in which he tested below standard. Upon passing said laboratory model exam, the applicant may take the licensure examinations required in subsection (4). Further, the educational requirements found in subparagraph (b)1. do not apply to persons who began dental education prior to October 1, 1983, and such persons shall be governed by the educational requirements in existence on September 30, 1983.~~

Section 108. Section 466.017, Florida Statutes, is amended to read:

466.017 Prescription of drugs; anesthesia.—

(1) A dentist shall have the right to prescribe drugs or medicine, subject to limitations imposed by law; perform surgical operations within the scope of his practice and training; administer general or local anesthesia or sedation, subject to limitations imposed by law; and use such appliances as may be necessary to the proper practice of dentistry.

(2) Pharmacists licensed pursuant to chapter 465 may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry.

(3) The board shall adopt rules which:

(a) Define general anesthesia.

(b) Specify which *methods of* general or local anesthesia or sedation, if any, are limited or prohibited for use by dentists.

(c) Establish minimal training, education, experience, or certification for a dentist to use general anesthesia or sedation, which rules may exclude, in the board's discretion, those dentists using general anesthesia or sedation in a competent and effective manner as of the effective date of the rules.

(d) Establish further requirements relating to the use of general anesthesia or sedation, including, but not limited to, office equipment and the training of dental assistants or dental hygienists who work with dentists using general anesthesia or sedation.

(e) Establish an administrative mechanism enabling the board to verify compliance with training, education, experience, equipment, or certification requirements of dentists, dental hygienists, and dental assistants adopted pursuant to this subsection. The board may charge a fee to defray the cost of verifying compliance with requirements adopted pursuant to this paragraph.

~~(4)(a) A licensed dentist who has been utilizing general anesthesia on a regular and routine basis in a competent and effective manner for a 10-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for general anesthesia.~~

~~(b) A licensed dentist who has been utilizing parenteral conscious sedation on an outpatient basis on a regular and routine basis in a competent and effective manner for the 3-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for parenteral conscious sedation.~~

(4)~~(5)~~ A dentist who administers or employs the use of any form of anesthesia must possess a certification in either basic cardiopulmonary resuscitation for health professionals or advanced cardiac life support approved by the American Heart Association or the American Red Cross or an equivalent agency-sponsored course with recertification every 2 years. Each dental office which uses any form of anesthesia must have immediately available and in good working order such resuscitative equipment, oxygen, and other resuscitative drugs as are specified by rule of the board in order to manage possible adverse reactions.

(5)~~(6)~~ A licensed dentist may utilize an X-ray machine, expose dental X-ray films, and interpret or read such films. The provisions of part IV of chapter 468 to the contrary notwithstanding, a licensed dentist may authorize or direct a dental assistant to operate such equipment and expose such films under his direction and supervision, pursuant to rules adopted by the board in accordance with s. 466.024 which ensure that said assistant is competent by reason of training and experience to operate said equipment in a safe and efficient manner. The board may charge a fee not to exceed $35 to defray the cost of verifying compliance with requirements adopted pursuant to this section.

(6)~~(7)~~ The provisions of s. 465.0276 notwithstanding, a dentist need not register with the board or comply with the continuing education requirements of that section if the dentist confines his dispensing activity to the dispensing of fluorides and chlorohexidine rinse solutions; provided that the dentist complies with and is subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chapters 465, 499, and 893, and all applicable federal laws and regulations, when dispensing such products.

Section 109. Paragraphs (r) and (hh) of subsection (1) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is *a Schedule II* ~~an~~ amphetamine or *a Schedule II* sympathomimetic amine drug or a compound *thereof* ~~designated as a Schedule II controlled substance~~, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(hh) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

Section 110. Subsection (2) of section 468.1115, Florida Statutes, is amended to read:

468.1115 Exemptions.—

(2) The provisions of this part shall not apply to:

(a) Students actively engaged in a training program, if such persons are acting under the direct supervision of a licensed speech-language pathologist or a licensed audiologist.

(b) Persons practicing a licensed profession or operating within the scope of their profession, such as doctors of medicine, clinical psychologists, nurses, or hearing aid specialists, who are properly licensed under the laws of this state.

(c) *Persons certified in the areas of speech-language impairment or hearing impairment* ~~A person licensed~~ in this state under chapter 231 when engaging in the profession for which *they are certified* ~~he is licensed~~, or any person under the direct supervision of *such a certified person, or of a licensee under this chapter, when the person under such supervision is performing hearing screenings in a school setting for prekindergarten through grade 12* ~~the licensee when rendering services within the scope of the profession of the licensee~~.

(d) Laryngectomized individuals, rendering guidance and instruction to other laryngectomized individuals, who are under the supervision of a speech-language pathologist licensed under this part or of a physician licensed under chapter 458 or chapter 459 and qualified to perform this surgical procedure.

(e) Persons licensed by another state as a speech-language pathologist or audiologist who provide services within the applicable scope of practice set forth in s. 468.1125(6) or (7) for no more than 5 calendar days per month or 15 calendar days per year under the direct supervision of a Florida-licensed speech-language pathologist or audiologist. A person whose state of residence does not license speech-language pathologists or audiologists may also qualify for this exemption, if the person holds a certificate of clinical competence from the American Speech-Language and Hearing Association and meets all other requirements of this paragraph. In either case, the board shall hold the supervising Florida licensee fully accountable for the services provided by the out-of-state licensee.

(f) Nonlicensed persons working in a hospital setting who provide newborn infant hearing screenings, so long as training, clinical interpretation of the screenings, and the protocol for followup of infants who fail in-hospital screenings are provided by a licensed audiologist.

Section 111. Subsection (5) of section 468.1125, Florida Statutes, is amended to read:

468.1125 Definitions.—As used in this part, the term:

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 112. Section 468.1155, Florida Statutes, is amended to read:

468.1155 Provisional license; requirements.—

(1)*(a)* A provisional license shall be required *of all applicants who cannot document 9 months of supervised professional employment experience and a passing score on the national examination.*

(b) Individuals who are required to hold a provisional license under paragraph (a) shall apply to the department and be certified by the board for licensure prior to initiating the professional employment experience required pursuant to s. 468.1165. ~~Any person desiring a provisional license to practice speech-language pathology or audiology shall apply to the department.~~

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in speech-language pathology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant

must ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in speech-language pathology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of speech-language pathology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in audiology from an institution of higher learning which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant *must* ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in audiology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of audiology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(4) An applicant for a provisional license who has received a master's degree with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

(5)~~(4)~~ The board, by rule, shall establish requirements for the renewal of a provisional license. However, ~~no person shall obtain~~ a provisional license *may not exceed* ~~for~~ a period *of* ~~which exceeds~~ 24 months.

Section 113. Paragraph (a) of subsection (2) and subsection (3) of section 468.1185, Florida Statutes, are amended to read:

468.1185 Licensure.—

(2) The board shall certify for licensure any applicant who has:

(a) Satisfied the education and supervised clinical *clock hour* ~~practice~~ requirements of s. 468.1155.

(3) The board shall certify as qualified for a license by endorsement as a speech-language pathologist or audiologist an applicant who:

(a) Holds a valid license or certificate in another state *or territory of the United States* to practice the profession for which the application for licensure is made, if the criteria for issuance of such license were substantially equivalent to or more stringent than the licensure criteria which existed in this state at the time the license was issued; or

(b) Has received the certificate of clinical competence of the American Speech-Language and Hearing Association.

Section 114. Section 468.1195, Florida Statutes, is amended to read:

468.1195 Renewal of license or certificate; continuing education requirements*; standards for approval of continuing education providers.*—

(1) The department shall renew a license or certificate upon receipt of the renewal application, renewal fee, and proof satisfactory to the board that~~, during the 2 years prior to the application for renewal,~~ the licensee or certificateholder *has completed the* ~~participated in not less than 20 hours of~~ continuing education *requirements established by the board* ~~in each area of licensure or certification~~*. A licensee or certificateholder who receives initial licensure or certification 6 months or less before the end of the biennial licensure cycle is exempt from the continuing education requirements for the first renewal of the license or certificate.*

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses and certificates.

(3) The board *may prescribe* ~~shall~~ by rule ~~prescribe~~ continuing education*, not to exceed 60 hours biennially in each area of licensure or certification,* as a condition for renewal of a license or a certificate. *The board may establish by rule standards for the approval of such continuing education activities.* The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board may establish by rule standards for the approval of providers of continuing education activities.

Section 115. Section 468.1201, Florida Statutes, is created to read:

468.1201 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—The board shall require, as a condition of granting a license under this part, that an applicant making initial application for licensure complete an education course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete this requirement.

Section 116. Subsections (2), (3), and (4) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(2) The department shall issue a certificate as a speech-language pathology assistant or as an audiology assistant to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation.

(3) The board, by rule, shall establish minimum education *and on-the-job training and supervision* requirements for certification as a speech-language pathology assistant or audiology assistant.

(4) The provisions of this section shall not apply to any student, intern, or trainee performing speech-language pathology or audiology services while completing the supervised clinical *clock hours* ~~experience~~ as required in s. 468.1155.

Section 117. Subsection (2) of section 468.1245, Florida Statutes, is amended to read:

468.1245 Itemized listing of prices; delivery of hearing aid; *receipt* ~~contract~~; guarantee; packaging; disclaimer.—

(2) Any licensee who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a *receipt* ~~contract~~ containing the seller's signature, the address of his regular place of business, and his license or certification number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The *receipt* ~~contract~~ also shall specify whether the hearing aid is new, used, or rebuilt, and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the *receipt* ~~contract~~ shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries, and other accessories, and the cost of any services. Notice of the availability of this service *must* ~~shall~~ be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and *its* guarantee ~~therefor~~, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the *department* ~~Agency for Health Care Administration~~. The address and telephone number of such office shall be stated on the *receipt* ~~contract~~.

Section 118. Section 468.1295, Florida Statutes, is amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.228:~~.~~

(a) *Procuring or* attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, *employing,* or advising any *licensee or business entity* ~~licensed person~~ to practice speech-language pathology or audiology contrary to this part, *chapter 455,* or *any* ~~to a~~ rule *adopted pursuant thereto* ~~of the department or the board~~.

(m) *Violating any provision* ~~Violation or repeated violation~~ of this part or ~~of~~ chapter 455~~,~~ or any *rule* ~~rules~~ adopted pursuant thereto.

(n) *Misrepresenting the* ~~Misrepresentation of~~ professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or *using* ~~use of~~ any other term or title which might connote the availability of professional services when such use is not accurate.

(o) *Representing, advertising, or implying* ~~Representation, advertisement, or implication~~ that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual ~~person~~, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) *Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change* ~~Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board~~.

(v) Failing to provide all information as described in *ss. 468.1225(5)(b),* ~~s.~~ 468.1245(1)*, and 468.1246.*

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have

the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:

(a) *Refusal to certify, or to certify with restrictions,* ~~Denial of~~ an application for licensure.

(b) ~~Revocation or~~ Suspension *or permanent revocation* of a license.

(c)~~(d)~~ Issuance of a reprimand.

(d)~~(f)~~ Restriction of the authorized scope of practice.

(e)~~(e)~~ Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(f)~~(e)~~ Placement of the licensee *or certificateholder* on probation for a period of time and subject to such conditions as the board may specify. *Those conditions may include, but are not limited to,* ~~including~~ requiring the *licensee or certificateholder* ~~speech-language pathologist or audiologist~~ to *undergo treatment,* attend continuing education courses*, submit to be reexamined,* ~~or to~~ work under the supervision of another *licensee, or satisfy any terms which are reasonably tailored to the violation found* ~~speech-language pathologist or audiologist~~.

(g) Corrective action.

(3) The department shall reissue the license *or certificate which* ~~of a speech-language pathologist or audiologist who~~ has been *suspended or revoked* ~~disciplined~~ upon certification by the board that the *licensee or certificateholder* ~~person~~ has complied with all of the terms and conditions set forth in the final order.

Section 119. Section 468.1296, Florida Statutes, is created to read:

468.1296 Sexual misconduct.—Sexual misconduct by any person licensed or certified in the practice of his or her profession is prohibited. Sexual misconduct means to induce or to attempt to induce the patient to engage, or to engage or to attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

Section 120. Subsection (2) of section 468.1655, Florida Statutes, is amended to read:

468.1655 Definitions.—As used in this part:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 121. Subsection (1) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the department to take the licensure examination. The examination shall be given at least *two* ~~four~~ times a year and shall include, but not be limited to, questions on the subjects of nursing home administration such as:

(a) Applicable standards of nursing home health and safety;

(b) Federal, state, and local health and safety laws and rules;

(c) General administration;

(d) Psychology of patient care;

(e) Principles of medical care;

(f) Personal and social care;

(g) Therapeutic and supportive care and services in long-term care;

(h) Departmental organization and management;

(i) Community interrelationships; and

(j) Terminology.

The board may, by rule, adopt use of a national examination in lieu of part or all of the examination required by this part.

Section 122. Subsections (2), (4), and (5) of section 468.203, Florida Statutes, are amended to read:

468.203 Definitions.—As used in this act, the term:

(2) "Board" means the Board of *Occupational Therapy Practice* ~~Medicine~~.

(4) "Occupational therapy" means *the use of purposeful activity or interventions to achieve functional outcomes.*

(a) For the purposes of this subsection:

1. "Achieving functional outcomes" means to maximize the independence and the maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition.

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

(b) Occupational therapy services include, but are not limited to:

1. The assessment, treatment, and education of or consultation with the individual, family, or other persons.

2. Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills.

3. Providing for the development of: sensory-motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or psychosocial components of performance.

These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness ~~the evaluation and treatment of individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability. The treatment utilizes task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual. Specific occupational therapy techniques include, but are not limited to, activities of daily living (ADL), the fabrication and application of splints, perceptual-motor activities, the use of specifically designed crafts, guidance in the selection and use of adaptive equipment, exercises to enhance functional performance, and prevocational evaluation and treatment. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems~~.

(c) The use of devices subject to 21 C.F.R. s. 801.109 and identified by the board is expressly prohibited except by an occupational therapist or occupational therapy assistant who has received training as specified

by the board. The board shall adopt rules to carry out the purpose of this provision.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of a ~~person~~ licensed *occupational therapist or* ~~to practice~~ occupational therapy *assistant*, and whose activities require *a general* ~~an~~ understanding of occupational therapy *pursuant to board rules* ~~but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy~~.

Section 123. Section 468.205, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.205, F.S., for present text.)

468.205 Board of Occupational Therapy Practice.—

(1) There is created within the department the Board of Occupational Therapy Practice, composed of seven members appointed by the Governor, subject to confirmation by the Senate.

(2) Four members shall be licensed occupational therapists in good standing in this state who are residents of this state and have been engaged in the practice of occupational therapy for at least 4 years immediately prior to their appointment. One member shall be a licensed occupational therapy assistant in good standing in this state who is a resident of the state and has been engaged in the practice of occupational therapy for at least 4 years immediately prior to the appointment. Two members shall be consumers who are residents of the state who are not connected with the practice of occupational therapy.

(3) Within 90 days after the effective date of this act, the Governor shall appoint the board as follows:

(a) Two members for terms of 2 years each.

(b) Two members for terms of 3 years each.

(c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years and such members shall serve until their successors are appointed.

(5) All provisions of chapter 455 relating to activities of the board shall apply.

Section 124. Section 468.209, Florida Statutes, is amended to read:

468.209 Requirements for licensure.—

(1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application, accompanied by the application for licensure fee prescribed in s. 468.221, on forms provided by the *department* ~~board~~, showing to the satisfaction of the board that he:

(a) Is of good moral character.

(b) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology, and sociology, and with education in selected manual skills. ~~For an occupational therapist,~~ Such a program shall be accredited by the American ~~Medical Association in collaboration with the American~~ Occupational Therapy *Association's Accreditation Council for Occupational Therapy Education, or its successor* ~~Association~~. ~~For an occupational therapy assistant, such a program shall be approved by the American Occupational Therapy Association.~~

(c) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he met the academic requirements. For an occupational therapist, a minimum of 6 months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork experience is required.

(d) Has passed an examination conducted or adopted by the board as provided in s. 468.211.

(2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, *prior to January 24, 1988,* ~~has~~ completed a minimum of 6 months of supervised *occupational-therapist-level* fieldwork experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(b).

(3) If the board determines that an applicant is qualified to be licensed by endorsement under s. 468.213, the board may issue the applicant a temporary permit to practice occupational therapy until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit *by endorsement* shall be issued to an applicant, and it shall not be renewable.

(4) If the board determines that the applicant has not passed an examination, which examination is recognized by the board, to determine competence to practice occupational therapy and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of this section and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing him to practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice occupational therapy under his temporary permit until the next meeting of the board. An individual who has failed the examination shall not continue to practice occupational therapy under his temporary permit; and such permit shall be deemed revoked upon notification to the board of the examination results and the subsequent, immediate notification by the board to the applicant of the revocation. Only one temporary permit *by examination* shall be issued to an applicant, and it shall not be renewable. *However, applicants enrolled in a full-time advanced master's occupational therapy education program who have completed all requirements for licensure except examination shall, upon written request, be granted a temporary permit valid for 6 months even if that period extends beyond the next examination, provided the applicant has not failed the examination. This permit shall remain valid only while the applicant remains a full-time student and, upon written request, shall be renewed once for an additional 6 months.*

(5) An applicant seeking reentry into the profession who has not been in active practice within the last 5 years must, prior to applying for licensure, submit to the board documentation of continuing education as prescribed by rule.

Section 125. Subsection (6) is added to section 468.211, Florida Statutes, to read:

468.211 Examination for licensure.—

(6) If an applicant fails to pass the examination in three attempts, the applicant shall not be eligible for reexamination unless the applicant completes additional education or training requirements prescribed by the board. An applicant who has completed the additional education or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, the applicant is no longer eligible to take the examination.

Section 126. Section 468.213, Florida Statutes, is amended to read:

468.213 Licensure by endorsement.—

(1) The board may waive the examination and grant a license to any person who presents proof of current certification as an occupational therapist or occupational therapy assistant by *a national certifying organization* ~~the American Occupational Therapy Association~~ if the board determines the requirements for such certification to be equivalent to the requirements for licensure in this act.

(2) The board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or *any* ~~a~~ territory *or jurisdiction* of the United States *or foreign national jurisdiction* which requires standards for licensure de-

termined by the board to be equivalent to the requirements for licensure in this act.

Section 127. Section 468.225, Florida Statutes, is amended to read:

468.225 *Exemptions* ~~Persons and practices not affected~~.—

(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed.

(b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed.

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee.

(d) Any person fulfilling the supervised fieldwork experience requirements of s. 468.209, if such activities and services constitute a part of the experience necessary to meet the requirements of that section.

~~(e) Any person employed by, or working under the direct supervision of, an occupational therapist as an occupational therapy aide.~~

(2) No provision of this act shall be construed to prohibit physicians, *physician assistants,* nurses, physical therapists, osteopathic physicians or surgeons, ~~or~~ clinical psychologists*, speech-language pathologists, or audiologists* from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

Section 128. Section 468.351, Florida Statutes, is amended to read:

468.351 Purpose and intent; application.—

(1)(a) The purpose in enacting this part is to provide for the *licensure* ~~certification and registration~~ of persons who deliver respiratory care services and who meet certain requirements. The delivery of respiratory care services by persons *licensed* ~~certified or registered~~ pursuant to this part shall not be construed to permit the practice of medicine.

(b) It is the finding of the Legislature that the delivery of respiratory care services by unskilled and incompetent persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to respiratory care services and since the consequences of wrong choices can seriously endanger public health and safety, it is the intent of the Legislature to prohibit the delivery of respiratory care services by persons who are determined to possess less than minimum competencies or who otherwise present a danger to the public.

(2) It is the intent of the Legislature that the department ~~of Health and Rehabilitative Services shall continue to~~ regulate blood gas laboratories and that the supervision of *health* ~~respiratory~~ care practitioners~~, clinical laboratory personnel, and other persons~~ performing blood gas analysis and specimen collection for the purpose of such analysis be specified in rules pursuant to *the applicable practice act* ~~chapter 483~~. Further, it is the intent of the Legislature that personnel *licensed* ~~certified or registered~~ pursuant to this part shall be exempt from the licensure provisions of chapter 483.

Section 129. Subsections (2), (8), and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(8) "Respiratory therapist" means any person *licensed* ~~registered~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) "Respiratory care practitioner" means any person *licensed* ~~certified~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.

Section 130. Paragraph (a) of subsection (5) of section 468.354, Florida Statutes, is amended to read:

468.354 Advisory Council on Respiratory Care; organization; function.—

(5)(a) The council shall recommend to the department a code of ethics for those persons *licensed* ~~certified or registered~~ pursuant to this part.

Section 131. Section 468.355, Florida Statutes, is amended to read:

468.355 Eligibility for *licensure* ~~certification or registration~~; temporary *licensure* ~~certification~~.—

(1) To be eligible for *licensure* ~~certification~~ by the board as a respiratory care practitioner, an applicant must:

(a) Be at least 18 years old.

(b) Possess a high school diploma or a graduate equivalency diploma.

(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Certified Respiratory Therapy Technician" certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

4. The applicant is currently employed in this state as a respiratory care practitioner or respiratory therapist on October 1, 1984.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for *licensure* ~~registration~~ by the board as a respiratory therapist, an applicant must:

(a) Be at least 18 years old.

(b) Possess a high school diploma or a graduate equivalency diploma.

(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(3) With respect to the delivery of respiratory care services, the board shall establish procedures for temporary *licensure* ~~certification~~ of eligible individuals entering the state and temporary *licensure* ~~certification~~ of those persons who have graduated from a program approved by the board. Such temporary *licensure* ~~certification~~ shall be for a period not to exceed 1 year.

Section 132. Section 468.356, Florida Statutes, is amended to read:

468.356 Approval of educational programs.—

(1) Approval of educational programs shall be in accordance with the Joint Review Committee for Respiratory Therapy Education through the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs, or other accrediting agency recognized by the United States Office of Education* ~~and Accreditation of the American Medical Association~~.

(2) In the event that an educational program has not yet received full American Medical Association approval, the board, at its discretion, may require appropriate documentation of the intent to achieve full accreditation within a specified time period. Temporary approval for graduates of such programs to sit for state *licensure* ~~certification or registration~~ examinations may then be granted by the board.

Section 133. Section 468.357, Florida Statutes, is amended to read:

468.357 *Licensure* ~~Certification~~ by examination.—

(1) A person who desires to be *licensed* ~~certified~~ as a respiratory care practitioner may submit an application to the *department* ~~board~~ to take the examination to be administered by the department.

(a) The department shall examine each applicant who is determined by the board to have:

1. Completed the application form and remitted the *applicable* ~~application~~ fee set by the board;

2. Submitted required documentation as required in s. 468.355; and

3. Remitted an examination fee set by the board.

(b) The department shall conduct examinations for *licensure* ~~certification~~ of respiratory care practitioners no less than two times a year in such geographical locations as are deemed advantageous to the majority of the applicants. ~~However, the examination shall be conducted no less than three times a year through 1988 and in such geographical locations as are deemed advantageous to the majority of the applicants.~~

(c) The examination given for respiratory care practitioners shall be the same as that given by the National Board for Respiratory Care for entry-level certification of respiratory therapy technicians. However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to *licensure* ~~certification~~ as a respiratory care practitioner, and the department shall issue a *license* ~~certificate~~ pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a *license* ~~certificate~~ to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

(3)~~(a)~~ Any person who was employed in this state on or before September 30, 1983, as a respiratory therapy technician or respiratory therapist, and who has performed services in such professional capacity for 4 years or more by October 1, 1987, under the supervision of a licensed physician or in a hospital or licensed health care facility, shall be issued a *license* ~~certificate~~ without examination, if such person provides acceptable documentation of performance of such services to the board. Such documentation shall include certification by a physician licensed pursuant to chapter 458 or chapter 459 who has direct knowledge of the practice of, or who has supervised, the person. If such person is not determined to have performed critical care respiratory services for at least 4 years, the board may limit the *license* ~~certificate~~ of such person to the performance of noncritical care respiratory services. ~~Any person issued a certificate pursuant to this paragraph shall complete at least 20 contact hours of continuing education each year.~~

~~(b) Any person first employed in this state as a respiratory therapy technician or respiratory therapist on or after October 1, 1984, and prior to October 1, 1987, shall have until December 31, 1988, to pass the examination for certification under this part if the person has applied to take the examination before March 1, 1988, and such person shall be permitted to continue to perform respiratory care services until December 31, 1988.~~

Section 134. Section 468.358, Florida Statutes, is amended to read:

468.358 *Licensure* ~~Certification or registration~~ by endorsement.—

(1) *Licensure* ~~Certification~~ as a respiratory care practitioner shall be granted by endorsement to an individual who holds the "Certified Respiratory Therapy Technician" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Certification~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) *Licensure* ~~Registration~~ as a respiratory therapist shall be granted by endorsement to an individual who holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Registration~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(3) An individual who has been granted *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country may petition the board for consideration for *licensure* ~~certification or registration~~ in this state and, upon verification by oath and submission of evidence of *licensure,* certification, registration, or other authority acceptable to the board, may be granted *licensure* ~~certification or registration~~ by endorsement.

(4) *Licensure* ~~Certification or registration~~ shall not be granted by endorsement as provided in this section without the submission of a proper application and the payment of the requisite fees therefor.

Section 135. Subsections (1), (2), and (5) of section 468.359, Florida Statutes, are amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are *licensed* ~~certified~~ pursuant to this part as respiratory care practitioners have the right to use the title "Respiratory Care Practitioner" and the abbreviation "RCP."

(2) Only persons who are *licensed* ~~registered~~ pursuant to this part as respiratory therapists have the right to use the title "*Registered* Respiratory Therapist" and the abbreviation "RRT," provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care.

(5) No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner or respiratory therapist; or use the abbreviation "RCP" or take any other action that would lead the public to believe that such person is *licensed* ~~certified or registered~~ pursuant to this part unless such person is so *licensed* ~~certified or registered~~.

Section 136. Section 468.36, Florida Statutes, is amended to read:

468.36 Primary place of service delivery; notice of address or change of address.—Every *licensee* ~~certificateholder or registrant~~ shall file with the department the *licensee's current residence* address *as defined by board rule* ~~of his primary place of service delivery within the state prior to engaging in such service delivery. Prior to changing such address, he shall notify the department of the address of his new primary place of service delivery, whether or not within the state~~.

Section 137. Section 468.362, Florida Statutes, is repealed, and section 468.361, Florida Statutes, is amended to read:

468.361 Renewal of *licensure* ~~certification or registration~~; continuing education.—

(1) The department shall provide by rule a method for the biennial renewal of *licensure* ~~certification or registration~~ at fees set by the board.

(2) The board shall prescribe by rule continuing education requirements, not to exceed 24 hours biennially, as a condition for renewal of *licensure* ~~certification or registration~~. The program criteria with respect thereto shall be approved by the board.

(3) The board shall approve continuing education courses which may be accepted in meeting the requirements of this part. Providers of such courses shall also be approved by the board.

(4) The board may make exceptions from the requirements of this section in emergency or hardship cases.

Section 138. Section 468.363, Florida Statutes, is amended to read:

468.363 Reactivation of *licensure* ~~certification or registration~~; continuing education.—The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate or registration~~. The continuing education requirements for reactivating a *license* ~~certificate or registration~~ may not exceed 12 classroom hours for each year the *license* ~~certificate or registration~~ was inactive.

Section 139. Subsection (1) of section 468.364, Florida Statutes, is amended to read:

468.364 Fees; establishment; disposition.—

(1) The board shall establish by rule fees for the following purposes:

(a) Application, ~~fee:~~ a fee not to exceed $50.

(b) Examination, ~~fee:~~ a fee not to exceed $125 plus the actual per applicant cost to the department for purchase of the examination from the National Board for Respiratory Care or a similar national organization.

(c) Initial *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200.

(d) Renewal of *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200 biennially.

(e) Renewal of inactive *licensure,* ~~certification or registration:~~ a fee not to exceed $50.

(f) Reactivation, ~~fee:~~ a fee not to exceed $50.

Section 140. Section 468.365, Florida Statutes, is amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Procuring, attempting to procure, or renewing a *license* ~~certificate or registration~~ as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of *licensure,* certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board and the Advisory Council on Respiratory Care in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) Willfully or repeatedly violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.

(j) Violation of any rule adopted pursuant to this part or chapter 455.

(k) Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive *license* ~~certificate or registration~~.

(l) Permitting, aiding, assisting, procuring, or advising any person who is not *licensed* ~~certified or registered~~ pursuant to this part, contrary to this part or to any rule of the department or the board.

(m) Failing to perform any statutory or legal obligation placed upon a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(n) Accepting and performing professional responsibilities which the *licensee* ~~certificateholder or registrant~~ knows, or has reason to know, he is not competent to perform.

(o) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder or registrant~~ delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or *licensure* ~~certification or registration~~ to perform them.

(p) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(q) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the *licensee* ~~certificateholder or registrant~~ from receiving a fee for professional consultation services.

(r) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(s) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other *licensees* ~~certificateholders or registrants~~ within the community.

(t) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(u) Failing to keep written respiratory care records justifying the reason for the action taken by the *licensee* ~~certificateholder or registrant~~.

(v) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the *licensee* ~~certificateholder or registrant~~ or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(w) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(x) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the *licensee* ~~certificateholder or registrant~~ being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent delivery of respiratory care services with reasonable skill and safety to his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(2) If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for *licensure* ~~certification or registration~~.

(b) Revocation or suspension of *licensure* ~~certification or registration~~.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.

(e) Issuance of a reprimand.

(3) The board shall not reinstate *licensure* ~~certification or registration~~, or cause a *license* ~~certificate or registration~~ to be issued to a person it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that the respiratory care practitioner or respiratory therapist is capable of safely engaging in the delivery of respiratory care services.

(4) The board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a *license* ~~certificate or registration~~.

Section 141. Subsection (1) of section 468.366, Florida Statutes, is amended to read:

468.366 Penalties for violations.—

(1) It is a violation of law for any person, including any firm, association, or corporation, to:

(a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, ~~certificate, registration,~~ or record, or aid or abet in the sale, procurement, or attempted procurement thereof.

(b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, ~~certificate, registration,~~ or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly *licensed* ~~certified or registered~~ to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.

(d) Use, in connection with his name, any designation tending to imply that he is a respiratory care practitioner or a respiratory therapist, duly *licensed* ~~certified or registered~~ under the provisions of this part, unless he is so *licensed* ~~certified or registered~~.

(e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.

(f) Knowingly employ *unlicensed* ~~uncertified or unregistered~~ persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

Section 142. Subsection (8) of section 468.368, Florida Statutes, is amended to read:

468.368 Exemptions.—Nothing in this part shall be construed to prohibit:

(8) The employment by a health care facility of a student enrolled in the clinical portion of an approved respiratory care educational program (who has demonstrated such enrollment to the board by submission of evidence satisfactory to the board) to deliver limited respiratory care support services under the supervision of personnel *licensed* ~~certified or registered~~ pursuant to this part. Such exemption shall also apply to the graduates of such programs until the receipt of temporary *licensure* ~~certification~~ issued pursuant to the provisions of s. 468.355(3). However, such employees shall not perform invasive procedures or procedures related to critical respiratory care, including therapeutic, diagnostic, and palliative procedures, nor shall they participate in delivering certain services requiring unsupervised patient contact, as determined by the board.

Section 143. Subsection (3) of section 478.42, Florida Statutes, is amended to read:

478.42 Definitions.—As used in this chapter, the term:

(3) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 144. Section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 18 years old.

(b) Is of good moral character.

~~(c) Is a resident of the state.~~

(c)~~(d)~~ Possesses a high school diploma or a graduate equivalency diploma.

(d)~~(e)~~ Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.

(e)~~(f)1.~~ Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board~~; or~~

~~2. Was engaged in the practice of electrology prior to October 1, 1991, and filed an application for licensure within 90 days after the date established by the board or by February 1, 1995, whichever comes last~~.

(2) Each applicant for licensure shall successfully pass a written examination developed by the department or a national examination

that has~~, both of which have~~ been approved by the board. The examinations shall test the applicant's knowledge relating to the practice of electrology, including the applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects which are useful to determine the applicant's fitness to practice.

(3) The department, upon approval of the board, may adopt *a* ~~the American Electrology Association examination or any other~~ national examination in lieu of any part of the examination required by this section. The board, with the assistance of the council, shall establish standards for acceptable performance.

(4) The department shall issue a license to practice electrology to any applicant who passes the examination, pays the licensure fee as set forth in s. 478.55, and otherwise meets the requirements of this chapter.

(5) The department shall conduct licensure examinations at least *two times a year* ~~biannually at locations set by the board. However, such examinations may be conducted at least three times each year through 1995~~. The *department* ~~board~~ shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to board rule.

(6) The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would be a violation of this chapter, until such investigation is complete. Upon completion of such investigation, if the applicant is found guilty of such offense, the board shall apply the applicable provisions of s. 478.52.

Section 145. Subsection (1) of section 478.46, Florida Statutes, is amended to read:

478.46 Temporary permits.—

(1) If the *department* ~~executive director of the board~~ determines that an applicant is qualified to be licensed under s. *478.47* ~~478.45~~, the *department* ~~board~~ may issue the applicant a temporary permit to practice *electrolysis* ~~electrology~~ until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

Section 146. Section 478.47, Florida Statutes, is amended to read:

478.47 Licensure by endorsement.—The department shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 and who ~~the board certifies has met the qualifications of s. 478.45(1) or who~~ holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state.

Section 147. Paragraph (d) of subsection (2) of section 478.52, Florida Statutes, is amended, and paragraph (u) is added to subsection (1) of said section, to read:

478.52 Disciplinary proceedings.—

(1) The following acts are grounds for which the disciplinary actions in subsection (2) may be taken:

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, *but not limited to,* requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.

Section 148. Subsections (1) and (2) of section 480.033, Florida Statutes, are amended to read:

480.033 Definitions.—As used in this act:

(1) "Board" means the Board of Massage *Therapy*.

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 149. Section 480.034, Florida Statutes, is amended to read:

480.034 Exemptions.—

(1) Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.

(2) Athletic trainers employed by or on behalf of a professional athletic team performing or training within this state shall be exempt from the provisions of this act.

(3) The state and its political subdivisions are exempt from the registration requirements of this act.

~~(4) Treatments for the purpose of cleansing and beautifying the skin or in conjunction with a weight loss program, including herbal wraps, body scrubs, paraffin wax treatments, and seaweed wraps, shall be exempt from the provisions of this act.~~

(4)~~(5)~~ An exemption granted is effective to the extent that an exempted person's practice or profession overlaps with the practice of massage.

Section 150. Subsection (1) of section 480.035, Florida Statutes, is amended to read:

480.035 Board of Massage *Therapy*.—

(1) The Board of Massage *Therapy* is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.

Section 151. Section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement~~; provisional licensure~~.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least 18 years of age or has received a high school diploma or graduate equivalency diploma;

(b) Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and

(c) Has received a passing grade on an examination administered by the department.

(2) Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.

(3) Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage.

~~(4)(a) The board may issue to an applicant, without examination, a provisional license to practice massage, provided such applicant meets all other conditions and requirements relating to qualification for licensure and submits a fee pursuant to s. 480.044. Such applicant for a provisional license shall be associated with a licensed massage therapist and shall practice only under the supervision of such licensed massage therapist at a licensed establishment.~~

~~(b) The provisional license, when granted, shall include the name and address of the licensed massage therapist with whom the applicant is associated. No licensed massage therapist may supervise more than one provisional licenseholder at the same time.~~

~~(c) The applicant must appear at the next examination for licensure for which the applicant can be scheduled according to the rules of the board and department. The provisional license shall expire upon written notification by the department that the applicant has failed the examination or on the date of the scheduled examination, should the applicant fail to appear. Acceptance of a provisional license by an applicant shall be deemed to be consent for expiration of that license in accordance with the provisions of this chapter.~~

~~(d) No more than one provisional license may be issued to an individual. No provisional license shall be issued to an applicant who has previously failed the examination.~~

(4)~~(5)~~ The board shall adopt rules:

(a) Establishing a minimum training program for apprentices.

~~(b) Specifying standards and procedures for issuance of a provisional license.~~

(b)~~(c)~~ Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(6), by massage therapists.

(c)~~(d)~~ Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 152. Section 480.0415, Florida Statutes, is amended to read:

480.0415 License renewal.—The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed *25* ~~12~~ classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

Section 153. Subsection (1) of section 480.042, Florida Statutes, is amended to read:

480.042 Examinations.—

(1) The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure ~~both~~ an applicant's competency ~~and his knowledge of related statutory requirements~~. Professional testing services may be utilized to formulate the examinations.

Section 154. Section 480.0425, Florida Statutes, as amended by chapter 94-119, Laws of Florida, is repealed.

Section 155. Subsection (7) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection.—

(7)*(a)* Once issued, no license for operation of a massage establishment may be transferred from one *owner* ~~person, corporation, name, or location~~ to another.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

Section 156. Subsection (1) of section 480.044, Florida Statutes, is amended to read:

480.044 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) Massage therapist application and examination fee: not to exceed $250.

(b) Massage therapist initial licensure fee: not to exceed $150.

(c) Establishment application fee: not to exceed $200.

(d) Establishment licensure fee: not to exceed $150.

(e) Biennial establishment renewal fee: not to exceed $150.

(f) Biennial massage therapist licensure renewal fee: not to exceed $200.

(g) Massage therapist reexamination fee: not to exceed $250.

(h) Fee for apprentice: not to exceed $100.

(i) Colonics examination fee: not to exceed $100.

(j) Colonics reexamination fee: not to exceed $100.

~~(k) Application and provisional licensure fee: not to exceed $50.~~

(k)~~(l)~~ Application and reactivation for inactive status of a massage therapist license fee: not to exceed $250.

(l)~~(m)~~ Renewal fee for inactive status: not to exceed $250.

Section 157. Paragraph (a) of subsection (1) of section 480.047, Florida Statutes, is amended to read:

480.047 Penalties.—

(1) It is unlawful for any person to:

(a) Hold himself *or herself* out as a massage therapist *or to practice massage* unless duly licensed *under this chapter or unless otherwise specifically exempted from licensure under this chapter* ~~as provided herein~~.

Section 158. Section 480.0485, Florida Statutes, is created to read:

480.0485 Sexual misconduct in the practice of massage therapy.—The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of massage therapy is prohibited.

Section 159. Paragraph (f) of subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage *Therapy*, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483.

23. Medical physicists, as provided under part *IV* ~~V~~ of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 160. Paragraph (b) of subsection (2) of section 381.81, Florida Statutes, is amended to read:

381.81 Minority Health Improvement Act.—

(2) DEFINITIONS.—As used in this section, the following words and terms shall have the following meanings, unless the context indicates another meaning or intent:

(b) "Health profession" means any regulated health profession, including occupational therapy, as regulated under part III of chapter 468; respiratory therapy, as regulated under part V of chapter 468; physical therapy, as regulated under chapter 486; midwifery, as regulated under chapter 467; dietetics and nutrition practice, as regulated under part X of chapter 468; electrolysis, as regulated under chapter 478; nursing assistants, as regulated under s. 400.211; and those professions regulated by: the Board of Medicine, created under chapter 458; the Board of Osteopathic Medicine, created under chapter 459; the Board of Acupuncture, created under chapter 457; the Board of Chiropractic, created under chapter 460; the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491; the Board of Dentistry, created under chapter 466; the Board of Optometry, created under chapter 463; the Board of Podiatric Medicine, created under chapter 461; the Board of Nursing, created by chapter 464; the Board of Psychological Examiners, created under chapter 490; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468; the Board of Nursing Home Administrators, created under part II of chapter 468; the Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483; ~~and~~ the Board of Opticianry, created under part I of chapter 484*; and the Board of Hearing Aid Specialists, created under part II of chapter 484*.

Section 161. Section 483.800, Florida Statutes, is amended to read:

483.800 Declaration of policy and statement of purpose.—The purpose of this part is to protect the public health, safety, and welfare of the people of this state from the hazards of improper performance by clinical laboratory personnel. Clinical laboratories provide essential services to practitioners of the healing arts by furnishing vital information that is essential to a determination of the nature, cause, and extent of the condition involved. Unreliable and inaccurate reports may cause unnecessary anxiety, suffering, and financial burdens and may even contribute directly to death. The protection of public and individual health requires the licensure of clinical laboratory personnel who meet minimum requirements for safe practice. The Legislature finds that laboratory testing technology continues to advance rapidly. The Legislature also finds that a hospital training program under the direction of the hospital clinical laboratory director offers an opportunity for individuals already trained in health care professions to expand the scope of their careers. The Legislature further finds that there is an immediate need for properly trained personnel to ensure patient access to testing. Therefore, the Legislature recognizes the patient-focused benefits of hospital-based training for laboratory and nonlaboratory personnel for testing within *hospitals and commercial laboratories* ~~the laboratory and at alternate sites,~~ and recognizes the benefits of a training program approved by the Board of Clinical Laboratory Personnel under the direction of the hospital clinical laboratory director.

Section 162. Subsection (3) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(3) Advanced registered nurse practitioners licensed under chapter 464 who perform provider-performed microscopy procedures (PPMP) in an exclusive-use laboratory setting.

Section 163. Section 483.803, Florida Statutes, is amended to read:

483.803 Definitions.—As used in this part, the term:

(1) "Board" means the Board of Clinical Laboratory Personnel.

(2) "Clinical laboratory" means a clinical laboratory as defined in s. 483.041(2).

(3) "Clinical laboratory examination" means an examination performed on materials or specimens of the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition.

(4)~~(3)~~ "Clinical laboratory personnel" includes a clinical laboratory director, supervisor, technologist, blood gas analyst, or technician who performs or is responsible for laboratory test procedures, but the term does not include trainees, persons who perform screening for blood banks or plasmapheresis centers, phlebotomists, or persons employed by a clinical laboratory to perform manual pretesting duties or clerical, personnel, or other administrative responsibilities.

(5)~~(4)~~ "Clinical laboratory trainee" means any person having qualifying education who is enrolled in a clinical laboratory training program approved pursuant to s. 483.811 and who is seeking experience required to meet minimum qualifications for licensing in this state. Trainees may perform procedures under direct and responsible supervision of duly licensed clinical laboratory personnel, but they may not report test results.

(6)~~(5)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(7)~~(6)~~ "Licensed practitioner of the healing arts" means a physician licensed pursuant to chapter 458, chapter 459, or chapter 460; a dentist

licensed pursuant to chapter 466; or a person licensed pursuant to chapter 461 or chapter 462.

(8) "Public health laboratory scientist" means any licensed director, supervisor, technologist, or technician engaged in laboratory testing of human specimens in a state, county, or municipal public health laboratory.

Section 164. Subsections (1) and (2) of section 483.809, Florida Statutes, are amended to read:

483.809 Licensure; examinations; registration of trainees; approval of curricula.—

(1) LICENSING~~; QUALIFICATIONS~~.—

~~(a)~~ The department shall provide biennial licensure of all clinical laboratory personnel *who the board certifies have met* ~~meeting~~ the requirements of this part ~~and shall prescribe the qualifications necessary for such licensure~~. The license of any person who fails to pay a required fee or otherwise fails to qualify within 60 days after the date of expiration of such license shall be automatically canceled without notice or further proceedings unless the individual has made application for inactive status pursuant to s. 483.819.

~~(b) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.~~

(2) EXAMINATIONS.—The department shall conduct examinations required by board rules to determine in part the qualification of clinical laboratory personnel for licensure. *An approved national certification examination may be accepted in lieu of state examination for public health scientists.*

Section 165. Section 483.812, Florida Statutes, is created to read:

483.812 Public health laboratory scientists; licensure.—

(1) Applicants at the director and supervisor level in the category of public health who are registered by the National Registry of Clinical Chemistry Certification or the American Society of Microbiology may qualify under board rules by passing the appropriate supervision and administration examination.

(2)(a) A technologist applicant for licensure in the category of public health microbiology, with a baccalaureate degree in one of the biological sciences from an accredited institution, may use the American Society of Microbiology or the National Registry of Microbiology Certification in Public Health Microbiology to qualify for a technologist license in public health microbiology. Such a technologist may work in a public health microbiology laboratory.

(b) A technologist applicant for licensure in the category of public health chemistry, with a baccalaureate degree in one of the chemical, biological, or physical sciences from an accredited institution, may use the National Registry of Clinical Chemistry Certification to qualify for a technologist license in public health chemistry. Such a technologist may work in a public health chemistry laboratory.

(c) A technician applicant for licensure in the category of public health, with a baccalaureate degree in one of the chemical or biological sciences from an accredited institution, may obtain a one-time, 3-year, conditional public health technician license pending national certification by the American Society of Microbiology or the National Registry of Clinical Chemistry Certification. Such a technician may perform testing only under the direct supervision of a licensed pathologist, director, supervisor, or technologist.

(3) A person licensed by the Board of Clinical Laboratory Personnel may work in a public health laboratory at the appropriate level and specialty.

Section 166. Section 483.813, Florida Statutes, is amended to read:

483.813 Clinical laboratory personnel license.—A person may not conduct a clinical laboratory examination or report the results of such examination unless such person is licensed under this part to perform such procedures. However, this provision does not apply to any practitioner of the healing arts authorized to practice in this state. The department may grant a temporary license to any candidate it deems properly qualified, for a period not to exceed *1 year, or a conditional license for a period not to exceed 3 years* ~~6 months~~.

Section 167. Section 483.823, Florida Statutes, is amended to read:

483.823 Qualifications of clinical laboratory personnel.—

(1) The board shall prescribe minimal qualifications for clinical laboratory personnel and shall issue a license to any person who meets the minimum qualifications and who demonstrates that he possesses the character, training, and ability to qualify in those areas for which the license is sought.

(2) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.

Section 168. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action ~~against clinical laboratory personnel~~.—The following acts constitute grounds for which disciplinary actions specified in s. 483.827 may be taken against *applicants, registrants, and licensees under this part* ~~clinical laboratory personnel~~:

(1) *Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board* ~~Making a fraudulent statement on an application for a license or any other document required by the department~~.

(2) Engaging in or attempting to engage in, or representing himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to his license.

(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(5) Having been convicted of a felony or of any crime involving moral turpitude under the laws of any state or of the United States. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(6) Having been adjudged mentally or physically incompetent.

(7) Violating or aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.

(8) Reporting a test result when no laboratory test was performed on a clinical specimen.

(9) Knowingly advertising false services or credentials.

(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. *The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.*

(11) Failing to report to the board, in writing, within 30 days if action under subsection (10) has been taken against one's license to practice as clinical laboratory personnel in another state, territory, or country.

(12) Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee

is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

Section 169. Section 483.828, Florida Statutes, is created to read:

483.828 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

(2) Each of the following act constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Knowingly concealing information relating to violations of this part.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this part.

(c) Leading the public to believe that one is licensed as clinical laboratory personnel, or is engaged in licensed practice as clinical laboratory personnel, without holding a valid, active license.

Section 170. Section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(1) SHORT TITLE.—This section may be cited as the "Florida Medical Physicists Act."

(2) DECLARATION OF LEGISLATIVE POLICY.—The Legislature finds that the practice of medical physics by incompetent persons is a threat to the public health and safety. It is, therefore, the responsibility of this state to protect the public health and safety from the harmful effects of excessive and unnecessary radiation by ensuring that the practice of medical physics is entrusted only to persons who are licensed under this section.

(3) DEFINITIONS.—As used in this section, the term:

~~(a) "Agency" means the Agency for Health Care Administration or its successor.~~

(a)~~(b)~~ "Council" means the Advisory Council of Medical Physicists in the *Department of Health* ~~Agency for Health Care Administration~~.

(b) "Department" means the Department of Health.

(c) "Diagnostic radiological physics" means the specialty of medical physics which deals with the diagnostic application and safe use of X rays, gamma rays from sealed sources, ultrasonic radiation, radio frequency radiation, or magnetic fields, and the use of equipment associated with the production, use, measurement, and evaluation of the radiation and the quality of the diagnostic image resulting from its production and use.

(d) "License" means a certificate issued by the *department* ~~agency~~ which authorizes the holder to practice medical physics.

(e) "Licensed medical physicist" means a person who holds a license issued under this section.

(f) "Medical health physics" means the specialty of medical physics which deals with the safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, radionuclides, and radiation from sealed sources, for both diagnostic and therapeutic purposes in human beings and the use of equipment required to perform appropriate tests and measurements *that do not involve the direct application of radiation to humans for diagnostic or therapeutic procedures*.

(g) "Medical nuclear radiological physics" means the specialty of medical physics which deals with the therapeutic and diagnostic application and safe use of radionuclides, except those used in sealed sources for therapeutic purposes, and the use of equipment associated with the production, use, measurement, and evaluation of radionuclides.

(h) "Medical physics" means the branch of physics which is associated with the practice of medicine. It includes the fields of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, and medical health physics.

(i) "Physician" means a doctor of medicine, *osteopathic medicine* ~~osteopathy~~, podiatry, dentistry, or chiropractic who is licensed in this state and who prescribes a radiological procedure.

(j) "Practice of medical physics" means the use of principles and accepted protocols of physics to *ensure* ~~assure~~ the correct quality, quantity, and placement of radiation during the performance of a radiological procedure prescribed by a physician which will protect the patient and others from harmful excessive radiation. The term includes radiation beam calibration and characterization quality assurance, instrument specification, acceptance testing, shielding design, protection analysis on radiation-emitting equipment and radiopharmaceuticals, and consultation with a physician to *ensure* ~~assure~~ accurate radiation dosage to a specific patient.

(k) "Radiation" means ionizing or nonionizing radiation above background levels which is used to perform a diagnostic or therapeutic medical or dental radiological procedure.

(l) "Radiological procedure" means a test, measurement, calculation, or radiation exposure used in the diagnosis or treatment of diseases or other medical or dental conditions in human beings that includes therapeutic radiation, diagnostic radiation, nuclear magnetic resonance, or nuclear medicine procedures.

(m) "Therapeutic radiological physics" means that specialty of medical physics which deals with the therapeutic application and safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, or radiation from radionuclide sources, and the use of equipment associated with the production, use, measurement, and evaluation of that radiation.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the *Department of Health* ~~Agency for Health Care Administration~~ to *advise the department in regulating* ~~regulate~~ the practice of medical physics in this state.

(a) The council shall be composed of *nine* ~~seven~~ members appointed by the *secretary of the department* ~~director~~ as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.

2. A licensed medical physicist who specializes in therapeutic radiological physics.

3. A licensed medical physicist who specializes in medical nuclear radiological physics.

4. A physician who is board certified by the American Board of Radiology or its equivalent.

5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.

6. A physician who is board certified by the American *Chiropractic Radiology* Board ~~of Chiropractic Radiology~~ or its equivalent.

7. *Three* ~~A~~ consumer *members* ~~member~~ who *are* ~~is~~ not, and *have* ~~has~~ never been, licensed as a medical physicist or licensed in any closely related profession.

(b) The *secretary of the department* ~~director~~ shall appoint the medical physicist members of the council from a list of candidates who are licensed to practice medical physics.

(c) The *secretary of the department* ~~director~~ shall appoint the physician *members* ~~member~~ of the council from a list of candidates who are licensed to practice medicine in this state and are board certified in diagnostic radiology, therapeutic radiology, or radiation oncology.

(d) The *secretary of the department* ~~director~~ shall appoint the public *members* ~~member~~ of the council.

(e) As the term of each member expires, the *secretary of the department* ~~director~~ shall appoint the successor for a term of *4* ~~3~~ years. A member shall serve until *the member's* ~~his~~ successor is appointed, unless physically unable to do so.

(f) An individual is ineligible to serve more than two full consecutive *4-year* ~~3-year~~ terms.

(g) If a vacancy on the council occurs, the director shall appoint a member to serve for a *4-year* ~~3-year~~ term.

(h) A council member must be a United States citizen and must have been a resident of this state for 2 consecutive years immediately before being appointed.

1. A member of the council who is a medical physicist must have practiced for at least 6 years before being appointed or be board certified for the specialty in which the member practices.

2. A member of the council who is a physician must be licensed to practice medicine in this state and must have practiced diagnostic radiology or radiation oncology in this state for at least 2 years before being appointed.

3. The public *members* ~~member~~ of the council must not have a financial interest in any endeavor related to the practice of medical physics.

(i) Notwithstanding any other provision of this subsection, no later than January 1, 1996, the *secretary of the department* ~~director~~ shall make the initial appointments to the council as follows:

1. One member who is engaged in the practice of medical physics, *one physician member,* and one public member, each of whom is to be appointed to serve until June 30, 1996;

2. One member who is engaged in the practice of medical physics and one physician member, each of whom is to be appointed to serve until June 30, 1997; and

3. One member who is engaged in the practice of medical physics *and one physician member, each of whom is* to be appointed to serve until June 30, 1998.

(j) A council member may be removed from the council if the member:

1. Did not have the required qualifications at the time of appointment;

2. Does not maintain the required qualifications while serving on the council; or

3. Fails to attend the regularly scheduled council meetings in a calendar year as required by s. 455.207.

(k) Members of the council may not receive compensation for their services; however, they are entitled to reimbursement, from funds deposited in the *Medical Quality Assurance* ~~Health Care~~ Trust Fund, for necessary travel expenses as specified in s. 112.061 for each day they engage in the business of the council.

(l) At the first regularly scheduled meeting of each calendar year, the council shall elect a presiding officer and an assistant presiding officer from among its members. The council shall meet at least once each year and at other times in accordance with *department requirements* ~~agency rules~~.

(m) The *department* ~~agency~~ shall provide administrative support to the council for all licensing activities.

(n) The council may conduct its meetings electronically.

(5) POWERS OF COUNCIL.—The council shall:

(a) Recommend rules to administer this section.

(b) Recommend practice standards for the practice of medical physics which are consistent with the Guidelines for Ethical Practice for Medical Physicists prepared by the American Association of Physicists in Medicine and disciplinary guidelines adopted under s. 455.2273.

(c) Develop and recommend continuing education requirements for licensed medical physicists.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the *department* ~~agency~~ for the appropriate specialty.

(a) The *department* ~~agency~~ shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the *department* ~~agency~~ continuing education requirements that shall be a condition of license renewal. The *department* ~~agency~~ shall require a minimum of 24 hours *per biennium* of continuing education offered by an organization recommended by the council *and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.*

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the *department* ~~agency~~. The application must be on a form prescribed by the *department* ~~agency~~ and must be accompanied by a nonrefundable application fee for each specialty.

(c) *The department may issue a license to an eligible applicant if the applicant meets all license requirements.* At any time before the *department* ~~agency~~ issues ~~or renews~~ a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The *department* ~~agency~~ shall review each completed application for a license which the *department* ~~agency~~ receives.

~~(e) The agency may issue a license to an eligible applicant if the applicant meets all license requirements.~~

~~1. Licenses must be uniform and must include:~~

~~a. The name of the licensee;~~

~~b. The medical physics specialty that the licensee may practice; and~~

~~c. The expiration date of the license.~~

~~2. A license certificate is the property of the agency and must be surrendered on demand.~~

~~3. The agency shall adopt rules establishing a procedure for the biennial renewal of licenses.~~

~~4. A person may renew an unexpired license by meeting the renewal requirements, paying the nonrefundable renewal fee before the expiration of the license, and meeting continuing education requirements.~~

~~5. The cost to renew a license within 90 days after the license has expired is the normal renewal fee plus a penalty in the amount of half the renewal fee.~~

~~6. The cost to renew a license that has been expired for more than 90 days but less than 2 years is the normal renewal fee plus a penalty in the amount of the renewal fee.~~

~~7. A license may not be renewed after it has been expired for more than 2 years. To be relicensed, a person must comply with all current application requirements to practice medical physics and must submit a new application and nonrefundable application fee to the agency.~~

(e)~~(f)~~ On receipt of an application and fee as specified in this section, the *department* ~~agency~~ may issue a license to practice medical physics in this state:

1. Until October 1, 1997, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experience in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

~~1. Until October 1, 1997, to a person who has earned from an accredited college or university a master's degree or doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering, and has at least 2 years of experience in the practice of the medical physics specialty for which application is made during the 4 years immediately before the application is made.~~

2. *On or* after October 1, 1997, to a person who~~:~~

~~a. Holds a license to practice medical physics in this state; or~~

~~b.~~ is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the *department* ~~agency~~.

(f)~~(g)~~ A licensee shall:

1. Display the license in a place accessible to the public; and

2. Report immediately any change in the licensee's address or name to the *department* ~~agency~~.

(g) The following acts are grounds for which the disciplinary actions in paragraph (h) may be taken:

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.

8. Failing to perform any statutory or legal obligation placed upon a licensee.

9. Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

10. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

11. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

12. Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.

13. Judicially determined mental incompetency.

14. Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

(h) When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

1. Deny the application for licensure.

2. Revoke or suspend the license.

3. Impose an administrative fine for each count or separate offense.

4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.

5. Restrict a licensee's practice.

6. Issue a reprimand to the licensee.

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

~~(h) The agency may refuse to issue or renew a license, suspend or revoke a license, or reprimand the licensee for the following:~~

~~1. Obtaining or renewing a license by means of fraud, misrepresentation, or concealment of material fact;~~

~~2. Having made an application for or held a license issued by the licensing authority of another state, territory, or jurisdiction which was denied, suspended, or revoked by that licensing authority without so informing the agency;~~

~~3. Engaging in unprofessional conduct related to the practice of medical physics that has endangered or is likely to endanger the health, safety, or welfare of the public;~~

~~4. Violating this section, a rule of the agency, or the practice standards for medical physics; or~~

~~5. Being convicted of a felony or of a misdemeanor that directly relates to a person's duties and responsibilities as a licensed medical physicist.~~

(j)~~(i)~~ The *department* ~~agency~~ may issue a temporary license to an applicant pending completion of the application process.

(7) FEES.—The fee for the initial license application shall be $500 and is nonrefundable. The fee for license renewal may not be more than $500. These fees may cover only the costs incurred by the *department* ~~agency~~ and the council to administer this section. By July 1 each year, the *department* ~~agency~~ shall advise the council if the fees are insufficient to administer this section.

(8) DISPOSITION OF FEES.—The *department* ~~agency~~ shall deposit all funds received into the Health Care Trust Fund.

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

~~(9) OFFENSES.—A person is in violation of this section if the person intentionally or knowingly:~~

~~(a) Practices medical physics in violation of this section; or~~

~~(b) Uses letters, terminology, symbols, or signs to indicate or imply qualifications or licensure to practice medical physics in any manner for which the person is not licensed.~~

~~(10) PENALTIES.—~~

~~(a) A person who violates this section or any rule adopted under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(b) The agency may modify, deny, suspend, or revoke a license, or may impose an administrative fine not to exceed $1,000 per violation, for the violation of any provision of this section, rule adopted under this section, or terms or conditions of any license issued by the agency. The agency shall develop specific disciplinary guidelines in accordance with s. 455.2273.~~

~~1. In determining the amount of a fine that is to be levied for a violation, the following factors must be considered:~~

~~a. The severity of the violation and the extent to which this section, any rule adopted under this section, or any term or condition of any license was violated.~~

~~b. Any action taken by the licensee to correct the violation.~~

~~c. Any previous violation by the licensee.~~

~~2. All amounts collected under this section must be deposited in the Health Care Trust Fund.~~

~~(c) If the agency determines that the licensee presents a clear and present danger to the public health or safety, the agency may issue an emergency order that immediately suspends or revokes his license.~~

(10)~~(11)~~ EXEMPTIONS.—This section does not apply to:

(a) A physician who is licensed by this state to the extent that *the physician* ~~he~~ practices within the scope of *the physician's* ~~his~~ training, education, and licensure;

(b) A person who is licensed under part IV of chapter 468 to the extent that *the person* ~~he~~ practices within the scope of *the person's* ~~his~~ training, education, and licensure;

(c) A person who performs beam calibration and characterization, quality assurance, instrument specification, acceptance testing, shielding design, or protection analysis on radiation-emitting equipment or radiopharmaceuticals in connection with procedures that are not involved with the diagnosis or treatment of disease or other medical or dental conditions in humans;

(d) A person who is employed by a federal or state regulatory agency and is performing duties within the scope of the person's employment;

(e) A student or intern who practices medical physics in conjunction with a program at an accredited college or university to the extent that the student or intern is adequately supervised by a licensed medical physicist or licensed physician; or

(f) A dentist or any person working under *the dentist's* ~~his~~ supervision pursuant to chapter 466 to the extent that the dentist or the person supervised by the dentist is practicing within the scope of his *or her* training, education, and licensure.

~~(12) LICENSURE EXCEPTION.—Notwithstanding the provisions of subsections (1)-(11), any medical physicist who, as of July 1, 1995, has practiced medical physics for 5 years or longer is entitled to continue to so practice and need not be licensed as a medical physicist.~~

Section 171. Subsection (2) of section 484.041, Florida Statutes, is amended to read:

484.041 Definitions.—As used in this part, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 172. Subsection (1) of section 484.042, Florida Statutes, is amended to read:

484.042 Board of Hearing Aid Specialists; membership, appointment, terms.—

(1) The Board of Hearing Aid Specialists is created within the Department of *Health* ~~Business and Professional Regulation~~ and shall consist of nine members to be appointed by the Governor and confirmed by the Senate.

Section 173. Subsection (2) of section 484.051, Florida Statutes, is amended to read:

484.051 Itemization of prices; delivery of hearing aid; receipt, packaging, disclaimer, guarantee.—

(2) Any person who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a receipt containing the seller's signature, the address of his regular place of business, and his license or trainee registration number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial

number of the hearing aid furnished and the amount charged for the hearing aid. The receipt also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the receipt shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, earmold, batteries and other accessories, and any services. Notice of the availability of this service shall be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the Department of *Health* ~~Business and Professional Regulation~~. The address and telephone number of such office shall be stated on the receipt.

Section 174. Subsection (2) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 175. Section 486.023, Florida Statutes, is amended to read:

486.023 Board of Physical Therapy Practice.—

(1) There is created within the department the Board of Physical Therapy Practice, composed of seven members~~, recommended by the Florida Physical Therapy Association and~~ appointed by the Governor *and*~~,~~ subject to confirmation by the Senate.

(2) Five board members shall be licensed physical therapists in good standing in this state who are residents of this state and *who* have been engaged in the practice of physical therapy for at least 4 years immediately prior to their appointment. One licensed physical therapist board member may be a full-time faculty member teaching in a physical therapy curriculum in an educational institution in this state. ~~One of~~ The two remaining members shall be *residents* ~~a resident~~ of this state who *have* ~~has~~ never been ~~a~~ licensed health care *practitioners* ~~practitioner~~. ~~One of the two remaining members shall be a health care practitioner licensed under chapter 458 or chapter 459 who is a resident of this state and has been engaged as a licensed health care practitioner for at least 4 years immediately prior to his or her appointment.~~

~~(3) Within 90 days after October 1, 1989, the Governor shall appoint the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4)~~(5)~~ All provisions of chapter 455 relating to activities of the board shall apply.

Section 176. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist; licensing requirements.—To be eligible for licensing as a physical therapist, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed, to the satisfaction of the board, *the American Registry Examination prior to 1971 or a national* ~~an~~ examination *approved* ~~administered~~ by the *board* ~~department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; ~~or~~

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 177. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to practice physical therapy before becoming licensed through examination, he shall apply ~~to the board~~ for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination and practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 178. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapist; examination of applicant.~~—The department shall provide for examination of applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examinations of an applicant for licensing as a physical therapist shall be ~~administered by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 179. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of license without examination to person passing examination of another authorized examining board; temporary permit; fee.—

(1) The board may cause a license to be issued through the department without examination to any applicant who presents evidence satisfactory to the board of having passed *the American Registry Examination prior to 1971 or* an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure in physical therapy in such other state, district, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical

therapist" or "physiotherapist," or the letters "P.T.," in connection with his name or place of business to denote his licensure hereunder.

(2) At the time of making application for licensure without examination pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $175 as fixed by the board, no part of which will be returned.

(3) If a person desires to practice physical therapy before becoming licensed through endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter. A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable.

Section 180. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; ~~or~~

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination ~~conducted by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 181. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to work as a physical therapist assistant before being licensed through examination, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination who is practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 182. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant; examination of applicant.—~~The department shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examination of an applicant for licensing as a physical therapist assistant shall be ~~provided by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 183. Section 486.123, Florida Statutes, is created to read:

486.123 Sexual misconduct in the practice of physical therapy.—The physical therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of physical therapy means violation of the physical therapist-patient relationship through which the physical therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of physical therapy is prohibited.

Section 184. Paragraph (g) is added to subsection (2) of section 486.125, Florida Statutes, to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(g) Recovery of actual costs of investigation and prosecution.

Section 185. Subsection (11) is added to section 641.495, Florida Statutes, 1996 Supplement, to read:

641.495 Requirements for issuance and maintenance of certificate.—

(11) The organization shall designate a medical director who is a physician licensed under chapter 458 or chapter 459.

Section 186. Subsection (2) of section 468.1645, Florida Statutes, is amended to read:

468.1645 Administrator license required.—

(2) Nothing in this part or in the rules adopted hereunder shall require an administrator of any facility or institution operated by *and* ~~a recognized church or religious denomination~~ for persons who rely exclusively upon treatment by spiritual means through prayer, *in accordance with the creed or tenets of any organized church or religious denomination, to be licensed as a nursing home administrator if the administrator* ~~who~~ is employed only to administer *in such facilities or* institutions ~~accredited by such church or denomination~~ for the care and treatment of the sick ~~in accordance with its teachings, to be licensed as a nursing home administrator~~.

Section 187. Effective upon this act becoming a law, paragraphs (a) and (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement are amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a

restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. *The agency-developed examination must be made available no later than September 1, 1998, to a physician who qualifies for licensure.* A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

Section 188. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

Section 189. Subsection (3) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(3)~~(a)~~ A person that engages in wholesale distribution of prescription drugs in this state must have a wholesale distributor's permit issued by the department, *except as noted in this section. Each establishment must be separately permitted except as noted in this subsection.*

(a) A separate establishment permit is not required when a permitted prescription drug wholesaler consigns a prescription drug to a pharmacy that is permitted under chapter 465 and located in this state, provided that:

1. The consignor wholesaler notifies the department in writing of the contract to consign prescription drugs to a pharmacy along with the identity and location of each consignee pharmacy;

2. The pharmacy maintains its permit under chapter 465;

3. The consignor wholesaler, which has no legal authority to dispense prescription drugs, complies with all wholesale distribution requirements of s. 499.0121 with respect to the consigned drugs and maintains records documenting the transfer of title or other completion of the wholesale distribution of the consigned prescription drugs;

4. The distribution of the prescription drug is otherwise lawful under this chapter and other applicable law;

5. Open packages containing prescription drugs within a pharmacy are the responsibility of the pharmacy, regardless of how the drugs are titled; and

6. The pharmacy dispenses the consigned prescription drug in accordance with the limitations of its permit under chapter 465 or returns the consigned prescription drug to the consignor wholesaler. In addition, a person who holds title to prescription drugs may transfer the drugs to a person permitted or licensed to handle the reverse distribution or destruction of drugs. Any other distribution by and means of the consigned prescription drug by any person, not limited to the consignor wholesaler or consignee pharmacy, to any other person is prohibited.

(b) A wholesale distributor's permit is not required for the one-time transfer of title of a pharmacy's lawfully acquired prescription drug inventory by a pharmacy with a valid permit issued under chapter 465 to a consignor prescription drug wholesaler, permitted under this chapter, in accordance with a written consignment agreement between the pharmacy and that wholesaler if: the permitted pharmacy and the permitted prescription drug wholesaler comply with all of the provisions of paragraph (3)(a) and the prescription drugs continue to be within the permitted pharmacy's inventory for dispensing in accordance with the limitations of the pharmacy permit under chapter 465. A consignor drug

wholesaler may not use the pharmacy as a wholesale distributor through which it distributes the legend drugs to other pharmacies. Nothing in this section is intended to prevent a wholesale drug distributor from obtaining this inventory in the event of nonpayment by the pharmacy.

(c)~~(b)~~ The department shall require information from each wholesale distributor as part of the permit and renewal of such permit, as required under s. 499.01.

Section 190. *The Board of Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 191. *The Board of Osteopathic Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 192. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled

substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination; creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; requiring the Board of Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; requiring the Board of Osteopathic Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; providing an effective date.

Senator Williams moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 114, line 9-14, delete those lines and insert: *pharmacist members, one must be currently engaged in the practice of pharmacy in a community pharmacy, one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy*

or a Modified Class II institutional pharmacy, and five shall be pharmacists licensed in this state

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 116, lines 2-22, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 241, line 29 through page 242, line 2, delete those lines and insert: for rules; amending s. 465.0156, F.S.;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 235, between lines 9 and 10, insert:

Section 192. *(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 46l, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent l0 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.

(2) Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to $50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.3l9, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous l0 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 193. *(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).*

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which has been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 194. *The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.*

Section 195. *Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.*

Section 196. *Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.*

Section 197. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 198. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 199. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 200. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 201. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable*;*~~.~~

(i) Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 202. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 203. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 204. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 205. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 206. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed $350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 207. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 208. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a

violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 209. Section 455.2478, Florida Statutes, is created to read:

455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 210. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against,~~ Any insurer reporting hereunder or its agents or employees or the department or its employees *is not liable* for any action taken by them *under* ~~pursuant to~~ this section, *except that the department shall impose a fine of $250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 211. *The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.*

Section 212. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 213. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificate-holder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 214. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted

pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~ and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

And the title is amended as follows:

On page 250, line 12, after the semicolon (;) insert: requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references;

RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 1C** was adopted. **Amendment 1C** was adopted.

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 235, between lines 9 and 10, insert: Section 19227. Section 458.351, Florida Statutes, is created to read:

458.351 Telemedicine; licensure required; exception.—In addition to any other provision of this chapter defining or otherwise regulating the practice of medicine, any physician, or osteopathic physician licensed under chapter 459, wherever located, who has primary authority over the care or diagnosis of a patient located in this state is practicing medicine in this state and shall be subject to licensure as required by this chapter. A physician lawfully licensed in another state or territory of the United States or in a foreign country who engages in consultation with a physician or osteopathic physician duly licensed in this state and does not exercise primary authority over the patient's care and diagnosis is exempt from licensure, as provided in s. 458.303(1)(b) or s. 459.002(1)(b). In the case of electronic transmission of radiographic images, a physician who provides, through an ongoing regular arrangement, official authenticated interpretations of radiographic images to any health care practitioner or patient located in this state shall be regarded as exercising primary authority over the diagnosis of the involved patient and subject to licensure as required by this chapter.

(Renumber subsequent section.)

And the title is amended as follows:

On page 250, line 12, after the semicolon (;) insert: creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images;

RECONSIDERATION OF AMENDMENT

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1D** was adopted. **Amendment 1D** was withdrawn.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E (with title amendment)—On page 235, between lines 9 and 10, insert:

Section 192. Subsections (6) through (11) of section 409.9122, Florida Statutes, 1996 Supplement, are redesignated as subsections (7) through (12), respectively, and a new subsection (6) is added to that section to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to four visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits must be by prior authorization by the MediPass primary care provider. However, nothing in this subsection may be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act.

And the title is amended as follows:

On page 250, line 12, after the semicolon (;) insert: amending s. 409.9122, F.S.;

Senator Grant moved the following amendment to **Amendment 1** which was adopted:

Amendment 1F (with title amendment)—On page 235, between lines 9 and 10, insert:

Section 192. *(1) There is created within the Department of Health a Task Force on Exemptions from Licensure under section 468.505(1)(k), Florida Statutes. The Department of Health shall provide staff support for the task force. The task force shall consist of not more than 15 members nominated by the associations and entities named in this section and appointed by the Secretary of Health. Members of the task force shall not receive compensation, per diem, or reimbursement for travel expenses for service on the task force. Participation in the task force is optional and at the discretion of each identified group or entity. If all identified groups and entities participate, the task force shall include:*

(a) One representative from each of the following associations:

1. The Florida Dietetic Association.

2. The Florida Health Care Association.

3. The Florida Association of Homes for the Aging.

4. The Florida Assisted Living Association.

5. The Florida League of Health Systems.

6. The Association of Community Hospitals and Health Systems of Florida, Inc.

7. The Florida Hospital Association.

8. The Florida Medical Association.

9. The Florida Osteopathic Medical Association.

(b) One representative from each of the following entities:

1. The Department of Health.

2. The Dietetics and Nutrition Practice Council.

3. The Board of Medicine, which representative must be a member of the board who is licensed under chapter 458, Florida Statutes.

4. The Board of Osteopathic Medicine, which representative must be a member of the board who is licensed under chapter 459, Florida Statutes.

5. The Department of Elderly Affairs.

6. The Agency for Health Care Administration.

(2) The task force shall hold its first meeting no later than August 1, 1997, and shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance not later than December 31, 1997. All task force meetings must be held in Tallahassee at the Department of Health in order to minimize costs to the state.

(3) The task force shall be charged with the responsibility to:

(a) Determine the number of licensed dietitians, the number of registered dietitians, and the number of dietitians who are neither licensed nor registered who are employed by or under contract with a hospital licensed under chapter 395, Florida Statutes, a nursing home or assisted living facility licensed under part II or part III of chapter 400, Florida Statutes, or a continuing care facility certified under chapter 651, Florida Statutes; and

(b) Assess the need and make recommendations for retaining the exemptions from licensure under section 468.505(1)(k), Florida Statutes, in light of the legislative purpose and intent of licensure as set forth in section 468.502, Florida Statutes, and review the quality of dietetic and nutrition services provided in the settings set forth in section 468.505(1)(k), Florida Statutes.

(4) The task force is dissolved effective January 1, 1998.

(Renumber subsequent section.)

And the title is amended as follows:

On page 250, line 12, after the semicolon (;) insert: creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force;

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G (with title amendment)—On page 235, between lines 9 and 10, insert:

Section 192. Section 458.351, Florida Statutes, is created to read:

458.351 Telemedicine; licensure required; exception.—In addition to any other provision of this chapter defining or otherwise regulating the practice of medicine, any physician, or osteopathic physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state is practicing medicine in this state and shall be subject to licensure as required by this chapter or chapter 459. A physician lawfully licensed in another state or territory of the United States or in a foreign country who engages in consultation with a physician or osteopathic physician duly licensed in this state and does not exercise primary authority over the patient's care and diagnosis is exempt from licensure, as provided in s. 458.303(1)(b) or s. 459.002(1)(b). In the case of electronic transmission of radiographic images, a physician who provides, through an ongoing regular arrangement, official authenticated interpretations of radiographic images to any health care practitioner or patient located in this state shall be regarded as exercising primary authority over the diagnosis of the involved patient and subject to licensure as required by this chapter or chapter 459.

(Renumber subsequent section.)

And the title is amended as follows:

On page 250, line 12, after the semicolon (;) insert: creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 2013** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

CS for CS for SB 698—A bill to be entitled An act relating to enforcement of child support; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending s. 61.052, F.S.; requiring that all initial pleadings in all dissolution of marriage actions contain the social security numbers of all parties; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; requiring that all child support orders contain the social security numbers of all parties to the action; amending s. 61.1301, F.S.; providing for inclusion of an income deduction order in an order establishing, enforcing, or modifying a child support obligation; making conforming changes; providing for enforcement of income deduction; amending s. 61.13016, F.S.; providing for suspension of a driver's license or motor vehicle registration for failure to comply with a subpoena; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing rulemaking authority; amending s. 61.181, F.S.; extending a date with respect to the central depositories; amending s. 61.1812, F.S.; providing a new source of funding for the child support enforcement program; amending s. 61.1814, F.S.; providing for deposit of money from specified fines; amending s. 61.30, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing for determination and imputation of income on a monthly basis in determining a child support award; providing that in adjusting a child support award based on independent income of child, money from a part-time job or supplemental security income is not to be included; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; providing for agency review of orders; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to employer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal that issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that that department

may release confidential tax payer information to any state or local child support enforcement program; amending s. 231.17, F.S.; requiring that applications for teaching certificates contain the social security number of the applicant; amending s. 382.008, F.S.; requiring that all certificates of death or fetal death contain the social security number of the decedent, if available; amending s. 320.05, F.S.; providing that the department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; amending s. 402.308, F.S.; requiring that applications for child care facilities licenses contain the social security number of the applicant; amending s. 409.2554, F.S.; conforming a cross-reference; amending s. 409.2561, F.S.; providing for application of child support guidelines to determination of public assistance reimbursement obligation; amending s. 409.2564, F.S.; providing the department with authority to subpoena information and to impose a fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; amending s. 409.25656, F.S.; authorizing the department to garnish obligors' wages; providing that levy notice remains in effect until final resolution of action contesting notice; establishing continuing obligation of notice of property in possession or control; prohibiting transfer or disposal of property within effective period of notice; authorizing the department to bring action to compel compliance with levy; providing rules authority; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2567, F.S.; conforming provisions; amending s. 409.2574, F.S.; providing for service of notice of income deduction; amending s. 409.2577, F.S.; providing an effective date; requiring the Department of Revenue to notify the U.S. Department of Health and Human Services of reasonable evidence of domestic violence or child abuse the disclosure of which could be harmful to parent or child; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing an administrative fine; providing rulemaking authority; creating s. 409.25785, F.S.; providing an effective date; creating a state directory of new hires; providing for transition of new hire reporting and for operation of directory; requiring all employers to furnish information concerning newly hired employees; providing for notice of wage withholding; providing for use and disclosure of new hire information; amending s. 409.2579, F.S.; prohibiting the state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; providing that the child support agency may report specified information pertaining to injury, neglect, or exploitation of a child to an appropriate agency or official when the child's health is threatened; amending s. 409.2598, F.S.; providing that the state child support agency may take action against the license of an obligor who fails to comply with a subpoena; providing procedures; amending s. 414.38, F.S.; providing for the pilot work experience and job training program for noncustodial parents to be conducted throughout the state; providing for the program to be administered by the Department of Children and Family Services and the Department of Labor and Employment Security through local WAGES coalitions; providing requirements for service providers; requiring evaluations of the program; amending s. 443.171, F.S.; providing that a governmental agency need not file an employment record relating to specified employees; amending s. 443.1715, F.S.; providing for confidentiality of employment records of specified governmental employees; repealing s. 443.175, F.S., which provides for a pilot project on reports of new hire information; amending s. 455.213, F.S.; requiring that all applications for professional or occupational licenses contain the social security number of the applicant; amending s. 455.2141, F.S.; requiring that all applications for licenses within the jurisdiction of the Agency for Health Care Administration contain the social security number of the applicant; amending s. 548.021, F.S.; requiring that applications for licenses for pugilistic exhibitions contain the social security number of the applicant; amending s. 626.171, F.S.; requiring that applications for various insurance licenses contain the social security number of the applicant; amending s. 741.04, F.S.; requiring that affidavits to obtain a marriage license contain the social security number of both parties; amending s. 742.031, F.S.; requiring that the social security number of each party be entered on an order of paternity; providing certain presumptions regarding custody and providing authority for the court to make certain parental responsibility and custody determinations; providing for prima facie evidence of expenses of genetic testing; requiring a temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to a paternity action to file specified information with the court; providing for use of such information in subsequent action; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of a foreign paternity order that is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to the state child support agency; providing for draft requests for a proposal by the Department of Revenue; providing for a report to the Legislature on the draft proposals; providing certain time limitations for developing and submitting the draft proposals; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; requiring a report from the Department of Revenue; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for CS for SB 698** to **HB 2031**.

Pending further consideration of **CS for CS for SB 698** as amended, on motion by Senator Dudley, by two-thirds vote **HB 2031** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motions by Senator Dudley, by two-thirds vote—

HB 2031—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending ss. 61.052, 382.008, 455.213, 455.2141, and 741.04, F.S.; requiring the inclusion of a person's social security number in judgments for dissolution of marriage, in death certificates, in certain licensing provisions, and in certain other provisions of law; amending s. 61.13, F.S.; revising language with respect to orders for child support; amending s. 61.1301, F.S.; revising language with respect to income deduction; providing for income deduction notice; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver's license of a child support obligor; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the IV-D agency; amending s. 61.14, F.S.; providing for the modification of certain support orders without a substantial change of circumstances; providing that workers' compensation payments are not exempt from garnishment, attachment, execution, and assignment of income for the purpose of enforcing child or spousal support obligations; amending s. 61.181, F.S.; extending a date with respect to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; amending s. 61.1812, F.S.; revising language with respect to the Child Support Incentive Trust Fund; amending s. 61.1814, F.S.; changing the name of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.30, F.S.; providing that in certain Title IV-D cases no change of circumstances need to be proven to warrant a modification in child support payments; providing for retroactive child support under certain circumstances; providing that the Legislature shall review the child support guidelines at least every 4 years beginning in 1997; providing for a child support guidelines study; providing for a report; amending s. 88.1011, F.S.; revising definitions with respect to the Uniform Interstate Family Support Act; amending ss. 88.1021, 88.2031, and 88.3031, F.S.; conforming to the act; amending s. 88.2051, F.S., relating to continuing exclusive jurisdiction; amending s. 88.2071, F.S.; providing for the recognition of controlling child support orders; amending s. 88.3011, F.S.; correcting a cross reference; amending s. 88.3041, F.S.; providing a procedure when a responding state has not enacted a law similar to the Uniform Interstate Family Support Act; amending ss. 88.3051, 88.3061, 88.3071, and 88.6061, F.S.; deleting reference to first class mail for certain notification; amending s. 88.5011, F.S.; providing for the employer's receipt of an income-withholding order of another state; creating s. 88.50211, F.S., relating to the employer's compliance with the income-withholding order of another state; creating s. 88.5031, F.S.; providing for compliance with multiple income-withholding orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for the contest by the

obligor of the validity of enforcement of an income-withholding order under certain circumstances; transferring and renumbering s. 88.5021, F.S., to conform to the act; amending s. 88.6051, F.S.; revising language with respect to notice of registration of order; amending s. 88.6111, F.S.; revising language with respect to modification of a child support order of another state; amending s. 88.6121, F.S., relating to the recognition of an order modified in another state; creating s. 88.6131, F.S.; providing for jurisdiction to modify the child support order of another state when individual parties reside in this state; creating s. 88.6141, F.S.; providing for notice to the issuing tribunal of modifications; amending s. 88.7011, F.S.; revising language with respect to proceeding to determine parentage; creating s. 88.9051, F.S.; providing for rules; amending s. 213.053, F.S.; revising language with respect to confidentiality and information sharing by the Department of Revenue; amending ss. 231.17, 402.308, 548.021, and 626.171, F.S.; requiring the inclusion of the applicant's social security number on applications for teaching certificates, child care facility licenses, a license or permit issued by the State Athletic Commission, and certain insurance licenses; amending s. 320.05, F.S.; directing the Department of Highway Safety and Motor Vehicles to disclose certain information to child support enforcing agencies; amending s. 382.013, F.S.; providing for the use of certain information regarding registered births; providing for certain information to be given to unwed mothers; amending ss. 383.0112, 383.0113, and 383.216, F.S., relating to the Commission on Responsible Fatherhood; postponing date of a statewide symposium; revising appointment of commission members; providing terms; providing for assignment to the Department of Children and Family Services; providing for inclusion of certain programs in the plan of each prenatal and infant health care coalition; amending s. 409.2554, F.S.; correcting a cross reference; creating s. 409.25575, F.S.; providing for the privatization of child support enforcement; amending s. 409.2561, F.S.; revising language with respect to reimbursement for public assistance payments made for support of a child; amending s. 409.2564, F.S.; revising language with respect to actions for support; creating s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; amending s. 409.25645, F.S.; authorizing the use of administrative orders to require genetic testing in Title IV-D cases; amending s. 409.25656, F.S.; revising language with respect to garnishment; creating s. 409.25657, F.S.; providing requirements for financial institutions; amending s. 409.2567, F.S.; revising language with respect to services to individuals not otherwise entitled to delete reference to paternity determination; amending s. 409.2574, F.S.; directing the department to serve notice on the obligor with respect to income deduction notice; creating s. 409.2576, F.S.; creating a State Directory of New Hires; providing definitions, reports, and data; providing for service of deduction notices; providing disclosure; providing for rulemaking; amending s. 409.2577, F.S.; revising language with respect to the parent locator service; providing for certain notification; creating s. 409.2578, F.S.; providing for access to employment information; providing administrative fines; amending s. 409.2579, F.S.; revising language with respect to safeguarding Title IV-D case file information; amending s. 409.2598, F.S., relating to suspension or denial of new or renewal licenses, registrations, and certification; amending s. 414.028, F.S.; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; amending s. 443.171, F.S., relating to records and reports of employing units with respect to unemployment compensation; amending s. 443.1715, F.S., relating to the disclosure of certain information with respect to unemployment compensation; amending s. 742.031, F.S.; providing for the recording of each parties social security number on the order adjudicating paternity; providing that certain bills are admissible in evidence; providing requirements with respect to a judgment of paternity which does not contain an explicit award of custody; providing for temporary orders of child support; creating s. 742.032, F.S.; providing for the filing of location information; amending s. 742.10, F.S.; providing that certain persons may rescind an acknowledgment of paternity under certain circumstances; providing for certain rules; providing for the effect of a signed voluntary acknowledgement of paternity; amending s. 742.105, F.S., relating to the effect of a determination of paternity from a foreign jurisdiction; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; amending s. 744.301, F.S.; revising language with respect to natural guardians; amending s. 943.053, F.S.; directing the Department of Law Enforcement to disclose certain information to the child support enforcement agency; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; directing the department to develop a draft request for a state disbursement unit and a state case registry; providing for a report; providing legislative findings with respect to protection of applicants and recipients of certain public assistance; repealing s. 443.175, F.S., relating to pilot projects; requiring a report from the Department of Revenue; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 698** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 2031** was placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Myers—

CS for SB 1632—A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.243, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with postsecondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584, F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing

disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; creating s. 455.681, F.S.; providing for inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; requiring the Secretary of Health to appoint a task force to study the validation of health care practitioner credentials; providing membership of the task force; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1632** to **HB 1925**.

Pending further consideration of **CS for SB 1632** as amended, on motion by Senator Myers, by two-thirds vote **HB 1925** was withdrawn from the Committees on Health Care; and Ways and Means.

On motions by Senator Myers, the rules were waived and by two-thirds vote—

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1632** as amended and by two-thirds vote read the second time by title.

Senator Myers moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists,

as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

Section 2. Section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(a) Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities.

(b) Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs.

(c) Conduct special studies of the causes of diseases and formulate preventive strategies.

(d) Promote the maintenance and improvement of the environment as it affects public health.

(e) Promote the maintenance and improvement of health in the residents of the state.

(f) Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems.

(g) Provide health care and early intervention services to infants, toddlers, children, adolescents, and high-risk perinatal patients who are at risk for disabling conditions or have chronic illnesses.

(h) Develop working associations with all agencies and organizations involved and interested in health and health care delivery.

(i) Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems.

(j) Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes.

(k) Biennially publish, and annually update, a state health plan that assesses current health programs, systems, and costs; makes projections of future problems and opportunities; and recommends changes needed in the health care system to improve the public health.

(l) Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.

(2) The head of the Department of Health is the Secretary of Health and State Health Officer. The secretary must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of Environmental Health.

(c) Division of Disease Control.

(d) Division of Family Services.

(e) Division of Children's Medical Services.

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

~~The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.~~

(4)(a) The members of each board within the department shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to paragraph (b). Members shall be appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be used to ensure that:

1. No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.

2. No more than three members' terms expire during the same calendar year for boards consisting of 9 to 12 members.

3. No more than five members' terms expire during the same calendar year for boards consisting of 13 or more members.

A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.

(b) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

(c) Notwithstanding any other provision of law, the department is authorized to establish uniform application forms and certificates of licensure for use by the boards within the department. Nothing in this paragraph authorizes the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(5)~~(4)~~ The department shall plan and administer its public health programs through its county health departments and may, for administrative purposes and efficient service delivery, establish up to 15 service areas to carry out such duties as may be prescribed by the secretary. The boundaries of the service areas shall be the same as, or combinations of, the districts of the health and human services boards established in s. 20.19 and, to the extent practicable, shall take into consideration the boundaries of the jobs and education regional boards.

(6)~~(5)~~ The secretary and division directors are authorized to appoint ad hoc advisory committees as necessary. The issue or problem that the ad hoc committee shall address, and the timeframe within which the committee is to complete its work, shall be specified at the time the committee is appointed. Ad hoc advisory committees shall include representatives of groups or entities affected by the issue or problem that the committee is asked to examine. Members of ad hoc advisory committees shall receive no compensation, but may, within existing departmental resources, receive reimbursement for travel expenses as provided in s. 112.061.

Section 3. Section 455.01, Florida Statutes, 1996 Supplement, is amended to read:

455.01 Definitions.—As used in this *part* ~~chapter~~, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, including the Florida Real Estate Commission; except that, for ss. 455.201-455.261, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Certified Public Accounting, ~~the Division of Medical Quality Assurance,~~ the Division of Professions, or the Division of Real Estate.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Business and Professional Regulation.

~~(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 474; chapter 484; chapter 486; chapter 490; or chapter 491.~~

(4)~~(5)~~ "License" means any permit, registration, certificate, or license issued by the department.

(5)~~(6)~~ "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(6)~~(7)~~ "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, ~~Medical Quality Assurance,~~ Professions, Real Estate, and Regulation.

Section 4. Section 455.203, Florida Statutes, 1996 Supplement, is amended to read:

455.203 Department; ~~Agency for Health Care Administration;~~ powers and duties.—The department ~~and the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; ~~provided,~~ however, the department ~~or the Agency for Health Care Administration~~ may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department ~~or the Agency for Health Care Administration~~.

(5) Adopt all rules necessary to administer this *part* ~~chapter~~.

(6) Establish by *rule* ~~rules~~ procedures by which the department ~~and the Agency for Health Care Administration~~ shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, ~~the Agency for Health Care Administration,~~ an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license

without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 5. Section 455.205, Florida Statutes, is amended to read:

455.205 Contacting boards through department ~~or agency~~.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee or at any regional office of the department. ~~Each board under the jurisdiction of the Agency for Health Care Administration may be contacted through the headquarters of the Agency for Health Care Administration in the City of Tallahassee.~~

Section 6. Subsections (1) and (3) of section 455.207, Florida Statutes, are amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department ~~and each board within the Agency for Health Care Administration~~ shall comply with the provisions of this section.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this *part* ~~chapter~~ or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

Section 7. Section 455.208, Florida Statutes, is amended to read:

455.208 Publication of information.—The department~~, the Agency for Health Care Administration,~~ and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department~~, the Agency for Health Care Administration,~~ or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 8. Subsection (2) of section 455.209, Florida Statutes, is amended to read:

455.209 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department ~~or the Agency for Health Care Administration, as appropriate~~, or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department, the agency, or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 9. Subsections (1) and (2) of section 455.211, Florida Statutes, 1996 Supplement, are amended to read:

455.211 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. ~~The Director of Health Care Administration shall have standing to challenge any rule or proposed rule of any board under its jurisdiction, pursuant to s. 120.56.~~ In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary ~~or the Director of Health Care Administration~~, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary~~, the Director of Health Care Administration,~~ or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

Section 10. Subsections (3), (7), and (8) of section 455.213, Florida Statutes, 1996 Supplement, are amended to read:

455.213 General licensing provisions.—

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

(7) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to any practice act within the purview of this *part* ~~chapter~~ may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(8) In any instance in which a licensee or applicant to the department ~~or the Agency for Health Care Administration~~ is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 11. Subsections (3) and (6) of section 455.214, Florida Statutes, are amended to read:

455.214 Limited licenses.—

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this *part* ~~chapter~~ or the applicable practice act.

(6) Each applicant granted a limited license is subject to all the provisions of this *part* ~~chapter~~ and the respective practice act under which the limited license is issued which are not in conflict with this section.

Section 12. Paragraph (e) of subsection (1) of section 455.217, Florida Statutes, 1996 Supplement, is amended to read:

455.217 Examinations.—

(1) The Division of Technology, Licensure, and Testing of the Department of Business and Professional Regulation shall provide services for the preparation and administration of all examinations.

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this *part* ~~chapter~~. All fees paid by the user for professions not regulated by this *part* ~~chapter~~ shall be applied to offset the fees for the development and administration of that profession's examination.

Section 13. Section 455.2175, Florida Statutes, is amended to read:

455.2175 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department ~~or the Agency for Health Care Administration~~, whether *such* ~~said~~ examination is reproduced or copied in part or in whole and by any means, *constitutes* ~~shall constitute~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 455.218, Florida Statutes, is amended to read:

455.218 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, ~~within their respective jurisdictions, the Agency for Health Care Administration and~~ the department shall by rule provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department ~~or the Agency for Health Care Administration, as appropriate,~~ and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department ~~or the Agency for Health Care Administration~~, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department ~~or the Agency for Health Care Administration~~ may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department ~~and the Agency for Health Care Administration~~ shall develop rules for the approval of such programs for *its* ~~their respective~~ boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department ~~or the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall provide a written practical examination *that* ~~which~~ tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department ~~or the Agency for Health Care Administration~~ as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department ~~or the Agency for Health Care Administration~~ on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department ~~and the Agency for Health Care Administration~~ shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this *part* ~~chapter~~ and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this *part* ~~chapter~~ and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department or agency and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 15. Section 455.2185, Florida Statutes, is amended to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this *part* ~~chapter~~ and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed ~~health care facility or~~ veterinary facility without the approval of that facility.

Section 16. Subsections (1) and (2) of section 455.221, Florida Statutes, are amended to read:

455.221 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or

independent legal counsel approved by the Attorney General shall be paid from the Professional Regulation Trust Fund ~~or the Health Care Trust Fund, as appropriate~~. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~ may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or *used* ~~utilized~~ by the department ~~or the Agency for Health Care Administration~~ shall prosecute a matter and provide legal services to the board with respect to the same matter.

Section 17. Subsection (1) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) ~~As of July 1, 1991,~~ The ~~appropriate~~ Board *of Funeral Directors and Embalmers* shall require each person licensed or certified under ~~chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468;~~ chapter 470~~; or chapter 486~~ to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

Section 18. Subsection (1) of section 455.2228, Florida Statutes, is amended to read:

455.2228 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 476 *or* ~~,~~ chapter 477~~, chapter 480, or part XIV of chapter 468~~ to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

Section 19. Section 455.223, Florida Statutes, 1996 Supplement, is amended to read:

455.223 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department ~~or the Agency for Health Care Administration~~, the department ~~or the agency~~ shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department ~~or the Agency for Health Care Administration~~ shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 20. Subsections (1), (2), (3), and (6) of section 455.224, Florida Statutes, are amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board, or the department ~~or the Agency for Health Care Administration~~ when there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department ~~or the agency, whichever has jurisdiction,~~ within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department ~~or the agency~~ when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department ~~or the Agency for Health Care Administration~~ shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board *or*~~,~~ department~~, or agency~~ rule, as part of the penalty levied pursuant to the citation.

(6) Within *its jurisdiction* ~~their respective jurisdictions~~, the department *has* ~~and the Agency for Health Care Administration have~~ exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department ~~or the agency~~ exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 21. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department ~~or the Agency for Health Care Administration, as appropriate~~.

(1) The department ~~or the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this *part* ~~chapter~~, of any of the practice acts relating to the professions regulated by the department ~~or the agency~~, or of any rule adopted by the department~~, the agency,~~ or a regulatory board in the department ~~or the agency~~ has occurred. In order to determine legal sufficiency, the department ~~or the agency~~ may require supporting information or documentation. The department ~~or the agency~~ may investigate, and the department~~, the agency,~~ or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department ~~or the agency~~ may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the ~~alleged~~ violations *alleged* in the complaint are true. The department ~~or the agency~~ may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department ~~or the agency~~ may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, ~~a rule of the agency,~~ or a rule of a board. ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6),~~ When an investigation of any subject is undertaken, the department ~~or the agency~~ shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree

in writing that such notification would be detrimental to the investigation, the department ~~or the agency~~ may withhold notification. The department ~~or the agency~~ may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department ~~and the Agency for Health Care Administration~~ shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department ~~or the agency~~ shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department ~~or the agency~~. The report shall contain the investigative findings and the recommendations of the department ~~or the agency~~ concerning the existence of probable cause. At any time after legal sufficiency is found, the department ~~or the agency~~ may dismiss any case, or any part thereof, if the department ~~or the agency~~ determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department ~~or the agency~~ shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department ~~or the agency~~ dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department ~~or the agency~~ may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department ~~or the agency~~ if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, ~~or by the department or the Agency for Health Care Administration~~, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department ~~or the agency~~. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department ~~or the agency~~ shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department ~~or the agency~~. The probable cause panel or the department ~~or the agency~~, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department ~~or the agency~~. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department ~~or the agency~~ may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. In lieu of a finding of probable cause, the probable cause panel, or the department ~~or the agency~~ when there is no board, may issue a letter of guidance to the subject. If the probable cause panel finds that probable cause exists, it shall direct the department ~~or the agency~~ to file a formal complaint against the licensee. The department ~~or the agency~~ shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department ~~or the agency~~ shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department ~~or the agency~~ may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department ~~or the agency~~ shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department ~~or the agency~~ shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department ~~or the agency~~ within 1 year after the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the ~~Health Care Trust Fund or the~~ Professional Regulation Trust Fund~~, as appropriate~~. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department ~~or the agency~~.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee ~~or the Director of Health Care Administration or his designee, as appropriate~~, who shall issue the final summary order.

(9) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department ~~or the Agency for Health Care Administration~~ are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department ~~or the agency~~, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department ~~or the agency~~ shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. ~~Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241.~~ The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department ~~or the agency~~. This subsection does not prohibit the department ~~or the Agency for Health Care Administration~~ from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

~~(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.~~

~~(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.~~

~~(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.~~

Section 22. Paragraphs (b), (d), (g), (i), (j), and (q) of subsection (1) and subsection (4) of section 455.227, Florida Statutes, are amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(b) Intentionally violating any rule adopted by the board *or*~~,~~ the department, ~~or the Agency for Health Care Administration,~~ as appropriate.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices ~~with the Department of Health and Rehabilitative Services~~.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department ~~or the agency~~ against another licensee.

(i) ~~Except as provided in s. 465.016,~~ Failing to report to the department any person who the licensee knows is in violation of this *part* ~~chapter~~, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this *part* ~~chapter~~, the chapter regulating the profession, or the rules of the department or the board.

(q) Violating any provision of this *part* ~~chapter~~, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department ~~or the Agency for Health Care Administration, as appropriate,~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this *part* ~~chapter~~, or any provision of law with respect to professions regulated by the department ~~or the agency~~, or any board therein, or the rules adopted pursuant thereto.

Section 23. Section 455.2273, Florida Statutes, 1996 Supplement, is amended to read:

455.2273 Disciplinary guidelines.—

(1) Each board, or the department when there is no board, shall adopt, by rule, and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department when there is no board, pursuant to this *part* ~~chapter~~, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department when there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department ~~or the Agency for Health Care Administration, as appropriate,~~ must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

~~(5) The rules provided for in this section shall be promulgated no later than January 1, 1993.~~

(5)~~(6)~~ The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 24. Section 455.2275, Florida Statutes, is amended to read:

455.2275 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license from the department ~~or the Agency for Health Care Administration~~, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from either the department ~~or the agency~~, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 25. Subsections (1), (2), and (5) of section 455.228, Florida Statutes, 1996 Supplement, are amended to read:

455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department ~~or the Agency for Health Care Administration~~ has probable cause to believe that any person not licensed by the department ~~or the agency~~, or the appropriate regulatory board within the department ~~or the agency~~, has violated any provision of this *part* ~~chapter~~ or any statute that relates to the practice of a profession regulated by the department ~~or the agency~~, or any rule adopted pursuant thereto, the department ~~or the agency~~ may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department ~~or the agency~~ may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department ~~or the agency~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department ~~or the agency~~ may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department ~~or the agency~~ is required to seek enforcement of the ~~agency~~ order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department ~~or the agency~~ may seek the imposition of a civil penalty through the circuit court for any violation for which the department ~~or the agency~~ may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department ~~or the agency~~ prevails, may also award reasonable costs of investigation.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department ~~or the Agency for Health Care Administration~~.

Section 26. Section 455.2285, Florida Statutes, is amended to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department *is* ~~and the Agency for Health Care Administration are each~~ directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.

(2) The number of complaints received and investigated.

(3) The number of findings of probable cause made.

(4) The number of findings of no probable cause made.

(5) The number of administrative complaints filed.

(6) The disposition of all administrative complaints.

(7) A description of disciplinary actions taken.

(8) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273.

(9) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 27. Section 455.229, Florida Statutes, 1996 Supplement, is amended to read:

455.229 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department ~~or the Agency for Health Care Administration~~ of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department ~~or the Agency for Health Care Administration~~, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department ~~or the Agency for Health Care Administration~~ by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department ~~or the agency~~.

(2) The department ~~or the Agency for Health Care Administration~~ shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department ~~or the agency~~ shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department ~~or the agency~~ at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department ~~or the agency~~ may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department ~~or the agency~~ for the examination hearing.

Section 28. Subsection (1) of section 455.232, Florida Statutes, is amended to read:

455.232 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department ~~or the Agency for Health Care Administration~~, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

Section 29. Section 455.24, Florida Statutes, is amended to read:

455.24 Advertisement by a *veterinarian* ~~health care provider~~ of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a *person* ~~health care provider~~ licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466,~~ chapter 474, ~~or chapter 486,~~ the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE ~~PATIENT AND ANY OTHER~~ PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT *THAT* ~~WHICH~~ IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 30. Section 455.242, Florida Statutes, is amended to read:

455.242 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of ~~chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, part I of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462,~~ shall provide by rule for the disposition, under *that* ~~said~~ chapter, of the ~~medical~~ records *that* ~~or records of a psychological nature of practitioners which~~ are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available ~~to patients~~ and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 31. Section 455.243, Florida Statutes, is amended to read:

455.243 Authority to inspect.—~~In addition to the authority specified in s. 465.017,~~ Duly authorized agents and employees of the department ~~and the Agency for Health Care Administration~~ shall have the power to inspect in a lawful manner at all reasonable hours~~:~~

~~(1) Any pharmacy; or~~

~~(2)~~ —any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered, for the purpose of determining if any of the provisions of this *part* ~~chapter~~ or any practice act of a profession or any rule *adopted* ~~promulgated~~ thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 32. Section 455.245, Florida Statutes, is amended to read:

455.245 Certain ~~health care~~ practitioners; immediate suspension of license.—

~~(1)~~ The department ~~or the Agency for Health Care Administration~~ shall issue an emergency order suspending the license of any person licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, or chapter 484~~ who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

~~(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Director of Health Care Administration shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department or the Director of Health Care Administration to issue an emergency order.~~

Section 33. Section 455.501, Florida Statutes, is created to read:

455.501 Definitions.—As used in this part, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, except that, for ss. 455.517-455.707, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Medical Quality Assurance.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Health.

(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 480; chapter 484; chapter 486; chapter 490; or chapter 491.

(5) "License" means any permit, registration, certificate, or license issued by the department.

(6) "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(7) "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Division of Medical Quality Assurance.

Section 34. Section 455.504, Florida Statutes, is created to read:

455.504 Applicability of part.—This part applies only to the regulation by the department of professions.

Section 35. Section 455.507, Florida Statutes, is created to read:

455.507 Members of Armed Forces in good standing with administrative boards.—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of his becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States, provided he is not engaged in his licensed profession or vocation in the private sector for profit.

(2) The boards listed in ss. 20.165 and 20.43 shall adopt rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

Section 36. Section 455.511, Florida Statutes, is created to read:

455.511 Restriction on requirement of citizenship.—A person is not disqualified from practicing an occupation or profession regulated by the state solely because he is not a United States citizen.

Section 37. Section 455.514, Florida Statutes, is created to read:

455.514 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all people of this state may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations for a professional or occupational license which shall be administered in the English language unless 15 or more such applicants request that the reexamination be administered in their native language. In the event that such reexamination is administered in a foreign language, the full cost to the board of preparing and administering it shall be borne by the applicants.

(3) Each board within the department shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

Section 38. Section 455.517, Florida Statutes, is created to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(1) It is the intent of the Legislature that persons desiring to engage in any lawful profession regulated by the department shall be entitled to do so as a matter of right if otherwise qualified.

(2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) It is further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the department shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

(4) No board, nor the department, shall create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. No board, nor the department, shall take any action which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(5) Policies adopted by the department shall ensure that all expenditures are made in the most cost-effective manner to maximize competition, minimize licensure costs, and maximize public access to meetings conducted for the purpose of professional regulation. The long-range planning function of the department shall be implemented to facilitate effective operations and to eliminate inefficiencies.

Section 39. Section 455.521, Florida Statutes, is created to read:

455.521 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this part.

(6) Establish by rules procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 40. Section 455.524, Florida Statutes, is created to read:

455.524 Long-range policy planning; plans, reports, and recommendations.—To facilitate efficient and cost-effective regulation, the department and the board, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to each profession. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered shall not be less than 5 years. The department, with input from the boards, shall develop the long-range plan and must obtain the approval of the secretary. The department shall monitor compliance with the approved long-range plan and, with input from the boards, shall annually update the plans for approval by the secretary. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

(1) Whether the department, including the boards and the various functions performed by the department, is operating efficiently and effectively and if there is a need for a board or council to assist in cost-effective regulation.

(2) How and why the various professions are regulated.

(3) Whether there is a need to continue regulation, and to what degree.

(4) Whether or not consumer protection is adequate, and how it can be improved.

(5) Whether there is consistency between the various practice acts.

(6) Whether unlicensed activity is adequately enforced.

Such plans should include conclusions and recommendations on these and other issues as appropriate. Such plans shall be provided to the Governor and the Legislature by November 1 of each year.

Section 41. Section 455.527, Florida Statutes, is created to read:

455.527 Contacting boards through department.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee.

Section 42. Section 455.206, Florida Statutes, is transferred and renumbered as section 455.531, Florida Statutes.

Section 43. Section 455.534, Florida Statutes, is created to read:

455.534 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this section.

(2) The board shall annually elect from among its number a chairperson and vice chairperson.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this part or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated $50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(5) When two or more boards have differences between them, the boards may elect to, or the secretary may request that the boards, establish a special committee to settle those differences. The special committee shall consist of three members designated by each board, who may be members of the designating board or other experts designated by the board, and of one additional person designated and agreed to by the members of the special committee. In the event the special committee cannot agree on the additional designee, upon request of the special committee, the secretary may select the designee. The committee shall recommend rules necessary to resolve the differences. If a rule adopted pursuant to this provision is challenged, the participating boards shall share the costs associated with defending the rule or rules. The department shall provide legal representation for any special committee established pursuant to this section.

Section 44. Section 455.537, Florida Statutes, is created to read:

455.537 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 45. Section 455.541, Florida Statutes, is created to read:

455.541 Accountability and liability of board members.—

(1) Each board member shall be accountable to the Governor for the proper performance of duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by the Governor or by the department or a board concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 46. Section 455.544, Florida Statutes, is created to read:

455.544 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

(3) No board created within the department shall have standing to challenge a rule or proposed rule of another board. However, if there is a dispute between boards concerning a rule or proposed rule, the boards may avail themselves of the provisions of s. 455.534(5).

Section 47. Section 455.547, Florida Statutes, is created to read:

455.547 Education; substituting demonstration of competency for clock-hour requirements.—Any board, or the department when there is no board, that requires student completion of a specific number of clock hours of classroom instruction for initial licensure purposes shall establish the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this section shall not apply to boards for which federal licensure standards are more restrictive or stringent than the standards prescribed in statute.

Section 48. Section 455.551, Florida Statutes, is created to read:

455.551 Education; accreditation.—Notwithstanding any other provision of law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the United States Department of Education, or an accrediting agency recognized by the board, or the department when there is no board.

Section 49. Section 455.554, Florida Statutes, is created to read:

455.554 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 50. Section 455.561, Florida Statutes, is created to read:

455.561 Limited licenses.—

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, the use of retired professionals in good standing to serve the indigent, underserved, or critical need populations of this state should be encouraged. To that end, the board, or the department when there is no board, may adopt rules to permit practice by retired professionals as limited licensees under this section.

(2) Any person desiring to obtain a limited license, when permitted by rule, shall submit to the board, or the department when there is no board, an application and fee, not to exceed $300, and an affidavit stating that the applicant has been licensed to practice in any jurisdiction in the United States for at least 10 years in the profession for which the applicant seeks a limited license. The affidavit shall also state that the applicant has retired or intends to retire from the practice of that profession and intends to practice only pursuant to the restrictions of the limited license granted pursuant to this section. If the applicant for a limited license submits a notarized statement from the employer stating that the applicant will not receive monetary compensation for any service involving the practice of his profession, the application and all licensure fees shall be waived.

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this part or the applicable practice act.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, and which provide professional liability coverage for acts or omissions of the limited licensee. A limited licensee may provide services only to the indigent, underserved, or critical need populations within the state. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The board, or the department when there is no board, may adopt rules to define underserved and critical need areas and to ensure implementation of this section.

(5) A board, or the department when there is no board, may provide by rule for supervision of limited licensees to protect the health, safety, and welfare of the public.

(6) Each applicant granted a limited license is subject to all the provisions of this part and the respective practice act under which the limited license is issued which are not in conflict with this section.

(7) This section does not apply to chapter 458 or chapter 459.

Section 51. Section 455.2141, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.564, Florida Statutes, and amended to read:

455.564 ~~455.2141~~ *Department* ~~Agency for Health Care Administration~~; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall apply to the *department* ~~agency~~ in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the *department* ~~agency~~ and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the *department* ~~agency~~.

(2) Before the issuance of any license, the *department* ~~Agency for Health Care Administration~~ may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the *department* ~~agency~~. Upon receipt of the appropriate license fee, the *department* ~~agency~~ shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule.

(3) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the *department* ~~Agency for Health Care Administration~~, the administrative law judge shall submit his recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the board in accordance with the provisions of chapter 120.

(4) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

(6) The respective boards within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ may adopt rules to provide for the use of approved videocassette courses, not to exceed 5 hours per subject, to fulfill the continuing education requirements of the professions they regulate. Such rules shall provide for prior board approval of the criteria for and content of such courses and shall provide for a videocassette course validation form to be signed by the vendor and the licensee and submitted to the *department* ~~Agency for Health Care Administration~~, along with the license renewal application, for continuing education credit.

(7) Any board that currently requires continuing education for renewal of a license shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department if there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this subsection. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department if there is no board, that a part of the continuing education hours can be fulfilled by performing research in critical-need areas or for training leading to advanced professional certification. The board, or the department if there is no board, may make rules to define underserved and critical-need areas. The department shall adopt rules for administering continuing education requirements adopted by the boards or the department if there is no board.

(8) Notwithstanding any law to the contrary, an elected official who is licensed under a practice act administered by the Division of Health Quality Assurance may hold employment for compensation with any public agency concurrent with such public service. Such dual service must be disclosed according to any disclosure required by applicable law.

(9) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 52. Section 455.2142, Florida Statutes, is transferred, renumbered as section 455.567, Florida Statutes, and amended to read:

455.567 ~~455.2142~~ Sexual misconduct; disqualification for license, certificate, or registration.—Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~, or the *department* ~~agency~~ if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant has:

(1) Had any license, certificate, or registration to practice any profession or occupation revoked or surrendered based on a violation of sexual misconduct in the practice of that profession under the laws of any other state or any territory or possession of the United States and has not had that license, certificate, or registration reinstated by the licensing authority of the jurisdiction that revoked the license, certificate, or registration; or

(2) Committed any act in any other state or any territory or possession of the United States which if committed in this state would constitute sexual misconduct.

A licensing authority's acceptance of a candidate's relinquishment of a license which is offered in response to or in anticipation of the filing of administrative charges against the candidate's license constitutes the surrender of the license.

Section 53. Section 455.571, Florida Statutes, is created to read:

455.571 Use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board, or the department if there is no board.

Section 54. Section 455.2173, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.574, Florida Statutes, and amended to read:

455.574 ~~455.2173~~ *Department of Health* ~~Agency for Health Care Administration~~; examinations.—

(1)(a) The *department* ~~Agency for Health Care Administration~~ shall provide, *contract, or approve* services for the *development,* preparation, ~~and~~ administration, *scoring, score reporting, and evaluation* of all examinations, *in consultation with the appropriate board.* The *department* ~~agency~~ shall *certify* ~~ensure~~ that ~~the~~ examinations *developed and approved by the department* adequately and reliably measure an applicant's ability to practice the profession regulated by the *department* ~~agency and shall seek the advice of the appropriate board in the preparation and administration of the examinations~~. After an examination *developed or approved by the department* has been administered, the board, *or the department when there is no board,* may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The *department may contract for the preparation, administration, scoring, score reporting, and evaluation of* ~~agency shall use professional testing services to prepare, administer, grade, and evaluate the~~ examinations, when such services are available and approved by the board.

(b) *For each examination developed by the department or contracted vendor,* to the extent not otherwise specified by statute, the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration,~~ shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade, *and fees, where applicable, to cover the actual cost for any purchase, development, and administration of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c).* If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to

be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, *or the department when there is no board,* may conduct such exercise. Therefore, board members, *or employees of the department when there is no board,* may serve as examiners at a practical examination with the consent of the board *or department, as appropriate.*

(c) The *board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification* ~~Agency for Health Care Administration shall use any national examination which is available and which is approved by the board~~. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or *department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department* ~~agency~~. The *department* ~~agency~~ may delegate to the board the duty to provide and administer the examination. *Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.*

(d) Each board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules regarding the security and monitoring of examinations. The *department* ~~agency~~ shall implement those rules adopted by the respective boards. *In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this part.

(2) *For each examination developed by the department or a contracted vendor,* the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules providing for reexamination of any applicants who ~~have~~ failed *an* ~~the~~ examination *developed by the department or a contracted vendor.* If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which *the applicant* ~~he~~ failed to achieve a passing grade, if *the applicant* ~~he~~ successfully passes that portion within a reasonable time, *as determined by rule of the board, or the department when there is no board,* of ~~his~~ passing the other portion. *Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection.* ~~The board or, when there is no board, the agency shall make available an examination review procedure for applicants and charge an examination review fee not to exceed $75 per review. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key.~~ An applicant may waive in writing the confidentiality of *the applicant's* ~~his~~ examination grades.

(3) *For each examination developed or administered by the department or a contracted vendor,* ~~The Agency for Health Care Administration shall make~~ an accurate record of each applicant's examination questions, answers, papers, grades, and grading key~~. The agency~~ shall *be kept* ~~keep such record~~ for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and *257* ~~267~~. *This subsection does not apply to national examinations approved and administered pursuant to this section.*

(4) Meetings of any member of the *department* ~~Agency for Health Care Administration~~ or of any board within the *department* ~~agency~~ held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. Applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, administration, grading, and evaluation of any examination in a language other than English. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act.

Section 55. Section 455.577, Florida Statutes, is created to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 56. Section 455.581, Florida Statutes, is created to read:

455.581 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, within its jurisdiction, the department shall by rule provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for its boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department, for its boards, shall provide a written practical examination which tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department, for its boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this part and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this part and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department, for its boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this part or the professional practice acts administered by the department and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 57. Section 455.584, Florida Statutes, is created to read:

455.584 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this part and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility or veterinary facility without the approval of that facility.

Section 58. Section 455.220, Florida Statutes, is transferred, renumbered as section 455.587, Florida Statutes, and amended to read:

455.587 ~~455.220~~ Fees; receipts; disposition for boards within the *department* ~~Agency for Health Care Administration~~.—

(1) Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall determine by rule the amount of *license* ~~licensing~~ fees for its profession, based upon *long-range* estimates *prepared* by the *department* ~~agency~~ of the revenue required to implement *laws relating* ~~this part and the provisions of law with respect~~ to the regulation of professions by the *department* ~~agency~~ and *the* ~~any~~ board ~~within the agency~~. *Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this part. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.*

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) Each board authorized to approve continuing education providers, or the department if there is no board, may establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses and may establish by rule a biennial renewal fee not to exceed $250 for the renewal of providership of such courses. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.

(4)~~(2)~~ All moneys collected by the *department* ~~Agency for Health Care Administration~~ from fees or fines or from costs awarded to the agency by a court shall be paid into *a trust fund used by the department to implement this part* ~~the Health Care Trust Fund~~. The Legislature shall appropriate funds from this trust fund sufficient to carry out ~~the provisions of~~ this part and the provisions of law with respect to professions regulated by *the Division of Medical Quality Assurance within* the *department* ~~Agency for Health Care Administration~~ and *the boards* ~~any board within the agency~~. *The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.*

(5) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(6) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed $25 before issuance of the duplicate license.

(7) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 59. Section 455.2205, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.16, Florida Statutes, and amended to read:

408.16 ~~455.2205~~ Health Care Trust Fund; moneys to be deposited therein.—

(1) There is ~~hereby~~ created in the State Treasury a special fund to be designated as the Health Care Trust Fund, which shall be used in the operation of the Agency for Health Care Administration in the performance of the various functions and duties required of it by law.

(2) All fees, license fees, and other charges collected by the agency shall be deposited in the State Treasury to the credit of the Health Care Trust Fund, to be used in the operation of the agency as authorized by the Legislature. However, penalties and interest assessed and collected by the agency shall not be deposited in the trust fund but shall be deposited in the General Revenue Fund. The Health Care Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.

(3) The agency shall maintain separate revenue and expenditure accounts in the Health Care Trust Fund for every ~~profession regulated and~~ provider licensed by the agency.

~~(4) The agency shall, to the extent practicable, provide for the proportionate allocation among the accounts of expenses incurred by the agency in the performance of its duties with respect to each regulated profession. The agency shall provide each board with an annual report of revenue expenditures and allocated expenses related to the regulation of that profession, and these reports shall be used by the board to determine the amount of licensing fees for each profession regulated by the agency.~~

(4)~~(5)~~ All other moneys in the Health Care Trust Fund shall be for the use of the agency in the performance of its functions and duties as provided by law, subject to the fiscal and budgetary provisions of general law and the General Appropriations Act.

Section 60. Section 455.594, Florida Statutes, is created to read:

455.594 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Health, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from a trust fund used by the department to implement this part. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The department may employ or use the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 61. Section 455.222, Florida Statutes, is transferred, renumbered as section 455.597, Florida Statutes, and amended to read:

455.597 ~~455.222~~ Requirement for instruction on domestic violence.—

(1)(a) ~~As of July 1, 1995,~~ The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in *s. 741.28* ~~s. 741.30~~, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form provided by the board, when submitting fees for each biennial renewal.

(c) The board may approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may include the hour required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.

(d) Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of relicensure or recertification for additional licenses.

(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under *s. 455.624(1)(k)* ~~s. 455.227(1)(g)~~. In addition to discipline by the board, the licensee shall be required to complete such course.

(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under the appropriate chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete such requirement.

(3) Each board may adopt rules to carry out the provisions of this section.

(4) Each board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.

Section 62. Section 455.2224, Florida Statutes, is transferred and renumbered as section 455.601, Florida Statutes.

Section 63. Section 455.604, Florida Statutes, is created to read:

455.604 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

(2) Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form as provided by the board, when submitting fees for each biennial renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 455.624(1)(e). In addition to discipline by the board, the licensee shall be required to complete the course.

(6) The board shall require as a condition of granting a license under the chapters specified in subsection (1) that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

(8) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

Section 64. Section 455.607, Florida Statutes, is created to read:

455.607 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 480 or part XIV of chapter 468 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

(2) When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed the course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.

(3) The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(4) The board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(5) The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.

(6) The board, or the department where there is no board, shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(7) Any professional holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

Section 65. Section 455.611, Florida Statutes, is created to read:

455.611 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 66. Section 455.614, Florida Statutes, is created to read:

455.614 Mediation.—

(1) Notwithstanding the provisions of s. 455.621, the board, or the department when there is no board, shall adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 455.621.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 455.621. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 455.621.

(4) No licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section. A board shall have continuing authority to amend its rules adopted pursuant to this section.

Section 67. Section 455.617, Florida Statutes, is created to read:

455.617 Authority to issue citations.—

(1) Notwithstanding s. 455.621, the board, or the department if there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 68. Section 455.621, Florida Statutes, is created to read:

455.621 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this part, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the

board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this part. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (5) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed-upon settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of the Department of Health or his or her designee, as appropriate, who shall issue the final summary order.

(9)(a) The department shall periodically notify the person who filed the complaint of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case for which probable cause has been found, the department shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.667, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.667. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the department about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b) in which intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 69. Section 455.624, Florida Statutes, is created to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this part, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish by rule requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

Section 70. Section 455.627, Florida Statutes, is created to read:

455.627 Disciplinary guidelines.—

(1) Each board, or the department if there is no board, shall adopt by rule and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department if there is no board, pursuant to this part, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 71. Section 455.631, Florida Statutes, is created to read:

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 72. Section 455.634, Florida Statutes, is created to read:

455.634 Prosecution of criminal violations.—The department or the appropriate board shall report any criminal violation of any statute

relating to the practice of a profession regulated by the department or appropriate board to the proper prosecuting authority for prompt prosecution.

Section 73. Section 455.637, Florida Statutes, is created to read:

455.637 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the agency order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the professional practice acts administered by the department.

Section 74. Section 455.641, Florida Statutes, is created to read:

455.641 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 75. Section 455.644, Florida Statutes, is created to read:

455.644 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.

(2) The number of complaints received and investigated.

(3) The number of findings of probable cause made.

(4) The number of findings of no probable cause made.

(5) The number of administrative complaints filed.

(6) The disposition of all administrative complaints.

(7) A description of disciplinary actions taken.

(8) A description of any effort by the department to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this part.

(9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.627.

(10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 76. Section 455.647, Florida Statutes, is created to read:

455.647 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department or the agency.

(2) The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination ques-

tions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

Section 77. Section 455.651, Florida Statutes, is created to read:

455.651 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

Section 78. Section 455.236, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.654, Florida Statutes, and amended to read:

455.654 ~~455.236~~ Financial arrangements between referring health care providers and providers of health care services.—

(1) SHORT TITLE.—This section ~~shall be known and~~ may be cited as the "Patient Self-Referral Act of 1992."

(2) LEGISLATIVE INTENT.—It is recognized by the Legislature that the referral of a patient by a health care provider to a provider of health care services in which the referring health care provider has an investment interest represents a potential conflict of interest. The Legislature finds these referral practices may limit or eliminate competitive alternatives in the health care services market, may result in overutilization of health care services, may increase costs to the health care system, and may adversely affect the quality of health care. The Legislature also recognizes, however, that it may be appropriate for providers to own entities providing health care services, and to refer patients to such entities, as long as certain safeguards are present in the arrangement. It is the intent of the Legislature to provide guidance to health care providers regarding prohibited patient referrals between health care providers and entities providing health care services and to protect the *people* ~~citizens~~ of Florida from unnecessary and costly health care expenditures.

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

(b) "Comprehensive rehabilitation services" means services that are provided by health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(c) "Designated health services" means, for purposes of this section, clinical laboratory services, physical therapy services, comprehensive rehabilitative services, diagnostic-imaging services, and radiation therapy services.

(d) "Entity" means any individual, partnership, firm, corporation, or other business entity.

(e) "Fair market value" means value in arms length transactions, consistent with the general market value, and, with respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use, and, in the case of a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor where the lessor is a potential source of patient referrals to the lessee.

(f) "Group practice" means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1. In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

2. For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

3. In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(g) "Health care provider" means any physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, or any health care provider licensed under chapter 463 or chapter 466.

(h) "Immediate family member" means a health care provider's spouse, child, child's spouse, grandchild, grandchild's spouse, parent, parent-in-law, or sibling.

(i) "Investment interest" means an equity or debt security issued by an entity, including, without limitation, shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments. Except for purposes of *s. 455.661* ~~s. 455.239~~, the following investment interests shall be excepted from this definition:

1. An investment interest in an entity that is the sole provider of designated health services in a rural area;

2. An investment interest in notes, bonds, debentures, or other debt instruments issued by an entity which provides designated health services, as an integral part of a plan by such entity to acquire such investor's equity investment interest in the entity, provided that the interest rate is consistent with fair market value, and that the maturity date of the notes, bonds, debentures, or other debt instruments issued by the entity to the investor is not later than October 1, 1996.

3. An investment interest in real property resulting in a landlord-tenant relationship between the health care provider and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or exceeds fair market value; or

4. An investment interest in an entity which owns or leases and operates a hospital licensed under chapter 395 or a nursing home facility licensed under chapter 400.

(j) "Investor" means a person or entity owning a legal or beneficial ownership or investment interest, directly or indirectly, including, without limitation, through an immediate family member, trust, or another entity related to the investor within the meaning of 42 C.F.R. s. 413.17, in an entity.

(k) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. Except for the purposes of *s. 455.661* ~~s. 455.239~~, the following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.

i. By a urologist for lithotripsy services.

j. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

k. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

l. By a nephrologist for renal dialysis services and supplies.

(l) "Rural area" means a county with a population density of no greater than 100 persons per square mile, as defined by the United States Census.

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(a) A health care provider may not refer a patient for the provision of designated health services to an entity in which the health care provider is an investor or has an investment interest.

(b) A health care provider may not refer a patient for the provision of any other health care item or service to an entity in which the health care provider is an investor unless:

1. The provider's investment interest is in registered securities purchased on a national exchange or over-the-counter market and issued by a publicly held corporation:

a. Whose shares are traded on a national exchange or on the over-the-counter market; and

b. Whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million; or

2. With respect to an entity other than a publicly held corporation described in subparagraph 1., and a referring provider's investment interest in such entity, each of the following requirements are met:

a. No more than 50 percent of the value of the investment interests are held by investors who are in a position to make referrals to the entity.

b. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are no different from the terms offered to investors who are not in a position to make such referrals.

c. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are not related to the previous or expected volume of referrals from that investor to the entity.

d. There is no requirement that an investor make referrals or be in a position to make referrals to the entity as a condition for becoming or remaining an investor.

3. With respect to either such entity or publicly held corporation:

a. The entity or corporation does not loan funds to or guarantee a loan for an investor who is in a position to make referrals to the entity or corporation if the investor uses any part of such loan to obtain the investment interest.

b. The amount distributed to an investor representing a return on the investment interest is directly proportional to the amount of the capital investment, including the fair market value of any preoperational services rendered, invested in the entity or corporation by that investor.

4. Each board and, in the case of hospitals, the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, shall encourage the use by licensees of the declaratory statement procedure to determine the applicability of this section or any rule adopted pursuant to this section as it applies solely to the licensee. Boards shall submit to the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ the name of any entity in which a provider investment interest has been approved pursuant to this section, and the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall adopt rules providing for periodic quality assurance and utilization review of such entities.

(c) No claim for payment may be presented by an entity to any individual, third-party payor, or other entity for a service furnished pursuant to a referral prohibited under this section.

(d) If an entity collects any amount that was billed in violation of this section, the entity shall refund such amount on a timely basis to the payor or individual, whichever is applicable.

(e) Any person that presents or causes to be presented a bill or a claim for service that such person knows or should know is for a service for which payment may not be made under paragraph (c), or for which a refund has not been made under paragraph (d), shall be subject to a civil penalty of not more than $15,000 for each such service to be imposed and collected by the appropriate board.

(f) Any health care provider or other entity that enters into an arrangement or scheme, such as a cross-referral arrangement, which the physician or entity knows or should know has a principal purpose of assuring referrals by the physician to a particular entity which, if the physician directly made referrals to such entity, would be in violation of this section, shall be subject to a civil penalty of not more than $100,000 for each such circumvention arrangement or scheme to be imposed and collected by the appropriate board.

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to s. 395.0185(2).

(h) Any hospital licensed under chapter 395 that discriminates against or otherwise penalizes a health care provider for compliance with this act.

(i) The provision of paragraph (a) shall not apply to referrals to the offices of radiation therapy centers managed by an entity or subsidiary or general partner thereof, which performed radiation therapy services at those same offices prior to April 1, 1991, and shall not apply also to

referrals for radiation therapy to be performed at no more than one additional office of any entity qualifying for the foregoing exception which, prior to February 1, 1992, had a binding purchase contract on and a nonrefundable deposit paid for a linear accelerator to be used at the additional office. The physical site of the radiation treatment centers affected by this provision may be relocated as a result of the following factors: acts of God; fire; strike; accident; war; eminent domain actions by any governmental body; or refusal by the lessor to renew a lease. A relocation for the foregoing reasons is limited to relocation of an existing facility to a replacement location within the county of the existing facility upon written notification to the Office of Licensure and Certification.

(j) A health care provider who meets the requirements of paragraphs (b) and (i) must disclose his investment interest to his patients as provided in *s. 455.701* ~~s. 455.25~~.

Section 79. Section 455.237, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.657, Florida Statutes.

Section 80. Section 455.239, Florida Statutes, is transferred, renumbered as section 455.661, Florida Statutes, and amended to read:

455.661 ~~455.239~~ Designated health care services; licensure required.—

(1) An entity, as defined in *s. 455.654* ~~s. 455.236~~, which furnishes designated health care services may not operate in this state unless licensed by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to subsection (2).

(2) The *agency* ~~department~~ shall adopt rules for licensing requirements for designated health care services including, but not limited to, rules providing for:

(a) A licensure fee of not less than $400 and not more than $1,500 to be assessed annually;

(b) Parameters of quality with respect to the provision of ancillary services by respective entities;

(c) Periodic inspection of the facilities of an entity for the purpose of evaluating the premises, operation, supervision, and procedures of the entity to ensure compliance with quality parameters as established in department rules; and

(d) The submission by an entity of information on its ownership, including identification of the owners who are health care providers, as defined in *s. 455.654* ~~s. 455.251~~, and each investor's percentage of ownership.

Section 81. Section 455.664, Florida Statutes, is created to read:

455.664 Advertisement by a health care provider of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 486, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 82. Section 455.241, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.667, Florida Statutes, and amended to read:

455.667 ~~455.241~~ *Ownership and control of* patient records; report or copies of records to be furnished.—

(1) As used in this section, the term "records owner" means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract between the employer and the health care practitioner designates the employer as the records owner.

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, any of the following persons or entities that employ such persons are not authorized to acquire or own medical records, but are authorized to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Facilities licensed under chapter 395.

(b) Certified nursing assistants regulated under s. 400.211.

(c) Pharmacists and pharmacies licensed under chapter 465.

(d) Dental hygienists licensed under s. 466.023.

(e) Nursing home administrators licensed under part II of chapter 468.

(f) Respiratory therapists regulated under part V of chapter 468.

(g) Athletic trainers licensed under part XIV of chapter 468.

(h) Electrolysists licensed under chapter 478.

(i) Clinical laboratory personnel licensed under part III of chapter 483.

(j) Medical physicists licensed under part IV of chapter 483.

(k) Opticians licensed under part I of chapter 484.

(l) Persons or entities practicing under s. 627.736(7).

(3)~~(1)~~ Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the *health care* practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(4)~~(2)~~ Except as otherwise provided in *this section and in* s. 440.13*(4)(c)*~~(2)~~, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care *practitioners and* providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization *under the following circumstances:*

(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

(b) ~~or~~ When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

(c) ~~Such records may be furnished~~ In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena

from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(5) Except in a medical negligence action *or administrative proceeding* when a health care *practitioner or* provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care *practitioners and* providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.

(6) The department ~~or the Agency for Health Care Administration, as appropriate,~~ may obtain patient records *and insurance information, if the complaint being investigated alleges inadequate medical care based on termination of insurance. The department may access these records* pursuant to a subpoena without written authorization from the patient if the department ~~or the Agency for Health Care Administration~~ and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a *health care* practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this *part* ~~chapter~~ or any professional practice act or that a *health care* practitioner has practiced his *or her* profession below that level of care, skill, and treatment required as defined by this *part* ~~chapter~~ or any professional practice act; provided, however, the patient record obtained by the department ~~or the agency~~ pursuant to this subsection shall be used solely for the purpose of the department ~~or the agency~~ and the appropriate regulatory board in disciplinary proceedings. The *records* ~~record~~ shall otherwise be confidential and exempt from s. 119.07(1). This section does not limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the *health care* practitioner shall release records of treatment for medical conditions even if the *health care* practitioner has also treated the patient for mental or nervous disorders. If the department ~~or the agency~~ has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department ~~or the agency~~ may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(7)~~(3)~~ All patient records obtained by the department ~~or the Agency for Health Care Administration~~ and any other documents maintained by the department ~~or the agency~~ which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department ~~or the Agency for Health Care Administration~~ and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~or the Agency for Health Care Administration~~ or the appropriate board.

(8) All records owners shall develop and implement policies, standards, and procedures to protect the confidentiality and security of the medical record. Employees of records owners shall be trained in these policies, standards, and procedures.

(9) Records owners are responsible for maintaining a record of all disclosures of information contained in the medical record to a third party, including the purpose of the disclosure request. The record of disclosure may be maintained in the medical record. The third party to whom information is disclosed is prohibited from further disclosing any information in the medical record without the expressed written consent of the patient or the patient's legal representative.

(10) Notwithstanding the provisions of s. 455.677, records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

(11) Notwithstanding the provisions of s. 455.677, records owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

(12) Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, of the patient or the patient's legal representative.

(13) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(14) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed $5,000 per violation.

(15)~~(4)~~ A health care practitioner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate board, *or the department when there is no board.*

(16) Nothing in this section shall be construed to limit health care practitioner consultations, as necessary.

(17) A records owner shall release to a health care practitioner who, as an employee of the records owner, previously provided treatment to a patient, those records that the health care practitioner actually created or generated when the health care practitioner treated the patient. Records released pursuant to this subsection shall be released only upon written request of the health care practitioner and shall be limited to the notes, plans of care, and orders and summaries that were actually generated by the health care practitioner requesting the record.

Section 83. Section 455.2415, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.671, Florida Statutes, and amended to read:

455.671 ~~455.2415~~ Communications confidential; exceptions.—Communications between a patient and a psychiatrist, as defined in *s. 394.455* ~~s. 394.455(23)~~, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient's legal representative. Provision of psychiatric records and reports shall be governed by *s. 455.667* ~~s. 455.241~~. Notwithstanding any other *provision* ~~provisions~~ of this section or s. 90.503, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat,

the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

Section 84. Section 455.2416, Florida Statutes, is transferred and renumbered as section 455.674, Florida Statutes.

Section 85. Section 455.677, Florida Statutes, is created to read:

455.677 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under that chapter, of the medical records or records of a psychological

nature of practitioners which are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available to patients and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 86. Section 455.681, Florida Statutes, is created to read:

455.681 Authority to inspect.—In addition to the authority specified in s. 465.017, duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours:

(1) Any pharmacy; or

(2) Any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered,

for the purpose of determining if any of the provisions of this part or any practice act of a profession or any rule adopted thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 87. Section 455.244, Florida Statutes, is transferred and renumbered as section 455.684, Florida Statutes.

Section 88. Section 455.687, Florida Statutes, is created to read:

455.687 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Secretary of Health shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department to issue an emergency order.

Section 89. Section 455.2455, Florida Statutes, is transferred and renumbered as section 455.691, Florida Statutes.

Section 90. Section 455.2456, Florida Statutes, is transferred, renumbered as section 455.694, Florida Statutes, and amended to read:

455.694 ~~455.2456~~ Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

(2) The board may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of *s. 768.28(15)* ~~s. 768.28(14)~~ or who is a volunteer under s. 110.501(1).

(b) Any person whose license or certification has become inactive under chapter 457, chapter 460, chapter 461, chapter 464, or chapter 466 and who is not practicing in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after October 1, 1993, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to *s. 455.561* ~~s. 455.214~~, and practicing under the scope of such limited license.

(d) Any person licensed or certified under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices only in conjunction with his teaching duties at an accredited school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the school.

(e) Any person holding an active license or certification under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who is not practicing in this state. If such person initiates or resumes practice in this state, he must notify the department of such activity.

(f) Any person who can demonstrate to the board that he has no malpractice exposure in the state.

(3) Notwithstanding the provisions of this section, the financial responsibility requirements of ss. 458.320 and 459.0085 shall continue to apply to practitioners licensed under those chapters.

Section 91. Section 455.247, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.697, Florida Statutes.

Section 92. Section 455.25, Florida Statutes, is transferred and renumbered as section 455.701, Florida Statutes, and is amended to read:

455.701 ~~455.25~~ Disclosure of financial interest by production.—

(1) A health care provider shall not refer a patient to an entity in which such provider is an investor unless, prior to the referral, the provider furnishes the patient with a written disclosure form, informing the patient of:

(a) The existence of the investment interest.

(b) The name and address of each applicable entity in which the referring health care provider is an investor.

(c) The patient's right to obtain the items or services for which the patient has been referred at the location or from the provider or supplier of the patient's choice, including the entity in which the referring provider is an investor.

(d) The names and addresses of at least two alternative sources of such items or services available to the patient.

~~(2) An entity may not provide items or services to a patient unless, before providing the item or service, the entity obtains the signature of the patient on a written disclosure form informing the patient of:~~

~~(a) The existence or nonexistence of any financial relationship with the health care provider who referred the patient;~~

~~(b) A schedule of typical fees for items or services usually provided by the entity or, if impracticable because of the nature of the treatment, a written estimate specific to the patient;~~

~~(c) The patient's right to obtain the items or services for which the patient has been referred at a location or from a supplier of the patient's choice, including an entity with which the referring health care provider may have a financial relationship; and~~

~~(d) The names, addresses, and telephone numbers of at least two reasonable alternative sources of such items or services available to the patient.~~

(2)~~(3)~~ The *physician or* health care provider ~~and the entity~~ shall post a copy of *the* ~~their respective~~ disclosure forms in *a* conspicuous public *place* ~~places~~ in *his or her office* ~~the offices~~.

(3)~~(4)~~ A violation of this section shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition to any other penalties or remedies provided, a violation of this section shall be grounds for disciplinary action by the respective board.

Section 93. Section 455.26, Florida Statutes, is transferred, renumbered as section 455.704, Florida Statutes, and amended to read:

455.704 ~~455.26~~ Impaired Practitioners Committee; duties.—

(1) There is created the Impaired Practitioners Committee to be composed of one representative appointed by each board under the jurisdiction of the Division of Medical Quality Assurance, of one addictionologist, and one lay member having an appropriate background in the area of impairment, each to be appointed by the agency head of the agency having jurisdiction over the professions,~~; one representative of the Agency for Health Care Administration, to be appointed by the Director of Health Care Administration;~~ and of one representative of the department appointed by the secretary of the department. Section *455.534* ~~455.207~~ applies to the activities of the committee.

(2) The committee shall:

(a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

(b) Act as liaison between approved treatment providers and the department ~~and the Agency for Health Care Administration~~;

(c) Advise the department ~~and the agency~~ on the continuation and expansion of treatment programs for impaired practitioners; and

(d) Disseminate information concerning the impairment program.

Section 94. Section 455.261, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.707, Florida Statutes, and amended to read:

455.707 ~~455.261~~ Treatment programs for impaired practitioners.—

(1) For professions *that* ~~which~~ do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the Impaired Practitioners Committee. The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee or recovered licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.

2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.

3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as determined by the panel, or the department when there is no board, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.

4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his participation in a treatment program.

(b) If, however, the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved treatment program.

(4) In any disciplinary action for a violation other than impairment in which a licensee establishes the violation for which the licensee is being prosecuted was due to or connected with impairment and further establishes the licensee is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board, or the department when there is no board, as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the board may consider.

(5)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a licensee's impairment and participation in the treatment program. All information obtained by the consultant and department pursuant to this section is confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of this subsection and subsection (6). Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with the treatment provider, an impaired licensee has not progressed satisfactorily in a treatment program, all information regarding the issue of a licensee's impairment and participation in a treatment program in the consultant's possession shall be disclosed to the department. Such disclosure shall constitute a complaint pursuant to the general provisions of *s. 455.621* ~~s. 455.225~~. Whenever the consultant concludes that impairment affects a licensee's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or agent of the department or the board

and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 95. Section 455.711, Florida Statutes, is created to read:

455.711 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active-status license. A licensee who practices a profession without an active-status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) Each board, or the department if there is no board, shall by rule impose a fee for an inactive-status license which is no greater than the fee for an active-status license.

(4) An inactive-status licensee may change to active status at any time, if the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active-status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active-status or inactive-status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent-status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent-status licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active-status license, on a delinquent-status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active-status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee must meet the same continuing education requirements, if any, imposed on an active-status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

Section 96. Section 455.714, Florida Statutes, is created to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent-status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department if there is no board.

Section 97. Section 455.717, Florida Statutes, is created to read:

455.717 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

(2) Notwithstanding any other law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required under s. 455.261.

Section 98. Section 455.277, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 408.18, Florida Statutes, and amended to read:

408.18 ~~455.277~~ Health Care Community Antitrust Guidance Act; antitrust no-action letter; market-information collection and education.—

(1) This section may be cited as the "Florida Health Care Community Antitrust Guidance Act."

(2) This section is created to provide instruction to the health care community in a time of tremendous change, and to resolve, as completely as possible, the problem of antitrust uncertainty that may deter mergers, joint ventures, or other business activities that can improve the delivery of health care, without creating costly, time-consuming regulations that can lead to more litigation and delay.

(3) For purposes of this section, the term:

(a) "Health care community" means all licensed health care providers, insurers, networks, purchasers, and other participants in the health care system.

(b) "Antitrust no-action letter" means a letter that states the intention of the Attorney General's office not to take antitrust enforcement actions with respect to the requesting party, based on the specific facts then presented, as of the date the letter is issued.

(4)(a) Members of the health care community who seek antitrust guidance may request a review of their proposed business activity by the Attorney General's office. In conducting its review, the Attorney General's office may seek whatever documentation, data, or other material it deems necessary from the Agency for Health Care Administration, the State Center for Health Statistics, and the Department of Insurance.

(b) In order to receive an antitrust no-action letter, a member of the health care community must submit in writing to the Attorney General's office a request for an antitrust no-action letter.

(c) The requesting parties are under an affirmative obligation to make full, true, and accurate disclosure with respect to the activities for which the antitrust no-action letter is requested. Requests relating to unnamed persons or companies may not be answered. Each request must be accompanied by all relevant material information; relevant data, including background information; complete copies of all operative documents; the provisions of law under which the request arises; and detailed statements of all collateral oral understandings, if any.

(d) All parties requesting the antitrust no-action letter must provide the Attorney General's office with whatever additional information or documents the Attorney General's office requests for its review of the matter.

(5) The Attorney General's office shall act on the no-action letter request within 90 days after it receives all information necessary to complete its review.

(6) At the completion of its review of a request for an antitrust no-action letter, the Attorney General's office shall do one of the following:

(a) Issue the antitrust no-action letter;

(b) Decline to issue any type of letter; or

(c) Take such other position or action as it considers appropriate.

(7) The recipient of a no-action letter must annually file with the Attorney General's office an affidavit stating that there has been no change in the facts the recipient has presented, at which time the Attorney General may renew the no-action letter. As long as there is no change in any material fact, the Attorney General's office is estopped from bringing any action pursuant to the antitrust laws concerning any specific conduct that is the subject of the no-action letter. Further, the no-action letter, if it meets the requirements of the Florida Evidence Code, is admissible in any court proceeding in this state. The Attorney General's office remains free to bring an action or proceeding based on a different set of facts presented.

(8) The Agency for Health Care Administration shall coordinate all existing data received, such as the hospital patient discharge database, ambulatory patient database, ambulatory facilities' financial data, health facility licensure and certification tracking system, health facility plans and construction data, local health council data, Medicaid data, provider claims data, psychiatric hospital discharge data, pharmaceutical data, licensure data of health maintenance organizations, licensure data of health insurers, health care practitioner licensure data, hospital financial database, health facility utilization and projected need data, nursing home financial database, nursing home patient database, and joint venture database. This information shall be made available to the Attorney General's office, as needed.

(9) When the member of the health care community seeking the no-action letter is regulated by the Department of Insurance, the Department of Insurance shall make available to the Attorney General's office, as needed, any information it maintains in its regulatory capacity.

~~(10) The Agency for Health Care Administration is appropriated $142,487 in nonoperating transfer authority from the Health Care Trust Fund to be transferred to the Department of Legal Affairs to implement the provisions of this act. Transferred funds shall be taken from the unappropriated cash balance available from licensure and renewal fees assessed on physicians regulated by the Division of Medical Quality Assurance.~~

~~(11) There is appropriated to the Department of Legal Affairs, Office of the Attorney General, $142,487 from the Legal Services Trust Fund and two full-time equivalent positions to implement the provisions of this act.~~

Section 99. Section 455.2775, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.185, Florida Statutes.

Section 100. *Section 455.2055, Florida Statutes, as created by section 13 of chapter 96-403, Laws of Florida, is repealed.*

Section 101. *Sections 455.01-455.275, Florida Statutes, are designated as part I of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Business and Professional Regulation." Sections 455.501-455.724, Florida Statutes, are designated as part II of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Health."*

Section 102. Paragraph (g) of subsection (5) of s. 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from

claims of medical malpractice. This notice is provided pursuant to Florida law.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails after 30 days after receipt of notice from the department to satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supercedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

Section 103. *The Secretary of Health shall appoint a task force to develop uniform procedures to standardize the validation of health care practitioner credentials in order to ensure that once credentials are validated they can be accepted by licensed health care providers and facilities throughout the state. The task force shall include, but not be limited to, representatives from the Florida Hospital Association, the Florida League of Hospitals, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Dental Association, the Florida Health Care Association, the Florida Association for the Homes for the Aging, the Florida Association of Health Maintenance Organizations, and the Florida Association of Managed Care Organizations.*

Section 104. Subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must

make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails, after 30 days after receipt of notice from the department, to: satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supersedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 105. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.243, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with postsecondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584, F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; creating s. 455.681, F.S.; providing for inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering and amending s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; requiring the Secretary of Health to appoint a task force to study the validation of health care practitioner credentials; amending s. 459.0085, F.S.; directing the Department of Health to suspend a license under certain circumstances; providing membership of the task force; amending s. 458.320, F.S.; increasing malpractice indemnity limits and providing for financial responsibility; providing an effective date.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 6, lines 27-31, delete those lines and insert:

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Senator Myers moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B—On page 118, line 4 through page 124, line 17, delete those lines and insert:

(1) As used in this section, the term "records owner" means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner.

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Certified nursing assistants regulated under s. 400.211.

(b) Pharmacists and pharmacies licensed under chapter 465.

(c) Dental hygienists licensed under s. 466.023.

(d) Nursing home administrators licensed under part II of chapter 468.

(e) Respiratory therapists regulated under part V of chapter 468.

(f) Athletic trainers licensed under part XIV of chapter 468.

(g) Electrolysists licensed under chapter 478.

(h) Clinical laboratory personnel licensed under part III of chapter 483.

(i) Medical physicists licensed under part IV of chapter 483.

(j) Opticians and optical establishments licensed or permitted under part I of chapter 484.

(k) Persons or entities practicing under s. 627.736(7).

(3) This section does not apply to facilities licensed under chapter 395.

(4)~~(1)~~ Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the *health care* practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(5)~~(2)~~ Except as otherwise provided in *this section and in* s. 440.13*(4)(c)*~~(2)~~, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care *practitioners and* providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization *under the following circumstances:*

(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

(b) ~~or~~ When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

(c) ~~Such records may be furnished~~ In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(6) Except in a medical negligence action *or administrative proceeding* when a health care *practitioner or* provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care *practitioners and* providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ may obtain patient records *and insurance information, if the complaint being investigated alleges inadequate medical care based on termination of insurance. The department may access these records* pursuant to a subpoena without written authorization from the patient if the department ~~or the Agency for Health Care Administration~~ and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a *health care* practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this *part* ~~chapter~~ or any professional practice act or that a *health care* practitioner has practiced his profession below that level of care, skill, and treatment required as defined by this *part* ~~chapter~~ or any professional practice act; provided, however, the patient record obtained by the department ~~or the agency~~ pursuant to this subsection shall be used solely for the purpose of the department ~~or the agency~~ and the appropriate regulatory board in disciplinary proceedings. The *records* ~~record~~ shall otherwise be confidential and exempt from s. 119.07(1). This section does not limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the *health care* practitioner shall release records of treatment for medical conditions even if the *health care* practitioner has also treated the patient for mental or nervous disorders. If the department ~~or the agency~~ has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department ~~or the agency~~ may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(8)~~(3)~~ All patient records obtained by the department ~~or the Agency for Health Care Administration~~ and any other documents maintained by the department ~~or the agency~~ which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department ~~or the Agency for Health Care Administration~~ and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~or the Agency for Health Care Administration~~ or the appropriate board.

(9) All records owners shall develop and implement policies, standards, and procedures to protect the confidentiality and security of the medical record. Employees of records owners shall be trained in these policies, standards, and procedures.

(10) Records owners are responsible for maintaining a record of all disclosures of information contained in the medical record to a third party, including the purpose of the disclosure request. The record of disclosure may be maintained in the medical record. The third party to whom information is disclosed is prohibited from further disclosing any information in the medical record without the expressed written consent of the patient or the patient's legal representative.

(11) Notwithstanding the provisions of s. 455.677, records owners shall place an advertisement in the local newspaper or notify patients, in

writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

(12) Notwithstanding the provisions of s. 455.677, records owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

(13) Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, of the patient or the patient's legal representative.

(14) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(15) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed $5,000 per violation.

(16)~~(4)~~ A health care practitioner *or records owner* furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate board, *or the department when there is no board.*

(17) Nothing in this section shall be construed to limit health care practitioner consultations, as necessary.

(18) A records owner shall release to a health care practitioner who, as an employee of the records owner, previously provided treatment to a patient, those records that the health care practitioner actually created or generated when the health care practitioner treated the patient. Records released pursuant to this subsection shall be released only upon written request of the health care practitioner and shall be limited to the notes, plans of care, and orders and summaries that were actually generated by the health care practitioner requesting the record.

Amendment 1C (with title amendment)—On page 143, lines 26-31, delete those lines and insert:

Section 102. Paragraphs (f) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

And the title is amended as follows:

On page 158, line 6, after the semicolon (;) insert: increasing malpractice indemnity limits for osteopathic physicians;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 152, delete line 13 and insert:

Section 105. *(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 46l, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent l0 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the

profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.

(2) Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to $50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.3l9, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous l0 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 106. *(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).*

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which has been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with

the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 107. *The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.*

Section 108. *Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.*

Section 109. *Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.*

Section 110. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 111. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 112. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 113. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 114. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable;~~.~~

(i) Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 115. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 116. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 117. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 118. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 119. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed $350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs*

incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to $50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 120. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1)*(a)* The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board.

(b) Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, should complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the~~

~~department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 121. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 122. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a

minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 123. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of compe-

tent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3.~~2.~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.~~3.~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.~~4.~~ The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 124. Section 455.2478, Florida Statutes, is created to read:

455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 125. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.

2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.

3. A description of the misdiagnosis made, if any, of the patient's actual condition.

4. The operation, diagnostic, or treatment procedure causing the injury.

5. A description of the principal injury giving rise to the claim.

6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against,~~ Any insurer reporting hereunder or its agents or employees or the department or its employees *is not liable* for any action taken by them *under* ~~pursuant to~~ this section*, except that the department shall impose a fine of $250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 126. *The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.*

Section 127. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 128. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g)* ~~s. 458.311(1)(a)-(f)~~ and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificate-holder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 129. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g)* ~~s. 458.311(1)(b)-(f)~~ and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

Section 130. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 158, line 9, after the semicolon (;) insert: requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references;

Senator Casas moved the following amendments to **Amendment 1** which were adopted:

Amendment 1E (with title amendment)—On page 152, delete line 13 and insert:

Section 262. Paragraph (a) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. *The agency-developed examination must be made available no later than September 1, 1998, to a physician who qualifies for licensure.* A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(Renumber subsequent section.)

And the title is amended as follows:

On page 158, line 9, after the semicolon (;) insert: amending s. 498.3115, F.S.; revising requirements for the availability of examinations administered to certain foreign-licensed physicians;

Amendment 1F (with title amendment)—On page 152, delete line 13 and insert:

Section 262. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 158, line 9, after the semicolon (;) insert: creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules;

On motion by Senator Myers, further consideration of **HB 1925**, with pending **Amendment 1** as amended was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **HB 1925** and **SB 1158** and completion of messages and announcements.

THE PRESIDENT PRESIDING

On motion by Senator Williams, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

SB 1158—A bill to be entitled An act relating to taxation administration; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the Department of Revenue; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; amending s. 199.103, F.S.; including middle tier stock holding companies in provisions which provide for valuation of stocks or shares of certain savings associations for intangible personal property tax purposes; correcting a reference; providing effective dates.

—which was previously considered this day.

On motion by Senator Williams, by two-thirds vote **SB 1158** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Jones, Sullivan

SPECIAL ORDER CALENDAR, continued

On motion by Senator Myers, the Senate resumed consideration of—

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

—with pending **Amendment 1** as amended by Senator Myers.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1925** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 1376.

John B. Phelps, Clerk

CS for SB 1376—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; amending s. 230.2317, F.S.; revising provisions relating to a multiagency service network for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; amending s. 230.303, F.S., relating to compensation for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms “graduation rate,” “habitual truancy rate,” and “dropout rate”; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; amending s.

232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; providing for the accessibility of such activities to home education students; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Bankhead, the Senate reconsidered the vote by which **CS for SB 1376** as amended passed April 10.

On motion by Senator Bankhead, consideration of **CS for SB 1376** as amended was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day and **CS for CS for SB 976** were placed on the Special Order Calendar for Wednesday, April 30.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 29, 1997: CS for SB 1464, CS for SB 1958, SB 2252, CS for CS for SB 64, CS for HB 703, CS for SB 1956, CS for SB 544 and CS for SB 1904, SB 1648, CS for SB 62, CS for CS for SB's 552, 1960 and 822, CS for CS for SB 892, CS for CS for SB 698, CS for SB 1632, CS for SB 508, CS for SB 716, CS for CS for SB 2142, CS for CS for SB 1814, CS for SB 1836, CS for CS for CS for SB's 2028 and 394, CS for SB 1288, CS for SB 918, CS for SB 972, CS for CS for SB 1548 and CS for SB 1434, CS for SB's 1414 and 228, CS for CS for CS for SB 336 and CS for SB's 1216 and 2024, CS for CS for SB 546, CS for SB 2086, SB 1830, CS for CS for SB 526, SB 840, CS for SB 2436, CS for SB 888, SB 450, SB 354, CS for SB 1360, CS for SB 238, SB 1270, SB 252, CS for CS for SB 514, CS for SB 774, CS for SB 2310, SB 126, SB 162, SB 1784, SB 2346, SB 2062, SB 2058, CS for SB 1686, CS for CS for SB 1532, CS for SB 998, CS for SB's 818, 1136 and 1242, CS for SB 2450, CS for SB 1148, CS for SB 250, SB 14, CS for SB 402, SB 678, CS for SB 1244, SB 388, CS for SB 1592, CS for SB 490, CS for SB 724, CS for SB 1012, CS for SB 612, SB 824, SB 826, SB 382, CS for SB 2228, CS for SB 1128, CS for SB 74, CS for SB 112, SB 864 SB 996, SB 2002, SB 1028, CS for SB 1006, CS for SB 936, CS for SB 1822, SB 2272, SB 1470, CS for CS for SB 1020, SB 190, CS for CS for SB 722, CS for CS for SB 170, CS for SB 1228, CS for SB 2374, CS for SB's 234 and 456, CS for SB 680, CS for SB 598, SB 1372, CS for SB's 1428, 1388, 1562 and 1252, CS for SB 564, CS for CS for SB 1074, SB 1038, CS for SB 1094, CS for SB 1132, CS for SB 1346, CS for SB 770, SB 1030, CS for SB 1456, CS for SB 748, CS for SB 914, CS for SB 650, SB 830, SB 42, CS for SB 470, CS for SB's 1678 and 2404, SB 56, CS for SB 1598, CS for SB 1214, SB 1496, SB 1016, SB 1484, CS for CS for SB 1234, SB 686, CS for SB 894, CS for SB 1248, CS for SB 1466, SB 1092, CS for SB 876, SB 172, CS for SB 1362, SB 400, CS for SB 1422

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 198 and CS for CS for SB 1154 which he approved on April 29, 1997.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 161, CS for CS for HB 271, HB 653, CS for CS for HB 725, HB 871, HB 897, HB 959, HB 961, CS for HB 1033, HB 1083, HB 1269, HB 1285, HB 1305, HB 1365, HB 1383, HB 1401, HB 1431, HB 1459, HB 1477, HB 1517, CS for HB 1597, HB 1659, HB 1875, HB 1893, HB 1901, HB 1925, HB 1939, HB 1945; has passed as amended HB 41, HB 63, CS for HB 159, CS for HB 209, HB 259, HB 367, CS for HB 513, CS for HB 533, CS for HB 539, HB 637, HB 651, HB 655, CS for HB's 715, 1249, 1321 and 1339, HB 755, CS for HB's 845 and 1255, HB 951, CS for HB 1005, HB 1009, CS for HB 1091, HB 1097, CS for HB 1129, HB 1179, CS for HB 1205, CS for HB 1227, HB 1233, HB 1265, HB 1291, CS for HB 1347, HB 1349, HB 1447, HB 1465, HB 1529, HB 1545, HB 1619, CS for HB 1643, HB 1655, HB 1679, CS for HB 1683, HB 1705, HB 1753, HB 1785, HB 1873, HB 1905, HB 1933, HB 2011, HB 2013, HB 2027, HB 2031 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Education/K-12 and Representative Dennis—

CS for HB 161—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 230.23, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was referred to the Committee on Education.

By the Committees on Health and Human Services Appropriations; Children and Family Empowerment; and Representative Arnall and others—

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Representative Lawson and others—

HB 653—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Governmental Rules and Regulations; Regulated Services; and Representative Villalobos and others—

CS for CS for HB 725—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; allowing vendor-to-vendor sales; establishing limits; requiring maintenance of certain records; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; creating s. 561.5101, F.S.; requiring all alcoholic beverages brought into this state to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing an exception for sacramental alcoholic beverages; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Ways and Means.

By Representative Kosmas and others—

HB 871—A bill to be entitled An act relating to Volusia County; providing for members of the Volusia County School Board to be elected on an nonpartisan basis; prescribing procedures for qualification for office and for conducting elections for members of the board; ratifying referendum election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Barreiro—

HB 897—A bill to be entitled An act relating to taxation; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Miller and others—

HB 959—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the powers and duties of the Hillsborough County Civil Service Board to include provisions relating to employee grievances; providing a definition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Miller and others—

HB 961—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; amending provisions relating to suspension or dismissal of employees under the Civil Service Act of Hillsborough County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Crime and Punishment; and Representative Crist and others—

CS for HB 1033—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; authorizing the court to sentence a defendant to a specified term of incarceration if the defendant is convicted of a felony committed on or after a certain date, the defendant has previously been convicted of a felony, and the defendant has a lesser recommended sentence under the sentencing guidelines; providing that a determination of guilt is a conviction for purposes of imposing such sentence, regardless of whether adjudication is withheld; providing that the sentence may not be appealed except upon grounds of illegality; reenacting s. 948.034(1) and (2), F.S., relating to terms and conditions of probation and residential drug punishment centers, to incorporate said amendment in references; amending s. 921.0016, F.S., relating to recommended sentences and departure sentences; revising aggravating circumstances under which a departure sentence is justified to include certain circumstances when the defendant has committed an offense within 6 months after release from county jail, private correctional facility, Department of Corrections work camp, road prison, or other incarceration; reenacting s. 921.001(6), F.S., relating to Sentencing Commission and sentencing guidelines, generally, to incorporate said amendment in a reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Financial Services and Representative Safley and others—

HB 1083—A bill to be entitled An act relating to the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities

accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending ss. 679.105 and 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, and 678.408, F.S., relating to investment securities under the Uniform Commercial Code; revising provisions of chapter 680, F.S., relating to leases under the Uniform Commercial Code; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies; amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising language with respect to cover and substitute goods; amending s. 680.519, F.S.; revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S.; revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing s. 679.111, F.S., relating to applicability of bulk transfer laws; providing an effective date.

—was referred to the Committees on Judiciary; Commerce and Economic Opportunities; and Ways and Means.

By Representative Healey—

HB 1269—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of an unborn quick child by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing penalties; reenacting ss. 921.0012(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0012, F.S., relating to the offense severity ranking chart, to conform terminology; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Wallace and others—

HB 1285—A bill to be entitled An act relating to the Hillsborough County City-County Planning Commission; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; conforming terminology and improving clarity; deleting provisions that have had their effect; deleting provisions duplicative of chapter 163, part II, F.S., relating to comprehensive planning; providing notice with respect to the effect of the Hillsborough County Charter; providing notice with respect to duties and responsibilities prescribed by chapter 163, part II, F.S.; amending special requirements for local governments and providing an exception; providing for review and recodification; repealing chapters 78-523, 81-392, and 82-303, Laws of Florida, relating to the Hillsborough County City-County Planning Commission, chapters 75-390, 77-564, 83-421, 84-442, and 86-407, Laws of Florida, relating to the Hillsborough County Local Government Comprehensive Planning Act of 1975, chapters 67-1507, 75-399, and 77-566, Laws of Florida, relating to review of the capital improvements budgets of local governments by the Hillsborough County City-County Planning Commission, and chapters 94-406 and 96-517, Laws of Florida, relating to the requirement for performance audits of the Hillsborough County City-County Planning Commission; providing a saving clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative K. Pruitt—

HB 1305—A bill to be entitled An act relating to the St. Lucie County Erosion District; amending ch. 67-2001, Laws of Florida; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of ch. 189, F.S.; providing definitions; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies and materials shall be entered into as provided by the act and general law; providing district board authorizations to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; repealing sections 25 and 26 of ch. 67-2001, Laws of Florida, relating to a required referendum for the creation of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative K. Pruitt—

HB 1365—A bill to be entitled An act relating to the St. Lucie County Fire District; amending ch. 96-532, Laws of Florida, revising the responsibilities of the clerk-treasurer of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Flanagan and others—

HB 1383—A bill to be entitled An act relating to the Bayshore Gardens Park and Recreation District; amending chapter 79-509, Laws of

Florida; increasing the minimum cost price or consideration of contracts involving the acquisition of real or tangible personal property which would require a two-thirds vote of district trustees and a referendum election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 1401—A bill to be entitled An act relating to the City of Lauderdale-by-the-Sea, Broward County; extending and enlarging the corporate limits of the City of Lauderdale-by-the-Sea to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 1431—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Maygarden and others—

HB 1459—A bill to be entitled An act relating to Escambia County; conveying an easement in sovereignty submerged lands to the county; permitting the maintenance and operation of the Old Pensacola Bay Bridge for public recreational use; providing for private entities to maintain and operate the bridge under contract with the county; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Maygarden and others—

HB 1477—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; revising the charter of the city to provide that the city council may adopt its budget, and amendments thereto, by ordinance or resolution; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Maygarden and others—

HB 1517—A bill to be entitled An act relating to Escambia County; amending chapter 92-248, Laws of Florida; providing for partisan election of members of the Escambia County Utilities Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Thrasher—

CS for HB 1597—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Rayson—

HB 1659—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 1875—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; reducing the number of members of the Board of Supervisors of the North Lauderdale Water Control District from a board of seven members to a board of five members to be composed of sitting members of the City Council of the City of North Lauderdale within 30 days after this act becomes a law; providing intent with respect to the election of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Fasano and others—

HB 1893—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Education Innovation and Representative Melvin and others—

HB 1901—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing program outcome goals; providing for use of funds and startup funding; providing for accreditation; requiring an annual audit; providing for assessment of program results; requiring an annual report; providing for rules; requiring legislative review of the program; creating a pilot apprenticeship program; providing for positions and funding; providing an effective date.

—was referred to the Committees on Education; Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones and others—

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regu-

latory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Governmental Operations and Representative Posey—

HB 1939—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for bank account numbers and debit, charge, and credit card numbers in the possession of an agency of state or local government; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Education Innovation and Representative Melvin and others—

HB 1945—A bill to be entitled An act relating to public records; amending s. 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; and Commerce and Economic Opportunities.

By Representative Brennan and others—

HB 41—A bill to be entitled An act relating to health insurance; providing a short title; providing application; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; requiring rate filings; providing a definition; providing rulemaking authority; authorizing an insurer to establish certain compliance functions; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Representative Constantine and others—

HB 63—A bill to be entitled An act relating to tax administration; amending s. 193.063, F.S., which authorizes the property appraiser to grant an extension for filing tangible personal property tax returns; revising requirements for the request for an extension; amending s. 199.282, F.S.; reducing the penalties for failure to timely pay annual or nonrecurring intangible personal property tax and failure to timely file an annual tax return; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Community Colleges and Career Prep; and Representative Dennis and others—

CS for HB 159—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Agriculture and Representative Ziebarth and others—

CS for HB 209—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Sublette and others—

HB 259—A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Representative Rayson and others—

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Juvenile Justice and Representative Rayson and others—

CS for HB 513—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 39.0145, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 39.025, F.S., relating to district juvenile justice boards; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove requirement for participation of the Department of Health and Rehabilitative Services; amending s. 39.044, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for extension up to 30 days of the time limits upon detention of a child, under specified circumstances; reenacting ss. 39.038(4), 39.042(2)(b), 39.0445, 39.049(5), 39.064(1), 790.22(8), relating to release or delivery from custody, use of detention, juvenile domestic violence offenders, release or delivery from custody, process and service, detention of furloughed or escaped child, and weapons or firearms offenses by minors to incorporate said amendment in references; amending s. 39.0471, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining "truant student" to include enrolled students between 6 years of age and 18 years of age; amending s. 230.2316, F.S., relating to dropout prevention; providing a maximum limitation upon school district costs for administering juvenile justice purchase-of-service contracts without specified written justification agreed upon by the Department of Juvenile Justice and the Department of Education; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining first degree misdemeanor criminal mischief offense to include damage to property greater than $200 but less than $500, and providing penalties therefor; redefining third degree felony criminal mischief to include certain damages of $500 or greater, and providing penalties therefor; amending s. 921.0012, F.S., relating to the sentencing guidelines offense penalties, to conform a cross reference; amending s. 812.014, F.S., relating to theft; providing second degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 39.052(3)(a) and 538.23(2), F.S., relating to transfer of child for prosecution and offenses by secondary metal recyclers, to incorporate said amendment in references; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring a report; amending s. 39.069, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By the Committee on Regulated Services and Representative Gay and others—

CS for HB 533—A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises contingent upon certain conditions being met; amending s. 561.025, F.S.; conforming to the act contingent upon the repeal of s. 561.501, F.S.; amending s. 561.121, F.S.; conforming to the act contingent upon the repeal of s. 562.501, F.S.; providing for a portion of funds from the excise taxes on alcoholic beverages to be transferred to the Children and Adolescents Substance Abuse Trust Fund; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Education Innovation and Representative Ziebarth and others—

CS for HB 539—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; revising provisions relating to proposals; providing additional application and denial of application requirements; revising appeal procedures in the case of denial of an application; revising enrollment and charter provisions; revising annual reporting requirements; authorizing waiver of statutes; revising provisions relating to employees; revising provisions relating to distribution of funds to charter schools; providing for use of facilities, property, goods, and services; providing requirements; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Sindler and others—

HB 637—A bill to be entitled An act relating to the Orlando Utilities Commission; amending chapter 9861, Laws of Florida, 1923, as amended; authorizing the establishment, construction, maintenance, and operation of energy services, all grades of water, and plants, lines, and facilities within Orange and Osceola Counties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Posey and others—

HB 651—A bill to be entitled An act relating to elections; providing a short title; providing a statement of legislative intent; amending s. 104.271, F.S.; expanding applicability of the prohibition against making false or malicious charges against, or false statements about, candidates; eliminating the requirement of actual malice in the prohibition against making false statements about candidates and providing for personal liability with respect thereto; clarifying and providing penalties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Representative Frankel—

HB 655—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Police Pension and Relief Fund; providing definitions; providing for chapter 185 share accounts; providing for a Deferred Retirement Option Plan; providing for investments; providing for Internal Revenue Code limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Water and Resource Management; and Representative Laurent and others—

CS for HB's 715, 1249, 1321 and 1339—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development;" amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan, to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.042, F.S.; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; requiring the Governor to select a governing board member as chair of the governing board; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.223, F.S.; providing requirements in considering authorization to transport ground or surface water under a permit for consumptive use of water; providing restrictions; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and advertisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending s. 373.59, F.S.; deleting obsolete language; correcting a cross reference; authorizing use of interests in property acquired under the Water Management Lands Trust Fund for permittable water resource development and water supply development purposes; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, and 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 373.039, and 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing for application of act to Hillsborough River and the Palm River/Tampa By-Pass Canal; amending s. 373.1963, F.S.; providing for supplemental report from the West Coast Regional Water Supply Authority; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Representative Constantine and others—

HB 755—A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Regulated Services and Representative Morroni and others—

CS for HB's 845 and 1255—A bill to be entitled An act relating to tobacco products; amending s. 20.165, F.S.; authorizing employees of the Division of Alcoholic Beverages and Tobacco who are certified as law enforcement officers to investigate, enforce, and prosecute certain violations relating to tobacco products; redesignating chapter 569, F.S., as "Tobacco Products"; amending and renumbering s. 859.06, F.S., to clarify language; providing increased penalty for a second or subsequent violation for illegally selling or giving tobacco products to certain persons; amending s. 569.002, F.S.; revising the definition of "tobacco products"; revising definition language to exclude certain classes of persons from definition of "under age 18"; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to knowingly possess any tobacco product or to misrepresent age or military service to acquire or purchase any tobacco product; providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for jurisdiction and enforcement and local tobacco product enforcement officers; providing for enforcement by correctional probation officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, and 569.006, F.S.; clarifying language; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify language; providing for instructional material; authorizing use of electronic or automated systems upon approval by the division; providing penalties; amending s. 569.007, F.S.; providing restrictions on the sale or delivery of tobacco products; providing exceptions; creating s. 569.0075, F.S.; prohibiting the gift of sample tobacco products to persons under the age of 18; providing for penalties; amending s. 569.008, F.S.; requiring tobacco products dealers to exercise diligent management and supervision in the management and supervision of their premises and in supervision and training of their employees, agents, or servants; conforming and clarifying language relating to responsible tobacco product dealers; amending s. 569.009, F.S.; conforming and clarifying language relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, drivers' licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; providing a suspended or revoked driver's license as a result of violation, shall not result in increased automobile insurance premiums or in assessment of points against person's driving record; creating s. 569.19, F.S.; providing for an annual report; requiring notification to licensees and permittees of the provisions included in this legislation; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

By Representative Miller and others—

HB 951—A bill to be entitled An act relating to Hillsborough County; amending chapter 95-488, Laws of Florida; authorizing the Tampa Port Authority to delegate control and regulation of submerged lands; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Saunders—

CS for HB 1005—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; specifying conditions for rejection of panel recommendations; requiring certain notice to subscribers and providers of their right to file grievances; creating s. 408.7057, F.S.; providing for appeals; providing for attorney's fees and costs; amending s. 641.511, F.S.; correcting a cross reference; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Representative Morse and others—

HB 1009—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; providing for enrollment in the program; authorizing scholarships to certain students; providing for repayment of scholarships; providing exceptions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Crist and others—

CS for HB 1091—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; amending s. 27.702, F.S.; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing for employment of law school graduates; providing employment qualifications for certain positions; providing for contracts with private counsel or public defenders; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Joint Legislative Management Committee to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051,

F.S.; providing circumstances under which a motion for collateral or postconviction relief in any capital case may be considered after a specified date; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing a transition period; authorizing the Governor to appoint interim and regional counsel by specified dates; authorizing attorneys to continue representation of clients during the transitional period; providing an effective date.

—was referred to the Committees on Criminal Justice; Ways and Means; and Rules and Calendar.

By the Committee on Financial Services and Representative Safley and others—

HB 1097—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082 and 517.101, F.S.; deleting obsolete cross references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Corrections and Representative Peaden and others—

CS for HB 1129—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and "revenue-generating contracts," as defined; amending s. 946.512, F.S., relating to inmate compensation plan, and reenacting s. 946.513(1), F.S., relating to disposition of compensation received for private employment of inmates, to incorporate said amendment in a reference; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S., and reenacting s. 946.518, F.S., relating to prohibitions on sale of goods by prisoners, to incorporate said amendment in a reference; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; creating s. 946.520, F.S.; providing for assignment of certain inmates to specified work programs; requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs; providing an exclusion to the percentage requirement for certain institutions; prohibiting the department from removing inmates from specified work assignments except under certain circumstances; repealing s. 945.04(4) & (5), F.S., relating to certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By Representative Brown—

HB 1179—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.111, F.S.; revising provisions relating to licensure by examination; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.1195, F.S.; specifying requirements for financially responsible officers; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating ss. 489.1455 and 489.5335, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; providing effective dates.

—was referred to the Committees on Regulated Industries; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Health Care Services and Representative Brooks and others—

CS for HB 1205—A bill to be entitled An act relating to informed consent; creating the "Woman's Right-To-Know-Act; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; provid-

ing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary actions; providing a defense; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By the Committee on Health Care Services and Representative Ball and others—

CS for HB 1227—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; revising provisions relating to consents required prior to a termination of pregnancy; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Representative Boyd and others—

HB 1233—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; classifying students taking certain courses at the Florida Emergency Training Facility as residents for tuition purposes; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Horan—

HB 1265—A bill to be entitled An act relating to Monroe County; creating the "Islamorada, Village of Islands"; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and Islamorada, Village of Islands; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Futch—

HB 1291—A bill to be entitled An act relating to Brevard County; creating the "City of Suntree Charter"; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a city council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of its membership, and a procedure for establishing their compensation and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the mayor and council; providing for a city manager, city clerk, and city attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions and for handling finances; establishing fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date of creation and establishment of the municipality, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the city to state-shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing a referendum.

—was referred to the Committee on Rules and Calendar.

By the Committee on Corrections and Representative Martinez—

CS for HB 1347—A bill to be entitled An act relating to corrections; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from awarding credit for time served under certain circumstances; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition; authorizing courts to impose such a condition if such a program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or

more sentences that are eligible for conditional release supervision; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Ways and Means.

By Representative Betancourt—

HB 1349—A bill to be entitled An act relating to culpable negligence; amending s. 784.05, F.S.; defining the offense of storing or leaving a loaded firearm within reach or easy access of a minor, which firearm is obtained and taken to a public or private elementary or secondary school by the minor; providing penalties; providing exceptions; amending s. 921.0012, F.S., relating to the sentencing guidelines offense levels; conforming a cross reference; providing an effective date.

—was referred to the Committees on Criminal Justice and Education.

By Representative Sindler—

HB 1447—A bill to be entitled An act relating to veterinary medical practice; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; correcting a cross reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; reenacting s. 474.217(2), F.S., relating to licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Representative Dockery and others—

HB 1465—A bill to be entitled An act relating to social and economic assistance; amending s. 409.908, F.S.; deleting a provision relating to the reimbursement for midwives who provide services to Medicaid recipients; directing the Agency for Health Care Administration to adopt certain rules; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Regulated Services and Representative Morroni and others—

HB 1529—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01, F.S.; providing a definition for an entertainment/resort complex; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By the Committee on Community Colleges and Career Prep; and Representative Sindler and others—

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms “adult secondary education,” “basic literacy,” and “functional literacy”; defining the terms “beginning literacy” and “family literacy”; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring

a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 1619—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; providing retroactive application of an exemption under certain circumstances; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising language with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising language with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising language with respect to grounds for denial of licensure; amending s. 501.626, F.S.; revising language with respect to rulemaking authority; amending s. 501.925, F.S.; revising conditions under which a watch is considered a used watch; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license, revising language with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising language with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and 559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising language with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit by each independent agent; defining the term "independent agent"; amending s. 559.929, F.S.; revising language with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising language with respect to rules; amending s. 559.9355, F.S.; revising language with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Villalobos and others—

CS for HB 1643—A bill to be entitled An act relating to health care; amending ss. 458.320 and 459.0085, F.S., relating to financial responsibility of physicians and osteopathic physicians; requiring the Department of Health to suspend the license of a physician or osteopathic physician pending payment, up to the amounts required by the applicable financial responsibility provision of law, of any outstanding judgment, arbitration award, other order, or settlement; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Representative Rayson—

HB 1655—A bill to be entitled An act relating to Broward County; providing for the election of school board members of Broward County from single-member districts within the school board district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Constantine—

HB 1679—A bill to be entitled An act relating to surface waters or wetlands mitigation; amending s. 373.414, F.S.; revising conditions for the acceptance of money as mitigation in certain permitted projects; providing for a report; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Community Affairs and Representative K. Pruitt and others—

CS for HB 1683—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; creating s. 189.4047, F.S.; providing for refund of special assessments levied by a dependent special district under certain conditions; providing for retroactive effect; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites; providing that certain ports are deemed to be in compliance with said section; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; specifying additional activities that are deemed to serve such purposes; amending s. 200.069, F.S.; authorizing inclusion in the notice of proposed property taxes of a notice of adopted non-ad valorem assessments and providing requirements with respect thereto; providing effective dates.

—was referred to the Committees on Community Affairs; Rules and Calendar; and Ways and Means.

By Representative Peaden and others—

HB 1705—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term "elder"; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Warner and others—

HB 1753—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By Representative Peaden and others—

HB 1785—A bill to be entitled An act relating to health insurance contracts; amending ss. 627.6416, 627.6579, F.S.; amending the definition of the term "child health supervision services"; amending requirements for such services; providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies; amending s. 627.6699, F.S.; authorizing certain small employer carriers to impose certain requirements in participating in, administering, or issuing certain health benefits under certain circumstances; amending s. 641.31, F.S.; providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto; requiring the continuing coverage, past the usual limiting age, of certain dependent children; requiring health maintenance contracts relating to family coverage to provide specified child health supervision services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By the Committee on Colleges and Universities; and Representative Casey and others—

HB 1873—A bill to be entitled An act relating to education; requiring the Department of Education to develop a student financial assistance database; providing a definition; requiring a report; amending s. 228.502, F.S.; deleting requirement that the Education Success Incentive Council serve as the board of directors for a direct-support organization; amending s. 232.2465, F.S., relating to the Florida Academic Scholars' Certificate Program; changing an eligibility date; amending s. 239.117, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 239.217, F.S., relating to the Florida Gold Seal Vocational Endorsement Program; changing an eligibility date; amending s. 240.107, F.S.; conforming provisions; amending ss. 240.235 and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.404, F.S., relating to general requirements for eligibility for state financial aid; deleting a requirement for participation in a testing program; deleting a requirement regarding Selective Service System registration; creating s. 240.4041, F.S.; providing eligibility requirements for

state financial aid for a student with a disability; amending s. 240.4069, F.S.; transferring administration of the Virgil Hawkins Fellows Assistance Program to the Board of Regents; revising program requirements; amending s. 240.408, F.S.; conforming provisions; amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising matching fund requirements; deleting a testing requirement; amending s. 240.437, F.S., relating to a state student financial aid program; deleting a testing requirement; amending s. 240.6045, F.S., relating to a limited access competitive grant program; revising eligibility requirements; amending s. 240.606, F.S., relating to the Florida Work Experience Program; changing eligibility requirements; deleting a requirement that a certain portion of funds be used for contracts with public schools; repealing ss. 240.4025, 240.4045, 240.407, 240.4085, and 240.4093, F.S., relating to the Florida Graduate Scholars' Fund, compliance with Selective Service System registration requirements, general scholarship loans, the Florida Student Tuition Scholarship Grant Program, and the Vocational Student Assistance Grant Program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Wallace and others—

HB 1905—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; adding educational units to the definition of the term "agency"; amending s. 120.54, F.S.; deleting the requirement for rule development for rule repeal; authorizing an alternative method by which a person may receive a copy of a preliminary draft of a rule; clarifying that an agency's decision to use negotiated rulemaking is not final agency action; deleting references to the Department of Commerce; clarifying the time by which the small business ombudsman must provide regulatory alternatives to an agency; extending the period for filing a rule upon provision of regulatory alternatives to a rule; clarifying times for filing when a notice of change to a rule must be filed; extending the period for filing a rule; amending s. 120.541, F.S.; extending the period for filing a rule if a written alternative for a lower cost regulatory alternative to a rule is provided; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; authorizing an agency to limit grants of variance or waiver only to the extent necessary to achieve the purpose of the underlying statute; clarifying that agencies may not grant a variance or waiver to rules required by the Federal Government; requiring uniform rules of procedures to contain certain procedures related to waiver and variance; clarifying the procedure by which an agency may request additional necessary information during the review of a petition for waiver or variance; amending s. 120.56, F.S.; providing that a proceeding to determine a violation of s. 120.54(1), F.S., may be consolidated with other proceedings; eliminating authority to bring such an action in conjunction with certain other proceedings; amending s. 120.569, F.S.; conforming references; amending s. 120.57, F.S.; clarifying provisions governing expedited hearings; adding a decision, opinion, order or report of the presiding officer to the record of hearings not involving disputed facts; requiring agencies to use uniform bid protest procedural rules; amending s. 120.573, F.S.; clarifying the time when mediation is authorized; amending s. 120.574, F.S.; providing that intervenors are governed by the decision of the original parties regarding the summary-hearing process; amending s. 120.595, F.S.; providing an exception to the award of attorney's fees when an agency demonstrates that a statement is required by the Federal Government to implement or retain a delegated or approved program or to meet a condition to receipt of federal funds; amending s. 120.60, F.S.; requiring a notice of intent to deny a license to specify the grounds or basis; providing an exception; specifying criteria for procedures for agencies to take emergency action with respect to licenses; amending s. 120.65, F.S.; providing requirements for the director of the Division of Administrative Hearings; amending s. 120.66, F.S.; clarifying that a presiding officer may be an agency head or designee; amending s. 120.68, F.S.; providing for judicial review; amending s. 120.74, F.S.; specifying the frequency of rule reviews; amending s. 120.81, F.S.; providing that educational units and local units of government need not publish notices or the text of proposed rules in the Florida Administrative Weekly; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Financial Services and Representative Safley and others—

HB 1933—A bill to be entitled An act relating to workers' compensation; amending s. 440.49, F.S.; revising procedures and requirements for reimbursement from the fund; providing for barring the filing of a claim for reimbursement under certain circumstances; providing a maximum fund assessment rate; requiring certain fees; requiring the Department of Labor and Employment Security to prepare an annual report; providing a schedule for reimbursements from the fund under certain circumstances; amending s. 625.091, F.S.; providing for accounting for anticipated recoveries under the Special Disability Trust Fund; requiring insurers to identify anticipated recoveries from the fund; providing an appropriation; amending s. 624.4621, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.468, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.470, F.S.; establishing standards for the use of future investment income as an asset for self-insurance funds; amending s. 624.476, F.S.; providing that the Department of Insurance may be appointed receiver for a self-insurance fund under certain circumstances; authorizing the administrative supervision of a self-insurance fund under certain conditions; creating s. 624.477, F.S.; requiring the Department of Insurance to supervise, as receiver, the liquidation, rehabilitation, reorganization, conservation, or dissolution of self-insurance funds; amending s. 624.488, F.S.; applying provisions of the Florida Insurance Code relating to rehabilitation and liquidation of an insurer to self-insurance funds; applying provisions relating to insurer assets, liabilities, and deposits to self-insurance funds; applying a provision relating to assessable mutual insurer annual reports to self-insurance funds; amending s. 628.6014, F.S.; establishing standards for the use of future investment income as an asset for assessable mutual insurers; amending s. 631.021, F.S.; providing for delinquency proceedings, venue, remedies, and appeals; amending s. 631.182, F.S.; providing for claims reports and procedures; amending s. 631.331, F.S.; providing for notice, payment, and collection procedure; amending s. 631.391, F.S.; providing for revocation of insurance-related licenses under certain conditions; amending s. 631.397, F.S.; specifying applicability of provision relating to use of marshaled assets; amending s. 631.52, F.S.; providing scope of direct insurance; amending s. 631.54, F.S.; providing definitions; amending s. 631.55, F.S.; providing for creation of the association; amending s. 631.57, F.S.; providing for powers and duties of the association; creating ss. 631.901, 631.902, 631.903, 631.904, 631.911, 631.912, 631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, and 631.927, F.S.; creating the "Florida Workers' Compensation Insurance Guaranty Association Act"; providing purposes; providing construction; providing definitions; creating the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, by merging the Florida Self-Insurance Fund Guaranty Association and the workers' compensation insurance account; providing for effect of the merger; providing requirements; providing for a board of directors; providing powers and duties of the corporation; authorizing the board to levy assessments for certain purposes; providing procedures; providing requirements and limitations; authorizing an additional assessment for certain purposes; providing procedures; providing requirements and limitations; requiring the board to prepare a plan of operation; providing requirements; providing powers of the board to prevent insolvencies and impairments; providing for examination of certain insurers by the department for certain purposes; providing immunity from liability; specifying prohibited advertisement of solicitation; providing powers of the Department of Insurance; providing for liability of members of impaired self-insurance funds; providing for effect of paid claims; providing requirements; providing procedures; providing for staying certain proceedings; providing for setting aside certain judgments, orders, decisions, verdicts, or findings under certain circumstances; providing for nonapplication of certain attorney's fees provisions under certain circumstances; providing for assumption of liability by the corporation of certain payments; amending s. 631.996, F.S.; creating the Florida Workers' Compensation Insurance Guaranty Fund Account; amending s. 631.915, F. S.; revising definitions; amending s. 631.935, F.S.; providing for powers and duties of the association; creating s. 631.929, F.S.; providing for election of remedies by injured workers; providing procedures; providing requirements; amending s. 631.997, F.S.; providing for reports and recommendations of the board; amending s. 631.998, F.S.; providing for application of provisions relating to negotiations with an insurer to the corporation; directing that certain provisions not be published in the Florida Statutes; provides for a report; providing an appropriation from the Insurance Commissioner's Regulatory Trust Fund to the Florida Self-Insurance Fund Guaranty Associa-

tion; providing for disbursement of appropriated funds; repealing ss. 631.90, 631.905, 631.91, 631.915, 631.92, 631.925, 631.93, 631.935, 631.94, 631.945, 631.95, 631.955, 631.96, 631.965, 631.97, 631.975, 631.98, 631.985, 631.99, and 631.995, F.S., relating to the Florida Self-Insurance Fund Guaranty Association; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 2011—A bill to be entitled An act relating to regulation of professions; amending s. 177.031, F.S.; revising and providing definitions relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper prior to approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, and 287.055, F.S.; conforming references; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; authorizing the Department of Business and Professional Regulation to issue a notice of noncompliance for an initial offense of a minor violation when the board has failed to designate such minor violation by rule; amending s. 458.347, F.S.; providing qualifications for certain applicants for specified physician assistants; amending s. 468.385, F.S.; revising provisions relating to the written examination required to be licensed as an auctioneer; amending s. 468.386, F.S., relating to fees applicable to regulation of auctioneers; eliminating reference to the examination fee; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action to include reference to property belonging to another; providing penalties; reenacting s. 468.391, F.S., relating to a criminal penalty, to incorporate the amendment to s. 468.389, F.S., in a reference thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in a reference thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; amending s. 468.432, F.S.; authorizing the department to adopt rules relating to licensure and disciplinary requirements applicable to community association management; amending s. 468.542, F.S.; providing definitions for classes of water and wastewater operators; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; amending ss. 468.547 and 468.548, F.S., relating to fees and requirements for licensure; eliminating or revising references to examination and reexamination; amending s. 468.607, F.S.; providing that the Department of Business and Professional Regulation shall be the issuing body for a certificate to practice as a building code administrator, plans examiner, or building code inspector; amending s. 468.609, F.S.; revising requirements for certification as a building code administrator, plans examiner, or building code inspector; amending s. 468.617, F.S.; providing that local governments may employ or authorize persons certified or exempt from such regulation to perform inspections on a contract basis; amending s. 468.621, F.S.; revising prohibitions; providing disciplinary actions; amending s. 468.629, F.S.; revising disciplinary grounds; providing penalties; amending s. 469.001, F.S.; revising and providing definitions relating to asbestos abatement; amending s. 469.002, F.S.; revising an exemption relating to asbestos-related activities by governmental employees; amending s. 469.004, F.S.; exempting asbestos consultants from licensure under certain circumstances relating to the moving, removal, or disposal of asbestos-containing roofing materials; amending s. 469.005, F.S.; revising requirements for licensure as an asbestos consultant or asbestos contractor; amending s. 469.006, F.S.; eliminating reference to consultant or contractor seals, and requiring a signature instead; amending s. 469.013, F.S.; adding course requirements for management planners; repealing s. 469.015, F.S., relating to seals; amending s. 470.002, F.S.; revising the definition of "legally authorized person"; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; revising continuing education requirements for renewal of a funeral director or embalmer license or registration of a direct disposer; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities; providing for biennial renewal; providing fees; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S; extending disciplinary actions to certain registrants and licensees; creating s. 471.024, F.S.; authorizing engineers to perform duties of building code inspectors; amending s. 473.306, F.S.; providing conditions under which the Board of Accountancy may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Council for purposes of maintaining proper educational qualifications for licensure of certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership to practice public accountancy in this state; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Council for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.2065, F.S., relating to fees applicable to regulation of veterinary medical practice; eliminating reference to examination and reexamination fees; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; correcting a cross reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; amending s. 475.125, F.S., relating to fees applicable to regulation of real estate brokers, salespersons, and schools; eliminating reference to examination and reexamination fees; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a provision that requires the automatic cancellation of the registration of a real estate broker partnership upon the lapse in licensure or registration of any of its partners; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.175, F.S.; revising provisions relating to examinations; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; increasing the administrative fine; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the

Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), and 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.278, F.S.; providing for disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; providing registration requirements for appraisers; amending s. 475.617, F.S.; clarifying continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for a restricted license to practice barbering; amending s. 477.013, F.S.; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty shop; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; repealing s. 477.022, F.S., relating to examinations; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; creating s. 481.2051, F.S.; authorizing architects to perform duties of building code inspectors; amending ss. 481.207, 481.209, and 481.213, F.S., relating to licensure as an architect or interior designer; revising provisions relating to fees and examinations; amending s. 489.103, F.S.; limiting the ordinances, rules, or regulations that a municipality or county may adopt with respect to the installation or maintenance of water conditioning units; providing an exemption from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under specified circumstances; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.109, F.S.; revising provisions relating to examination fees; amending s. 489.111, F.S.; revising provisions relating to licensure by examination; amending s. 489.113, F.S.; revising a provision relating to the certification examination; revising provisions that authorize persons who are not certified or registered to perform construction work under the supervision of a person who is certified or registered; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of temporary certification or registration of a business organization; amending s. 489.127, F.S.; revising and providing penalties applicable to violations of construction contracting provisions; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; creating ss. 489.1455 and 489.5335, F.S.; providing for journeyman reciprocity; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption relating to public utilities; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; amending s. 489.525, F.S.; changing the date for the Department of Business and Professional Regulation to inform local boards and building officials of the names of all certificateholders and the status of the certificates; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; amending s. 489.531, F.S.; revising and providing penalties applicable to violations of electrical and alarm system contracting provisions; reenacting s. 489.533(1)(a) and (2), F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 489.531, F.S., in a reference thereto; amending s. 489.537, F.S.; revising requirements relating to subcontracting alarm system contracting; amending ss. 489.539 and 553.19, F.S.; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.553, F.S.; revising qualifications for registration as a septic tank contractor or master septic tank contractor; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 553.06, F.S.; requiring the Board of Building Codes and Standards to adopt alternative standards for testing water treatment units under certain circumstances; amending s. 553.63, F.S., relating to trench excavations in excess of a specified depth; deleting a provision requiring contract bids to include certain items; repealing s. 553.64, F.S., relating to certain requirements for contract bids; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of studies and records of the Department of Business and Professional Regulation to determine if mandatory continuing education is the most effective method of ensuring professional competence and to identify and analyze alternate methods of ensuring such competence; requiring a report; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; providing an effective date. providing effective dates.

—was referred to the Committees on Regulated Industries; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Lippman and others—

HB 2013—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; correcting a cross reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; correcting a cross reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; correcting a cross reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing conditions under which resident physicians may prescribe medicinal drugs; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; correcting a cross reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants;

amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and transferring and amending s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; correcting a cross reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; providing an effective date.

—was referred to the Committees on Committee on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Representative Feeney—

HB 2027—A bill to be entitled An act relating to the Civil Service System for the Seminole County Sheriff's Office; amending ch. 70-942, Laws of Florida, as amended; providing that any decision of the board must be made by a majority vote of the members; lowering the minimum age for members; providing for designation of positions within the unclassified service; providing for responsibilities of the board chairman; providing for annual submission of table of organization; clarifying authority and powers of the board; deleting certain provisions and adding correctional officers to the act; amending time validity of the list for initial appointment and promotions; amending the time period for challenging a test; amending notice procedures; amending provisions relating to probationary periods; revising provisions relating to return of demoted employees in the unclassified service; revising provisions relating to transfer; eliminating certain positions; providing for rules to be used in hearings; amending provisions relating to hearings for classified employees; revising provisions relating to suspension of classified employees; revising provisions relating to time period for and subject matter of hearings; requiring written requests for hearings; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Family Law and Children; and Representative Lynn and others—

HB 2031—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending ss. 61.052, 382.008, 455.213, 455.2141, and 741.04, F.S.; requiring the inclusion of a person's social security number in judgments for dissolution of marriage, in death certificates, in certain licensing provisions, and in certain other provisions of law; amending s. 61.13, F.S.; revising language with respect to orders for child support; amending s. 61.1301, F.S.; revising language with respect to income deduction; providing for income deduction notice; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver's license of a child support obligor; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the IV-D agency; amending s. 61.14, F.S.; providing for the modification of certain support orders without a substantial change of circumstances; providing that workers' compensation payments are not exempt from garnishment, attachment, execution, and assignment of income for the purpose of enforcing child or spousal support obligations; amending s. 61.181, F.S.; extending a date with respect to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; amending s. 61.1812, F.S.; revising language with respect to the Child Support Incentive Trust Fund; amending s. 61.1814, F.S.; changing the name of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.30, F.S.; providing that in certain Title IV-D cases no change of circumstances need to be proven to warrant a modification in child support payments; providing for retroactive child support under certain circumstances; providing that the Legislature shall review the child support guidelines at least every 4 years beginning in 1997; providing for a child support guidelines study; providing for a report; amending s. 88.1011, F.S.; revising definitions with respect to the Uniform Interstate Family Support Act; amending ss. 88.1021, 88.2031, and 88.3031, F.S.; conforming to the act; amending s. 88.2051, F.S., relating to continuing exclusive jurisdiction; amending s. 88.2071, F.S.; providing for the recognition of controlling child support orders; amending s. 88.3011, F.S.; correcting a cross reference; amending s. 88.3041, F.S.; providing a procedure when a responding state has not enacted a law similar to the Uniform Interstate Family Support Act; amending ss. 88.3051, 88.3061, 88.3071, and 88.6061, F.S.; deleting reference to first class mail for certain notification; amending s. 88.5011, F.S.; providing for the employer's receipt of an income-withholding order of another state; creating s. 88.50211, F.S., relating to the employer's

compliance with the income-withholding order of another state; creating s. 88.5031, F.S.; providing for compliance with multiple income-withholding orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for the contest by the obligor of the validity of enforcement of an income-withholding order under certain circumstances; transferring and renumbering s. 88.5021, F.S., to conform to the act; amending s. 88.6051, F.S.; revising language with respect to notice of registration of order; amending s. 88.6111, F.S.; revising language with respect to modification of a child support order of another state; amending s. 88.6121, F.S., relating to the recognition of an order modified in another state; creating s. 88.6131, F.S.; providing for jurisdiction to modify the child support order of another state when individual parties reside in this state; creating s. 88.6141, F.S.; providing for notice to the issuing tribunal of modifications; amending s. 88.7011, F.S.; revising language with respect to proceeding to determine parentage; creating s. 88.9051, F.S.; providing for rules; amending s. 213.053, F.S.; revising language with respect to confidentiality and information sharing by the Department of Revenue; amending ss. 231.17, 402.308, 548.021, and 626.171, F.S.; requiring the inclusion of the applicant's social security number on applications for teaching certificates, child care facility licenses, a license or permit issued by the State Athletic Commission, and certain insurance licenses; amending s. 320.05, F.S.; directing the Department of Highway Safety and Motor Vehicles to disclose certain information to child support enforcing agencies; amending s. 382.013, F.S.; providing for the use of certain information regarding registered births; providing for certain information to be given to unwed mothers; amending ss. 383.0112, 383.0113, and 383.216, F.S., relating to the Commission on Responsible Fatherhood; postponing date of a statewide symposium; revising appointment of commission members; providing terms; providing for assignment to the Department of Children and Family Services; providing for inclusion of certain programs in the plan of each prenatal and infant health care coalition; amending s. 409.2554, F.S.; correcting a cross reference; creating s. 409.25575, F.S.; providing for the privatization of child support enforcement; amending s. 409.2561, F.S.; revising language with respect to reimbursement for public assistance payments made for support of a child; amending s. 409.2564, F.S.; revising language with respect to actions for support; creating s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; amending s. 409.25645, F.S.; authorizing the use of administrative orders to require genetic testing in Title IV-D cases; amending s. 409.25656, F.S.; revising language with respect to garnishment; creating s. 409.25657, F.S.; providing requirements for financial institutions; amending s. 409.2567, F.S.; revising language with respect to services to individuals not otherwise entitled to delete reference to paternity determination; amending s. 409.2574, F.S.; directing the department to serve notice on the obligor with respect to income deduction notice; creating s. 409.2576, F.S.; creating a State Directory of New Hires; providing definitions, reports, and data; providing for service of deduction notices; providing disclosure; providing for rulemaking; amending s. 409.2577, F.S.; revising language with respect to the parent locator service; providing for certain notification; creating s. 409.2578, F.S.; providing for access to employment information; providing administrative fines; amending s. 409.2579, F.S.; revising language with respect to safeguarding Title IV-D case file information; amending s. 409.2598, F.S., relating to suspension or denial of new or renewal licenses, registrations, and certification; amending s. 414.028, F.S.; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; amending s. 443.171, F.S., relating to records and reports of employing units with respect to unemployment compensation; amending s. 443.1715, F.S., relating to the disclosure of certain information with respect to unemployment compensation; amending s. 742.031, F.S.; providing for the recording of each parties social security number on the order adjudicating paternity; providing that certain bills are admissible in evidence; providing requirements with respect to a judgment of paternity which does not contain an explicit award of custody; providing for temporary orders of child support; creating s. 742.032, F.S.; providing for the filing of location information; amending s. 742.10, F.S.; providing that certain persons may rescind an acknowledgment of paternity under certain circumstances; providing for certain rules; providing for the effect of a signed voluntary acknowledgement of paternity; amending s. 742.105, F.S., relating to the effect of a determination of paternity from a foreign jurisdiction; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; amending s. 744.301, F.S.; revising language with respect to natural guardians; amending s. 943.053, F.S.; directing the Department of Law Enforcement to disclose certain information to the child support enforcement agency; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; directing the department to develop a draft request for a state disbursement unit and a state case registry; providing for a report; providing legislative findings with respect to protection of applicants and recipients of certain public assistance; repealing s. 443.175, F.S., relating to pilot projects; requiring a report from the Department of Revenue; providing effective dates.

—was referred to the Committees on Judiciary; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 148, SB 156, SB 292, SB 392, CS for SB 398, CS for CS for SB's 404 and 414, SB 656, SB 664, CS for SB's 780, 520 and 692, CS for SB 798, CS for SB 800, CS for SB 940, SB 958, CS for SB 1066, CS for SB's 1286 and 1446, CS for SB 1420, CS for CS for SB 1824 and SB 2064.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has failed to pass CS for SB 10.

John B. Phelps, Clerk

ENROLLING REPORTS

CS for SB 82, CS for SB 300 and CS for SB 288 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 29, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:17 p.m. to reconvene at 9:30 a.m., Wednesday, April 30.

Journal of the Senate

Number 21—Regular Session **Wednesday, April 30, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by the Rev. Jack Oliver, Pastor, Exciting Idlewild Baptist Church, Tampa:

Dear Heavenly Father, we come to you today to ask you to be with these men and women in the Senate of the great state of Florida. We ask you to give them wisdom to make decisions that will honor your holy name. We know as scripture tells us that "Righteousness exalteth a nation, but sin is a reproach to the people."

So we ask you today to help the leaders to lead in the way that you would have them to lead. I ask you to help them realize that they are here by divine appointment to carry out what would honor you. You tell us to do nothing out of selfish ambition or vain glory but in humility, to consider others better than ourselves. You also tell us not to look to our own interests but to the interests of others.

I pray that our leaders in the Senate would heed your holy word and put others before themselves. Help us, Father, to remember what our leaders of yesteryear knew, and that is to put our faith and trust in you to guide us not only in trouble or turmoil but in our everyday living.

We ask this in the name of your Son, my Savior and Lord, Jesus Christ. Amen.

PLEDGE

Senate Pages, Russell Eckenrod of Ellenton and Sara Parrish of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Silver, by two-thirds vote **SB 996** was removed from the Special Order Calendar and withdrawn from further consideration; and **SB 466** and **SB 1572** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 20** was withdrawn from the Committee on Ways and Means.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Kirkpatrick, the rules were waived and the conferees on **CS for CS for SB's 1688, 792, 1334 and 2254** were granted permission to meet this day from 7:00 p.m. until completion.

MOTIONS

On motion by Senator Bankhead, by two-thirds vote **SB 2054** was placed on the Consent Calendar for Thursday, May 1.

On motion by Senator Bankhead, by two-thirds vote **HB 1875**, **HB 1175**, **SB 2510**, **HB 977**, **SB 2530** and **HB 1543** were added to the Local Bill Calendar for today to be taken up Thursday, May 1.

On motion by Senator Bankhead, a deadline of 7:00 a.m. Thursday, May 1, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

On motions by Senator Cowin, by two-thirds vote—

CS for HB 137—A bill to be entitled An act relating to education; amending s. 230.03, F.S., relating to management of the district school system; providing authority for rules, procedures, and policies; correcting a cross reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; correcting a cross reference; amending s. 230.2317, F.S.; revising provisions relating to multiagency services for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program purposes and plan requirements; amending s. 230.303, F.S.; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to

schools under the control of the school board and superintendent; repealing ss. 230.59, 230.655, and 230.71, F.S., relating to educational communications systems, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; correcting cross references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; correcting a cross reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2468, F.S., and repealing subsections (2) and (3), relating to graduation, habitual truancy, and dropout rates; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; correcting cross references, conforming language, and deleting obsolete language; amending s. 236.24, F.S.; clarifying language relating to school board securities transactions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1376** as amended and read the second time by title.

On motion by Senator Cowin, further consideration of **CS for HB 137** was deferred.

Consideration of **HB 1933** was deferred.

On motion by Senator Lee, by two-thirds vote **CS for HB 1275** was withdrawn from the Committees on Community Affairs; Regulated Industries; and Ways and Means.

On motions by Senator Lee, by two-thirds vote—

CS for HB 1275—A bill to be entitled An act relating to taxation; providing legislative intent with respect to the municipal public service tax; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from said tax; exempting certain religious institutions from the tax on telecommunication services; providing that state universities shall not be deemed sellers of taxable items under certain circumstances; revising provisions relating to determination of the situs of telecommunication services; providing requirements for returns and remittance of the tax on telecommunication services; requiring certain purchasers claiming exemptions to certify that they are qualified therefor; requiring governmental bodies that sell taxable services to nonexempt users to collect and remit the tax; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address or when information does not conform to the seller's address records; creating s. 166.234, F.S.; providing procedures for audits of sellers by municipalities; prohibiting contingent fee audits; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; authorizing municipalities to assess interest and penalties; providing requirements with respect to a determination by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing for interest on refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing for communications between municipalities with respect to specified matters relating to audits and the identities of sellers; prescribing the circumstances for assessment of audit expenses against a seller; providing a schedule for application of the requirements of the act; amending ss. 203.01 and 203.63, F.S., relating to taxes on gross receipts for utility services and on interstate and international telecommunication services; specifying that certain sums charged as taxes under said sections and under ch. 212, F.S., shall not be subject to refund, notwithstanding requirements relating to separate statement of such taxes on bills or invoices; providing legislative intent; providing an appropriation; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1958** as amended and by two-thirds vote read the second time by title. On motion by Senator Lee, by two-thirds vote **CS for HB 1275** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Madam President	Crist	Jones	Silver
Bronson	Dantzler	Kirkpatrick	Sullivan
Brown-Waite	Dudley	Klein	Thomas
Burt	Grant	Kurth	Turner
Campbell	Hargrett	Lee	Williams
Casas	Holzendorf	McKay	
Clary	Horne	Myers	
Cowin	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Bankhead, Childers, Dyer, Forman, Gutman, Harris

SB 2252—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; providing for a county to levy an additional tax for the purpose of paying for a convention center in the county or subcounty special district that levies the tax; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Rossin moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, line 4, after "levied" insert: *Each county may establish one subcounty special district for the purpose of levying the tax authorized by this paragraph.*

On motion by Senator Rossin, **SB 2252** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Forman	Klein	Sullivan
Burt	Grant	Kurth	Thomas
Campbell	Gutman	Latvala	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

CS for CS for SB 64—A bill to be entitled An act relating to local option taxes; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds for a professional sports franchise facility or convention center; revising the uses, and the conditions for use, of the revenues of said tax by certain high tourism impact counties; providing a definition of "convention center"; providing additional uses for the additional tax authorized to be levied by counties which levy said tax; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes levied by a high tourism impact county transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before July 1, 1997, for refunding certain bonds; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Bronson, **CS for CS for SB 64** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Holzendorf	McKay
Bankhead	Crist	Horne	Meadows
Bronson	Dantzler	Jenne	Myers
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Harris

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

—was read the third time by title.

Senator Rossin moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3), (4), and (5) are added to section 235.40, Florida Statutes, to read:

235.40 Radio and television facilities.—

(3) Any public television or public radio broadcasting entity receiving funding through Public Broadcasting Grants and Aids, General Appropriations Act, is prohibited from the sale, merger, or disposition of its assets, wholly or in part, to any private entity of its subsidiaries, not-for-profit or otherwise, without first issuing a Request for Proposal (RFP). Invitations to bid on the request for proposal will be accepted for 90 days after the date of first issuance and will be followed by a 60-day consideration period before a final selection is made. The winning bidder will be selected based upon, but not limited to, financial strength, managerial expertise, programming integrity, and the beneficial use of the entity's public broadcasting facilities to this state. Immediately upon the issuance of the request for proposal, all state appropriations to the issuing entity must be placed in a mandatory reserve fund until a bid selection is made. Any public television or public radio broadcasting entity that is not in compliance with any of the provisions of this section will be ineligible for funding identified in Public Broadcasting Grants and Aids, General Appropriations Act. The Governor shall appoint one qualified person to the board of each publicly owned television or radio broadcasting entity that receives state funding.

(4) If a state university or public institution of higher learning bids on and wins the request for proposal of a public television or public radio broadcasting entity, the acquired or merged entity's funding identified in Public Broadcasting Grants and Aids, General Appropriations Act, shall, for the first year only, be directed to the Board of Regents and applied toward the purchase price or equity position of the acquiring state university or public institution of higher learning.

(5) In fiscal year 1997-1998, state funding associated with Public Broadcasting Grants and Aids, General Appropriations Act, for South Florida Telecommunications, Inc. (WXEL-TV/FM, Channel 42), must be directed to the corporation through and under the control of the Board of Regents. The funds must be used to establish a percentage of ownership for Florida Atlantic University in South Florida Telecommunications, Inc. (WXEL-TV/FM).

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station receiving public funds, as specified, from selling, merging, or disposing of its assets to a private entity, except by issuing a request for proposal; providing procedures; providing funding consequences if a state university or public institution of higher learning wins the request for proposal; providing for redirection of funds allocated for fiscal year 1997-1998 to South Florida Telecommunications, Inc.; providing an effective date.

On motion by Senator Rossin, further consideration of **SB 1648** with pending **Amendment 1** was deferred.

HB 153—A bill to be entitled An act relating to excise tax on documents; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Horne, **HB 153** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Casas	Dyer	Holzendorf
Bankhead	Childers	Forman	Horne
Bronson	Clary	Grant	Jenne
Brown-Waite	Cowin	Gutman	Jones
Burt	Crist	Hargrett	Kirkpatrick
Campbell	Dudley	Harris	Klein

Kurth	Myers	Silver	Turner
McKay	Ostalkiewicz	Sullivan	Williams
Meadows	Scott	Thomas	

Nays—None

Vote after roll call:

Yea—Lee, Rossin

Consideration of **HB 1357** was deferred.

HB 2031—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "State Case Registry"; amending ss. 61.052, 382.008, 455.213, 455.2141, and 741.04, F.S.; requiring the inclusion of a person's social security number in judgments for dissolution of marriage, in death certificates, in certain licensing provisions, and in certain other provisions of law; amending s. 61.13, F.S.; revising language with respect to orders for child support; amending s. 61.1301, F.S.; revising language with respect to income deduction; providing for income deduction notice; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver's license of a child support obligor; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the IV-D agency; amending s. 61.14, F.S.; providing for the modification of certain support orders without a substantial change of circumstances; providing that workers' compensation payments are not exempt from garnishment, attachment, execution, and assignment of income for the purpose of enforcing child or spousal support obligations; amending s. 61.181, F.S.; extending a date with respect to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; amending s. 61.1812, F.S.; revising language with respect to the Child Support Incentive Trust Fund; amending s. 61.1814, F.S.; changing the name of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.30, F.S.; providing that in certain Title IV-D cases no change of circumstances need to be proven to warrant a modification in child support payments; providing for retroactive child support under certain circumstances; providing that the Legislature shall review the child support guidelines at least every 4 years beginning in 1997; providing for a child support guidelines study; providing for a report; amending s. 88.1011, F.S.; revising definitions with respect to the Uniform Interstate Family Support Act; amending ss. 88.1021, 88.2031, and 88.3031, F.S.; conforming to the act; amending s. 88.2051, F.S., relating to continuing exclusive jurisdiction; amending s. 88.2071, F.S.; providing for the recognition of controlling child support orders; amending s. 88.3011, F.S.; correcting a cross reference; amending s. 88.3041, F.S.; providing a procedure when a responding state has not enacted a law similar to the Uniform Interstate Family Support Act; amending ss. 88.3051, 88.3061, 88.3071, and 88.6061, F.S.; deleting reference to first class mail for certain notification; amending s. 88.5011, F.S.; providing for the employer's receipt of an income-withholding order of another state; creating s. 88.50211, F.S., relating to the employer's compliance with the income-withholding order of another state; creating s. 88.5031, F.S.; providing for compliance with multiple income-withholding orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for the contest by the obligor of the validity of enforcement of an income-withholding order under certain circumstances; transferring and renumbering s. 88.5021, F.S., to conform to the act; amending s. 88.6051, F.S.; revising language with respect to notice of registration of order; amending s. 88.6111, F.S.; revising language with respect to modification of a child support order of another state; amending s. 88.6121, F.S., relating to the recognition of an order modified in another state; creating s. 88.6131, F.S.; providing for jurisdiction to modify the child support order of another state when individual parties reside in this state; creating s. 88.6141, F.S.; providing for notice to the issuing tribunal of modifications; amending s. 88.7011, F.S.; revising language with respect to proceeding to determine parentage; creating s. 88.9051, F.S.; providing for rules; amending s. 213.053, F.S.; revising language with respect to confidentiality and information sharing by the Department of Revenue; amending ss. 231.17, 402.308, 548.021, and 626.171, F.S.; requiring the inclusion of the applicant's social security number on applications for teaching certificates, child care facility licenses, a license or permit issued by the State Athletic Commission, and certain insurance licenses; amending s. 320.05, F.S.; directing the Department of Highway Safety and Motor Vehicles to disclose certain information to child support enforcing agencies; amending s. 382.013, F.S.; providing for the use of certain information regarding registered births; providing for certain information to be given to unwed mothers; amending ss. 383.0112, 383.0113, and 383.216, F.S., relating to the Commission on Responsible Fatherhood; postponing date of a statewide symposium; revising appointment of commission members; providing terms; providing for assignment to the Department of Children and Family Services; providing for inclusion of certain programs in the plan of each prenatal and infant health care coalition; amending s. 409.2554, F.S.; correcting a cross reference; creating s. 409.25575, F.S.; providing for the privatization of child support enforcement; amending s. 409.2561, F.S.; revising language with respect to reimbursement for public assistance payments made for support of a child; amending s. 409.2564, F.S.; revising language with respect to actions for support; creating s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; amending s. 409.25645, F.S.; authorizing the use of administrative orders to require genetic testing in Title IV-D cases; amending s. 409.25656, F.S.; revising language with respect to garnishment; creating s. 409.25657, F.S.; providing requirements for financial institutions; amending s. 409.2567, F.S.; revising language with respect to services to individuals not otherwise entitled to delete reference to paternity determination; amending s. 409.2574, F.S.; directing the department to serve notice on the obligor with respect to income deduction notice; creating s. 409.2576, F.S.; creating a State Directory of New Hires; providing definitions, reports, and data; providing for service of deduction notices; providing disclosure; providing for rulemaking; amending s. 409.2577, F.S.; revising language with respect to the parent locator service; providing for certain notification; creating s. 409.2578, F.S.; providing for access to employment information; providing administrative fines; amending s. 409.2579, F.S.; revising language with respect to safeguarding Title IV-D case file information; amending s. 409.2598, F.S., relating to suspension or denial of new or renewal licenses, registrations, and certification; amending s. 414.028, F.S.; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; amending s. 443.171, F.S., relating to records and reports of employing units with respect to unemployment compensation; amending s. 443.1715, F.S., relating to the disclosure of certain information with respect to unemployment compensation; amending s. 742.031, F.S.; providing for the recording of each parties social security number on the order adjudicating paternity; providing that certain bills are admissible in evidence; providing requirements with respect to a judgment of paternity which does not contain an explicit award of custody; providing for temporary orders of child support; creating s. 742.032, F.S.; providing for the filing of location information; amending s. 742.10, F.S.; providing that certain persons may rescind an acknowledgment of paternity under certain circumstances; providing for certain rules; providing for the effect of a signed voluntary acknowledgement of paternity; amending s. 742.105, F.S., relating to the effect of a determination of paternity from a foreign jurisdiction; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; amending s. 744.301, F.S.; revising language with respect to natural guardians; amending s. 943.053, F.S.; directing the Department of Law Enforcement to disclose certain information to the child support enforcement agency; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; directing the department to develop a draft request for a state disbursement unit and a state case registry; providing for a report; providing legislative findings with respect to protection of applicants and recipients of certain public assistance; repealing s. 443.175, F.S., relating to pilot projects; requiring a report from the Department of Revenue; providing effective dates.

—was read the third time by title.

On motion by Senator Dudley, **HB 2031** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Campbell	Crist	Gutman
Bankhead	Casas	Dantzler	Hargrett
Bronson	Childers	Dudley	Harris
Brown-Waite	Clary	Forman	Horne
Burt	Cowin	Grant	Jenne

Jones	Lee	Rossin	Turner
Kirkpatrick	McKay	Scott	Williams
Klein	Meadows	Silver	
Kurth	Myers	Sullivan	
Latvala	Ostalkiewicz	Thomas	

Nays—None

Vote after roll call:

Yea—Dyer

CS for SB 1836—A bill to be entitled An act relating to assisted living; suspending provisions of s. 400.4075, F.S., and ch. 58A-5.029, F.A.C., relating to limited mental health licenses; amending s. 400.402, F.S.; revising definitions; providing additional definitions; amending s. 400.407, F.S.; correcting cross references; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the community living support plan and a cooperative agreement for each mental health resident and verify that such resident meets certain requirements; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; requiring certain documentation for a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing for an evaluation of a mental health resident in certain instances; amending s. 400.628, F.S.; prohibiting the use of restraints in adult family-care homes; requiring a study relating to certified medication technicians; requiring a report; amending s. 394.455, F.S.; revising definitions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing certain department responsibilities related to a mental health resident; amending ss. 409.212, 651.011, and 651.118, F.S.; correcting cross references; amending s. 409.912, F.S.; requiring an entity that provides Medicaid prepaid health services to coordinate health care services with an assisted living facility in certain instances; requiring establishment of a workgroup on procurement of services for assisted living facilities with a limited mental health license; requiring a report; creating s. 400.4178, F.S.; providing standards for facilities that provide special care for persons with Alzheimer's disease and other related disorders; providing employee training requirements; providing continuing education requirements; providing for approval of education courses and providers; providing for fees; providing for rules; amending s. 400.452, F.S.; including education on Alzheimer's disease and related disorders in the core educational requirement for facility administrators and staff; amending s. 430.502, F.S.; revising provisions relating to establishing memory disorder clinics; creating an additional clinic; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Rossin, **CS for SB 1836** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Childers	Forman	Klein
Bankhead	Clary	Grant	Kurth
Bronson	Cowin	Gutman	Latvala
Brown-Waite	Crist	Harris	Lee
Burt	Dantzler	Jenne	McKay
Campbell	Dudley	Jones	Meadows
Casas	Dyer	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver		

Nays—None

Vote after roll call:

Yea—Williams

CS for HB 1683—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; creating s. 189.4047, F.S.; providing for refund of special assessments levied by a dependent special district under certain conditions; providing for retroactive effect; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites; providing that certain ports are deemed to be in compliance with said section; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s. 189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; specifying additional activities that are deemed to serve such purposes; amending s. 200.069, F.S.; authorizing inclusion in the notice of proposed property taxes of a notice of adopted non-ad valorem assessments and providing requirements with respect thereto; providing effective dates.

—was read the third time by title.

On motion by Senator Rossin, **CS for HB 1683** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Turner
Casas	Grant	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman

EXPLANATION OF VOTE

The language included in CS for HB 1683, affecting deepwater port ad valorem taxation, was not intended to disrupt the inter-local agreement between the Port of Palm Beach and the City of Riviera Beach.

Ron Klein, 28th District

CS for SB 918—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing for application of the act; amending s. 196.195, F.S.; providing that certain corporations are nonprofit; amending s. 196.196, F.S.; providing criteria for determining if an applicant is using its property for a charitable, religious, scientific, or literary purpose; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Burt, **CS for SB 918** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Dantzler	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Grant	Latvala	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Cowin	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman

CS for SB 972—A bill to be entitled An act relating to vehicles used by state agencies; requiring a report from agency inspectors general on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; authorizing the division to operate a centralized vehicle leasing program; providing for the deposit of lease payments; specifying the use of lease payments; requiring a report to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Williams, **CS for SB 972** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Dantzler	Jenne	Scott
Bronson	Diaz-Balart	Jones	Silver
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Forman	Latvala	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Horne, McKay

On motion by Senator Dyer, by two-thirds vote **HB 755** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Dyer, by two-thirds vote—

HB 755—A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1414 and 228** as amended and read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, 1996 Supplement, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), ~~the Board of Regents and~~ the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 2. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) *A board may* ~~Boards, including the Board of Regents, are authorized to~~ construct or place educational facilities and ancillary facilities on land *that* ~~which~~ is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board *may*~~, including the Board of Regents, is authorized to~~ enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 3. Subsections (2) and (4) of section 235.195, Florida Statutes, are amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan ~~as provided in s. 235.16~~. ~~Upon approval of the project by the commissioner, up to 25 percent of the total cost of the project must be included in the department's legislative capital outlay budget request as provided in s. 235.41 for educational plants.~~ The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

~~(4) No school board, community college, or state university shall receive funding for more than one approved joint-use facility in any 5-year period effective August 1, 1990. All projects previously approved under the provisions of this section shall not be affected. The first year of the 5-year period shall be the first year a board receives an appropriation.~~

Section 4. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for *the acquisition of commodities,* goods, equipment, *contractual* ~~or~~ services, ~~including educational services for~~ leases of real and personal property, and ~~for~~ construction~~, in accordance with chapter 287, as applicable~~. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. The board may also acquire the same *commodities,* goods, equipment, *contractual* services, leases, and construction~~, as designated for the board,~~ for use by a university when the contractual obligation exceeds *$1 million* ~~$500,000~~. Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it.

Section 5. Paragraphs (p), (q), and (r) of subsection (3) of section 240.209, Florida Statutes, 1996 Supplement, are amended, a new paragraph (u) is added to that subsection, and subsection (8) of that section is amended, to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(p) Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to administer a program for the maintenance and construction of facilities in the State University System. *The board may* ~~and to~~ secure, or otherwise provide as a self-insurer pursuant to s. 440.38(6), workers' compensation coverage for contractors and subcontractors, or each of them, employed by or on behalf of the Board of Regents, *or by or on behalf of a state university,* when performing work on or adjacent to property owned or used by the Board of Regents or the State University System.

(q) ~~Adopt rules to~~ Ensure compliance with the provisions of *ss. 287.055 and* ~~s.~~ 287.0945, for all State University System procurement, and, additionally, ss. *255.05, 255.051, 255.0516, 255.0525,* 255.101, and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 *are* ~~shall~~ not ~~be~~ subject to s. 287.0945(7)(a).

(r) Adopt such rules as are necessary to carry out its duties and responsibilities *including, but not limited to, procedures for administering an acquisition program for the purchase or lease of real and personal property and contractual services under s. 240.205(6).*

(u) Provide for a program of multi-year appointments whereby the universities are authorized to appoint employees, including ranked faculty members, for a fixed term of employment.

(8)*(a) The Board of Regents, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, may sell, convey, transfer, exchange, trade, or purchase real property and related improvements as necessary and desirable to serve the needs and purposes of a university in the State University System.*

(b) Notwithstanding s. 253.025 or s. 287.057, when the board finds it to be in the best interest of timely property acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers which is maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6). If the board directly contracts for appraisal services, it must also contract for review services with an approved appraiser who is not employed by the same appraisal firm.

(c) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(d) This subsection does not abrogate in any manner the authority of the Board of Trustees of the Internal Improvement Trust Fund or of the Division of State Lands to approve a contract for purchase of state lands or to require specified policies and procedures for obtaining clear legal title to parcels that are purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund. Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined in that section. ~~Notwithstanding the provisions of s. 283.33, books published by~~

~~the State University System press shall not be subject to the bid requirements provided in s. 287.017.~~

Section 6. Subsections (1) and (3) of section 240.2097, Florida Statutes, are amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status. ~~The board shall provide in a report to the Legislature, by institution, a list of all limited access programs, the minimum admission standards for each program, and a copy of the most recent review demonstrating the need for retention of limited access status. Such report shall be submitted by December 1, 1990, and annually thereafter.~~

(3) Each university shall *review* ~~compile~~ and update *as necessary* ~~annually~~ a student handbook that includes, but is not limited to, ~~a comprehensive calendar that emphasizes important dates and deadlines,~~ student rights and responsibilities, appeals processes available to students, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor. Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 7. Paragraph (a) of subsection (1) of section 240.2111, Florida Statutes is amended to read:

240.2111 Employee recognition program.—

(1)(a) Notwithstanding the provisions of s. 110.1245, the Board of Regents and each university shall *develop procedures* ~~promulgate rules~~ for an employee recognition program *that* ~~which~~ provides for the following components:

1. A *superior-accomplishment* ~~superior accomplishment~~ component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations. *A* ~~No~~ cash award under the *superior-accomplishment* ~~superior accomplishment~~ component of the program *may not* ~~shall~~ exceed $1,000, excluding applicable taxes.

2. A *satisfactory-service* ~~satisfactory service~~ component to recognize employees who have achieved increments of 5 continuous years of satisfactory service to the Board of Regents, university, or state in appreciation and recognition of such service. *A* ~~No~~ cash award granted under the *satisfactory-service* ~~satisfactory service~~ component *may not* ~~shall~~ exceed $50, excluding applicable taxes.

Section 8. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is ~~further~~ the *further* intent of the Legislature that this accountability process monitor performance at the system level *and at the individual university level* in each of the major *program* areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process *must* ~~shall~~ provide for the adoption of systemwide *program* performance *goals and measures* ~~standards and performance goals for each standard~~ identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. The accountability process *must* ~~shall~~ result in ~~an~~ annual accountability *reports by the State University System and each university, which must be submitted to the Legislature by December 31 of each year* ~~report to the Legislature~~.

(1) *The State University System and each university must use the identified measures in their accountability reports to report the level of performance toward meeting program goals and must identify performance standards against which each subsequent year's progress will be measured. The program goals and standards adopted through the accountability process must be consistent with the goals and objectives in the strategic plan required by s. 240.209 and with the performance-based program budgeting process required by s. 216.0166.* ~~The annual accountability report shall include goals and measurable objectives related to the systemwide strategic plan pursuant to s. 240.209. The plan must include, at a minimum, objectives related to the following measures:~~

~~(a) Total student credit hours;~~

~~(b) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;~~

~~(c) Pass rates on professional licensure examinations, by institution;~~

~~(d) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;~~

~~(e) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;~~

~~(f) Enrollment, progression, retention, and graduation rates by race and gender;~~

~~(g) Student course demand;~~

~~(h) An analysis of administrative and support functions;~~

~~(i) Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and~~

~~(j) An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.~~

(2) ~~By December 31 of each year, the Board of Regents shall submit the annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year.~~ The accountability reports *must* ~~shall~~ be designed in consultation with the Governor's Office, the Office of *Program Policy Analysis and Government Accountability* ~~the Auditor General~~, and the Legislature.

(3) The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.

Section 9. Section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. *Each university president has responsibility and accountability for decisions and operations at the university level. Each university president may communicate freely his or her ideas and represent his or her institution to the Board of Regents, state and federal legislators, state officials, faculty and staff, students, parents, alumni, supporters, the general public, and other constituencies. Each university president shall communicate with the Chancellor and the Board of Regents in a timely fashion and the Chancellor shall communicate with the presidents in a timely fashion. The president is appointed, evaluated, and removed by the Board of Regents, serves under conditions of employment as set by the board, and is responsible to the board.* Each university president shall:

(1) Develop and adopt rules governing the operation and administration of the university. Such rules *must* ~~shall~~ be consistent with the mission of the university and statewide rules and policies and *must* ~~shall~~

assist in the development of the university in a manner *that* ~~which~~ will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

(2) Prepare a budget request to be transmitted to the Board of Regents. *The* ~~Such~~ request *must* ~~shall~~ be prepared in accordance with the fiscal policy guidelines, formats, and instructions prescribed by the Board of Regents.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint university personnel and provide for the compensation and other conditions of employment consistent with applicable collective bargaining agreements and the Board of Regents rule for university personnel who are exempt from chapter 110.

(6) Certify annually to the Board of Regents the actual classroom contact hours conducted by each faculty member.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to rules of the Board of Regents and as provided in s. 240.233.

(9) Develop a program of continuing education and establish, pursuant to rules and guidelines adopted by the Board of Regents, fees for continuing education activities within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of *for-profit* ~~profit~~ or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, *by means* including the acceptance of money and other things of value.

(10) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(11) Make rules necessary for the establishment and maintenance of a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program *must* ~~shall~~ be continued *while they are participating* ~~during the period of time they participate~~ in the exchange program, and ~~such personnel shall be deemed to have no break in creditable or continuous state service or employment during~~ the period of time *during* ~~in~~ which *such personnel* ~~they~~ participate in the exchange program *does not constitute a break in their creditable or continuous state service or employment*. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person *who is* participating in the exchange program *must* ~~shall~~ be the same as those of the person he or she replaces.

(12) Approve and execute contracts for *the acquisition of commodities,* goods, ~~for~~ equipment, ~~for~~ services, ~~including educational services, for~~ leases *of* ~~for~~ real *and personal* property, and ~~for~~ construction to be rendered to or by the university, provided such contracts are made pursuant to *rules of the Board of Regents* ~~the provisions of chapter 287, as applicable~~, are for the implementation of approved programs of the university, and do not require expenditures in excess of *$1 million* ~~$500,000~~. *The acquisition* ~~Goods and equipment~~ may be *made* ~~acquired~~ by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. *Notwithstanding any other provisions of this subsection, the university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined in that section.*

(13) Manage the property and financial resources of the university, *including, but not limited to, adjusting property records and disposing of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents* ~~pursuant to s. 240.225~~. *Notwithstanding s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property must be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.*

(14) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(15) Administer the university's program of intercollegiate athletics.

(16) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(17) Award degrees.

(18) Supervise all construction contracts.

(19) Administer personnel programs established by the Board of Regents and any applicable collective bargaining agreements under the supervision of the Board of Regents.

(20) Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(21) Organize the university *so as* to ~~efficiently and effectively~~ achieve *efficiently and effectively* the goals of the university; however, any reorganization *that* ~~which~~ increases the number of administrators or their level of compensation *is subject to the review and approval of* ~~shall be reviewed and approved by~~ the Board of Regents.

(22) Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(23) Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the strategic plan adopted by the Board of Regents.

(24) Adopt rules and enter into agreements for student exchange programs *that* ~~which~~ involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program *are to* ~~shall~~ be paid to the state university *while* ~~during the period of time~~ he or she is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution *that* ~~which~~ is not in the State University System and who is participating in an exchange program *are to* ~~shall~~ be paid to the nonstate institution in which he or she is enrolled.

(25) Approve and execute general construction contracts within guidelines established by the Board of Regents. As used in this subsection, the term "general construction contract" means a contract for a project that is publicly bid and awarded to the lowest responsive and responsible bidder, and does not include agreements covering any projects contracted through design-build, construction management, or program management procedures, or contracts with professional consultants under s. 287.055.

Section 10. Subsection (16) is added to section 240.241, Florida Statutes, 1996 Supplement, to read:

240.241 Divisions of sponsored research at state universities.—

(16) Section 216.346 does not apply to contracts or subcontracts between state universities.

Section 11. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. *The purpose of the* ~~Such~~ trust fund *is to enable* ~~shall provide~~ *the Board of Regents Foundation,* each university, and New College ~~with the opportunity~~ to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which *must* ~~shall~~ be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by *procedure* ~~rule~~ of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program *must* ~~shall~~ be deposited into the trust fund and invested pursuant to ~~the provisions of~~ s. 18.125 until the Board of Regents allocates *the* ~~such~~ funds to universities to match private donations. Notwithstanding ~~the provisions of~~ s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund *which is* not matched and distributed to universities *must remain in the trust fund and used to* ~~shall~~ increase the total funds available for challenge grants. The Board of Regents may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(2) The Board of Regents shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) *The Board of Regents shall allocate* the amount appropriated to the trust fund ~~shall be allocated by the Board of Regents~~ to *the Board of Regents Foundation,* each university, and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose *must be* ~~are~~ matched in the following manner:

1. *The Board of Regents Foundation and* each university that raises at least $100,000 but no more than $599,999 from a private source *must* ~~shall~~ receive a matching grant equal to 50 percent of the private contribution.

2. *The Board of Regents Foundation and* each university that raises a contribution of at least $600,000 but no more than $1 million from a private source *must* ~~shall~~ receive a matching grant equal to 70 percent of the private contribution.

3. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source *must* ~~shall~~ receive a matching grant equal to 75 percent of the private contribution.

4. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 80 percent of the private contribution.

5. *The Board of Regents Foundation and* each university that raises a contribution in excess of $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university *or Board of Regents Foundation* for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Florida Endowment Trust Fund for Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) *The Board of Regents Foundation,* each university foundation, and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the *Board of Regents, the* university, or New College. State matching funds *must* ~~shall~~ be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation *has* ~~shall have~~ the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Regents. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least $600,000 and associated state matching funds may be designated as an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Regents.

(6) The donations, state matching funds, or proceeds from endowments established *under* ~~pursuant to~~ this section *may* ~~shall~~ not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

(7) The Board of Regents Foundation may participate in the same manner as a university foundation with regard to the provisions of this section.

Section 12. Section 240.274, Florida Statutes, is amended to read:

240.274 Universities; public documents distributed to libraries.—The general library of each institution in the State University System is entitled to receive copies of reports of state officials, departments, and institutions and all other state documents published by the state. Each officer of the state empowered by law to distribute such public documents is authorized to transmit without charge, except for payment of shipping costs, the number of copies of each public document desired upon requisition from the librarian. It is the duty of the library to keep public documents in a convenient form accessible to the public. The library~~, under rules formulated by the Board of Regents,~~ is authorized to exchange documents for those of other states, territories, and countries.

Section 13. Subsection (1) of section 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide a *product or* service, *or both,* to a university or its students, faculty, or staff and for which *a charge may be made but such charge, except for a fee that is a condition of the student enrollment and registration process, is not imposed by the Legislature* ~~is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service~~. *These* ~~Auxiliary~~ enterprises are ~~generally~~ *the activities of a university and are as a unit generally* self-sufficient. *These enterprises* ~~operations, and~~ include *activities such as* housing, bookstores, student health services, continuing education programs, food services, college stores, vending machines, specialty shops, day care centers, golf courses, student activities programs, *data center operations,* financial aid programs, *and* intercollegiate athletics ~~programs, and other programs for which the funds are deposited outside the State Treasury~~. *Fees that are a condition of the student enrollment and registration process are state revenues for purposes of Article VII, Section 1(e) of the State Constitution.*

Section 14. Subsection (9) of section 240.281, Florida Statutes, is amended to read:

240.281 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the State Treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside the State Treasury:

(9) Such other funds as may be approved by the Board of Regents and the Executive Office of the Governor *and pursuant to s. 216.177.*

Section 15. Present subsections (3) and (4) of section 243.151, Florida Statutes, are redesignated as subsections (4) and (5), respectively, and amended, and a new subsection (3) is added to that section, to read:

243.151 Lease agreements; land, facilities.—

(3) Upon approval by the Board of Regents, a university may:

(a) Construct educational facilities on land that is owned by a direct support organization, as defined in s. 240.299, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or for the period of time during which the facilities that are to be constructed on the land are expected to remain in a condition acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4)~~(3)~~ Agreements as provided in this section *must* ~~shall~~ be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement *with the entities enumerated in paragraph (3)(a) for leasing land or* with a direct-support organization as provided in s. 240.299, which *may* ~~shall~~ enter into subsequent agreements for financing and constructing the project *only* after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, *must* ~~shall~~ conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

(5)~~(4)~~ Agreements executed by the Board of Regents prior to January 1, 1980, for the purposes listed herein shall be validated, and said board's capacity to act in such cases ratified and confirmed.

Section 16. Section 240.289, Florida Statutes, is amended to read:

240.289 Credit *and charge* card use in university system; authority.—The ~~several~~ universities in the State University System *may, notwithstanding* ~~are authorized, pursuant to~~ s. 215.322, ~~to~~ enter into agreements and accept credit *and charge* card payments as compensation for goods, services, tuition, and fees, in accordance with rules *adopted* ~~established~~ by the Board of Regents. *The rules must allow the universities to accept credit and charge card payment for matriculation or tuition, nonresident tuition, and fees. The universities may not collect a service fee or surcharge for credit and charge card payments.*

Section 17. Subsection (1) of section 287.012, Florida Statutes, 1996 Supplement, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(1) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. *The term "agency" does not include the Board of Regents or the State University System; however, this exception does not exempt the Board of Regents or the State University System from the provisions of s. 287.055 regarding consultant selection or s. 120.53(5) regarding the contract bidding process.*

Section 18. Section 287.017, Florida Statutes, 1996 Supplement, is amended to read:

287.017 Purchasing categories, threshold amounts; procedures for automatic adjustment by division.—

(1) The following purchasing categories are hereby created:

(a) CATEGORY ONE: $5,000.
(b) CATEGORY TWO: $15,000.
(c) CATEGORY THREE: $20,000.
(d) CATEGORY FOUR: $60,000.
(e) CATEGORY FIVE: $120,000.

(2) The division shall adopt rules to annually adjust the amounts provided in subsection (1) based upon the rate of change of a nationally recognized price index. Such rules *must* ~~shall~~ include, but *need* not be limited to~~, the following~~:

(a) *Designating* ~~Designation of~~ the nationally recognized price index or component thereof used to calculate the proper adjustment authorized in this section.

(b) *Prescribing* the procedure for rounding results.

(c) *Establishing* the effective date of each annual adjustment based upon the previous calendar year data.

~~(3) Notwithstanding s. 240.225, the State University System shall be subject to the rules adopted pursuant to this section.~~

Section 19. Subsection (1) of section 240.207, Florida Statutes, is amended to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office.—

(1) The Board of Regents shall consist of the Commissioner of Education, *the Executive Director of the State Board of Community Colleges, the Executive Director of the Postsecondary Education Planning Commission,* and 12 citizens of this state who shall be selected from the state at large, representative of the geographical areas of the state; who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment (one of whom shall be a member registered as a full-time student in the State University System and who shall have been a resident of this state for at least 5 years prior to appointment in lieu of the 10 years required of other members); and who shall be appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate. However, no appointee shall take office until after his or her appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Except for the Commissioner of Education and except for the full-time student member, who shall serve for 1 year, the terms of office for the members of the Board of Regents shall be 6 years and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. No member shall be selected from any county to serve with any other member from the same county, except that not more than two members may be selected from a county which has a population in excess of 900,000, and with the exceptions of the student member, who shall be selected at large, and the Commissioner of Education. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur on the board.

Section 20. Subsection (1) of section 240.307, Florida Statutes, is amended to read:

240.307 State Board of Community Colleges; appointment of members; qualifications.—

(1) The State Board of Community Colleges shall be comprised of the Commissioner of Education, *the Chancellor of the State University System, the Executive Director of the Postsecondary Education Planning Commission,* one student, and 11 lay citizens appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate in regular session. The Commissioner of Education may nominate two or more persons for each position, prior to appointment by the Governor. The State Board of Education shall adopt rules and procedures for its review and approval of nominees. Members shall have been residents and citizens of this state for at least 10 years prior to appointment.

(a) All members shall be deemed to be members-at-large charged with the responsibility of serving the entire state.

(b) Terms of membership of the lay citizens shall be for 5 years.

(c) Lay citizen members of the State Board of Community Colleges shall be appointed in a manner providing equitable geographical representation.

(d) The student member shall be registered as a student in a public community college and shall have been a resident of this state for at least 5 years. His or her term of office shall be 1 year.

(2) Each member shall serve until expiration of his or her term and until his or her successor is appointed and qualified, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as otherwise provided by this section. The Governor shall fill all vacancies that may at any time occur therein, subject to the above approval and confirmation.

Section 21. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university is authorized to establish separate activity and service, health, and athletic fees, *which are defined as state revenues and which must be established annually in the General Appropriations Act*. When duly established, the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic *fund accounts within the Educational and General Student and Other Fees Trust Fund* ~~funds~~.

(a)1. *Within the ranges established in the General Appropriations Act,* each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. *Within the ranges established in the General Appropriations Act,* the student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. *The president of each university must survey the student body at least once every 3 years to determine priorities for the use of activity and service fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by* ~~The allocation and expenditure of the fund shall be determined by the student government association of the university, except that~~ the president of the university*, who* may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have *30* ~~15~~ school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the *30* ~~15~~ school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within *30* ~~15~~ school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. *Funds may not be used for the construction, remodeling, or expansion of facilities, unless approved in the General Appropriations Act.* Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b)*1. Within the range established in the General Appropriations Act,* each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any ~~subsequent~~ increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student health fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes primary care for enrolled students, health and fitness services, and other health-related services. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of health fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the health fee fund and be available for allocation and expenditure during the next fiscal year.

(c)*1.* Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. ~~The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee.~~ Any ~~subsequent~~ increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student athletic fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes operating support for athletic programs, scholarships, and academic support for student athletes. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of athletic fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the athletic fee fund and be available for allocation and expenditure during the next fiscal year.

Section 22. Present paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of subsection (10) of section 240.1201, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and a new paragraph (c) is added to that subsection, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(c) Active duty members of the Canadian military residing or stationed in this state and serving under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a public community college or university within 50 miles of the military establishment where they are stationed.

Section 23. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. In making recommendations, the commission shall consider the annual report submitted by the Board of Regents pursuant to s. 240.209(3)*(s)*~~(r)~~. Each program shall be reviewed, with the cooperation of the institution, every 5 years.

Section 24. Section 240.2475, Florida Statutes, is amended to read:

240.2475 State University System *employment* equity accountability program.—

(1) ~~No later than August 1, 1992,~~ Each state university shall *maintain an annual equity* ~~develop a~~ plan for *appropriate representation* ~~increasing the number~~ of women and minorities in senior-level administrative positions*, within tenure-track faculty, and within faculty granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:*

(a) "Appropriate representation" means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.

(b) "Category" means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty ~~for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992~~.

(2)(a) By *April 1* ~~October 31~~ of each year, each state university president shall submit an *annual* equity ~~accountability~~ report to the Chancellor and the Board of Regents. *The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the job classification title, gender, race, and appointment status of selected personnel transactions. The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation.* ~~which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:~~

~~1. Job classification title;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;~~

~~5. The salary at which the individual was hired;~~

~~6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;~~

~~7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

~~9. An assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.~~

(b) *After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities pursuant to this section.* ~~Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:~~

~~1. Rank;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. The salary at which the individual was hired; and~~

~~5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.~~

(c) *The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions.* ~~The report must also include:~~

~~1. The requirements for achieving tenure;~~

~~2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;~~

~~3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and~~

~~4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.~~

(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each stage of the transaction process, and provide certification that each eligible faculty member was apprised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives*, as specified in the university's equity plan and affirmative action plan.* Annual budget allocations for positions and funding shall be based on this evaluation. *A summary of such evaluations* ~~Such evaluation~~ shall be submitted to the Chancellor and the Board of Regents *as part of the university's annual equity report.*

(b) ~~Beginning January 1994,~~ The Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual *equity* ~~and long-term~~ goals and objectives. *A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the Board of Regents to the Legislature and the State Board of Education.*

(4) The Board of Regents shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *August* ~~December~~ 1 of each year.

(5) *Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the Board of Regents, the plan shall be submitted as part of the annual equity report submitted by each university to the Board of Regents.* ~~Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.~~

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to the Board of Regents to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 25. Section 240.3355, Florida Statutes, is amended to read:

240.3355 Community College System *employment* equity accountability program.—

(1) ~~No later than May 1, 1993,~~ Each community college *shall include in its* annual equity update ~~plan must include~~ a plan for increasing the *representation* ~~number~~ of women and minorities in senior-level administrative positions *and*~~, for increasing the number of women and minorities~~ in *full-time* ~~ranked~~ faculty positions, and for increasing the *representation* ~~number~~ of women and minorities who have attained continuing-contract status. *Positions shall be defined in the personnel data element directory of the Division of Community Colleges.* The plan must include specific measurable goals and objectives, specific strategies *and timelines* for accomplishing these goals and objectives, and *comparable national standards as provided by the Division of Community Colleges* ~~a time period for accomplishing these goals and objectives~~. The goals *and objectives* shall *be based on meeting or exceeding comparable national standards and shall* be reviewed and recommended by the State Board of Community Colleges as appropriate. *Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.*

(2)(a) On *or before* May 1 of each year, each community college president shall submit *an* ~~the~~ annual *employment accountability plan* ~~equity update~~ to the Executive Director of the State Board of Community Colleges. The *accountability plan* ~~equity update~~ must show *faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report* ~~the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings~~.

(b) The *plan* ~~report~~ must show the following information for those positions including, but not limited to:

1. Job classification title.~~;~~

2. Gender.~~;~~

3. Ethnicity.~~;~~

4. Appointment status.~~;~~

5. Salary information. *At each community college, salary information shall also include* ~~including~~ the salary *ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.* ~~at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;~~

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires.~~;~~

7. *A statement certifying diversity and balance in* the gender and ethnic composition of the selection committee for each vacancy, *including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.*~~;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

(c)~~9.~~ *The annual employment accountability plan shall also include an analysis and* an assessment of the community college's *attainment* ~~accomplishment~~ of annual goals and of long-range goals for increasing the number of women and minorities in *faculty and* senior-level administrative positions*, and a corrective action plan for addressing underrepresentation.*

(d)~~(c)~~ Each community college's *employment* ~~equity~~ accountability *plan* ~~report~~ must also include:

1. The requirements for receiving a continuing contract.~~;~~

2. *A brief description of the process used to grant* ~~The gender and ethnic composition of the committees that review~~ continuing-contract *status.* ~~recommendations;~~

3. *A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.* ~~The enhancement of continuing-contract opportunities for women and minority faculty; and~~

~~4. Written documentation of feedback on the annual progress towards achievement of continuing-contract status by women and minorities.~~

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the *community college's employment accountability* ~~equity update~~ plan.

(a) The community college presidents*, or the president's designee,* shall annually evaluate each department chairperson, dean, *provost,* and vice president in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported annually by the president of the community college to the board of trustees.* Annual budget allocations *by the board of trustees* for positions and funding must take into consideration *these evaluations* ~~this evaluation~~.

(b) ~~Beginning January 1994,~~ Community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported to the Executive Director of the State Board of Community Colleges as part of the community college's annual employment accountability plan, and to the Legislature and State Board of Education as part of the annual*

equity progress report submitted by the State Board of Community Colleges.

(4)~~(c)~~ The State Board of Community Colleges shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *January* ~~December~~ 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the community college president and the State Board of Community Colleges, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Community Colleges.

(6)~~(4)~~ Subject to available funding, the Legislature shall provide an annual appropriation *to the State Board of Community Colleges* to be allocated to *community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments* ~~the department managers~~ in recognition of the attainment of the equity goals and objectives.

Section 26. *Section 240.225, Florida Statutes; section 240.247, Florida Statutes; subsection (4) of section 240.4988, Florida Statutes; and sections 15 and 16 of chapter 94-232, Laws of Florida are repealed.*

Section 27. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; deleting a requirement that a certain portion of the cost of certain construction projects be included in a budget request; deleting a limitation upon the number of such construction projects allowed to an educational agency; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending s. 240.289, F.S.; authorizing the universities to accept credit and charge card payments; prohibiting the imposition of a service fee or surcharge for credit card payments; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; amending ss. 240.207, 240.307, F.S.; adding members to the Board of Regents and the State Board of Community Colleges; amending s. 240.235, F.S.; defining fees; providing for fee ranges; providing budget procedures; restricting the use of fee revenue for certain purposes; amending s. 240.1201, F.S.; providing that certain members of the Canadian military are classified as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

On motion by Senator Dyer, by two-thirds vote **HB 755** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Thomas
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams
Cowin	Harris	Lee	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Bankhead

Consideration of **CS for SB 508**, **CS for CS for SB 2142**, **CS for SB 544 and CS for SB 1904**, **HB 2013**, and **HB 1925** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Horne, by two-thirds vote **HB 2121** was withdrawn from the Committees on Education; and Ways and Means.

On motions by Senator Horne, the rules were waived and by two-thirds vote—

HB 2121—A bill to be entitled An act relating to educational facilities and funding; providing for a review over a 4-year period of the Florida Statutes that govern agency operations; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; authorizing the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 236.25, F.S., relating to district school tax; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for

violations of the expenditure restrictions; authorizing a waiver of the expenditure restrictions; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising requirements and providing additional criteria for funding from the Special Facility Construction Account; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities; providing additional survey requirements; requiring validation of use of standardized measures by the Department of Education; amending s. 236.083, F.S.; providing for a guaranteed allocation from student transportation funding for new schools meeting certain requirements; providing for calculation; authorizing transfer of such amount to the district capital improvement account for construction, financing, or lease-purchase of new schools; requiring the Department of Education to recommend certain incentives; authorizing the adoption of rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1548 and CS for SB 1434** and by two-thirds vote read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Commissioner of Education shall review rules of the State Board of Education and of the Department of Education annually by February 1 and recommend revisions or repeals to eliminate obsolete, excessively restrictive, and unnecessary requirements applicable to school districts in the construction, renovation, remodeling, leasing, or repair of facilities and related matters affecting the physical quality of classrooms for instructional purposes.*

(2) The Commissioner of Education shall recommend to the Legislature annually by February 1 the revision or repeal of provisions of the Florida Statutes to eliminate obsolete, excessively restrictive, and unnecessary requirements applicable to school districts in the construction, renovation, remodeling, leasing, or repair of facilities and related matters affecting the physical quality of classrooms for instructional purposes.

Section 2. *School Infrastructure Thrift Program Act.—*

(1) This section may be cited as the "School Infrastructure Thrift Program Act of 1997."

(2) The School Infrastructure Thrift Program (SIT Program) is established within the Department of Education, and the State Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing the cost of constructing educational facilities and related costs without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to landscaping, operable glazing, operable windows, radon testing, firesafety, and emergency shelter construction where lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost-beneficial. The program's purposes are to:

(a) Facilitate cost savings by school districts relating to educational facilities construction.

(b) Provide incentives for school districts to maximize dollars available for construction of educational facilities and related costs.

(c) Provide a funding mechanism for utilization solely related to the construction of new educational facilities.

(3) Funds shall be appropriated to the SIT Program on an annual basis as determined by the Legislature. Notwithstanding ss. 216.301 and 216.351, Florida Statutes, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(4) School districts may participate in the SIT Program by local option of the school board. Participating school districts may request funds in the program beginning July 1, 1997, for projects commenced after or for projects underway at the time this act becomes a law, if the projects comply with s. 235.216, Florida Statutes.

(5)(a) Annually by December 30, beginning in 1997, each participating school district shall report to the Commissioner of Education, with supporting data, its compliance with section 235.216, Florida Statutes, together with any proposal for spending SIT Program dollars on new projects within the district commencing the following fiscal year.

(b) The commissioner shall examine the data and proposals from each school district and, by February 1, shall report to the Legislature each participating district's compliance with section 235.216, Florida Statutes, for the prior fiscal year and make recommendations, ranked in order of priority, for SIT Program awards for the following fiscal year.

(c) If a school district receives SIT Program funds and fails to comply with this section and section 235.216, Florida Statutes, the district may not receive an award the following fiscal year and must return the dollars not spent or encumbered as required by this section and section 235.216, Florida Statutes, with interest thereon at the legal rate.

(d) The commissioner's criteria for SIT Program evaluation and recommendation for awards must be based on the school district meeting the requirements in this section and section 235.216, Florida Statutes, the soundness of the proposal, school district need, and the balance of dollars in the SIT Program.

(6) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature and may only be used for construction of a new educational facility and related costs. SIT Program dollars that are not spent or encumbered as required by this section must be returned to the SIT Program as required by paragraph (5)(c).

(7) For each new project of a school district that meets the criteria of section 235.216, Florida Statutes, the commissioner may award up to 20 percent of the total project cost from SIT Program dollars.

Section 3. Section 235.216, Florida Statutes, is created to read:

235.216 Maximum square foot cost of educational facilities; frugal construction incentives.—

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2) Beginning with the 1997-1998 fiscal year, a school district may seek funding assistance from the SIT Program for new construction of educational facilities if:

(a) The maximum total cost per square foot for the elementary school, middle school, or high school does not exceed the most current 5-year statewide average square foot total cost for schools serving similar grade levels published by the Department of Education, adjusted by inflation and the most current Marshall and Swift Construction Cost Index of Florida counties. If federal funds are used, the maximum square foot total cost may be adjusted to accommodate federal requirements.

(b) Upon completion of construction, the total project cost, including change orders, does not exceed the adjusted statewide average cost per gross square foot for schools serving similar grade levels, adjusted by the construction cost index and the 5-year statewide average inflation rate; does not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and does not exceed the adjusted statewide average cost per student station.

Section 4. Paragraph (a) of subsection (10) and subsections (3) and (4) of section 235.014, Florida Statutes, are amended to read:

235.014 Functions of the department.—The functions of the department shall include, but not be limited to, the following; it shall:

(3) Require boards, including the Board of Regents, to submit other educational plant inventories data and statistical data or information relevant to construction, ~~and~~ capital improvements, *and related costs.*

(4) Require each board, including the Board of Regents, all agencies of the state, and other appropriate agencies to submit complete and accurate financial data as to the amounts of funds from all sources that are available *and spent* for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does

not submit the required educational facilities fiscal data by the prescribed date, the commissioner shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to the provisions of s. 230.23(11)(b). If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed above for school districts shall be implemented.

(10)(a) ~~When required by the State Constitution,~~ Review *and validate* surveys proposed *or amended* by the boards and recommend to the State Board of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; the comparison of new school inventory to allocation limits provided by this chapter; review of cost projections for conformity with state averages; comparison of total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that area allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for vocational and adult educational programs comply with needs documented by the Division of Applied Technology and Adult Education; and confirm the assignment of full-time student stations to all space except for cafeterias, multipurpose dining areas, media centers, and administration.

2. The term "validate" as applied to surveys by community colleges means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by the Division of Community Colleges, including nonvocational, vocational, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the Division of Community Colleges as accurate for analysis of space requirements and needs; confirm that needs projected for vocational and adult educational programs comply with needs documented by the Division of Applied Technology and Adult Education; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey-recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

Section 5. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. ~~Before educational plant survey of a school district or community college that delivers career or adult education programs,~~ The Division of Applied Technology and Adult Education shall *document* ~~establish documentation of~~ the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey *of a school district or community college that delivers career or adult education programs.* Information used by the Division of Applied Technology and Adult Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Each educational plant survey completed after June 30, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before July 1, 1997, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each school district's survey must reflect the capacity of existing facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the minimum space and occupant design criteria established by rule of the State Board of Education. Existing and projected capital outlay full-time-equivalent-student enrollment must be consistent with data prepared by the department. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall ~~not~~ be counted *at 75 percent of actual student capacity.* However, an adjustment shall be made for deficiencies in core space because of the use of *relocatables* ~~portables~~. *For schools with permanent educational facilities, this adjustment shall be the product of 75 percent multiplied by a factor determined by the ratio of permanent classrooms to relocatable classrooms. Such product shall not exceed 100 percent.*

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time-equivalent-student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the minimum space and occupant design criteria established by rule of the State Board of Education.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time-student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time-equivalent-student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified, to the satisfaction of the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) ~~When required by the State Constitution,~~ The department shall review *and validate* the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding.

(b) Upon request for release of construction funds, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 6. Paragraphs (g) and (h) are added to subsection (2) of section 235.26, Florida Statutes, to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The State Board of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code shall be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code shall be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A district school board or community college district board of trustees shall not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It shall also be the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(g) The maximum and minimum net square footage per student for new construction initiated by a district school board after June 30, 1997. The maximum net square footage per student may not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997.

(h) Maximum allowable space for noninstructional elements of educational facilities in relation to design criteria for space size and occupancy not to exceed the following:

1. The net area of the building may be increased up to 6 percent for interior enclosed space necessary for electrical, heating, ventilation, and air conditioning equipment.

2. Space for general circulation, interior and exterior walls, roof overhangs, and open malls shall not exceed 22 percent of the net square footage of the total facility for schools housing students in prekindergarten through grade 5 or grade 6 and shall not exceed 30 percent for schools housing students in grade 6 through postsecondary, including ancillary and broadcasting stations.

Section 7. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and paragraph (a) of subsection (5) of section 235.435, Florida Statutes, are amended, present subsection (6) is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any *3-year* ~~5-year~~ period. The first year of the *3-year* ~~5-year~~ period shall be the first year a district receives an appropriation. *The department shall encourage a construction program that reduces the average size of schools in the district.* The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts other than the district submitting the project. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a mimimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time-equivalent-student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2.~~1.~~ The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3.~~2.~~ The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4.~~3.~~ The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.

5.~~4.~~ The district shall have a school board adopted facility list developed *in accordance with* ~~not to exceed~~ the *minimum* ~~normal~~ net square feet occupancy requirements under the rules of the State Board of Education *and using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.*

6. Upon construction, the total project cost, including change orders, must not exceed the adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average cost per student station.

7.~~5.~~ There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8.~~6.~~ The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 236.25(2). Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9.~~7.~~ If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10.~~8.~~ The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

11.~~9.~~ The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

12.~~10.~~ Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(4)(a) The boards of trustees of the community colleges and the Board of Regents of the State University System shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 45 days prior to the legislative session. The State Board of Community Colleges shall submit a 3-year priority list for the entire State Community College System. The Board of Regents shall submit a 3-year priority list for the entire State University System. The lists shall reflect decisions by the boards concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 235.15 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the first year of the 3-year priority list unless the educational specifications have been approved by the Chancellor for university projects or by the Division of Community Colleges for community college projects. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

(5) District school boards shall identify each fund source and the use of each proportionate to the project cost, as identified in the bid document, to assure compliance with this section. The data shall be submitted to the department, which shall track this information as submitted by the boards. PECO funds shall not be expended as indicated in the following:

(a) District school boards shall provide landscaping by local funding sources or initiatives. *District school boards are exempt from local landscape ordinances but may comply with the local requirements if such compliance is less costly than compliance with the landscape requirements of the State Uniform Building Code for Public Educational Facilities.*

(6)(a) Effective July 1, 1997, each district school board must meet all instructional space needs of the respective educational sector before spending funds from the Public Education Capital Outlay Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any other new construction, renovation, or remodeling. Expenditures to meet such instructional space needs may include expenditures for site acquisition, new construction, renovation, remodeling, and the costs of such services of school district personnel directly related to renovation or remodeling.

(b) Each district school board must not use funds from the Public Education Capital Outlay Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction with a total contract cost, including change orders, that equals more than 110 percent of the adjusted statewide average total construction cost per gross square foot, adjusted by the appropriate construction cost index and the 5-year average statewide inflation rate. Operating funds must be used to pay any part of the total construction cost, including costs resulting from change orders, which exceeds the expenditure limits of this subsection.

(c) All new construction initiated by a district school board after June 30, 1997:

1. Must not exceed the minimum square footage per student defined by the State Requirements for Educational Facilities, 1997; and

2. Must not exceed the adjusted statewide average construction cost per student station for the previous calendar year.

(d) The department shall compute for each calendar year statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute adjusted statewide average total construction costs for each instructional level. The adjusted statewide average total construction cost shall not include any new construction project that exceeded the statewide average contract cost for new construction by more than 10 percent. Total construction cost includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Total construction cost does not include the cost of purchasing or leasing the site for the construction.

Section 8. Paragraph (e) of subsection (2) of section 236.25, Florida Statutes, is amended and subsection (5) is added to that section to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(2), not exceeding, in the aggregate, an amount equal to *three-fourths* ~~one-half~~ of the proceeds from the millage levied by a school board pursuant to this subsection.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(5) It is the intent of the Legislature that, by July 1, 2004, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and for the purchase of equipment and materials directly related to the delivery of student instruction in such facilities.

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 70 percent of the amount that was spent for those purposes in the base year.

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 55 percent of the amount that was spent for those purposes in the base year.

(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 40 percent of the amount that was spent for those purposes in the base year.

(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 25 percent of the amount spent for those purposes in the base year.

(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and the purchase of equipment and materials directly related to instruction in such facilities no more than 10 percent of the amount spent for those purposes in the base year.

(g) Beginning July 1, 2004, revenue generated by the millage levy authorized by subsection (2) must be used only for the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students and for the purchase of equipment and materials directly related to the delivery of student instruction in such facilities.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years.

Section 9. *The Department of Education shall develop and recommend incentives to benefit district school boards which reduce educational facility construction costs as required by this act. The recommendations and any statutory changes necessary to implement the recommendations must be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 1998.*

Section 10. *During fiscal year 1997-1998, the Department of Education shall allocate funds from the Public Education Capital Outlay and Debt Service Trust Fund, in an amount determined by the General Appropriations Act, to enable the school districts of Bay, Palm Beach, and Dade counties to implement 1-year, public-private partnership programs for school construction. The funds must be used to pay the district school board's proportionate share of the cost of providing, constructing, or upgrading the onsite or offsite infrastructure that is necessitated by, and must be available concurrent with, the development and construction of a single public school.*

(1) To receive the available funds, the district school board must submit a request to the commissioner prior to August 1 for an amount not greater than the board's proportionate share of the cost of providing infrastructure necessitated by the development or construction of one specific public school, not to exceed one complete educational plant. The district school board must document, to the satisfaction of the commissioner, that the site of the public school and the proposed educational facilities meet the requirements of this subsection.

(a) The construction of the educational facilities of the public school must be recommended in the most recent educational plant survey completed in compliance with section 235.15, Florida Statutes, as amended by this act, and must appear on the district's approved priority list for projects as provided by rules of the State Board of Education.

(b) The site for the public school must:

1. Be donated to the district school board by the landowner who is a private person or private entity.

2. Be consistent with the land-use element of the local comprehensive plan for growth management.

3. Comply with all applicable federal, state, or local environmental regulations upon transfer of ownership from the private landowner to the district school board.

4. Be approved by the district school board pursuant to section 235.19, Florida Statutes, and rules of the state board.

(c) The educational facilities of the public school:

1. Must comply with this chapter and related rules of the state board and must not exceed the limits on construction cost and facility size established by chapter 235, Florida Statutes.

2. Must be obtained by a lease-purchase agreement approved by the district school board as provided in sections 235.056(2) and 236.25(2), Florida Statutes.

(2) Funds allocated pursuant to this section must be spent only for the district school board's proportionate share of the cost of providing, constructing, or upgrading onsite or offsite infrastructure that necessitated by, and must be available concurrent with, the development and construction of a public school that meets the requirements of this section. If the board's proportionate share of such infrastructure costs is less than the amount allocated to the board, the board shall notify the commissioner and shall remit the remaining sum to the Comptroller for deposit in the Public Education Capital Outlay Trust Fund.

Section 11. *(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices will be adopted by the state Commissioner of Education within 90 days after the effective date of this act, after consultation with the Legislature, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must address the following areas:*

(a) Efficient use of resources, including assessments of facilities construction and maintenance practices, use of state and district construction funds, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking;

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for financial management practice reviews. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The Director of OPPAGA may, at his discretion, contract with private consultants to perform part or all of the review of any district. Districts applying for review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature or the district has had a performance review pursuant to sections 11.515 and 230.2302, Florida Statutes.

(3) District reviews conducted under this section shall be completed within 6 months after commencement. OPPAGA shall issue a report to the district regarding its financial management practices and cost savings recommendations within 60 days after completing the reviews. If the district is found not to conform to best financial management practices, the report shall contain a plan of action detailing how the district could meet the best practices within 2 years.

(4) District school boards that agree by a majority-plus-one vote to institute the action plan shall submit an annual report to OPPAGA, the Auditor General, and the Commissioner of Education on progress made towards implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under section 11.45, Florida Statutes, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that are found to comply with the best financial management practices shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices. This designation shall be effective for a 3-year period, after which the district school board may

reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices.

Section 12. *Subsections (2) and (5) of section 236.25, Florida Statutes, are repealed effective July 1, 2004, and shall be reviewed by the Legislature prior to that date.*

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to educational facilities and funding; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; requiring the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities by district school boards, community college boards of trustees, and state universities; requiring validation by the Department of Education; amending s. 235.26, F.S.; specifying requirements of the State Uniform Building Code for Public Educational Facilities with regard to new school construction; amending s. 235.435, F.S.; providing criteria for funding from the Special Facility Construction Account; exempting district school boards from local landscape ordinances; restricting the use of funds from the Public Education Capital Outlay Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund for certain new construction; specifying duties of the Department of Education; authorizing a 1-year public-private partnership for the construction of public schools; providing for the allocation of available funds from the Public Education Capital Outlay and Debt Service Trust Fund to the school districts of Bay County, Palm Beach County, and Dade County; providing for distribution and use of funds; specifying duties of the Commissioner of Education; requiring the remittance of certain excess allocations; amending s. 236.25, F.S., relating to district school tax; authorizing the use of additional funds for certain lease-purchase agreements; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; providing an exception to the expenditure restrictions; requiring the Department of Education to recommend certain incentives; providing for review of financial management practices of school districts; providing duties of the Office of Program Policy Analysis and Government Accountability, the office of the Auditor General, the Commissioner of Education, and the State Board of Education; providing participation criteria; providing for recognition of best financial management practices by school districts; prospectively repealing s. 236.25(2) and (5), F.S., relating to school districts' tax for capital outlay; requiring prior legislative review; providing an effective date.

Pursuant to Rule 4.19, **HB 2121** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **HB 1545** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Grant, the rules were waived and—

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception;

amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

—a companion measure, was substituted for **CS for SB 1404** and read the second time by title.

Senator Grant moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Legislature intends to authorize an alternative to the College Level Academic Skills Test only for students who demonstrate mastery of those skills through an equally reliable method. To investigate whether or not the alternatives currently authorized are demonstrations of such mastery, the Division of Community Colleges and each community college shall collaborate to conduct a study of the relationship between student grade point averages, scores on the Scholastic Assessment Test or the American College Test, and passing rates on the College Level Academic Skills Test prior to January 1996. The purpose of the study is to discover the student test scores and grade point averages in courses identified by the Postsecondary Education Planning Commission which correlate with earning a passing score on the College Level Academic Skills Test. Specifically, the study must identify the proportion of students who failed the College Level Academic Skills Test on the initial attempt to pass it and who achieved a grade point average of 2.5 or above in courses identified by the Postsecondary Education Planning Commission as necessary for a student to become eligible for an alternative to the College Level Academic Skills Test. The results of the study must be presented to the Legislature by January 1, 1998.*

Section 2. *The Department of Education shall conduct a study of the success of students who enroll in college preparatory instruction. For purposes of the study, success is defined as completing all required remediation within 4 years after enrolling in a community college associate-in-science degree program or associate-in-arts degree program, and continuing enrollment in the college-credit program. The purpose of the study is to identify test scores and other information, such as courses taken and grades earned in high school, which identify a student who is unlikely to succeed in college work, including college-preparatory work, without prior remediation. In addition, the study should be designed to identify instructional procedures used by colleges in which a significant number of students are successful in remediation even though they fit the profile of a student who is unlikely to succeed. The department shall use historical data provided by the automated student data base, individual high schools, the State Board of Community Colleges, and individual community colleges to develop this profile. The study shall recommend an incentive program that will encourage students and colleges to persevere in their efforts to remediate skills of students whose preparation for college is very inadequate, rather than continuing in an accountability program that discourages student perseverance. The results of the study must be presented to the Legislature by January 1, 1998.*

Section 3. Subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is amended to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;

(b) Coordination of management information system development for all levels of education and for all divisions of the department, to include the development and utilization of cooperative education computing networks for the state system of public education;

(c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;

(d) Coordination of all planning functions for all levels and divisions within the department;

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;

(f) Development and coordination of a common course designation and numbering system for community colleges and the State University System which will improve program planning, increase communication among community colleges and universities, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees. Also, the system shall be applied to all postsecondary and certificate career education programs and courses offered in school districts and community colleges. The Articulation Coordinating Committee shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. *A course that is offered as part of an associate-in-science degree program and as an upper-division course for a baccalaureate degree shall*

be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. By January 1, 1996, the Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. By January 1, 1996, the common course numbering and designation system shall include the courses at the recommended levels, and by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. By January 1, 1996, the Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. By fall semester, 1996, all community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. By fall semester, 1996, common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program; and

(g) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

Section 4. Subsection (2) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(2) School accountability efforts shall include information regarding the provision of accurate, timely career and curricular counseling to students. Such accountability shall include a delineation of the information available to students regarding career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. Such accountability shall also delineate school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to enroll in postsecondary education and enter the workforce. *Information shall include recommended high school coursework that prepares students for success in college-level work. Such information shall be made known to parents and students annually through inclusion in the institution's handbook, manual, or other similar documents regularly provided to parents and students. Schools are encouraged to implement innovative methods for the communication of information to parents and students.*

Section 5. Paragraph (b) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(b) Assemble, develop, and distribute instructional materials for use in career education. *Such materials shall include information regarding recommended high school coursework that prepares students for success in college-level coursework.*

Section 6. Section 232.2466, Florida Statutes, is created to read:

232.2466 College-ready diploma program.—

(1) Beginning with the 1997-1998 school year, each school district shall award a differentiated college-ready diploma to each student who:

(a) Successfully completes the requirements for a standard high school diploma as prescribed by s. 232.246. Among courses taken to fulfill the 24-academic-credit requirement, a student must take:

1. Two credits in algebra and one credit in geometry, or their equivalents, as determined by the state board.

2. One credit in biology, one credit in chemistry, and one credit in physics, or their equivalents, as determined by the state board.

3. Two credits in the same foreign language, taken for elective credit. A student whose native language is not English is exempt from this requirement if the student demonstrates proficiency in the native language. American sign language constitutes a foreign language.

(b) Takes the postsecondary education common placement test prescribed in s. 240.117, or an equivalent test identified by the State Board of Education, before graduation and scores at or above the established statewide passing score in each test area.

(2) A college-ready diploma entitles a student to admission without placement testing to a public postsecondary education program that terminates in a technical certificate, an associate in science degree, or an associate in arts degree, if the student enters postsecondary education within 2 years after earning the college-ready diploma.

(3) The Department of Education shall convene a task force of educators and employers to recommend additional incentives for students to pursue a college-ready diploma. The incentives may include awards and recognition, preference for positions in firms, and early registration privileges in postsecondary education institutions.

Section 7. Subsection (4) of section 239.301, Florida Statutes, 1996 Supplement, is amended to read:

239.301 Adult general education.—

(4) Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area. ~~Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction.~~ Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.

Section 8. Subsections (7) and (9) of section 240.107, Florida Statutes, are amended to read:

240.107 College-level communication and computation skills examination.—

(7) The State Board of Education, by rule, shall establish fees for the administration of the examination to private postsecondary students. The examination may be administered to students other than those receiving financial aid ~~as required in s. 240.404(1)(a)2.~~, provided that the appropriate fees are paid.

(9) ~~Beginning January 1, 1996,~~ Any student fulfilling one or *both* ~~more~~ of the following requirements before completion of associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this section:

(a) Achieves a score that meets or exceeds a minimum score on a nationally standardized examination ~~listed in the articulation agreement~~, as established by the Articulation Coordinating Committee; *or*

~~(b) Achieves a passing score on the college placement test, required pursuant to s. 240.117, and, as certified on the high school transcript, a cumulative grade point average of 3.0 or above, on a 4.0 scale, in college-preparatory high school coursework identified by the Articulation Coordinating Committee; or~~

(b)~~(c)~~ *Demonstrates successful remediation of any academic deficiencies identified by the college placement test and* achieves ~~a passing score on the college placement test, required pursuant to s. 240.117, and~~ a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the Postsecondary Education Planning Commission. *The Department of Education shall specify the means by which a student may demonstrate successful remediation.*

Any student denied a degree prior to January 1, 1996, based on the failure of at least one subtest of the CLAST may use *either* ~~any~~ of the alternatives specified in this subsection for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this subsection. This section does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this subsection. The exemptions provided herein do not apply to requirements for certification as provided in s. 231.17.

Section 9. Subsections (1) and (2) of section 240.1161, Florida Statutes, are amended to read:

240.1161 District interinstitutional articulation agreements.—

(1) Each superintendent of schools and community college president shall be responsible for the development and implementation of a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, the superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president *shall* ~~are encouraged to~~ establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for any school year shall be completed prior to high school registration for the fall term of the following school year. ~~The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1988.~~ The ~~initial agreement and each subsequent~~ agreement shall include, but not be limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b)*1.* A delineation of courses and programs composed of dual enrollment students.

2.~~(c)~~ An identification of eligibility criteria for student participation in dual enrollment courses and programs.

3.~~(d)~~ A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

4.~~(e)~~ An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

5.~~(f)~~ A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

6.~~(g)~~ An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

(c) Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates, based upon the findings in the postsecondary readiness for college report produced pursuant to s. 240.118. Each articulation committee shall annually analyze and assess the effectiveness of the mechanisms toward meeting the goal of reducing postsecondary remediation needs. Results of the assessment shall be annually presented to participating district school boards and community college boards of trustees and shall include, but not be limited to:

1. Mechanisms currently being initiated.

2. An analysis of problems and corrective actions.

3. Anticipated outcomes.

4. Strategies for the better preparation of students upon graduation from high school.

5. An analysis of costs associated with the implementation of postsecondary remedial education and secondary-level corrective actions.

6. The identification of strategies for reducing costs of the delivery of postsecondary remediation for recent high school graduates, including the consideration and assessment of alternative instructional methods and services such as those produced by private providers.

Wherever possible, public schools and community colleges are encouraged to share resources, form partnerships with private industries, and implement innovative strategies and mechanisms such as distance learning, summer student and faculty workshops, parental involvement activities, and the distribution of information over the Internet.

(d) Mechanisms and strategies for promoting "tech prep" programs of study. Such mechanisms should raise awareness about the programs, promote enrollment in the programs, and articulate students from a secondary portion into a planned, related postsecondary portion of a sequential program of study that leads to a terminal postsecondary vocational or technical education degree or certificate.

Section 10. Subsections (3), (4), and (5) of section 240.117, Florida Statutes, as amended by section 15 of Committee Substitute for Senate Bill 458, which was enacted in the 1997 Regular Session of the Legislature, are amended to read:

240.117 Common placement testing for public postsecondary education.—

(3) ~~By January 15, 1996,~~ The Articulation Coordinating Committee shall recommend and the State Board of Education shall adopt rules *that* ~~which~~ would require high schools to *give* ~~offer students the opportunity to take~~ the common placement test *prescribed in this section, or an equivalent test identified by the State Board of Education,* at the beginning of the tenth grade year before enrollment in the eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education.

(4)(a) Community college or state university students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory *or other* adult education pursuant to s. 239.301 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Community Colleges shall specify the college credit courses that are acceptable for students enrolled in each college-preparatory skill area, pursuant to s. 240.311(3)(q). A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college-preparatory course, must successfully complete the required college-preparatory studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed, and the student demonstrates satisfactory performance in degree-earning coursework. A passing score on *a standardized, institutionally developed* ~~all subtests of the common placement~~ test must be achieved before a student is considered to have met basic computation and communication skills requirements; however, no student shall be required to retake any *test or* subtest *that* ~~which~~ was previously

passed by said student. A student shall be funded to enroll in the same college-preparatory skill area only twice, after which time no state funds shall be used to support continuous enrollment of that student in the same class; however, each community college shall have the authority to review and reduce fees paid by students on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Credit awarded for college-preparatory instruction may not be counted towards fulfilling the number of credits required for a degree.

(b) The administrators of a state university may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college*; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.*

(5) A student may not be enrolled in a college credit *mathematics or English* course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the *section of the* basic computation and communication skills assessment required pursuant to *subsection* ~~subsections~~ (1) ~~and (2)~~ *that is appropriate for successful student participation in the course.*

Section 11. Present subsection (3) of section 240.319, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

240.319 Community college district boards of trustees; duties and powers.—

(3) Each community college district board of trustees is specifically authorized to adopt rules, procedures, and policies, consistent with law and rules of the State Board of Education and State Board of Community Colleges, related to mission and responsibilities as set forth in s. 240.301, governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, or college property.

Section 12. Section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—

~~(1)~~ The board of trustees shall make rules governing admissions of students. These rules shall include the following:

(1)~~(a)~~ Admissions counseling *shall be provided* to all students entering college credit programs, which counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(2)~~(b)~~ Admission to ~~the~~ associate ~~in arts~~ degree *programs* ~~program~~ is subject to minimum standards adopted by the State Board of Education and shall require:

(a)~~1.~~ A high school diploma*, a high school equivalency diploma as prescribed in s. 229.814, previously demonstrated competency in college-credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 232.02(4)* ~~or its equivalent~~. Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

(b)~~2.~~ A demonstrated level of achievement of college-level communication and computation skills. *Students entering a postsecondary education program within 2 years of graduation from high school with an earned college-ready diploma issued pursuant to s. 232.2466 shall be exempt from this testing requirement.*

(c)~~3.~~ Any other requirements established by the board of trustees.

(3)~~(c)~~ Admission to other programs within the community college shall include education requirements as established by the board of trustees.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction.

~~(d) Nonresident students may be admitted to the community college upon such terms as the board may establish.~~

~~(2) For students who are awarded a high school diploma after August 1, 1987:~~

~~(a) No Florida high school graduate shall be admitted to the associate in arts degree program if he or she has not successfully completed the requirements set forth in s. 232.246 or unless he or she has been awarded a general education development diploma, provided the examination completed for such diploma was in the English language.~~

~~(b) Nonresident students may be admitted to the community college upon such terms as the college may establish. However, effective August 1, 1987, such terms for nonresidents admitted to the associate in arts degree program shall include, but shall not be limited to:~~

~~1. Completion of a secondary school curriculum which includes 4 years of English and 3 years each of mathematics, science, and social studies; however, in lieu of the English requirement, a foreign student may use 4 years of instruction in his or her native language or another language which was the language of instruction in the secondary school attended, or~~

~~2. Achievement of the minimum scores on the test required in s. 240.117(1).~~

Section 13. Paragraph (a) of subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. *Achievement of the academic requirements of and* acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by a member of the Commission on Recognition of Postsecondary Accreditation.

~~2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.~~

2.~~3.~~ Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.402, s. 240.4021, s. 240.4085, s. 240.409, s. 240.4093, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

~~4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.~~

3.~~5.~~ Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

Section 14. Paragraph (b) of subsection (5) of section 240.412, Florida Statutes, as amended by section 21 of chapter 95-376, Laws of Florida, is amended to read:

240.412 Jose Marti Scholarship Challenge Grant Program.—

(5)

(b) In order to renew a scholarship awarded pursuant to this section, a student *must* ~~shall~~:

1. Earn a grade point average of at least 3.0 on a 4.0 scale for the previous term, maintain at least a 3.0 average for college work, or have an average below 3.0 only for the previous term and be eligible for continued enrollment at the institution.

2. Maintain full-time enrollment.

~~3. Participate in the college-level communication and computation skills testing program. Graduate recipients shall be exempt from this requirement.~~

Section 15. Subsection (2) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(2) The objective of a state program is the maintenance of a state student financial aid program to supplement a basic national program which will provide equal access to postsecondary education to citizens of this state who have the ability and motivation to benefit from a postsecondary education. In the development of a state program to achieve this objective, it shall be the policy that:

(a) State student financial aid be provided primarily on the basis of financial need;

(b) Students receiving need-based financial aid be expected to contribute toward their cost of education through self-help resources such as savings, work, and loans;

(c) Student financial aid be available to state residents for attendance at accredited public or private institutions of higher education in this state;

(d) Student financial aid be provided for all levels of postsecondary education; and

(e) State student financial aid be administered by a central state agency.

~~(f) Effective August 1, 1985, students enrolled in associate in arts degree programs and bachelor's degree programs in independent institutions in this state who receive state aid pursuant to s. 240.402, s. 240.4063, s. 240.4085, s. 240.4095, s. 240.4097, s. 240.412, s. 240.605, or s. 240.606 participate in the college-level communication and computation skills testing program provided in s. 229.551. The department and the eligible institutions shall negotiate an agreement that will assure that the test is available to students either directly through the independent institutions or on a contractual basis with a state community college or university. Before August 1, 1985, all independent institutions subject to this provision shall have an opportunity to participate in preliminary testing activities similar to those afforded the public institutions before the initiation of formal testing; and the independent sector shall be afforded appropriate representation on all committees and commissions charged with responsibilities for developing, administering, and evaluating the tests.~~

Planning and development *must* ~~shall~~ be in accordance with the foregoing objective and policies.

Section 16. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to postsecondary education; requiring the Division of Community Colleges and the Department of Education to conduct a study; amending s. 229.551, F.S.; authorizing certain courses to be designated as upper-division and lower-division; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.301, F.S.; deleting conflicting provisions; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; amending s. 240.319, F.S.; authorizing community colleges to adopt rules; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 240.404, F.S.; deleting a requirement for participation in a testing program; requiring achievement of certain academic requirements as a condition for receiving state student financial aid; deleting a requirement; amending s. 240.412, F.S.; amending s. 240.437, F.S.; deleting a CLAST requirement; providing an effective date.

Senator Grant moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Subsection (6) of section 231.17, Florida Statutes, 1996 Supplement, is amended to read:

(6) STATE BOARD RULES.~~—By January 1, 1991,~~

(a) The State Board of Education shall *adopt* ~~promulgate~~ rules *as necessary to implement this section* ~~for initial certification specifically covering ages birth through 4 years and grade spans prekindergarten or age 3 through grade 3, grades 5 through 9, and others as designated by the State Board of Education~~.

(b) By August 1, 1997, the State Board of Education shall adopt rules for certification in the area of speech and language impairments at the bachelor's level. Candidates for certification in this area shall provide services under the direction of a speech-language pathologist.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists;

Amendment 1B (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university is authorized to establish separate activity and service, health, and athletic fees, *which are defined as state revenues and which must be established annually in the General Appropriations Act*. When duly established, the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic *fund accounts within the Educational and General Student and Other Fees Trust Fund* ~~funds~~.

(a)1. *Within the ranges established in the General Appropriations Act,* each university president shall establish a student activity and

service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. *Within the ranges established in the General Appropriations Act,* the student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. *The president of each university must survey the student body at least once every 3 years to determine priorities for the use of activity and service fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by* ~~The allocation and expenditure of the fund shall be determined by the student government association of the university, except that~~ the president of the university, *who* may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have *30* ~~15~~ school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the *30* ~~15~~ school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within *30* ~~15~~ school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. *Funds may not be used for the construction, remodeling, or expansion of facilities, unless approved in the General Appropriations Act.* Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b)*1. Within the range established in the General Appropriations Act,* each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any ~~subsequent~~ increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student health fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes primary care for enrolled students, health and fitness services, and other health-related services. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of health fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the health fee fund and be available for allocation and expenditure during the next fiscal year.

(c)*1.* Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. ~~The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee.~~ Any ~~subsequent~~ increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. Within the ranges established in the General Appropriations Act, the student athletic fee shall be expended for lawful purposes to benefit the student body in general. The benefit includes operating support for athletic programs, scholarships, and academic support for student athletes. The president of each university must survey the student body at least once every 3 years to determine priorities for the use of athletic fee revenue. The survey results must be made public and must be transmitted to the student government association for consideration in preparing the fund budget. The student government association must annually prepare and submit a budget for the allocation of fee revenue to the university president. The budget must be approved by the president, who may veto any line item or portion thereof. Funds may not be used for the construction, remodeling, or expansion of facilities unless approved in the General Appropriations Act. Unexpended funds and undisbursed funds remaining at the end of the fiscal year must be carried forward and remain in the athletic fee fund and be available for allocation and expenditure during the next fiscal year.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 240.235, F.S.; defining fees; providing for fee ranges; providing budget procedures; restricting the use of fee revenue for certain purposes;

Amendment 1C (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Section 240.36, Florida Statutes, is amended to read:

240.36 *Dr. Philip Benjamin* ~~Florida~~ Academic Improvement Trust Fund for Community Colleges.—

(1) There is created the *Dr. Philip Benjamin* ~~Florida~~ Academic Improvement Trust Fund for Community Colleges to be administered according to rules of the State Board of Community Colleges. This trust fund shall be used to encourage private support in enhancing public community colleges by providing *the* community *college system* ~~colleges~~ with the opportunity to receive and match challenge grants.

(2) Funds appropriated shall be deposited in the trust fund and shall be invested pursuant to s. 18.125. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to that portion of the trust fund not matched shall remain in the trust fund and shall increase the total funds available for challenge grants. At the end of a fiscal year, any unexpended balance of an appropriation in the trust fund will not revert to the fund from which appropriated, but will remain in the trust fund until used for the purposes specified in this section.

(3) For every year in which there is a legislative appropriation to the trust fund, no less than $25,000 must be reserved to permit each community college *and the State Board of Community Colleges, which shall be an eligible community college entity for the purposes of this section,* an opportunity to match challenge grants. The balance of the funds shall be available for matching by any *eligible* community college *entity.* Trust funds which remain unmatched by contribution on March 1 of any year shall also be available for matching by any community college *entity.* The State Board of Community Colleges shall adopt rules providing all community *college entities* ~~colleges~~ with an opportunity to apply for excess trust funds prior to the awarding of such funds. However, no community college may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the trust fund for that fiscal year *and, likewise, the State Board of Community Colleges may not receive more than 15 percent of the funds appropriated to the trust fund for that fiscal year.* A community college *entity* shall place all funds it receives in excess of the first challenge grant and its matching funds in its endowment fund and only the earnings on that amount may be spent for approved projects. A community college *entity* may spend the first challenge grant and its matching funds as cash for any approved project, except scholarships. If a community college *entity* proposes to use any amount of the grant or the matching funds for scholarships, it must deposit that amount in its endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships.

(4) Challenge grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of local *or private* funds. The matching funds shall come from contributions made after July 1, 1983, for the purposes of matching this grant. To be eligible, a minimum of $4,500 must be raised from private sources, and such contributions must be in excess of the total average annual cash contributions made to the foundation at each community college in the 3 fiscal years before July 1, 1983.

(5) Funds sufficient to provide the match shall be transferred from the state trust fund to the *local* community college foundation *or the statewide community college foundation* ~~in increments of $3,000~~ upon notification that a proportionate amount has been received and deposited by the community college *entity* in its own trust fund.

(6) Each community college *entity* shall establish its own academic improvement trust fund as a depository for the private contributions and matching state fund established herein. The *foundations of the* ~~foundation at each~~ community college *entities are* ~~is~~ responsible for the maintenance, investment, and administration of *their* ~~its~~ academic improvement trust *funds* ~~fund~~.

(7)(a) The board of trustees of the community college *and the State Board of Community Colleges are* ~~is~~ responsible for determining the uses for the proceeds of *their respective trust funds* ~~the trust fund~~. Such uses *of the proceeds shall be limited to expenditure of the funds for* ~~may include~~:

1. Scientific and technical equipment.

2. Other activities that will benefit future students as well as students currently enrolled at the community college and that will improve the quality of education at the community college *or in the community college system.*

3. Scholarships, which are the lowest priority for use of these funds.

(b) If a community college includes scholarships in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment but may not be used for athletic participants. The board of trustees *may award scholarships to students in associate in arts programs and vocational programs. However, for vocational programs, the board of trustees* must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35(10) in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.

(c) Proposals for use of the trust fund shall be submitted to the State Board of Community Colleges for approval. Any proposal not acted upon in 60 days shall be considered not approved.

(8) The State Board of Community Colleges shall establish rules to provide for the administration of this fund. Such rules shall establish the minimum challenge grant reserved for each *community* college *entity* and the maximum amount which a *community* college *entity* may receive from a legislative appropriation in any fiscal year in accordance with the provisions of the General Appropriations Act.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 240.36, F.S.; revising provisions relating to the Florida Academic Improvement Trust Fund for Community Colleges;

Senator Grant moved the following amendment to **Amendment 1**:

Amendment 1D (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Effective upon this act becoming a law and operating retroactively to July 1, 1996, subsection (1) of section 120.81, Florida Statutes, 1996 Supplement, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(a) The preparation or modification of curricula by an educational unit is not a rule as defined by this chapter.

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

(c) Notwithstanding s. 120.54(1)(g), educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, may adopt multiple subject rules such as catalogs, bulletins, handbooks, and personnel agendas.

(d) Notwithstanding s. 120.54(2), a notice of rule development by an educational unit need not include the preliminary text of the proposed rules and notice shall be made:

1. By publication in a newspaper of general circulation in the affected area;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

(e)~~(c)~~ Notwithstanding s. 120.54(3)(a), notice of intent by an educational unit to adopt, amend, or repeal a rule or notice by an educational unit of a petition for a declaratory statement need not *include the full text of the proposed rule or amendment* ~~be published in the Florida Administrative Weekly or transmitted to the committee~~; however, the notice, for other than an emergency rule, shall be made at least 21 days prior to the intended action:

1. By publication in a newspaper of general circulation in the affected area;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

(f)~~(d)~~ ~~Notwithstanding s. 120.54(3)(a)4.,~~ Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, shall not be required to make filings with the committee ~~of the documents required to be filed by that subparagraph~~.

(g) Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, shall not be required to publish notices in the Florida Administrative Weekly.

(h)~~(e)~~ Notwithstanding s. 120.57(1)(a), hearings which involve student disciplinary suspensions or expulsions may be conducted by educational units.

(i)~~(f)~~ Sections 120.569 and 120.57 do not apply to any proceeding in which the substantial interests of a student are determined by *community college districts or* the State University System. The Board of Regents shall establish a committee, at least half of whom shall be appointed by the Council of Student Body Presidents, which shall establish rules and guidelines ensuring fairness and due process in judicial proceedings involving students in the State University System.

(j)~~(g)~~ Notwithstanding ss. 120.569 and 120.57, in a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice of hearing requirement may be waived by the agency head or the hearing officer without the consent of parties.

(k)~~(h)~~ For purposes of s. 120.68, a district school board whose decision is reviewed under the provisions of s. 231.36 and whose final action is modified by a superior administrative decision shall be a party entitled to judicial review of the final action.

(l)~~(i)~~ Notwithstanding s. 120.525(2), the agenda for a special meeting of a district school board under authority of s. 230.16 shall be prepared upon the calling of the meeting, but not less than 48 hours prior to the meeting.

(m) Notwithstanding s. 120.54(2)(c), educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, shall not be required to hold public workshops outside their respective districts.

(n) Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, shall be exempt from ss. 120.536, 120.54(5), 120.542, and 120.74.

Section 17. Subsection (1) of section 120.545, Florida Statutes, 1996 Supplement, is amended to read:

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.81(1)*(f)*~~(d)~~ and (2), and its accompanying material, and each emergency rule, and may examine any existing rule, for the purpose of determining whether:

(a) The rule is an invalid exercise of delegated legislative authority.

(b) The statutory authority for the rule has been repealed.

(c) The rule reiterates or paraphrases statutory material.

(d) The rule is in proper form.

(e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule.

(f) The rule is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements.

(g) The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law which the rule implements.

(h) The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule.

(i) The rule could be made less complex or more easily comprehensible to the general public.

(j) The rule does not impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

(k) The rule will require additional appropriations.

(l) If the rule is an emergency rule, there exists an emergency justifying the promulgation of such rule, the agency has exceeded the scope of its statutory authority, and the rule was promulgated in compliance with the requirements and limitations of s. 120.54(4).

Section 18. Paragraph (a) of subsection (22) of section 228.041, Florida Statutes, 1996 supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

(a) "Career education" is defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:

1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job entry programs which coordinate directed study and on-the-job training;

2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;

4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and *family and consumer sciences* ~~home economics~~; or

5. Instruction which integrates the basic academic skills and vocational skills.

Section 19. Paragraph (c) of subsection (1) of section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, 231.17, and 231.172 or any other provision of law or rule to the contrary, each school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, *family and consumer sciences* ~~home economics~~, industrial, marketing, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specializa-

tion area. Alternate means of determining successful occupational experience may be established by the school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

Section 20. Paragraph (c) of subsection (7) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(c) More than three credits in practical arts *family and consumer sciences* ~~home economics~~ classes as defined in s. 228.041(22)(a)4.

Section 21. Paragraph (c) of subsection (4) of section 233.067, Florida Statutes, 1996 Supplement, is amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following in all public and laboratory schools:

1. Implementation of inservice education programs for teachers, counselors, and other persons, which programs deal with comprehensive health education, substance abuse prevention, prevention of sexually transmissible diseases, especially human immunodeficiency virus infection and acquired immune deficiency syndrome, and the benefits of sexual abstinence and consequences of teenage pregnancy. Such inservice education programs shall be consistent with the master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decisionmaking skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts and laboratory schools.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decisionmaking, resisting peer pressure, self-concept building skills, and identifying and dealing with situations that pose a risk to one's health and may lead to substance abuse.

5. Instruction in the causes, transmission, and prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases for students. Such instruction shall be included in appropriate middle school or junior high school health and science courses and in life management skills and other high school courses. Any student whose parent makes written request to the school principal shall be exempt from reproductive health or AIDS instructional activities, as requested. Curriculum frameworks for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

6. Upon approval by the district school board, an opportunity for 9th-12th grade students to receive instruction in cardiopulmonary resuscitation in order to become certified in that technique. A school district may enter a cooperative arrangement with a local government or nonprofit association to provide training in cardiopulmonary resuscitation through instructors certified in that technique.

7. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

8. Development of training programs to allow the use of school food service personnel as resource persons.

9. Instruction in reproductive health, interpersonal skills, and parenting to reduce teenage pregnancy and to promote healthy behavior in Florida's children for all students in kindergarten through grade 12, beginning with the 1991-1992 school year. In order that children make informed and constructive decisions about their lives, complete and accurate comprehensive health education shall be made available to all young people. Curriculum shall be developed to reduce destructive behavior in children, including early sexual involvement, substance abuse, suicide, and activities which result in sexually transmitted diseases, acquired immune deficiency syndrome, and early teenage pregnancy, with subject materials appropriate to the grade level and values consistent with those of the community. Instruction shall also include an understanding of the body and its systems and identification and prevention of child abuse in the lower grades and decisionmaking in the middle and higher grades. Instruction in human sexuality shall take into account the whole person, shall present ethical and moral dimensions, shall not be an expression of any one sectarian or secular philosophy, and shall respect the conscience and rights of students and parents. School districts and laboratory schools are encouraged to provide written materials on reproductive health to parents, as well as opportunities for parents to become informed about the instruction their children are receiving and to receive instruction themselves. All course materials and oral or visual instruction shall conform to the requisites and intent of all Florida law and the State Constitution. All instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material shall be available for inspection by parents or guardians of the children engaged in such classes.

10. Instruction in the benefits of sexual abstinence and consequences of teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome in appropriate middle school or junior high school health, science, and *family and consumer sciences* ~~home economics~~ courses and in life management skills and other appropriate high school courses. Curriculum frameworks shall be created or modified as necessary to help ensure such instruction.

Section 22. Paragraph (l) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(l) Instruction in *family and consumer sciences* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts *family and consumer sciences* ~~home economics~~ courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

Section 23. Subsections (3) through (10) of section 239.105, Florida Statutes, are amended to read:

239.105 Definitions.—As used in this chapter, the term:

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or programs of instruction through which a student prepares to take the general educational development test. *This includes grade levels 9.0 through 12.9.*

(4) "Basic literacy" *which is also referred to as "beginning adult basic education"* means the demonstration of academic competence *from 2.0 through 5.9* ~~at a fifth grade~~ educational *grade levels* ~~level~~ as measured by means approved for this purpose by the State Board of Education.

(5) "Beginning literacy" means the demonstration of academic competence from 0 through 1.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(6)~~(5)~~ "College-preparatory instruction" means courses through which a high school graduate who applies for a degree program may attain the communication and computation skills necessary to enroll in college credit instruction.

(7)~~(6)~~ "Commissioner" means the Commissioner of Education.

(8)~~(7)~~ "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community.

(9)~~(8)~~ "Department" means the Department of Education.

(10)~~(9)~~ "Document literacy" means the demonstration of competence in identifying and using information located in materials such as charts, forms, tables, and indexes.

(11) "Family literacy" means a program for adults with a literacy component for parents and children or other intergenerational literacy components.

(12)~~(10)~~ "Functional literacy" *which is also referred to as "intermediate adult basic education"* means the demonstration of academic competence *from 6.0 through 8.9* ~~at an eighth grade~~ educational *grade levels* ~~level~~ as measured by means approved for this purpose by the State Board of Education.

Section 24. Section 239.205, Florida Statutes, is amended to read:

239.205 State Board of Education rules regarding career education programs; common definitions; criteria for determining program level~~; basic skills standards~~.—

(1) The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(2) The State Board of Education shall develop guidelines to determine the criteria by which the level of degree or certificate is assigned to a vocational program. The guidelines must ensure that assignments are made at the lowest level possible commensurate with sound professional practice; however, the guidelines must also ensure that assignments are updated for programs that increase in technical complexity or general education requirements beyond the parameters of a certificate program. Institutions may continue to offer existing programs that are assigned to a lower level; however, such programs shall be funded at the assigned level. The State Board of Education shall adopt rules regarding reporting requirements for vocational programs.

~~(3) The State Board of Education shall adopt, by rule, basic skills standards to be met by each vocational student prior to completion of a certificate career education program.~~

Section 25. Subsections (1) and (2) of section 239.213, Florida Statutes, are amended to read:

239.213 Vocational-preparatory instruction.—

(1) The State Board for Career Education shall adopt, by rule, standards of basic skill mastery for certificate career education programs ~~of less than 1,800 hours~~. Each school district and community college that conducts certificate career education programs shall provide vocational-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a certificate career education program of 450 hours or more shall complete an entry-level examination within the first 6 weeks of admission into the program. The state board shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student deemed to lack a minimal level of basic skills for such program shall be referred to vocational-preparatory instruction *or adult basic education* for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a certificate of vocational program completion prior to demonstrating the basic skills required in the state curriculum frameworks for the vocational program.

Section 26. Paragraphs (b) and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president, accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs *and job training experiences.*

4. Employer satisfaction with the performance of vocational program completers.

5. Student completion and placement rates as defined in s. 239.233.

(d) Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. The development of program standards and industry-driven benchmarks for vocational, adult, and community education programs.

5.~~4.~~ Overseeing school district and community college compliance with the provisions of this chapter.

Section 27. Section 239.305, Florida Statutes, is amended to read:

239.305 Adult literacy.—

(1)(a) An adult, individualized literacy instruction program is created for adults who ~~do not~~ possess ~~basic~~ literacy skills *below the ninth grade level.* The purpose of the program is to provide self-paced, competency-based, individualized tutorial instruction. The commissioner shall administer this section in coordination with the State Board of Community Colleges, local school boards, and the Division of Library and Information Services of the Department of State ~~pursuant to State Board of Education rule~~.

(b) Local adult, individualized literacy instruction programs may be coordinated with local public library systems and with public or private nonprofit agencies, organizations, or institutions. A local public library system and a public or private nonprofit agency, organization, or institution may use funds appropriated for the purposes of this section to hire program coordinators. Such coordinators shall offer training activities to volunteer tutors and oversee the operation of local literacy programs. A local public library system and a public or private nonprofit agency, organization, or institution may also purchase student instructional materials and modules that instruct tutors in the teaching of basic and functional literacy and English for speakers of other languages. To the extent funds are appropriated, cooperating local library systems shall purchase, and make available for loan, reading materials of high interest and with a vocabulary appropriate for use by students *who possess literacy skills below the ninth grade level* ~~in basic and functional literacy instruction~~ and students of English for speakers of other languages.

(2)(a) The adult literacy program is intended to *increase* ~~reduce~~ adult *literacy* ~~illiteracy~~ as prescribed in the agency functional plan of the Department of Education. The commissioner shall establish guidelines for the purpose of determining achievement of this goal.

(b) Each participating local sponsor shall submit an annual report to the commissioner which must contain~~, but need not be limited to, the following~~ information *to demonstrate the extent to which there has been*:

~~1. The number of clients served.~~

~~2. The~~ progress toward increasing the percentage of adults within the service area who possess literacy skills. ~~As evidence of such progress, the report must include information regarding the number of students enrolled in adult basic education programs and the number of students who completed, separated from, or continued in the programs.~~

(c) *Based on the information provided from the local reports, the commissioner shall develop an annual status report on literacy and adult education.* ~~The commissioner shall review the annual reports of local sponsors and submit to the State Board of Education a county-by-county summary of the information.~~

(3) Funds appropriated for the purposes of this section shall be allocated as grants for implementing adult literacy programs. Such funds may not be used to supplant funds used for activities that would otherwise be conducted in the absence of literacy funding. A grant awarded pursuant to this section may not exceed $50,000. Priority for the use of such funds shall be given to paying expenses related to the instruction of volunteer tutors, including materials and the salary of the program coordinator. Local sponsors may also accept funds from private sources for the purposes of this section.

(4)(a) The commissioner shall submit a state adult literacy plan to the State Board of Education to serve as a reference for school boards and community colleges to *increase* ~~reduce~~ adult *literacy* ~~illiteracy~~ in their service areas as prescribed in the agency functional plan of the Department of Education. The plan must include, at a minimum:

1. Policies and objectives for adult literacy programs, including evaluative criteria.

2. Strategies for coordinating adult literacy activities with programs and services provided by other state and local nonprofit agencies, as well as strategies for maximizing other funding, resources, and expertise.

3. Procedures for identifying, recruiting, and retaining adults who *possess* ~~lack basic and functional~~ literacy skills *below the ninth grade level*.

4. Sources of relevant demographic information and methods of projecting the number of adults who ~~do not~~ possess ~~basic or functional~~ literacy skills *below the ninth grade level*.

5. Acceptable methods of demonstrating compliance with the provisions of this section.

6. Guidelines for the development and implementation of local adult literacy plans. At a minimum, such guidelines must address:

a. The recruitment and preparation of volunteer tutors.

b. Interagency and intraagency cooperation and coordination, especially with public libraries and other sponsors of literacy programs.

c. Desirable learning environments, including class size.

d. Program evaluation standards.

e. Methods for identifying, recruiting, and retaining adults in literacy programs.

f. ~~Prevention of~~ Adult *literacy* ~~illiteracy~~ through *family literacy and workforce literacy* ~~parenting education~~ programs.

(b) Every 3 years, the school board or community college board of trustees shall *develop and maintain* ~~submit~~ a local adult literacy plan ~~to the commissioner for review and subsequent approval or disapproval. The commissioner shall notify the superintendent of schools or the president of the community college, as applicable, of the approval or disapproval of the plan. If the plan is not brought into compliance by the school district or community college within 60 days after receiving notice of disapproval by the commissioner, the school district or community college may not receive any funds from appropriations for the purposes of this section for the subsequent fiscal year~~.

Section 28. *Subsection (5) of section 240.3575 and subsection (1) of section 240.3815, Florida Statutes, and subsection (5) of section 240.382, Florida Statutes, as created by chapter 94-220, Laws of Florida, are repealed.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 120.81, F.S.; providing for exceptions to rule requirements, notice requirements, and filing requirements; providing for certain exemptions for educational units; providing for retroactive effect; amending s. 120.545, F.S.; conforming a cross-reference; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.305, F.S., relating to adult literacy; conforming provisions to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; repealing ss. 240.3575(5), 240.3815(1), 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers;

On motion by Senator Grant, further consideration of **HB 1545** with pending **Amendment 1** and **Amendment 1D** was deferred.

On motion by Senator Lee, by two-thirds vote **HB 1663** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Lee—

HB 1663—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; providing an effective date.

—a companion measure, was substituted for **CS for SB 2228** and read the second time by title.

On motion by Senator Lee, further consideration of **HB 1663** was deferred.

CS for SB 1654—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1654** to **CS for HB 851**.

Pending further consideration of **CS for SB 1654** as amended, on motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 851** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Ostalkiewicz—

CS for HB 851—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084, F.S.; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; authorizing continuance of certain programs; amending ss. 320.38 and 322.031, F.S.; correcting cross references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1654** as amended and read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Casas

CS for SB 1578—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for the charter of a school-within-a-school; revising procedures for appeal to the State Board of Education; revising student eligibility criteria; revising reporting requirements; providing for waiver of certain statutes; providing for contracts for personnel services; revising leave procedures; providing for the distribution of funds; providing for the use of facilities and property of the sponsor; authorizing the Commissioner of Education to adopt rules; authorizing the creation of charter technical institutes; prescribing powers and duties of the Commissioner of Education, the Department of Education, the district school boards, and the Workforce Development Board of Enterprise Florida, Inc., with respect to charter technical institutes; prescribing powers and duties of charter technical institutes and their boards of trustees; providing for funding charter technical institutes; prescribing rights and duties of employees of charter technical institutes and of district school board employees working at charter technical institutes; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; revising the definition of "covered group" within the Florida Retirement System to include charter technical institutes; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical institute; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1578** to **CS for HB 539**.

Pending further consideration of **CS for SB 1578** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 539** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Grant, the rules were waived and—

CS for HB 539—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; revising provisions relating to proposals; providing additional application and denial of application requirements; revising appeal procedures in the case of denial of an application; revising enrollment and charter provisions; revising annual reporting requirements; authorizing waiver of statutes; revising provisions relating to employees; revising provisions relating to distribution of funds to charter schools; providing for use of facilities, property, goods, and services; providing requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1578** as amended and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 539** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Grant	Klein	Sullivan
Casas	Gutman	Kurth	Thomas
Childers	Hargrett	Latvala	Turner
Clary	Harris	Lee	Williams

Nays—2

Forman	Silver

Vote after roll call:

Yea—Crist, McKay

On motion by Senator Ostalkiewicz—

CS for CS for SB 1660—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; exempting the sale of steam energy used in manufacturing; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax

exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for certain complimentary meals; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; providing effective dates.

—was read the second time by title.

Senator Ostalkiewicz moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 28, between lines 21 and 22, insert:

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.*a*. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing or publishing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, ~~publishing firms that do not export at least 50 percent of their finished product out of the state,~~ any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period,

irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms;

Amendment 2—On page 22, line 13, after the comma (,) insert: paragraph (b) of subsection (5),

Amendment 3 (with title amendment)—On page 33, lines 1-13, delete those lines and insert:

(uu) Sales involving schools.—There is exempt from the tax imposed under this part the sale or purchase of tangible personal property or services by a public, parochial, church, or nonprofit school operated for and attended by pupils of grades kindergarten through 12, or by a parent-teacher organization or parent-teacher association affiliated with a school, for the purpose of raising funds to support the school.

And the title is amended as follows:

On page 2, delete line 31 and insert: exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school;

Amendment 4 (with title amendment)—On page 10, between lines 5 and 6, insert:

Section 5. Effective January 1, 1998, subsection (5) of section 212.04, Florida Statutes, 1996 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(5) All of the provisions of this chapter relating to collection, investigation, discovery, and aids to collection of taxes upon sales of tangible personal property shall likewise apply to all privileges described or referred to in this section, and the obligations imposed in this chapter upon retailers are hereby imposed upon the seller of such admissions. When tickets or admissions are sold and not used but returned and credited by the seller, the seller may apply to the department for a credit allowance for such returned tickets or admissions if advance payments have been made by the buyer and have been returned by the seller, upon such form and in such manner as the department may from time to time prescribe. The department may, upon obtaining satisfactory proof of the refunds on the part of the seller, credit the seller for taxes paid upon admissions that have been returned unused to the purchaser of those admissions. The seller of admissions, upon the payment of the taxes before they become delinquent and the rendering of the returns in accordance with the requirement of the department and as provided in this law, shall be entitled to a discount of 2.5 percent of the amount of taxes upon the payment thereof before such taxes become delinquent, in the same manner as permitted the sellers of tangible personal property in this chapter. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no discount shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~.

Section 6. Effective January 1, 1998, subsection (1) of section 212.12, Florida Statutes, 1996 Supplement, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his or her report and paying the amount due by him or her; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him or her, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no allowance shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. For returns remitted on or after February 1, 1992, the department shall also require that sales made through vending machines as defined in s. 212.0515 be separately shown. For returns remitted on or after February 1, 1995, sales made through coin-operated amusement machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to said form.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies;

Amendment 5 (with title amendment)—On page 35, between lines 24 and 25, insert:

Section 10. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 5.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

4.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

6.a. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the refund for which they may qualify. To receive the tax refund or portion of the tax refund, the institution must agree to match these funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and Development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 11. Section 288.095, Florida Statutes, 1996 Supplement, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under *ss. 288.1045* ~~ss. 288.104~~ and 288.106, and local financial support provided under *ss. 288.1045* ~~ss. 288.104~~ and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve ~~not more than the lesser of $10 million in~~ tax refunds pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106. *The office may not approve tax refunds in excess of* ~~or~~ the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~department~~ for tax refunds under *ss. 288.1045* ~~ss. 288.104~~ and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the *office* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065~~, including the finding required by s. 288.106(4)(e)2~~. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under *s. 288.1045* ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the first semicolon (;) insert: amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund;

Amendment 6 (with title amendment)—On page 28, between lines 22 and 23, insert:

(ff) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this part all labor charges for the repair and maintenance of aircraft or more than 20,000 pounds maximum certified takeoff weight. *Except as otherwise provided in this chapter,* charges for parts and equipment furnished in connection with such labor charges are taxable.

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: providing an exception to the exemption for aircraft repair and maintenance labor charges;

Amendment 7—On page 22, line 13, delete "paragraph (ii)" and insert: paragraphs (ff) and (ii)

Amendment 8—On page 17, lines 11-13, delete those lines and insert:

(b) The exemption pursuant to this subsection may only be taken by refund and may not exceed $1 million per

Amendment 9 (with title amendment)—On page 46, between lines 14 and 15, insert:

Section 18. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. *If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor is 100 percent owner of the corporation which operates the educational institution, then the property shall be deemed owned by the educational institution.* Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption;

Senators Childers and Thomas offered the following amendment which was moved by Senator Thomas and failed:

Amendment 10 (with title amendment)—On page 4, between lines 2 and 3, insert:

Section 2. Subsection (1) of section 201.09, Florida Statutes, 1996 Supplement, as amended by chapter 96-395, Laws of Florida, is amended to read:

201.09 Renewal of existing promissory notes and mortgages; exemption.—

(1) When any promissory note is given in renewal of any existing promissory note, which renewal note only extends or continues the identical contractual obligations of the original promissory note and evidences part or all of the original indebtedness evidenced thereby, not including any accumulated interest thereon and without enlargement in any way of the original contract and obligation, such renewal note shall not be subject to taxation under this chapter if such renewal note has attached to it the original promissory note with the proper notation thereon as required by s. 201.133. In order to be exempt from taxation under this section, a renewal note *evidencing a term obligation* shall not be executed by any person other than the original obligor and must renew and extend only the unpaid balance of the original contract and obligation. *In order to be exempt from taxation under this section, a renewal note evidencing a revolving obligation shall not be executed by*

any person other than the original obligor and must renew and extend no more than the original face amount of the original contract and obligation.

Section 3. *Section 2 of this act applies to any renewal note evidencing a revolving obligation dated after January 1, 1990, and the tax under section 201.09, Florida Statutes, remained unpaid on April 1, 1997.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; providing for application of act to certain renewal notes evidencing a revolving obligation;

Senator Forman moved the following amendment which failed:

Amendment 11 (with title amendment)—On page 33, between lines 13 and 14, insert:

(vv) There shall be an exemption from the sales tax imposed by this chapter on the initial purchase of rolling stock purchased outside of this state by a Florida corporation providing passenger rail service within this state. This exemption shall not exceed $600,000 and stand repealed on December 31, 1998.

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: providing an exemption for the initial purchase of certain rolling stock;

Pursuant to Rule 4.19, **CS for CS for SB 1660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 12:10 p.m. or until consideration of **SB 1648**.

On motion by Senator Horne—

SB 1830—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Dudley:

Amendment 1—On page 1, lines 17-30 and on page 2, lines 1-13, delete those lines and insert:

Section 1. Subsection (22) of section 90.803, Florida Statutes, 1996 Supplement, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(22) FORMER TESTIMONY.—Former testimony given by the declarant *which testimony was given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.* ~~at a civil trial, when used in a retrial of said trial involving identical parties and the same facts.~~

Section 2. This act shall take effect July 1, 1997 and shall apply to pending cases in which the final pretrial conference occurs on or after that date.

Senator Horne moved the following amendment to **Amendment 1**:

Amendment 1A—On page 1, line 31, after "*interest*" insert: *, or a person with a similar interest,*

On motion by Senator Horne, further consideration of **SB 1830** with pending **Amendment 1** and **Amendment 1A** was deferred.

On motion by Senator Rossin, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Rossin was withdrawn.

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 235.40, Florida Statutes, to read:

235.40 Radio and television facilities.—

(3) In fiscal year 1997-1998, state funding associated with Public Broadcasting Grants and Aids, General Appropriations Act, for South Florida Telecommunications, Inc. (WXEL-TV/FM, Channel 42), must be used to establish participation by the public consortium (which includes Florida Atlantic University) in the purchase of South Florida Telecommunications, Inc. (WXEL-TV/FM).

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public television and radio; providing for redirection of funds allocated for fiscal year 1997-1998 to South Florida Telecommunications, Inc.; providing an effective date.

On motion by Senator Rossin, further consideration of **SB 1648** with pending **Amendment 2** was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:12 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:06 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

On motion by Senator Horne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB's 1688, 792, 1334 and 2254, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *The Commissioner of Education is hereby directed to convene a Task Force on Workforce Development to investigate issues associated with postsecondary education's role in Florida's job training, WAGES, and workforce development activities.*

(1) The task force shall consist of two members of the House of Representatives appointed by the Speaker of the House of Representatives, two members of the Senate appointed by the President of the Senate, one representative from the state workforce development board, one representative from the state WAGES board, six representatives from public school districts representing two small, two medium, and two large school districts, six representatives from the community colleges, the executive director, or a designee of the executive director, of the Postsecondary Education Planning Commission, the director, or a designee of the director, of Workforce Education and Outcome Information Services of the Department of Education, and the director of the Division of Workforce Development of the Department of Education. The task force shall investigate, evaluate, and make recommendations regarding market-driven performance based measures and outcomes and implementation of such to ensure that public education institutions shall offer mutually beneficial adult education and vocational programs and courses.

(2) The study must include the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the study include:

(a) Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the task force shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund as created in the General Appropriations Act. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, adult education, vocational education, career education, certificate programs, degree programs, supplemental vocational education, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of supplemental vocational education and its impact on students, business, and industry.

(h) Recommending student fee structures for adult and vocational programs provided by the community college and public school systems.

(i) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to s. 239.109, Florida Statutes.

(j) Assessing the feasibility of the consolidation of existing performance-based funding programs.

(3) By January 1, 1998, the task force shall submit to the Legislature and the Governor recommendations in a report containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in process and due dates for any other activities necessary to implement a proposed performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the task force in preparing recommendations.

Section 2. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.

2. Division of Public Schools *and Community Education*.

3. Division of Universities.

4. Division of *Workforce Development* ~~Applied Technology and Adult Education~~.

5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools *and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education* ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *workforce development* ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and~~ the duties concerning physical facilities in chapter 235, *and the duties assigned to the Division of Workforce Development in chapter 239.*

(7) The Commissioner of Education, in cooperation with the Executive Director of the State Board of Community Colleges and the Director of the Division of Workforce Development, shall create an Office of Workforce Development Funding, to be administratively housed within the Division of Workforce Development. The office shall report through a commission composed of the Commissioner of Education, the Executive Director of the State Board of Community Colleges, the Executive Director of the Postsecondary Education Planning Commission, the Director of Workforce Education and Outcome Information Services of the Department of Education, and the President of the Jobs and Education Partnership. The Office of Workforce Development Funding shall have responsibility for administration of the Workforce Development Fund as established in the General Appropriations Act, based on recommendations of the Task Force on Workforce Development.

Section 3. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools *and Community Education, the Division of Workforce Development,* the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 4. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~, or the director's designee.

2. The Director of the Division of Community Colleges, or the director's designee.

3. A vocational educator employed in a school district.

4. A vocational educator employed in a community college.

5. An adult educator employed in a school district.

6. An adult educator employed in a community college.

7. A teacher education center director.

8. A community college employee responsible for staff development.

9. A state university career education teacher educator.

10. A state university adult education teacher educator.

11. Five representatives of business and industry.

Section 5. Section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(1) The Division of Public Schools *and Community Education* of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually impaired children and youth and deaf or hard-of-hearing children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually impaired students and deaf or hard-of-hearing students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated either directly by the Division of Public Schools *and Community Education* or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 6. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 7. Paragraphs (c), (d), and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that the project has been survey recommended.

(d) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that final phase III construction documents comply with applicable building codes and life safety codes.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 8. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are certificate career education students, adult supplemental vocational students, adult basic students, adult secondary students, and adult disabled students and who are enrolled in *school district technical* ~~adult career or adult general education~~ centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 9. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs who are reported for funding through the Florida Education Finance Program or Community College Program Fund.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule. *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. ~~Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.~~

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards. The fee schedule shall be based on the amount of student fees necessary to produce 10 percent of the prior year's cost of certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs. The rule shall be developed in consultation with the Legislature.

(7)~~(5)~~(a) Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(8)~~(6)~~ Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.

(9)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional 5 percent of the student fees collected for certificate career education and supplemental vocational courses and programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125. Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education and supplemental vocational students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(10)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(11)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(12)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(13)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(14)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(15)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund and shall revert to the General Revenue Fund.

(16)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(17)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(18)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 10. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in certificate career education and supplemental career education courses and programs. From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 11. Paragraph (b) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

Section 12. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~

~~and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 13. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 14. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 15. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 16. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools *and Community Education* of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 17. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools *and Community Education* of the Department of Education.

Section 18. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools *and Community Education* budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 19. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of *Workforce Development* ~~Applied Technology and~~

~~Adult Education~~ of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 20. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~of Applied Technology and Adult Education~~ of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 21. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education and appropriate ~~career~~ education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 22. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 23. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: *a representative of the Department of Education designated by the Commissioner* ~~the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department~~ of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 24. *Subsection (3) of section 229.8075, Florida Statutes, 1996 Supplement, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.*

Section 25. This act shall take effect July 1, 1997.

And the title is amended as follows: remove from the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to education; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing membership and duties; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; requiring creation of an Office of Workforce Development Funding; amending ss. 231.614, 233.056, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 239.117, F.S.; revising provisions relating to postsecondary student fees; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; amending s. 239.229, F.S., relating to vocational standards; amending s. 239.249, F.S.; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending ss. 240.61, 242.3305, 242.331, 242.337, 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

On motion by Senator Horne, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS FOR CS FOR SB'S 1688, 792, 1334 AND 2254 APPOINTED

The President appointed Senator Kirkpatrick, Chairman; Senators Diaz-Balart, Dudley and Clary as conferees on **CS for CS for SB's 1688, 792, 1334 and 2254**.

The action of the Senate was certified to the House.

On motion by Senator Cowin, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

CS for HB 137—A bill to be entitled An act relating to education; amending s. 230.03, F.S., relating to management of the district school system; providing authority for rules, procedures, and policies; correcting a cross reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; correcting a cross reference; amending s. 230.2317, F.S.; revising provisions relating to multiagency services for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program purposes and plan requirements; amending s. 230.303, F.S.; deleting obsolete language; amending s. 230.33, F.S.;

revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.655, and 230.71, F.S., relating to educational communications systems, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; correcting cross references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; correcting a cross reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2468, F.S., and repealing subsections (2) and (3), relating to graduation, habitual truancy, and dropout rates; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; correcting cross references, conforming language, and deleting obsolete language; amending s. 236.24, F.S.; clarifying language relating to school board securities transactions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

—which was previously considered this day.

Senator Cowin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 161, between lines 6 and 7, insert:

Section 71. Paragraph (b) of subsection (3) of section 11.42, Florida Statutes, 1996 Supplement, is amended to read:

11.42 The Auditor General.—

(3)

(b)1. No person shall be employed as a financial auditor who does not possess the qualifications to take the examination for a certificate as certified public accountant under the laws of this state, and no person shall be employed or retained as legal adviser, on either a full-time or a part-time basis, who is not a member of The Florida Bar.

2. Notwithstanding the provisions of subparagraph 1., employees in the positions associated with the Florida Education Finance Program full-time enrollment verification function that is assigned to the Auditor General pursuant to *s. 229.565(2)* ~~s. 229.565(3)~~ may continue to meet the job qualifications that existed prior to such transfer for a period of 3 years after such transfer. Thereafter, they shall meet the requirements of subparagraph 1. This subparagraph is repealed on July 1, 1998.

Section 72. Section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(1) *STATE BOARD OF EDUCATION.—In accordance with* ~~The head of the Department of Education is the State Board of Education composed of the Governor and Cabinet as specified in~~ s. 2, Art. IX of the State Constitution, *the State Board of Education is the chief policymaking body of public education in the state as specified in chapter 229.* The Governor is chair of the board, and the Commissioner of Education is the secretary and executive officer and in the absence of the Governor shall serve as chair.

(2) COMMISSIONER OF EDUCATION.—The head of the Department of Education is the Commissioner of Education who shall be elected by vote of the qualified electors of the state pursuant to s. 5, Art. IV of the State Constitution.

(a) The Commissioner of Education shall appoint a Deputy Commissioner for Educational Programs who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of kindergarten through 12th-grade education and vocational and continuing education programs.

(b) The Commissioner of Education shall appoint a Deputy Commissioner for Planning, Budgeting, and Management who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination of policies, programs, and procedures for the statewide system of education and the department.

(3)~~(2)~~ *DIVISIONS.—*

(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools.
3. Division of Universities.
4. Division of Applied Technology and Adult Education.
5. Division of Human Resource Development.

(b) The Commissioner of Education is authorized to establish within the Department of Education a Division of Administration.

(4)~~(3)~~ *DIRECTORS.*—The Board of Regents is the director of the Division of Universities, and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

(5)~~(4)~~ *POWERS AND DUTIES.*—The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of kindergarten through 12th grade education.

(b) Shall assign to the Division of Applied Technology and Adult Education such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of career and continuing education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in

ss. 229.512 and 229.551 and the duties concerning physical facilities in chapter 235.

(6)~~(5)~~ *COUNCILS AND COMMITTEES.*—Notwithstanding anything contained in law to the contrary, *the Commissioner of Education shall appoint* all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, ~~the state instructional materials committees, and~~ the community college district boards of trustees, *the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, the Florida Commission on Education Reform and Accountability, and the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools* ~~shall hereafter be appointed by the State Board of Education from a list of two or more names nominated for each position by the Commissioner of Education~~.

(7)~~(6)~~ *BOARDS.*—Notwithstanding anything contained in law to the contrary, all members of the Board of Regents, the State Board of Community Colleges, and the community college district boards of trustees *must* ~~shall~~ be appointed according to chapter 240.

Section 73. Section 228.03, Florida Statutes, is amended to read:

228.03 Scope of state system.—The state system of public education includes such school systems, schools, institutions, agencies, services, and types of instruction as may be provided and authorized by law, or by regulations of the state board *and of the Commissioner of Education* within limits prescribed by law.

Section 74. Subsections (1), (5), (6), (13), (18), and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended and subsection (35) of that section is repealed and present subsections (36), (37), (38), (39), and (40) of that section are redesignated as subsections (35), (36), (37), (38), and (39), respectively, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) STATE SYSTEM OF PUBLIC EDUCATION.—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(a) Public schools.—The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards; and developmental research schools to be operated under the control of the State University System.

(b) Community colleges.—Community colleges shall consist of all educational institutions which are operated by local community college district boards of trustees under specific authority and regulations of the State Board of Education and which offer courses and programs of general and academic education parallel to that of the first and second years of work in institutions in the State University System, of career education, and of adult continuing education.

(c) Institutions of higher education.—The institutions of higher education shall consist of all state-supported educational institutions offering work above the public school level, other than community colleges, that are authorized and established by law, together with all activities and services authorized by law to be administered by or through each of those institutions.

(d) Other educational institutions.—Other state-supported institutions primarily of an educational nature shall be considered parts of the state system of public education. The educational functions of other state-supported institutions which are not primarily of an educational nature but which have specific educational responsibilities shall be considered responsibilities belonging to the state system of public education.

~~(e) Other educational services.—Other educational services shall include health services and such special services and functions as may be authorized by law or by regulations of the state board as prescribed by law and as are considered necessary to improve, promote, and protect the adequacy and efficiency of the state system of public education.~~

(e) Other education-related services.--Other education-related services may include health services, and other special services and functions as may be authorized by law or rule as necessary to improve, promote or protect the education system.

(f) Florida School for the Deaf and the Blind.—The Florida School for the Deaf and the Blind is a part of the state system of education.

(5) SCHOOL.—A school is an organization of pupils for instructional purposes on an elementary, secondary, or other public school level, approved under regulations of the *Commissioner of Education or* state board.

(6) SCHOOL CENTER.—A school center is a place of location of any school or schools on the same or on adjacent sites or on a site under the control of the principal and within a reasonable distance of the main center as prescribed by regulations of the *Commissioner* ~~State Board~~ of Education.

(13) SCHOOL DAY.—A school day for any group of students is that portion of the day in which school is actually in session and shall comprise not less than 5 net hours, excluding intermissions, for all grades above the third; not less than 4 net hours for the first three grades; and not less than 3 net hours for kindergarten or prekindergarten students with disabilities, or the equivalent as calculated on a weekly basis. The net hours specified in this subsection shall consist only of instruction in an approved course of study and shall exclude all noninstructional activities as defined by rules of the *Commissioner* ~~State Board~~ of Education. Three of the last days of the 90-day term, and of the 180-day term, may be designated by the district school board as final examination days for secondary school students. These final examination days shall consist of no less than 4 net hours, excluding intermissions. The minimum length of the school day herein specified may be decreased under rules which shall be adopted by the state board for double session schools or programs, experimental schools, or schools operating under emergency conditions.

(18) EXCEPTIONAL STUDENT.—The term "exceptional student" means any child or youth who has been determined eligible for a special program in accordance with *rules of the Commissioner of Education or the* State Board of Education ~~Rules~~. The term "exceptional students" includes students who are gifted and students with disabilities who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children with established conditions, ages birth through 2 years.

(29) DROPOUT.—A dropout is a student over the age of compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage ~~or entrance into the military~~, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.0601, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Students not exempt from attendance pursuant to s. 232.06 and under the age of compulsory school attendance who stop attending school shall be known as habitual truants as defined in subsection (28) and are not to be considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 75. Section 228.062, Florida Statutes, is amended to read:

228.062 Migrant education program.—The Commissioner of Education shall ~~recommend, and the State Board of Education shall~~ prescribe~~,~~ such rules as are necessary to provide for the participation of the state in the federal migratory child compensatory education program, which may be funded from federal or other lawful sources. The Department of Education is authorized to plan, fund, and administer educational programs for migrant children in the state, beginning for such children at age 3. Such programs shall be operated through grants to local school districts or through contracts with other public agencies or nonprofit corporations.

Section 76. Section 228.081, Florida Statutes, is amended to read:

228.081 Other public educational services.—The general control of other public educational services shall be vested in the state board except as provided herein. The state board shall, at the request of the Department of *Children* ~~Health~~ and *Family* ~~Rehabilitative~~ Services *and the Department of Juvenile Justice*, advise as to standards and requirements relating to education to be met in all state schools or institutions under their control which provide educational programs. The Department of Education shall provide supervisory services for the educational programs of all such schools or institutions. The direct control of any of these services provided as part of the district program of education shall rest with the school board. These services shall be supported out of state, district, federal, or other lawful funds, depending on the requirements of the services being supported.

Section 77. Section 228.086, Florida Statutes, is amended to read:

228.086 Regional centers of excellence in mathematics, science, computers, technology, and global awareness.—

~~(1)~~ The Department of Education is authorized to award grants to public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, or any combination thereof, to establish regional centers of excellence in mathematics, science, computers, technology, and global awareness.

~~(2) The State Board of Education shall adopt rules to implement the program for regional centers of excellence. Such rules shall provide procedures for proposals to be submitted by individual public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, according to prescribed format criteria. The rules shall also specify criteria for evaluation of the proposals so that the final selections will result at least in one center being located in each of the reporting and coordinating regions of the Department of Education, which regions shall be known as "Panhandle," "Crown," "East Central," "West Central," and "South." For purposes of this section, the South region shall be further divided into "Upper" and "Lower" regions. Dade County and Monroe County shall comprise the Lower South region. The Upper South region shall be composed of the remaining counties in the South region. At least one center shall be located in the Upper South region and at least one center shall be located in the Lower South region. The final selections shall be made by the commissioner with the primary consideration to be the greatest potential impact on student performance within the region in terms of dollars required. Funding for each regional center shall be in an amount established by the Legislature after consideration of the budget request of the center, which request shall include specific performance data and quantifiable objectives for the following year. If a center is deemed not to be meeting its stated objectives, as determined by the State Board of Education, the Legislature shall zero-fund the center and the commissioner shall promptly call for new proposals within that region.~~

~~(3)(a) Each center shall have a director appointed by the appropriate administrator of the district school board, developmental research school, state community college, state university, private postsecondary institution, or museum of science as defined in s. 265.608, where the center is located, funded, and administered. Such governing entity shall be generally responsible and accountable for all activities of the center with the director being specifically responsible and accountable.~~

~~(b) Upon consideration of the recommendations of the governing entity of the center, the commissioner shall appoint an advisory council for each center consisting of no more than 11 members. Prior to appointing the advisory council, the commissioner shall solicit input from each of the groups which shall be represented on the council. Membership shall be representative of public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, and private industry and business. The advisory council shall make recommendations regarding policy, activities, and fiscal operations and shall facilitate coordination of entities within the region. The director of the center and staff of the center shall also serve as staff to the council.~~

~~(4) The evaluation of proposals shall include consideration of:~~

~~(a) Cooperative arrangements among public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, and the other governmental agencies and the private sector, including cooperative funding arrangements.~~

~~(b) Strategies for improvement of student performance.~~

~~(c) Development and dissemination of new principles, techniques, knowledge, and instructional strategies.~~

~~(d) Evaluation and development of instructional materials.~~

~~(e) Recruitment and training of minority and female students for careers in mathematics, science, or computer-related careers or global awareness.~~

~~(f) Recruitment or retraining to include, but not be limited to, retired military or private industry and business personnel for teaching.~~

~~(g) Identification and assistance in the acquisition of revenues and other resources from the private sector, federal or state government, or foundations for programs in mathematics, science, or computer education or global awareness.~~

~~(h) Production and dissemination of videotaped instructional materials for students and teachers.~~

~~(i) Development, dissemination, and evaluation of instructional materials, teacher training, and related services for public school students whose native language is other than English and whose proficiency in English is limited where substantiated need exists as determined by the Department of Education.~~

~~(j) Development and operation of a computer education laboratory and library of related materials.~~

~~(5) As used in this section, the term "private postsecondary institution" means an independent nonprofit college or university which is located in and chartered by the state; which is accredited by an agency holding membership in the Commission on Recognition of Postsecondary Accreditation; which grants baccalaureate, associate in arts, or associate in science degrees and the credits of which are acceptable without qualification for transfer to state universities; and which is not a state university or state community college or a pervasively sectarian institution.~~

~~(6) This section shall be implemented in the 1983-1984 school year and thereafter only to the extent as specifically funded and authorized by law.~~

Section 78. Section 228.088, Florida Statutes, is amended to read:

228.088 High schools and secondary schools utilization of security programs.—Each district high school and secondary school shall develop and implement programs for security purposes to be in effect during school operating hours. Such programs may consist of teachers, volunteers, neighborhood watch programs, school resource officers, security guards, or any combination thereof. The *Commissioner* ~~State Board~~ of Education shall adopt rules to implement the provisions of this section.

Section 79. Subsection (3) of section 228.092, Florida Statutes, is amended to read:

228.092 Retention of records of students attending nonpublic schools.—

(3) DEPARTMENT RESPONSIBILITIES.—All nonpublic schools *that* ~~which~~ become defunct shall notify the *Deputy Commissioner for Educational Programs* ~~Management Information Service Section~~ in the Department of Education of the date of transfer of student records, the location of storage, the custodian of such records, and the number of records to be stored. The department shall act as a clearinghouse and maintain a registry of such transfers of student records.

Section 80. Subsections (2) and (3) of section 228.195, Florida Statutes, are amended to read:

228.195 School food service programs.—

(2) STATE RESPONSIBILITY.—The Commissioner of Education shall ~~recommend, and the State Board of Education shall~~ prescribe~~,~~ rules and standards covering all phases of the administration and operation of the school food service programs.

(3) SCHOOL DISTRICT RESPONSIBILITY.—Each district school board shall consider the recommendations of the district superintendent and adopt policies to provide for an appropriate food and nutrition program for children consistent with regulations and standards prescribed by the *commissioner* ~~state board~~.

Section 81. Subsection (1) of section 228.301, Florida Statutes, is amended to read:

228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education *or the Commissioner of Education* for mandatory tests administered by or through the State Board of Education *or the Commissioner of Education* to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

(a) Give examinees access to test questions prior to testing;

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;

(d) Make answer keys available to examinees;

(e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;

(f) Fail to follow test administration directions specified in the test administration manuals; or

(g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 82. Subsection (13) of section 228.502, Florida Statutes, 1996 Supplement, is amended to read:

228.502 The Education Success Incentive Program.—

(13) The Department of Education shall administer the Education Success Incentive Program pursuant to rules adopted by the *Commissioner* ~~State Board~~ of Education.

Section 83. Section 229.011, Florida Statutes, is amended to read:

229.011 State functions.—Public education is basically a function and responsibility of the state. The responsibility for establishing ~~such minimum~~ standards and regulations ~~as shall tend~~ to assure efficient operation of all schools and adequate educational opportunities for all children is retained by the state.

Section 84. Section 229.053, Florida Statutes, 1996 Supplement, is amended to read:

229.053 General powers of state board.—

(1) The State Board of Education is the chief policymaking and coordinating body of public education in Florida. It has the general powers to determine, adopt, or prescribe such policies, rules, regulations, or standards as are required by law or as it may find necessary for the improvement of the state system of public education. Except as otherwise provided herein, it may, as it shall find appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The board has the following duties:

(a) To adopt comprehensive educational objectives for public education.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education.~~;~~

(c) To exercise general supervision over the divisions of the Department of Education *as*~~, including the Division of Universities, to the extent~~ necessary to ensure coordination of educational plans and programs and resolve controversies and ~~to coordinate the academic calendars of universities, community colleges, and public schools~~ to minimize problems of articulation and student transfers, to assure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.~~;~~

(d) To adopt for public universities and community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level~~; to approve tests and other assessment procedures which measure student achievement of those skills;~~ and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.~~;~~

(e) To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before September 1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year.~~;~~

(f) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education.~~;~~

~~(g) To have possession of and manage all lands granted to or held by the state for educational purposes;~~

~~(h) To administer the State School Fund;~~

(g)~~(i)~~ To approve plans for cooperating with the Federal Government. ~~and, pursuant thereto, by regulation to accept funds, create subordinate units, and provide the necessary administration required by any federal program;~~

(h)~~(j)~~ To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible.~~;~~

(i)~~(k)~~ To *review* ~~approve~~ plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.~~;~~

~~(l) To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy, or completeness in executing contracts, keeping records, or making reports;~~

(j)~~(m)~~ To create such subordinate advisory bodies as *are* ~~may be~~ required by law or as it *finds* ~~may find~~ necessary for the improvement of education.~~;~~

(k)~~(n)~~ To constitute the State Board for Career Education or other structures as ~~may be~~ required by federal law.~~;~~

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n)~~(o)~~ To contract with independent institutions accredited by an agency holding membership in the Commission on Recognition of Postsecondary Accreditation for the provision of those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education;

~~(p) To adopt, based on recommendations of the Postsecondary Education Planning Commission, criteria for the establishment of new community colleges and state universities; and~~

(o)~~(q)~~ To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

Section 85. Subsection (2) of section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a). ~~Effective July 1, 1979,~~ The personnel employed to plan and administer such projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, the provisions of s. 110.051(1) to the contrary notwithstanding. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 86. Subsection (1) of section 229.111, Florida Statutes, is amended to read:

229.111 State board authorized to accept gifts.—

(1) The *Commissioner of Education may* ~~State Board of Education shall have authority to~~ accept *or decline*, on behalf of the state system of public education or of any school fund established or recognized by law, any gift or bequest of money, royalty, or other personal or real property given or bequeathed to the state system of public education, or to any school fund established or recognized by law.~~; provided, that no~~ Conditions *may not* ~~shall~~ be attached to any such gift or bequest of money, royalty, or other personal or real property given or bequeathed for the purposes designated herein which are contrary to the provisions of law or regulations of the state board relating to the use or expenditure of the fund.

Section 87. Section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.— The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(1) To appoint staff necessary to carry out his or her powers and duties.~~, except that appointment of all division directors shall be subject to approval by the State Board of Education, except the Board of Regents, whose members shall be appointed pursuant to s. 240.207, and the State Board of Community Colleges, whose members shall be appointed pursuant to s. 240.307;~~

(2) To suspend, for cause, with the approval of the State Board of Education, a public community college president. Such suspension shall be acted upon expeditiously by the local community college board of trustees.~~;~~

(3) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.~~;~~

(4) To call such special meetings of the State Board of Education as the commissioner deems necessary.~~;~~

(5) To keep such records as are necessary to set forth clearly all acts and proceedings of the state board.~~;~~

(6) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.~~;~~

(7) To assemble all data relative to the preparation of the long-range plan for the development of the state system of public education; to propose for adoption by the State Board of Education such a plan; and to propose revisions in the plan as may be necessary.~~;~~

(8) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund*;* ~~and~~ to provide an assured and stable income from the fund*;*~~, and~~ to execute such policies and actions as are approved; *and to administer the State School Fund.*

(9) To *take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.* ~~investigate and submit proposals for sale of all school lands held by the state for educational purposes; to recommend policies for rental, use, or improvement of such lands and for preserving them from trespass or injury, and to execute such policies as are approved;~~

(10) To submit to the State Board of Education, at least 30 days prior to the date fixed herein, recommendations of expenditures for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year.~~;~~

(11) To *develop and implement a plan for* ~~recommend ways and means of~~ cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds *that are* ~~which may be~~ appropriated by Congress and apportioned to the state for any or all educational purposes.~~;~~

(12) To *develop and implement* ~~recommend~~ policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.~~;~~

(13) To prepare ~~for approval of the State Board of Education such~~ forms and procedures as are ~~deemed~~ necessary to be used by ~~the Board of Regents, boards of trustees of community colleges,~~ district school boards~~,~~ and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; to furnish at state expense, when deemed advisable by the commissioner, those forms *that* ~~which~~ can more economically and efficiently be provided.~~;~~

(14) To implement a program of school improvement and education accountability as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability; to arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities; to prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and to have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for the distribution of the same.~~; and~~

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards.

The criteria for each subject or course shall be made available to publishers of instructional materials at least 24 months prior to the date on which bids are due as provided by s. 233.14. It is the intent of the Legislature that publishers have ample time to develop instructional materials designed to meet requirements in this state.

Section 88. Section 229.515, Florida Statutes, is created to read:

229.515 Rules and standards have force of law.—The Commissioner of Education may prescribe such rules and minimum standards as are necessary to carry out his or her responsibilities under the school code, with the exception of provisions relating to state universities and community colleges and the Florida School for the Deaf and the Blind, and all such rules and minimum standards, if not in conflict with the school code, have the full force and effect of law. The commissioner, in prescribing such rules, is considered an "agency" for purposes of chapter 120.

Section 89. Section 229.559, Florida Statutes, is amended to read:

229.559 Social security numbers used as student identification numbers.~~—Beginning in the 1990-1991 school year,~~ Each school district shall request that each student enrolled in a public school in this state provide his or her social security number. ~~Beginning in the 1991-1992 school year,~~ Each school district shall use social security numbers as student identification numbers in the management information system maintained by the school district. However, a student *is* ~~shall~~ not ~~be~~ required to provide his or her social security number as a condition for enrollment or graduation. A student satisfies this requirement by presenting to school enrollment officials his or her social security card or a copy of *the* ~~such~~ card. The school district shall include the social security number in the student's permanent records and shall indicate if the student identification number is not a social security number. The commissioner shall provide assistance to school districts to assure that the assignment of student identification numbers other than social security numbers is kept to a minimum and to avoid duplication of any student identification number. ~~By March 1, 1991, the commissioner shall report to the State Board of Education the increase in student social security numbers on record and the actions implemented and planned to enable districts to comply with the requirements of this section by the 1991-1992 school year.~~

Section 90. Section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system. The standards must apply, without limitation, to *language arts, mathematics, science, social studies, the arts, health and physical education, and foreign language* ~~reading, writing, mathematics, science, history, government, geography, economics, and computer literacy~~. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency *that* students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

~~(c) Section 3, chapter 83-327, Laws of Florida, shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

~~(2) STANDARDS OF EXCELLENCE.—The State Board of Education shall approve performance standards of excellence in, but not limited to, mathematics and science, which the Commissioner of Education determines shall best indicate the status of the state system of public education. This provision shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

(2)~~(3)~~ EDUCATION EVALUATION.—The Commissioner of Education, or the Auditor General as provided in paragraph (a), shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board *or the Commissioner of Education* and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Department of Corrections for the Correctional Education Program pursuant to s. 944.801. Such evaluations *must* ~~shall~~ include, but *need* not be limited to:

(a) Reported full-time equivalent membership in each program category. This evaluation *must* ~~shall~~ be conducted by the Auditor General for the Florida Education Finance Program full-time enrollment verification function.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. 230.23(4)(m).

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board *and of the Commissioner of Education* and the procedures for placement established by that district school board.

~~(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.~~

(d)~~(e)~~ An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(e)~~(f)~~ Determination of the ratio of administrators to teachers in each school district.

(f)~~(g)~~ Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(g)~~(h)~~ Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation *must* ~~shall~~ be presented to the school districts and explained well in advance of the actual audit date.

(h)~~(i)~~ Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

(3)~~(4)~~ ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education *must* ~~shall~~ provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies. Priority for such assistance *must* ~~shall~~ be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives *must* ~~shall~~ be systematically drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in the full-time equivalent student count for that district *must* ~~shall~~ be made, and any excess funds *must* ~~shall~~ be deducted from subsequent allocations of state funds to that district. As provided for by *rule* ~~rules of the State Board of Education~~, if errors in a specific program of a district recur in consecutive years due to lack of corrective action by the district, adjustments may be made based upon statistical estimates of error projected to the overall district program.

~~(5) PREKINDERGARTEN EARLY INTERVENTION PROGRAM.—The commissioner shall annually examine and evaluate the procedures, records, and programs of each district which has established a prekindergarten early intervention program to determine the district's compliance with s. 230.2305 and with the approved district plan for the prekindergarten early intervention program.~~

Section 91. Subsections (3) and (4) of section 229.57, Florida Statutes, are amended to read:

229.57 Student assessment program.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. ~~Such skills and competencies must include, without limitation, those which comprise minimum standards of student performance.~~ The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered each spring, of grades 4, 7, and 10 in reading, writing, and mathematics. The testing program must be designed as follows:

1. For grades 4 and 7, the testing program must use nationally normed achievement tests that are administered by school districts in accordance with subsection (4). The State Board of Education shall adopt rules specifying the procedures to be used in reviewing available tests and rules designating a list of tests that are acceptable for this purpose. Each school district must administer one of the designated tests to fulfill the requirements of this section. The commissioner shall take steps to assure that the designated tests are administered in a uniform and acceptable manner and shall designate the dates of administration of these tests.

2. For grade 10, the testing program must use a nationally normed student achievement test selected through an appropriate bidding process. The commissioner shall designate the criteria to be considered in the bidding process, including, without limitation, the degree to which the nationally normed test is compatible with college-level communication and computation skills defined pursuant to s. 229.551(3)(f), the degree of relationship with the skills measured by the college-level communication and computation skills examination prescribed by s. 240.107, the technical quality of the test, the adequacy of normative data, and the security of the test forms to be used in this state. The content of the tests must include testing of problem-solving and higher-order skills to the extent possible. Participation in the 10th grade testing program is mandatory for all students in public schools except as may be otherwise prescribed by the commissioner for students not pursuing regular high school diplomas.

3. The testing programs for grades 4, 7, and 10 must include a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. For the tests for grades 4 and 7, a score must be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. All 11th grade students shall be required to take high school competency tests developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the tests on minority students. A student must earn a passing score on each part taken to qualify for a regular high school diploma. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

The commissioner may design and implement student testing programs for other grade levels and subject areas, based on ~~a~~ census or sampling *procedures designated by the commissioner to monitor educational achievement in the state.*

(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment as a free service to schools.

(e) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(f) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(g) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. Such assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. In grades 4 and *8* ~~7~~, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.

Section 92. Subsection (1) of section 229.59, Florida Statutes, is amended to read:

229.59 Educational improvement projects.—

(1) Pursuant to rules adopted by the *Commissioner* ~~State Board~~ of Education, each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing an educational improvement project. Such proposals shall be developed with the assistance of district and school advisory councils and may address any or all of the following areas:

(a) The improvement of school management;
(b) The improvement of the district and school advisory councils;
(c) School volunteers;
(d) The professional development of teachers;
(e) The restructuring of educational programs to meet the needs of diverse students; and
(f) Global awareness.

Such projects may also address any other educational area which would be improved through the encouragement of closer working relationships among the school principal, the teachers, and the parents and other members of the community. Priority shall be given to proposals which provide for the inclusion of existing resources, such as district educational training funds, in the implementation of an educational improvement project.

Section 93. Subsection (1) of section 229.591, Florida Statutes, 1996 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, by the year 2000, Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines~~, or a "Blueprint 2000,"~~ for achieving this purpose and for returning the responsibility for education to those closest to the students, that is the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate provisions for a uniform system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

Section 94. Subsection (1), paragraphs (c) and (d) of subsection (3), and subsections (5) and (6) of section 229.592, Florida Statutes, 1996 Supplement, are amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(18), fully implemented and operational by the beginning of the 1993-1994 school year. Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board by the 1994-1995 school year, and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(18), for the 1995-1996 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(18), respectively. ~~In addition, the following initial steps in program development shall be undertaken beginning June 1, 1991, and shall continue during the 1991-1992 school fiscal year:~~

~~(a) Each school shall conduct an initial needs assessment including separately each school-within-a-school, magnet school, self-contained educational alternative center, or satellite center, and the results of the assessments shall be accompanied by a needs response plan and submitted to the Florida Commission on Education Reform and Accountability by November 1, 1991. The commissioner must provide a format for the needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:~~

~~1. The status of the school in relation to the general goals for education contained in s. 229.591;~~

~~2. The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment and the number of completers by race and gender in upper-level mathematics and science courses, and the number of students entering postsecondary institutions;~~

~~3. Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment;~~

~~4. The economic status of the student body and area served by the school;~~

~~5. The demographic characteristics of the student body and the faculty and staff of the school;~~

~~6. The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and~~

~~7. Such other needs assessment indicators as may be determined by the individual school.~~

~~(b) Each area technical center operated by a school board shall conduct a needs assessment as part of the school improvement process. The results of the assessments shall be accompanied by a needs response plan and be submitted to the Florida Commission on Education Reform and Accountability by November 1, 1992. The commissioner shall provide a format for the needs assessments to the school boards by August 1, 1992, and the local school board shall coordinate each needs assessment. The first such assessment shall be based on data from the 1991-1992 school year and must address at least the following:~~

~~1. The vocational standards articulated in s. 239.229.~~

~~2. The financial status of the center as indicated by per-student expenditures for instruction and administration, and other appropriate measures.~~

~~3. Student completion and placement rates.~~

~~4. A forecast of occupations indicating future workplace needs required over the next 5 years within the service area, based upon labor market supply and demand data and local economic conditions.~~

~~5. Other such needs assessment indicators as may be determined by the center.~~

~~(c) The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.~~

~~(d) The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.~~

~~(e) The Florida Commission on Education Reform and Accountability and the Department of Education shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by January 1, 1992, and shall provide, upon request, the needs assessment on any individual school. By November 1, 1991, the commission shall identify a core of performance standards addressing the state's most pressing educational problems for use in the analysis of the needs assessment information.~~

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.

(c) *The annual feedback report shall be developed by the commission and the Department of Education.* ~~The format for this feedback shall be developed by the commission and recommended to the State Board of Education by January 1, 1992. The State Board of Education shall adopt a format for the feedback report.~~

(d) The *commissioner and the* commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The *commissioner* ~~commission~~ and State Board of Education shall monitor the development and implementation of the corrective action plan.

(5) STATE BOARD.—The State Board of Education shall adopt rules necessary to implement a state system of school improvement and education accountability. ~~By September 1, 1992, the state board shall adopt standards for indicating progress toward the state education goals pursuant to s. 229.591(3). By September 1, 1993, the state board shall adopt rules providing guidelines for annual school reports.~~ Such rules *must* ~~shall~~ be based on recommendations of the Commission on Education Reform and Accountability and *must* ~~shall~~ include, but *need* not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the

school and how those allocations were used for educational enhancement and supporting school improvement.

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, *the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the Commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within two weeks of receiving the report, no member requests that a waiver be considered by the state board, the Commissioner may act on the original waiver request. No later than January 1 of each year, the Commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House all approved waiver requests in the preceding year.* ~~during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:~~

(a) ~~In the annual general appropriations acts, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; 230.2318; 231.087; 231.613; 232.257; 233.0615; 233.0678; 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225; 236.1228; and 239.401.~~

~~(b) The methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; and 229.57(4) and (5).~~

~~In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process. It is the intent of the Legislature that statutes listed in paragraphs (a) and (b) be systematically repealed after being held in abeyance for 3 consecutive fiscal years.~~

~~(c) The Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; 232.045; 232.245; 232.2462; 232.2463; 233.011; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121.~~ Graduation requirements in s. 232.246 *must* ~~may~~ be met by demonstrating performance of intended outcomes for any course in the Course Code Directory *unless* ~~if~~ a waiver *is* ~~from the requirements of s. 232.2462 has been~~ approved *by the commissioner* ~~based upon a need identified in a school improvement plan~~. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory *counts* ~~shall count~~ as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such *a* waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such *a* waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested *under* ~~pursuant to~~ this paragraph *is effective* ~~shall be~~ for a 5-year period.

(b)~~(d)~~ Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules *if* ~~adopted to implement statutes listed in paragraphs (a), (b), and (c), provided that the intent of each rule is met and~~ the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c)~~(e)~~ The written request for waiver of statute or rule *must* ~~shall~~ indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(d)~~(f) Any request for a waiver which is not denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information.~~ *Upon denying* ~~On denial of~~ a request for a waiver, the commissioner *must* ~~shall~~ state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 95. Subsections (3), (4), (5), and (6) of section 229.593, Florida Statutes, are amended to read:

229.593 Florida Commission on Education Reform and Accountability.—

(3) ~~The commission shall be appointed no later than 30 days after the effective date of this act.~~ Recognized statewide organizations representing each interest enumerated in this section shall submit no fewer than two nor more than three nominees to the appropriate public official *for consideration*. The public officials shall appoint members representative of the ethnic, racial, gender, and economic population of the state. ~~In the absence of nominees, the designated appointing authority shall appoint persons who otherwise meet the qualifications for appointment to the commission.~~ The term of each appointed private citizen member shall be for 4 years~~; however, initially, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education shall each appoint at least one member for a 4-year term, one member for a 3-year term, and two members for 2-year terms~~. A vacancy shall be filled for the remainder of the unexpired term by the person who had appointment jurisdiction of the vacated member. Members shall serve until their successors are duly appointed. ~~There shall be no limitation on successive appointments to the commission.~~ Provisions of s. 11.611(8)(b) to the contrary notwithstanding, private citizen members shall be appointed as provided in this section and *are* ~~shall~~ not ~~be~~ subject to confirmation by the Senate. Members of the commission may be removed for cause by the appointing authority. Any member who, without

cause, fails to attend three consecutive meetings may be removed by the appointing authority.

~~(4) As soon as practicable after all members are appointed, the Commissioner of Education shall call an organizational meeting of the commission. Subsequent meetings shall be held as often as the commission deems necessary to carry out its duties and responsibilities.~~

(4)~~(5)~~ The commission shall adopt internal organizational procedures or bylaws necessary for its efficient operation. The commission shall elect a vice chair annually, who shall chair the commission in the absence of the chair. The commission may appoint committees from its membership or may create such ad hoc advisory committees as it deems necessary. The commission shall clearly assign ~~duties~~ to each committee *duties that are* ~~which shall be~~ consistent with the statutory duties of the commission. At least one such committee *must* ~~shall~~ be created to address the development of performance standards consistent with the state education goals. Any committee *is to* ~~shall~~ serve the commission in a strictly advisory capacity and *must* ~~shall~~ have a commission member as chair.

(5)~~(6)~~ Members of the commission shall serve without compensation but *are* ~~shall be~~ entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators *are* ~~shall be~~ entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees. When appropriate, commission members who are parents *are to* ~~shall~~ receive a stipend for child care costs incurred while attending commission meetings.

Section 96. Subsection (1) of section 229.594, Florida Statutes, is amended to read:

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(a) Serve as an advisory body to oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals. This responsibility shall include the following:

1. Holding public hearings, as ~~determined to be~~ necessary, in various parts of the state. The purpose of these hearings *is* ~~shall be~~ to receive public comment on the status of education and suggestions regarding the establishment and implementation of a system of school improvement and education accountability. When feasible, alternative methods such as teleconferencing shall be employed to increase public involvement.

2. Observing the development and implementation of school improvement plans pursuant to s. 230.23(18). Particular attention shall be paid to ensuring the involvement of teachers, parents, and community in the development and implementation of individually prepared school improvement plans.

3. Involving the business community in the provision of needed training for school advisory councils, teachers, principals, district administrators, and school board members.

4. Annually recommending changes in statutes, rules, and policies needed to implement and maintain a system of school improvement and education accountability in the state.

(b) Review and, with assistance from the Department of Education, analyze results of school needs assessments submitted by district school boards ~~and, by January 1, 1992, submit a report of its findings to the Legislature~~. The report shall include recommendations for changes in the school improvement and accountability required by s. 230.23(18) which are considered necessary as a result of the school needs assessments. The report shall also include a recommendation regarding the minimum number of credits, subjects, and courses that should be required by the state for regular and alternative high school diplomas; the number of hours of instruction required to receive a credit; the length of a high school day; and the number of periods per day for high schools.

(c) Recommend to the Legislature, *the* ~~and~~ State Board of Education, *and the Commissioner of Education,* as appropriate, the components of a system of school improvement and accountability. Initial recommendations must be reviewed and revised as necessary annually and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards. Effective June 1, 1993, such standards must incorporate the provisions of s. 239.229.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Effective use of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

5. Guidelines that may be adopted as rule ~~and used~~ by the State Board of Education, *or the Commissioner of Education,* and the school board in determining the action for any school that does not improve after 3 years of assistance and intervention, including commission responsibility in recommending action for said schools. The guidelines *must* ~~shall~~ be stringent and *must* ~~shall~~ ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education *and the Commissioner of Education* the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability *is* ~~to be~~ established and implemented.

Section 97. Subsection (8) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(8) Partnership *vocational* ~~career~~ education programs shall be those job-preparatory *vocational* ~~career~~ education programs offered through signed partnership agreements between area technical centers and business, industry, or apprenticeship committees. Partnership *vocational* ~~career~~ education programs are limited to:

(a) Apprenticeship programs approved pursuant to chapter 446.

(b) Cooperative education programs where instruction is provided, including required academic courses and related vocational instruction, by alternation of study in school with a job in any occupational field, provided that the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and employability.

(c) Courses provided through the area technical center in which the sole instructor is a full-time salaried employee of a business or industry whose teaching services are provided free to the school district, thus allowing the school district to provide the course at a lower cost per pupil.

Section 98. Section 229.75, Florida Statutes, is amended to read:

229.75 Department under direction of state board.—The Department of Education shall act as an administrative and supervisory agency

under the *policy* direction of the State Board of Education. ~~The state board and its staff shall comprise the department.~~

Section 99. Section 229.76, Florida Statutes, is amended to read:

229.76 Functions of department.—The department *is to* ~~shall~~ be located in the offices of the Commissioner of Education~~, shall operate under the direction and control of the state board~~ and shall assist ~~it~~ in providing professional leadership and guidance~~,~~ and in carrying out the policies, procedures, and duties authorized by law or by the board or found necessary by it to attain the purposes and objectives of the school code.

Section 100. Section 229.771, Florida Statutes, is amended to read:

229.771 Removal from office.—The *State Board of Education* ~~department~~ shall remove from office for cause any person appointed by the state board under the provisions of the school code or any subordinate school officer. ~~Cause for such removal shall be~~ Incompetency, immorality, misconduct in office, gross insubordination, or willful neglect of duty *constitutes cause for such removal*. Notice and hearing *must* ~~shall~~ be provided pursuant to chapter 120.

Section 101. Paragraphs (b) and (c) of subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 229.805, Florida Statutes, are amended to read:

229.805 Educational television.—

(3) POWERS OF DEPARTMENT OF EDUCATION.—

(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education, except the State University System as defined in s. 240.2011, which provision by the department shall be limited by paragraph (c) and by s. 229.8051(1). The department shall recommend to the *Commissioner of Education* ~~state board~~ rules and regulations necessary to provide such services.

(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by *Commissioner* ~~State Board~~ of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or for both.

(4) PROHIBITED USE, PENALTY.—

(a) None of the facilities, plant, or personnel of any educational television system *that* ~~which~~ is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office. However, fair, open, and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the citizens of this state shall be fully informed about such issues and candidates in such campaigns. The above provisions ~~shall~~ apply to the advocacy for, or opposition to, any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referenda, and bond issues. The provisions of this paragraph shall be in accordance with reasonable rules and regulations prescribed by the *Commissioner* ~~State Board~~ of Education or the Board of Regents, whichever has authority in the premises.

(5) DUTY OF DEPARTMENT OF EDUCATION.—The Department of Education *is* ~~shall be~~ responsible for identifying the needs of the state system of public education as they relate to the development and production of materials used in instruction. When such identified needs are *considered* ~~deemed~~ to be best satisfied by the production of new materials, the department *may* ~~shall be empowered to~~ commission or contract for the production of such materials. The *Commissioner* ~~State Board~~ of Education shall adopt and prescribe rules and regulations for the proper enforcement and carrying out of these provisions.

Section 102. Subsections (1) and (3) of section 229.8051, Florida Statutes, are amended to read:

229.8051 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. *The Department of Education shall administer* this program system ~~shall be administered by the Department of Education~~ pursuant to policies adopted by the *Commissioner* ~~State Board~~ of Education. *This program system must* ~~and shall~~ complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, ITFS, and FM stations in the state. *The* ~~This~~ program system *must* ~~shall~~ include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational radio and television stations and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by *rule by the Commissioner* ~~State Board~~ of Education ~~rules~~.

(b) Maintenance of quality broadcast capability for educational stations *that* ~~which~~ are part of the program system.

(c) Interconnection of all educational stations *that* ~~which~~ are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing or future educational television and radio stations in accordance with paragraph (a) and s. 229.805(3)(c).

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(3) The *Commissioner* ~~State Board~~ of Education shall adopt rules for the proper enforcement and carrying out of these provisions.

Section 103. Subsection (1) of section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system *must* ~~shall~~ be managed, controlled, operated, administered, and supervised as follows:

(1) DISTRICT SYSTEM.—The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board *and the commissioner*. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

Section 104. Subsections (2) and (5) of section 230.22, Florida Statutes, are amended to read:

230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(2) ADOPT RULES AND REGULATIONS.—The school board shall adopt such rules and regulations to supplement those prescribed by the state board *and the commissioner* as in its opinion will contribute to the more orderly and efficient operation of the district school system.

(5) PERFORM DUTIES AND EXERCISE RESPONSIBILITY.—The school board may perform those duties and exercise those responsibilities which are assigned to it by law or by regulations of the state board *or the commissioner* and, in addition thereto, those which it may find to be necessary for the improvement of the district school system in carrying out the purposes and objectives of the school code. The Legislature

recognizes the necessity for well informed school board members and the benefits to education that may be obtained through board member participation in professional development and training seminars and related activities at the district, state, and national levels.

Section 105. Paragraph (m) of subsection (4), paragraphs (b) and (d) of subsection (9), paragraphs (a) and (b) of subsection (11), and subsections (12), (14), and (16) of section 230.23, Florida Statutes, 1996 Supplement, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved nonpublic schools or community facilities which meet standards established by the *commissioner* ~~state board~~.

3. The school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent or guardian of a sensory-impaired student.

4. The school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

5. No student be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the *commissioner* ~~state board~~. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1), to the extent that the *commissioner* ~~state board~~ adopts rules establishing other procedures. The hearing *must* ~~shall~~ be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents or guardian, in the public school program until all such proceedings have been completed.

6. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

7. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his or her enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.

8. The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 235 and as follows:

(b) Sites, buildings, and equipment.—

1. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of pupils to be accommodated;

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used;

3. Expand existing sites;

4. Rent buildings when necessary;

5. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 235.056(2), with private individuals or corporations for the rental of necessary grounds and educational facilities for school purposes or of educational facilities to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, "educational facilities" means the buildings and equipment which are built, installed, or established to serve educational purposes and which may lawfully be used. The *Commissioner* ~~State Board~~ of Education *may adopt* ~~is authorized to promulgate~~ such rules as *are* ~~it deems~~ necessary to implement the provisions hereof;

6. Provide for the proper supervision of construction;

7. Make or contract for additions, alterations, and repairs on buildings and other school properties;

8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of pupils, as well as for economy of construction by having such plans and specifications submitted to the Department of Education for approval; and

9. Provide furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.

(d) Insurance of school property.—Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less which are of frame construction and located in a tenth class public protection zone as defined by the Florida Inspection and Rating Bureau, and on all school buses and other property under the control of the school board or title to which is vested in the school board, except as exceptions may be authorized under regulations of the *commissioner* ~~state board~~.

(11) RECORDS AND REPORTS.—Provide for the keeping of all necessary records and the making of all needed or required reports, as follows:

(a) Forms, blanks, and reports.—Require all employees to keep accurately all records and to make promptly in the proper form all reports required by law or by regulations of the state board *or of the commissioner*.

(b) Reports to the department.—Require that the superintendent prepare all reports to the Department of Education that may be required

by law or regulations of the state board *or of the commissioner*; see that all such reports are promptly transmitted to the department; withhold the further payment of salary to the superintendent or employee when notified by the department that he or she has failed to file any report within the time or in the manner prescribed; and continue to withhold the salary until the school board is notified by the department that such report has been received and accepted; provided, that when any report has not been received by the date due and after due notice has been given to the school board of that fact, the department, if it deems necessary, may require the report to be prepared by a member of its staff, and the school board shall pay all expenses connected therewith. Any member of the school board who is responsible for the violation of this provision is subject to suspension and removal.

(12) COOPERATION WITH OTHER DISTRICT SCHOOL BOARDS.—May establish and participate in educational consortia *that* ~~which~~ are designed to provide joint programs and services to cooperating school districts, consistent with the provisions of s. 4(b), Art. IX of the State Constitution. The *Commissioner* ~~State Board~~ of Education shall adopt rules providing for the establishment, funding, administration, and operation of such consortia.

(14) ENFORCEMENT OF LAW AND RULES AND REGULATIONS.—Require that all laws and rules and regulations of the state board, *of the commissioner,* or of the school board are properly enforced.

(16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and exercise such powers and perform such duties as may be assigned to it by law or as may be required by regulations of the *commissioner* ~~state board~~ or as in the opinion of the school board are necessary to assure school lunch services, consistent with needs of pupils; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

Section 106. Subsection (8) of section 230.2305, Florida Statutes, 1996 Supplement, is amended to read:

230.2305 Prekindergarten early intervention program.—

(8) MONITORING AND TECHNICAL ASSISTANCE.~~—Pursuant to s. 229.565(5),~~ the Commissioner of Education shall monitor each district prekindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a program is not brought into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its prekindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.

Section 107. Paragraph (e) of subsection (3) and paragraph (b) of subsection (7) of section 230.2316, Florida Statutes, 1996 Supplement, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(e) "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students deemed habitual truants as defined in s. 228.041(28), or for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and ~~State Board of Education~~ rules *of the commissioner* that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings.

(7) STAFF DEVELOPMENT.—

(b) The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student-friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this paragraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to ~~State Board of Education~~ rules *of the commissioner*.

Section 108. Subsection (6) of section 230.23166, Florida Statutes, is amended to read:

230.23166 Teenage parent programs.—

(6) The *Commissioner* ~~State Board~~ of Education shall adopt rules necessary to implement the provisions of this section.

Section 109. Paragraphs (b) and (d) of subsection (2) of section 230.2318, Florida Statutes, 1996 Supplement, are amended to read:

230.2318 School resource officer program.—

(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—

(b) The commissioner shall review all proposed local school resource officer program plans and shall approve those plans which meet the purposes, intent, and requirements of this section and the rules adopted by the *commissioner* ~~State Board of Education~~ pursuant to this section.

(d) The *commissioner may adopt* ~~State Board of Education shall have the authority to promulgate~~ rules to implement the statewide school resource officer program as established in this section.

Section 110. Subsections (4), (5), and (6) of section 230.32, Florida Statutes, are amended to read:

230.32 General powers of superintendents.—The superintendent shall have the authority, and when necessary for the more efficient and adequate operation of the district school system, the superintendent shall exercise the following powers:

(4) RECOMMEND AND EXECUTE RULES AND REGULATIONS.—Prepare and organize by subjects and submit to the school board for adoption such rules and regulations to supplement those adopted by the state board *or the commissioner* as, in the superintendent's opinion, will contribute to the efficient operation of any aspect of education in the district. When rules and regulations have been adopted, the superintendent shall see that they are executed.

(5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.—From time to time to prepare, organize by subjects, and submit to the school board for adoption such minimum standards relating to the operation of any phase of the district school system as are needed to supplement those adopted by the state board *or the commissioner* and as will contribute to the efficient operation of any aspect of education in the district; to see that minimum standards adopted by the school board *and the commissioner* are observed.

(6) PERFORM DUTIES AND EXERCISE RESPONSIBILITIES.—Perform such duties and exercise such responsibilities as are assigned to the superintendent by law and by regulations of the state board *and of the commissioner*.

Section 111. Subsection (1) of section 230.321, Florida Statutes, is amended to read:

230.321 Superintendents employed under Art. IX, State Constitution.—

(1) In every district authorized to employ a superintendent of schools under Art. IX of the State Constitution, the superintendent shall be the executive officer of the school board and shall not be subject to the provisions of law, either general or special, relating to tenure of employment or contracts of other school personnel. The superintendent's duties relating to the district school system shall be as provided by law and rules of the State Board of Education *and of the Commissioner of Education*.

Section 112. Paragraph (j) of subsection (6), paragraph (b) of subsection (13), and subsections (15) and (24) of section 230.33, Florida Statutes, 1996 Supplement, are amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he or she shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS, CLASSES, AND SERVICES.—Recommend the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district, including:

(j) School lunches.—Recommend plans for the establishment, maintenance, and operation of a school lunch program consistent with state laws and regulations of the *commissioner* ~~state board~~, and to administer and supervise such services.

(13) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the state board or by the department; prepare forms for keeping such records as are approved by the school board; see that such records are properly kept; and make all reports that are needed or required, as follows:

(b) Reports to the department.—Prepare, for the approval of the school board, all reports that may be required by law or rules of the state board *or of the commissioner* to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by state board rules, the salary of the superintendent *must* ~~shall~~ be withheld until *the* ~~such~~ report has been properly submitted. Unless otherwise provided by regulations of the state board, the annual report on attendance and personnel *is* ~~shall be~~ due on or before July 1, and the annual school budget and the report on finance *are* ~~shall be~~ due on the date prescribed by the *commissioner* ~~state board~~.

(15) ENFORCEMENT OF LAWS AND RULES.—Require that all laws and rules of the state board, as well as supplementary rules of the school board, are properly observed and report to the school board any violation *that* ~~which~~ the superintendent does not succeed in having corrected.

(24) OTHER DUTIES AND RESPONSIBILITIES.—Perform such other duties as *are* ~~may be~~ assigned to the superintendent by law or by rules of the state board *or of the commissioner*.

Section 113. Subsection (2) of section 230.64, Florida Statutes, is amended to read:

230.64 Area technical center part of district school system; minimum standards.—

(2) *COMMISSIONER* ~~STATE BOARD~~ SHALL PRESCRIBE MINIMUM STANDARDS.—The *commissioner* ~~state board~~ shall prescribe minimum standards *that* ~~which~~ must be met before an area technical center is organized, acquired or operated, and *that* ~~which~~ will assure that the purposes of the center are attained.

Section 114. Subsection (9) of section 230.71, Florida Statutes, is amended to read:

230.71 Intergenerational school volunteer programs.—

(9) RULES.—The *Commissioner* ~~State Board~~ of Education shall adopt rules necessary to implement ~~the provisions of~~ this section.

Section 115. Paragraph (e) of subsection (1) and subsection (2) of section 232.01, Florida Statutes, are amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(e) Beginning with the 1991-1992 school year and consistent with rules adopted by the *commissioner* ~~state board~~, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services under rules adopted by the school board. Exceptional children who are deaf or hard of hearing, visually impaired, dual sensory impaired, severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have established conditions, or exhibit developmental delays, below age 3 may be eligible for special programs; or, if enrolled in other prekindergarten or day care programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the *Commissioner* ~~State Board~~ of Education.

(2) The *Commissioner* ~~State Board~~ of Education may adopt rules under which pupils not meeting the entrance age may be transferred from another state if their parents or guardians have been legal residents of that state.

Section 116. Section 232.23, Florida Statutes, 1996 Supplement, is amended to read:

232.23 Procedures for maintenance and transfer of pupil records.—

(1) Each principal shall maintain a permanent cumulative record for each pupil enrolled in a public school. Such record shall be maintained in the form, and contain all data, prescribed by *rule by the Commissioner* ~~rules of the State Board~~ of Education. The cumulative record is confidential and exempt from the provisions of s. 119.07(1) and *is* ~~shall be~~ open to inspection only as provided in s. 228.093.

(2) The procedure for transferring and maintaining records of pupils who transfer from school to school shall be prescribed by regulations of the *commissioner* ~~state board~~.

(3) Procedures relating to the acceptance of transfer work and credit for pupils shall be prescribed by *rule by the Commissioner* ~~rules of the State Board~~ of Education.

Section 117. Subsection (1) of section 232.2468, Florida Statutes, 1996 Supplement, is amended to read:

232.2468 Graduation, habitual truancy, and dropout rates.—

(1) DEFINITION.—

(a) The term "graduation rate" means the percentage calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time.

(b) The term "habitual truancy rate" means the annual percentage of students in membership within the age of compulsory school attendance pursuant to s. 232.01 who are classified as habitual truants as defined in s. 228.041(28).

(c) The term "dropout rate" means the annual percentage calculated by dividing the number of students over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to s. 228.041(29).

The *Commissioner* ~~State Board~~ of Education may adopt rules to implement this subsection.

Section 118. Section 232.247, Florida Statutes, is amended to read:

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified, in accordance with rules established by the *commissioner* ~~state board~~, as "educable mentally handicapped," "trainable mentally handicapped," "hearing impaired," "specific learning disabled," "physically or language impaired," or "emotionally handicapped" shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the *commissioner* ~~state board~~; ~~provided,~~ however, ~~that~~ such special graduation requirements prescribed by the school board *must* ~~shall~~ include minimum graduation requirements as prescribed by the *commissioner* ~~state board~~. Any such student who meets all special requirements of the district school board for ~~his or her~~ exceptionality, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the *commissioner* ~~state board~~. A student who has been properly classified as "profoundly handicapped" and who meets the special requirements of the district school board for a special diploma in accordance with requirements for any exceptional student identified in this section shall be awarded a special diploma; however, such *a* student shall *alternatively* ~~alternately~~ be eligible for a special certificate of completion, in a form prescribed by the *commissioner* ~~state board~~, if all school requirements for students who are "profoundly handicapped" have been met. ~~Nothing provided in this section,~~ However, *this section does not* ~~shall be construed to~~ limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby *to* qualify for a standard diploma upon graduation.

Section 119. Subsection (1) of section 232.25, Florida Statutes, 1996 Supplement, is amended to read:

232.25 Pupils subject to control of school.—

(1) Subject to law and rules and regulations of the *commissioner* ~~state board~~ and of the school board, each pupil enrolled in a school shall:

(a) During the time she or he is being transported to or from school at public expense;

(b) During the time she or he is attending school;

(c) During the time she or he is on the school premises participating with authorization in a school-sponsored activity; and

(d) During a reasonable time before and after a pupil is on the premises for attendance at school or for authorized participation in a school-sponsored activity, and only when on the premises,

be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the *commissioner* ~~state board~~ or the district school board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school.

Section 120. Subsection (5) of section 232.303, Florida Statutes, is amended to read:

232.303 Interagency student services.—

(5) The *Commissioner* ~~State Board~~ of Education and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *may* ~~are authorized to~~ adopt rules to carry out the intent of this section.

Section 121. Paragraph (a) of subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)(a) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.

2. Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the *Commissioner* ~~State Board~~ of Education.

3. Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes.

Section 122. Paragraph (a) of subsection (2) and subsections (5) and (6) of section 233.011, Florida Statutes, are amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(2)(a) Subject to State Board of Education review and approval, the Department of Education shall develop~~, by April 1, 1985,~~ guidelines for the identification or development, evaluation, oversight, and revision of:

1. Curriculum frameworks as specified in subsection (3).

2. Student performance standards as specified in ss. 232.2454(1) and 229.565(1) ~~and (2)~~.

3. Model standards and procedures for the adoption of state and district instructional materials and software consistent with curriculum frameworks and student performance standards as specified in this paragraph. Such models shall provide the diverse student populations of the state with the highest quality instructional materials and software in the most cost-effective manner possible. Such models shall include a component to ensure the production of instructional materials and software by the state, or a consortium of states, when economical or superior quality instructional materials or software are unavailable from commercial sources by special contract.

4. Model standards and procedures for state and district adoption, analyses, and use of nationally normed student achievement tests or other nationally normed assessment instruments, as specified in subsection (4).

5. Criteria and procedures to determine the individual school programs *that* ~~which~~ are most deficient in student performance. Such criteria and procedures *must* ~~shall~~ take into account testing results under the provisions of ss. 229.565 and 232.2454, and subsection (4).

6. Model training procedures for state-level and district-level personnel assigned responsibilities for evaluating and selecting instructional materials, software, and norm-referenced achievement measures.

7. Standards for effective evaluation and comparable evaluation and testing procedures among districts.

(5) The *Commissioner* ~~State Board~~ of Education *may adopt* ~~is authorized to develop~~ rules necessary to implement the provisions of the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984.

(6) The commissioner, no later than November 1 of each year, shall transmit to ~~the State Board of Education,~~ the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees on public school education an appraisal of the programs and activities as set forth in the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984 as to the effectiveness, efficiency, and utilization of resources, including a statement of the overall program for the coming

year, the recommended level of funding for the overall program, and any other recommendations deemed appropriate by the commissioner. *These* ~~Such~~ recommendations *must* ~~shall~~ include, but *need* not be limited to, necessary modifications of statutes, *rules of the commissioner* ~~state board rules~~, and administrative procedures to implement the provisions of said sections.

Section 123. Section 233.015, Florida Statutes, is amended to read:

233.015 Purge of listed courses not taught for 5 years; rules.—The *Commissioner* ~~State Board~~ of Education shall adopt rules *that* ~~which~~ provide for the conduct of regularly scheduled purges of courses *that are* listed in the statewide course numbering system or institutional catalog *but* ~~that~~ have not been taught at the institution for the preceding 5 years. *These* ~~Such~~ rules *must* ~~shall~~ include waiver provisions *that allow* ~~for~~ course continuation *if* ~~in the event that~~ an institution has reasonable cause for having not offered a course within the 5-year limit and an expectation that the course will be offered again within the following 5 years.

Section 124. Subsection (2) of section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(2) The unit shall be operated either directly by the Division of Public Schools or through a contractual agreement with a local education agency, under rules adopted by the *Commissioner* ~~State Board~~ of Education.

Section 125. Subsection (6) of section 233.058, Florida Statutes, is amended to read:

233.058 English language instruction for limited English proficient students.—

(6) The *Commissioner* ~~State Board~~ of Education shall adopt rules for the purpose of implementing this section.

Section 126. Subsection (1) of section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—

(1) Members of the instructional staff of the public schools, subject to the rules and regulations of the *commissioner, the* state board, and ~~of~~ the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government;

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;

(c) The essentials of the United States Constitution and how it provides the structure of our government;

(d) Flag education, including proper flag display and flag salute;

(e) The elements of civil government;

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions;

(g) The history of African-Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African-Americans to society;

(h) The elementary principles of agriculture;

(i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind;

(j) Kindness to animals;

(k) The history of the state;

(l) The conservation of natural resources; and

(m) Such additional materials, subjects, courses, or fields in such grades as *are* ~~may be~~ prescribed by law or by rules of the *commissioner* ~~state board~~ and the school board in fulfilling the requirements of law.

Section 127. Paragraph (a) of subsection (4) of section 233.067, Florida Statutes, 1996 Supplement, is amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(a) There is created a comprehensive health education and substance abuse prevention program for children and youths in kindergarten and grades 1 through 12. Responsibility for the administration of this section shall rest with the Department of Education, in cooperation with, and with the advice of, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. The administration of the program shall be pursuant to rules and regulations adopted by the *Commissioner* ~~State Board~~ of Education, provided that such rules shall require the minimum amount of paperwork and reporting necessary to comply with this section. For purposes of administering this section, the commissioner shall establish a Prevention Resource Center within the department and shall assign appropriate staff to work directly with school district personnel. The center shall serve as a clearinghouse for evaluation and dissemination of information, materials, and model programs and shall provide program and technical assistance and other prevention services as determined by the commissioner.

Section 128. Subsection (6) of section 233.115, Florida Statutes, is amended to read:

233.115 Prohibited acts.—

(6) Nothing contained in this section shall be construed to prohibit or restrict a school official from receiving royalties or other compensation, other than compensation paid as commission to the school official for negotiating sales to district boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted by the *commissioner* ~~state board~~ or purchased by any district board. No school official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

Section 129. Subsection (1) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials *must* ~~shall~~ be ~~for~~ a 6-year period beginning on April 1 following the adoption, unless the contract is extended as prescribed in s. 233.16(2). However, the *Commissioner* ~~State Board~~ of Education may approve by rule terms of adoption of less than 6 years for materials in content areas which require more frequent revision.

Section 130. Section 233.37, Florida Statutes, is amended to read:

233.37 Disposal of instructional materials.—Under rules of the *commissioner* ~~state board~~, or rules of the district school board which have been approved by the commissioner, the district school board may dispose of the instructional materials of an old adoption when they have become unserviceable, upon such terms and conditions as will yield their fair salvage value. The Department of Education shall enter into one or more contracts with recycling firms for periodic pickup in school districts of obsolete or unusable materials to be salvaged.

Section 131. Section 233.39, Florida Statutes, is amended to read:

233.39 Renovation and repair of textbooks.—The *Commissioner* ~~Board~~ of Education shall prescribe rules and regulations under which the Department of Education shall, whenever requested to do so by any superintendent, make necessary arrangements for the renovation and repair of books *that* ~~which~~ could thereby be put into serviceable condition. All proper expense in connection with such renovation and repair is declared to be a proper charge against the appropriation for the purchase of instructional materials by the school district. The *commissioner* ~~state board~~, in order to assist district school boards in obtaining the most economical services, shall formulate and prescribe such rules and regulations for the letting of contracts for the renovation and repair of books used in the public schools of the state as in its judgment *are* ~~may be~~ practicable and economically feasible. The Department of Education shall enter into such contracts upon the basis of competitive sealed bids from responsible firms who must, prior to contract award, have on hand in their plants the equipment necessary to perform the work of rebinding specified by the department. For the purpose of rebinding, textbooks *must* ~~shall~~ be classified by the department as to size, and such classification *must* ~~shall~~ be the basis for bids from rebinding firms. Bids from rebinding firms *must* ~~shall~~ be on the basis of minimum quantities of 100 books in each classification. ~~No~~ Such *a* contract ~~shall be entered~~ for the renovation and repair of books used in the public schools of this state *may not be entered* when the cost of renovation and repair exceeds the original acquisition cost of such books or the cost of replacing such books, whichever is the lesser. However, *this section does not* ~~nothing herein contained shall be construed to~~ prohibit the inmates of the state prison from repairing and renovating any public school textbooks or library books. Any suit *that is* ~~of any nature~~ instituted under ~~the provisions of~~ this section *must* ~~shall~~ be brought in the name of the state, and any amount recovered by reason of such *a* suit *must* ~~shall~~ be deposited in the General Revenue Fund.

Section 132. Paragraph (a) of subsection (1) and subsection (2) of section 234.01, Florida Statutes, are amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(a) Shall provide transportation for each student in prekindergarten handicapped and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the *commissioner* ~~state board~~, from the nearest appropriate school.

(2) In each case in which transportation of students is impracticable in the opinion of the school board, the school board is authorized to take steps for making available educational facilities as are authorized by law or rule of the *commissioner* ~~state board~~ and as, in the opinion of the school board, are practical.

Section 133. Section 234.02, Florida Statutes, 1996 Supplement, is amended to read:

234.02 Safety and health of pupils.—Maximum regard for safety and adequate protection of health *are* ~~shall be~~ primary requirements *that must* ~~which shall~~ be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the *commissioner* ~~state board~~ in providing transportation pursuant to s. 234.01:

(1) School boards shall use school buses, as defined in s. 234.051, for all regular transportation. Regular transportation or regular use *means* ~~shall mean~~ transportation of students to and from school or school-related activities *that* ~~which~~ are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten programs through grade 12. School boards may regularly use motor vehicles other than school buses only under the following conditions:

(a) When the transportation is for physically handicapped or isolated students and the district has elected to provide for the transportation of the student through written or oral contracts or agreements.

(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.

(c) When the transportation is provided through a public transit system.

(d) When the transportation of students is necessary or practical in a motor vehicle owned or operated by a school board other than a school bus and such transportation is provided in designated seating positions in a passenger car not to exceed 8 students or in any other motor vehicle designed to transport 10 or fewer persons which meets all federal motor vehicle safety standards for passenger cars.

When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer *must* ~~shall~~ be used unless the student's physical condition prohibits such use.

(2) Except as provided in subsection (1), school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or guardian or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation;

2. Proper adult supervision of the student is available at the location to which the student is being transported;

3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and

4. If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to seek to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the school district or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event *that* ~~which~~ is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

2. Transportation is not available, as a practical matter, using a school bus or school district passenger car; and

3. Each student's parent or guardian is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 234.03~~,~~ regarding liability for tort claims *are applicable*~~, shall apply~~. School district employees who provide approved transportation in privately owned vehicles *are* ~~shall be deemed to be~~ acting within the scope of their employment. Parents, guardians, or other responsible adults who provide approved transportation in privately owned vehicles ~~shall~~ have the same exposure to, and protections from, risks of personal liability as do school district employees acting within the scope of their employment.

(4) Each school board may establish policies *that* ~~which~~ restrict the use of privately owned motor vehicles to circumstances *that* ~~which~~ are more limited than are described in this section or *that* ~~which~~ prohibit

such use. Each school board may establish policies *that* ~~which~~ provide for more extensive requirements for approval, parental notification and consent procedures, insurance coverage, driver qualifications, or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may ~~only~~ be transported *only* in designated seating positions and *must* ~~shall be required to~~ use the occupant crash protection system provided by the vehicle manufacturer.

(6) School boards may contract with a common carrier to transport students to and from in-season and postseason athletic contests and to and from a school function or event in which the school district or a school has undertaken to participate or to provide or sponsor the participation of students.

(7) Transportation for adult students may be provided by any appropriate means as authorized by the school board when the transportation is accepted as a responsibility by the school board as provided in s. 234.01.

(8) Notwithstanding any other provision of this section, in an emergency situation *that* ~~which~~ constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect student health and safety.

(9) Except as provided in s. 234.211, transportation *is* ~~shall~~ not ~~be~~ the responsibility of the school board in connection with any event or activity *that* ~~which~~ is not an event or activity offered by the school district or an event or an activity in which the school district or school has agreed to participate, cosponsor, or require the participation of students, and the school board *has* ~~shall have~~ no liability for transportation arranged and provided by parents or other parties to such events or activities.

(10) Each school board shall designate and adopt a specific plan for adequate examination, maintenance, and repair of transportation equipment. Examination of the mechanical condition of each school bus *must* ~~shall~~ be made by a capable mechanic at least once each month that the bus is in operation.

(11) The superintendent shall notify the school board of any school bus *that* ~~which~~ does not meet all requirements of law and regulations of the *commissioner* ~~state board~~, and the school board shall, if *the* ~~such~~ school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets *the* ~~said~~ requirements. The Department of Education may inspect or have inspected any school bus to determine whether the bus meets requirements of law and regulations of the *commissioner* ~~state board~~. The department may, after due notice to a school board that any school bus does not meet certain requirements of law and regulations of the *commissioner* ~~state board~~, rule that *the* ~~such~~ bus *must* ~~shall~~ be withdrawn from use as a school bus, this ruling to be effective forthwith or upon a date to be specified therein, whereupon the school board shall withdraw same from use as a school bus until the bus meets requirements of law and regulations of the *commissioner* ~~state board~~ and until the department has officially revoked *the pertinent* ~~its said~~ ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport children to and from school.

(12)(a) The routing and scheduling of school buses must be planned to eliminate the necessity for children to stand while a school bus is in motion. When circumstances of an emergency nature temporarily require transporting children on school buses in excess of the rated seating capacity, *the* ~~such~~ buses must proceed at a reduced rate of speed to maximize safety of the students, taking into account existing traffic conditions. Each school board is responsible for prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action.

(b) Each school board, after considering recommendations from the superintendent, shall designate, by map or otherwise, or shall provide by school board rule for the designation of, nontransportation zones that *are* ~~shall be~~ composed of all areas in the district from which it is unnecessary or impracticable to furnish transportation. Nontransportation zones *must* ~~shall~~ be designated annually *before* ~~prior to~~ the opening of school and the designation of bus routes for the succeeding school year. Each school board, after considering recommendations from the superintendent, shall specifically designate, or shall provide by school board rule for the designation of, specific routes to be traveled regularly by school buses, and each route *must* ~~shall~~ meet the requirements prescribed by rules of the *commissioner* ~~state board~~.

(c) Each district school board shall establish school bus stops, or provide by school board rule for the establishment of school bus stops, as necessary at the most reasonably safe locations available. Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the Department of Transportation, in concurrence and cooperation with and upon request of the district school board, shall place signs at such bus stops warning motorists of the location of the stops.

(13) The *Commissioner* ~~State Board~~ of Education may adopt rules to implement this section as *are* ~~it deems~~ necessary or desirable in the interest of student health and safety.

Section 134. Subsection (1) of section 234.03, Florida Statutes, is amended to read:

234.03 Tort liability; liability insurance.—

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by such school board to transport persons, to the same extent and in the same manner as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to $5,000 multiplied by the rated seating capacity of the bus or other vehicle, as determined by rules of the *Commissioner* ~~State Board~~ of Education, or $100,000, whichever is greater. The provisions of s. 768.28 ~~shall~~ apply to all claims or actions brought against school boards, as authorized in this subsection.

Section 135. Subsections (2), (3), and (4) of section 234.051, Florida Statutes, are amended to read:

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(2) SPECIFICATIONS.—Each school bus as defined in 49 C.F.R. part 571, and subsection (1), which is rented, leased, purchased, or contracted for, *must* ~~shall~~ meet the applicable federal motor vehicle safety standards and other specifications as prescribed by regulations of the *commissioner* ~~state board~~.

(3) STANDARDS FOR LEASED VEHICLES.—A motor vehicle owned and operated by a county or municipal transit authority which is leased by the school board of the local school district for transportation of public school students *must* ~~shall~~ meet such standards as ~~shall be established by~~ the *Commissioner* ~~State Board~~ of Education *establishes* for the purpose of implementing this act. A school bus authorized by a school board to carry passengers other than school pupils *must* ~~shall~~ have the words "School Bus" and any other signs and insignia *that* ~~which~~ mark or designate it as a school bus covered, removed, or otherwise concealed while *such* ~~said~~ passengers are being transported.

(4) OCCUPANT PROTECTION SYSTEMS.—Students *may* ~~shall~~ be transported only in designated seating positions, except as provided in s. 234.02(12), and *must* ~~shall be required to~~ use the occupant crash protection system provided by the manufacturer, which system *must* ~~shall~~ comply with the requirements of 49 C.F.R. part 571~~,~~ or *with* specifications of the *Commissioner* ~~State Board~~ of Education.

Section 136. Section 234.091, Florida Statutes, is amended to read:

234.091 General qualifications.—Each school bus driver *must* ~~shall~~ be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she *must* ~~shall~~ possess such other qualifications as are prescribed by the *commissioner* ~~state board~~, including those qualifications described in 49 C.F.R. 391.41-.49 "physical qualifications and examinations" and 49 C.F.R. 391.81-.123 "controlled substance testing," and he or she *must* ~~shall~~ hold a valid commercial driver's license with a passenger endorsement.

Section 137. Subsections (1) and (2) of section 234.101, Florida Statutes, 1996 Supplement, are amended to read:

234.101 Specific requirements; driver training program; contract.—

234.101 Requirements for school bus drivers.—

(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she must possess other qualifications prescribed by the *Commissioner of Education* ~~state board~~, including those qualifications described in 49 C.F.R. ss. 391.41-.49 "physical qualifications and examinations" and 49 C.F.R. ss. 391.81-.123 "controlled substance testing," and he or she must hold a valid commercial driver's license with a passenger endorsement.

(2) The *Commissioner* ~~State Board~~ of Education shall adopt requirements *that* ~~which~~ school bus drivers must meet *before they are employed* ~~prior to employment~~ by district school boards.

Section 138. Subsection (6) of section 234.301, Florida Statutes, is amended to read:

234.301 Pool purchase of school buses.—

(6) The *Commissioner* ~~State Board~~ of Education may adopt any rule necessary to implement this section, maintain the integrity of the school bus pool purchase program, and ensure the best and lowest price for purchasing school buses by the public school districts.

Section 139. Subsection (2) of section 235.01, Florida Statutes, is amended to read:

235.01 Purpose; rules.—

(2) The *Commissioner* ~~State Board~~ of Education shall adopt rules to implement ~~the provisions of~~ this chapter.

Section 140. Subsection (1) of section 235.04, Florida Statutes, is amended to read:

235.04 Disposal of property.—

(1) REAL PROPERTY.—Subject to rules of the *Commissioner* ~~State Board~~ of Education, a board may dispose of any land or real property *that* ~~which~~ is, by resolution of *the* ~~such~~ board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A board shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the board prior to or simultaneously with the receipt of bids.

Section 141. Paragraph (a) of subsection (2) of section 235.056, Florida Statutes, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(2)(a) A board *may* ~~is authorized to~~ rent or lease educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites *must* ~~shall~~ be inspected prior to occupancy by the board's Uniform Building Code inspector, who shall report to the department.

1. Beginning July 1, 1995, all newly leased spaces *must* ~~shall~~ be inspected and brought into compliance with the state minimum building code pursuant to chapter 553, and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

2. Plans for renovation or remodeling of leased space shall conform to state minimum building and life safety codes for educational occupancies, or other occupancies as appropriate, as required in chapters 553 and 633, prior to occupancy. As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

3. All leased facilities *must* ~~shall~~ be inspected annually for fire safety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 235.06. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of *Commissioner* ~~State Board~~ of Education rules.

Section 142. Section 235.06, Florida Statutes, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The *Commissioner* ~~State Board~~ of Education *shall* ~~is empowered and directed to~~ adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards *must* ~~shall~~ be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies *must* ~~shall~~ contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.—

(a) Each board shall provide for periodic inspection of each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the *commissioner* ~~state board~~.

(b) Firesafety inspections ~~shall be made annually~~ of each educational and ancillary plant *must be made annually* by persons certified by the Division of State Fire Marshal to be eligible to conduct firesafety inspections in public educational and ancillary plants.

(c) In each firesafety inspection report, the board shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the board shall either take action to promptly correct *the* ~~such~~ deficiencies or withdraw the educational or ancillary plant from use until such time as the deficiencies are corrected.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the *Commissioner* ~~State Board~~ of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(3) CORRECTIVE ACTION.—Upon failure of the board to take corrective action within a reasonable time, the agency making the inspection may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in *developing* the ~~development of such~~ schedule, consideration *must* ~~shall~~ be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order all or a portion of the educational or ancillary plant withdrawn from use until the deficiencies are corrected.

Section 143. Subsections (2) and (3) of section 235.19, Florida Statutes, are amended to read:

235.19 Site planning and selection.—

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served. The *Commissioner* ~~State Board~~ of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the *commissioner* ~~state board~~. Less-than-recommended site sizes *are* ~~shall be~~ allowed if the board, by a two-thirds majority, recommends such *a* site and finds that it can provide an appropriate and equitable educational program on *the* ~~such~~ site.

(3) Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as ~~may be prescribed by~~ the *commissioner prescribes* ~~state board~~ to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program. As provided in s. 333.03, the site *must* ~~shall~~ not be located within any path of flight approach of any airport. Insofar as is practicable, the site *must* ~~shall~~ not adjoin a right-of-way of any railroad or through highway and *must* ~~shall~~ not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

Section 144. Subsection (4) of section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities contracting and construction techniques.—

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect *must* ~~shall~~ be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect *are* ~~shall~~ not ~~be~~ required for *a* minor renovation *project for which the* ~~projects with a~~ construction cost *is* ~~of~~ less than $50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted *under* ~~pursuant to~~ s. 235.26(2) and (3). However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. Boards are encouraged to consider the reuse of existing construction documents or design criteria packages where such reuse is feasible and practical. Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a school board in the State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the *Commissioner* ~~State Board~~ of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. *The department shall review* these plans ~~shall be reviewed by the department~~ for compliance with the state requirements for educational facilities. Rules adopted *under* ~~pursuant to~~ this section *must* ~~shall~~ establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 145. Section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The *Commissioner* ~~State Board~~ of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code *must* ~~shall~~ be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code *must* ~~shall~~ be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they ~~shall~~ mean the "State Uniform Building Code for Public Educational Facilities Construction." It *is* ~~shall~~ not *a purpose* ~~be the intent~~ of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor *may* ~~shall~~ it specify or prohibit materials by brand names. The code *must* ~~shall~~ be flexible enough to cover all phases of construction *so as to* ~~which will~~ afford reasonable protection for *the* public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it *finds* ~~may find~~ desirable in *revising* ~~the revision of~~ the code.

(1) UNIFORM BUILDING CODE.—

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a district school board or a community college district board of trustees *must* ~~shall~~ conform to the State Uniform Building Code for Public Educational Facilities Construction, and such plants are exempt from all other state, county, district, municipal, or local building codes, interpretations, building permits, and assessments of fees for building permits, ordinances, road closures, and impact fees or service availability fees. Any inspection by local or state government *must* ~~shall~~ be based on the Uniform Building Code as prescribed by rule. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Uniform Building Code.

(b) A district school board or community college district board of trustees may conform with local building codes and the administration of such codes when constructing ancillary plants *that* ~~which~~ are not attached to educational facilities, *if those* ~~provided that such~~ plants conform *to* ~~with~~ the space size requirements established in the Uniform Building Code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A district school board or community college district board of trustees *may* ~~shall~~ not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It *is* ~~shall~~ also ~~be~~ the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(a) Prefabricated or factory-built facilities *that* ~~which~~ are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards *must* ~~shall~~ permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and *with rules of the Commissioner* ~~State Board~~ of Education ~~rule~~.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 235.06.

(d) The physically handicapped.

(e) Accessibility for children, notwithstanding the provisions of s. 553.512.

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis *must consist of* ~~shall be~~ the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department *shall* develop standards that *must* ~~shall~~ include, but *need* not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards *must* ~~shall~~ be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions *must* ~~shall~~ be made for an annual updating of standards as required.

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board *may* ~~is authorized to~~ employ a chief building official or inspector and such other inspectors, who have been certified by the department or certified pursuant to chapter 468, and *such* personnel as *are* ~~may be~~ necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Uniform Building Code *may* ~~shall~~ not be approved.

(4) ENFORCEMENT BY DEPARTMENT.—As a further means of ensuring that all educational and ancillary facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, each district school board and community college district board of trustees *that* ~~which~~ undertakes the construction, renovation, remodeling, purchasing, or lease-purchase of any educational plant or ancillary facility, the cost of which exceeds $200,000, may submit plans to the department *for* ~~and receive the~~ approval ~~of the department~~.

(5) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the board, or the board's authorized review agent must approve the phase III construction documents. A board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Uniform Building Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the board, or its review agent as authorized in s. 235.017, shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.
11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.

(c) The board *may* ~~shall~~ not occupy a facility until the project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record and verification of compliance for other projects may be made by an inspector certified by the department or certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

(6) *REVIEW PROCEDURE* ~~STATE BOARD OF APPEALS~~.—The *Commissioner* ~~State Board~~ of Education shall *have* ~~be the~~ final *review* ~~board~~ of ~~appeals for~~ all questions, disputes, or interpretations involving the Uniform Building Code, and any objections to decisions made by the inspectors or the department *must* ~~shall~~ be submitted in writing.

(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department shall biennially review, update, and revise the Uniform Building Code. The department shall publish and make available to each district school board and community college district board of trustees at no cost copies of the code and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.

(8) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction *has* ~~shall have~~ the force and effect of law and *supersedes* ~~shall supersede~~ any other code adopted by a district school board or community college district board of trustees or any other building code or ordinance for the construction of educational and ancillary plants whether at the local, county, or state level and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.

(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, amend the State Uniform Building Code for Public Educational Facilities Construction to incorporate public shelter design criteria into the Uniform Building Code. The new criteria must be designed to ensure that appropriate core facility areas in new educational facilities can serve as public shelters for emergency management purposes. The *Commissioner* ~~State Board~~ of Education shall publish proposed amendments to the State Uniform Building Code for Public Educational Facilities Construction setting forth the public-shelter criteria by July 1, 1995. A facility, or an appropriate core facility area within a facility, for which a design contract is entered into subsequent to the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone *is* ~~shall~~ not ~~be~~ subject to the requirements of this subsection. If more than one educational facility is being constructed within any 3-mile radius, no more than one facility, which *must* ~~shall~~ be selected on the basis of cost-effectiveness and greatest provision of shelter space, *is* ~~shall be~~ required to incorporate the public shelter criteria into its construction.

(b) By January 31, 1996, and *by* January 31 every even-numbered year thereafter, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. *The* ~~Such~~ plan *must* ~~shall~~ identify the general location and square footage of existing shelters, by county, and the general location and square footage of needed shelters, by county, in the

next 5 years. Such plan *must* ~~shall~~ identify the types of public facilities which should be constructed to comply with emergency shelter criteria and *must* recommend an appropriate, adequate, and dedicated source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, *a* ~~no~~ board *may not* ~~shall~~ be required to build more emergency shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to paragraph (a) *must* ~~shall~~ be guided by the plan and *by* ~~the provisions of~~ this subsection.

(10) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 146. Subsections (2) and (3) of section 235.31, Florida Statutes, are amended to read:

235.31 Advertising and awarding contracts; prequalification of contractor.—

(2) Boards may elect to come under the rules prescribed by the *Commissioner* ~~State Board~~ of Education for the prequalification of bidders of educational facilities construction.

(3) A public agency that is authorized to purchase services for maintenance, repair, and site improvement of facilities on behalf of various agencies of a county must give the school board in that county the option of purchasing those services for educational facilities and ancillary plants under those contracts at the unit prices stated in those contracts. However, the person providing those services under such a contract may, without jeopardizing the contract, refuse to provide the services to the school board. The school board may purchase those services under such a contract only if the purchase is to the economic advantage of the school district and the services conform to the standards and specifications prescribed by rules of the *Commissioner* ~~State Board~~ of Education and, if applicable, to the requirements of s. 287.055. This subsection does not apply to contracts in existence on July 1, 1994.

Section 147. Section 235.32, Florida Statutes, is amended to read:

235.32 Substance of contract; contractors to give bond; penalties.—Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract *must* ~~shall~~ contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. *A person, firm, or corporation that constructs* ~~Any and all persons, firms, or corporations who shall construct~~ any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the *Commissioner* ~~State Board~~ of Education relating to building standards or specifications *is* ~~shall be~~ subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs *that* ~~which~~ will need to be incurred in making any changes necessary to assure that all requirements are met and *is* ~~shall~~ also ~~be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 148. Subsections (1), (2), (4), and (5) and paragraphs (a) and (f) of subsection (3) of section 236.02, Florida Statutes, are amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or regulation, each annual or periodic report *that* ~~which~~ is required by regulations of the *commissioner* ~~state board~~.

(2) MINIMUM TERM.—Operate all schools for a term of at least 180 actual teaching days as prescribed in s. 228.041(13) or the equivalent on an hourly basis as specified by rules of the *Commissioner* ~~State Board~~ of Education each school year. The *commissioner* ~~state board~~ may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the *Commissioner* ~~State Board~~ of Education and *if* ~~in the event~~ the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. ~~Under no circumstances shall~~ A strike, as defined in s. 447.203(6), by employees of the school district *may not* be considered an emergency.

(3) EMPLOYMENT POLICIES.—Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(a) Such rules *must* ~~shall~~ conform to applicable law and ~~state board~~ rules *of the commissioner* and *must* ~~shall~~ include the duties and responsibilities of the superintendent and school board pertaining to these and other personnel matters.

(f) Such rules *must* ~~shall~~ require 12 calendar months of service for such principals as prescribed by regulations of the *commissioner* ~~state board~~ and *must* ~~shall~~ require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with regulations of the *commissioner* ~~state board~~.

(4) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the *commissioner* ~~state board~~.

(5) BUDGETS.—Observe fully at all times all requirements of law and regulations of the *commissioner* ~~state board~~ relating to the preparation, adoption, and execution of budgets for the district school system.

Section 149. Section 236.0801, Florida Statutes, is amended to read:

236.0801 Requirements for reporting kindergarten students.—Beginning with the 1995-1996 school year, a school district may not report for funding any kindergarten students under the Florida Education Finance Program unless the key data elements for the first state education goal, as approved by the *Commissioner* ~~State Board~~ of Education, were collected by the district.

Section 150. Paragraphs (a) and (c) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership

survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the *commissioner* ~~state board~~.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, *must* ~~shall~~ be determined by *the commissioner by rule* ~~rules of the state board~~. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to *Commissioner* ~~State Board~~ of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.

1. Basic programs.—
a. Kindergarten and grades 1, 2, and 3.
b. Grades 4, 5, 6, 7, and 8.
c. Grades 9, 10, 11, and 12.
2. Special programs for exceptional students.—
a. Educable mentally handicapped.
b. Trainable mentally handicapped.
c. Physically handicapped.
d. Physical and occupational therapy part-time.
e. Speech, language, and hearing part-time.
f. Speech, language, and hearing.
g. Visually handicapped part-time.
h. Visually handicapped.
i. Emotionally handicapped part-time.
j. Emotionally handicapped.
k. Specific learning disability part-time.
l. Specific learning disability.
m. Gifted part-time.
n. Hospital and homebound part-time.
o. Profoundly handicapped.
3. Adult general education programs.—
a. Adult basic education.
b. Adult secondary education.
c. Lifelong learning.
4. Secondary career education programs.—
a. Level I.
b. Level II.
c. Level III.
d. Level IV.
e. Level V.
5. Certificate career education and supplemental career education programs.—
a. Level I.
b. Level II.
c. Level III.
d. Level IV.
e. Level V.
6. Students-at-risk programs.—
a. Dropout prevention.
b. Special programs for teenage parents.
c. Kindergarten through grade 3 ESOL.
d. Grades 4 through 8 ESOL.
e. Grades 9 through 12 ESOL.

Section 151. Paragraphs (a) and (c) of subsection (2) of section 236.0811, Florida Statutes, are amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the *Commissioner* ~~State Board~~ of Education, each school board shall develop and annually approve a master plan for inservice educational training. The plan shall include all inservice programs for all district employees from all fund sources and shall be updated annually by September 1 using criteria and procedures for continued approval as specified by ~~state board~~ rule *of the commissioner*. Verification that the plan meets all requirements of this section *must* ~~shall~~ be submitted annually to the commissioner by October 1. The plan *must* ~~shall~~ be based on an assessment of the inservice educational training needs of the district conducted by a committee that includes parents, classroom teachers, and other educational personnel. This assessment *must* ~~shall~~ identify districtwide inservice needs and the inservice training needs of local schools. The plan *must* ~~shall~~ include, at a minimum, the inservice activities that are necessary for implementation of the schools' improvement plans during the current fiscal year. The plan *must* ~~shall~~ include, but is not limited to, components addressing: competencies in the identification, assessment, and prescription of instruction for exceptional students; competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention; and competencies in instruction for multicultural sensitivity in the classroom. In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development. The plan *must* ~~shall~~ also include components that may be used to satisfy the certification requirements applicable to teachers of students with limited proficiency in English and components that may be used for the renewal of a certificate in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The plan *must* ~~shall~~ include inservice activities for all district employees from all fund sources.

2. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training.

3. The department shall withhold funding of any district's master inservice plan, as required by this section, *if the plan* ~~which~~ fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors. The department is authorized to waive one or more inservice areas related to the middle grades if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas.

(c) An organization of nonpublic schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of chapter 232 relating to compulsory attendance may also develop a master plan for inservice educational training. The plan *must* ~~shall~~ be submitted to the commissioner for approval pursuant to rules of the *commissioner* ~~State Board of Education~~. Costs associated with approval of the plan, such as travel, per diem, and substitutes required for onsite reviews, *must* ~~shall~~ be determined in accordance with criteria established by the Department of Education and *must* ~~shall~~ be borne by the organization.

Section 152. Subsections (1), and (5) of section 236.083, Florida Statutes, 1996 Supplement, are amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the *commissioner* ~~state board~~, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school;

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school;

(c) By reason of being in a state prekindergarten program, regardless of distance from school;

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(j);

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected; and

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.23166, regardless of distance from school.

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the *Commissioner* ~~State Board~~ of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student *must* ~~shall~~ be equal to the allocation per student riding a school bus.

Section 153. Section 236.0841, Florida Statutes, is amended to read:

236.0841 Student enrichment, remedial, and dropout prevention programs.—Each school district may provide any amount from current operation funds of the Florida Education Finance Program for salaries of personnel who are employed, pursuant to regulations of the *commissioner* ~~state board~~, to provide supplementary enrichment, remedial, and dropout prevention activities pursuant to s. 230.2316. The enrichment, remedial, and dropout prevention activities, when offered, *must* ~~shall~~ be provided *to* students during periods of time supplemental to or beyond the required 180 days of instruction.

Section 154. Subsections (2) and (3) of section 236.1225, Florida Statutes, are amended to read:

236.1225 Gifted education exemplary program grants.—

(2) There is hereby created a grant program for education for the gifted which shall be administered by the Commissioner of Education in cooperation and consultation with appropriate organizations and associations concerned with education for the gifted and pursuant to rules adopted by the *Commissioner* ~~State Board~~ of Education. The program may be implemented in any public school.

(3) Pursuant to policies and rules to be adopted by the *Commissioner* ~~State Board~~ of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a community college, public or private college, or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 229.814. In order to be approved, a program proposal *must* ~~shall~~ include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms;

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program;

(c) The estimated cost of the program and the number of years for which it is to be funded;

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period; and

(e) Such other information and provisions as ~~shall be required by~~ the commissioner *requires*.

Section 155. Section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district ~~shall~~ constitute a part of the district school fund of that district and *must* ~~shall~~ be budgeted and expended under authority of the school board of that district subject to the provisions of law, ~~and~~ regulations of the state board, *and rules of the commissioner*.

(1) A school board shall credit interest or profits on investments to the specific budgeted fund, as defined by the accounting system required by s. 237.01, that produced the earnings unless otherwise authorized by law, rule, or regulation.

(2) A school board may temporarily advance moneys from one fund, as defined by the accounting system required by s. 237.01, to another fund when insufficient moneys are available to meet current obligations if the temporary advancement is repaid within 13 months, appropriate accounting records are maintained, and the temporary advancement does not restrict, impede, or limit implementation or fulfillment of the original purposes for which the moneys were received in the fund providing the advancement.

(3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, such as those provided for in s. 236.1228 for the accountability program, may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 156. Paragraph (b) of subsection (4) of section 236.685, Florida Statutes, 1996 Supplement, is amended to read:

236.685 Educational funding accountability.—

(4)

(b) Any teacher-to-student ratio or class size measure required by law, ~~or~~ State Board of Education rule, *or Commissioner of Education rule* must be computed by dividing the number of students in membership at the school by the number of full-time equivalent instructional personnel pursuant to paragraph (3)(a). Class size reports for exceptional student education shall be computed by dividing the number of exceptional students in membership by the number of full-time equivalent exceptional education classroom teachers who are classified as instructional personnel pursuant to paragraph (3)(a).

Section 157. Subsection (5) of section 237.211, Florida Statutes, is amended to read:

237.211 School depositories; payments into and withdrawals from depositories.—

(5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.—The school board is authorized to establish the form or forms of warrants, which are to be signed by the chair or, in his or her absence, the vice chair of the school board and countersigned by the superintendent, for payment or disbursement of moneys out of the school depository and to change the form thereof from time to time as the school board deems appropriate. If authorized in writing by the payee, such school board warrants may provide for the direct deposit of funds to the account of the payee in any financial institution *that* ~~which~~ is designated in writing by the payee and *that* ~~which~~ has lawful authority to accept such deposits. The written authorization of the payee *must* ~~shall~~ be filed with the school board. Direct deposit of funds may be by any electronic or other medium approved by the school board for such purpose. The *Commissioner* ~~State Board~~ of Education shall adopt rules prescribing minimum security measures that must be implemented by any school board *before* ~~prior to~~ establishing the system authorized in this subsection.

Section 158. Subsection (4) of section 237.40, Florida Statutes, 1996 Supplement, is amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—The direct-support organization shall make provisions for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be *adopted* ~~promulgated~~ by the *Commissioner* ~~State Board~~ of Education. The annual audit report shall include a management letter and shall be filed as a public record in the district. The *Commissioner* ~~State Board~~ of Education and the Auditor General have the authority to require and receive from the organization or the district auditor any detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information *are* ~~shall be~~ considered public records for the purposes of chapter 119.

Section 159. Subsection (3) of section 316.615, Florida Statutes, is amended to read:

316.615 School buses; physical requirements of drivers.—

(3) *A* ~~No~~ person *may not* ~~shall~~ operate or cause to be operated a motor vehicle covered by subsection (1) or subsection (2) when transporting school children unless the operator has met the physical examination requirements established by law and by rule adopted by the *Commissioner* ~~State Board~~ of Education. The operator *of such a motor vehicle* shall pass an annual physical examination and have posted in the vehicle a certificate to drive *the vehicle* ~~same~~.

Section 160. *All rules of the State Board of Education adopted pursuant to the provisions of law amended by this act in effect on June 30, 1997, remain in effect until specifically altered, amended, or revoked in the manner provided by law.*

Section 161. *Sections 228.0617 and 228.085, Florida Statutes, are repealed.*

Section 162. Subsection (3) of section 228.121, Florida Statutes, is amended to read:

228.121 Nonresident tuition fee; tuition fee exemptions.—

(3) No tuition shall be charged pupils who are homeless children as defined in *s. 228.041(35)* ~~s. 228.041(36)~~; pupils whose parent, parents, or guardian are in the federal military service or are civilian employees, the cost of whose education is provided in part or in whole by federal subsidy to state-supported schools; or pupils whose parent, parents, or guardian are migratory agricultural workers. No tuition shall be charged pupils who reside in residential care facilities operated by the Department of Health and Rehabilitative Services and who receive their education under s. 230.23(4)(n).

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 11.42, F.S., relating to the Auditor General; conforming a cross-reference; amending s. 20.15, F.S.; revising duties of the State Board of Education; providing for the Commissioner of Education rather than the State Board of Education to head the Department of Education; providing for the appointment of a Deputy Commissioner for Educational Programs; providing for the appointment of a Deputy Commissioner for Planning, Budgeting, and Management; providing for the Commissioner of Education rather than the State Board of Education to appoint the councils and committees within the Department of Education; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; granting the Commissioner of Education rulemaking authority for certain programs; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education program; amending s. 228.081, F.S.; requiring the State Board of Education and the department to provide certain assistance for educational programs of the Department of Juvenile Justice; amending s. 228.086, F.S., relating to regional centers of excellence in mathematics, science, computers, technology, and global awareness; deleting certain requirements; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.092, F.S., relating to retention of records of nonpublic school students; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.011, F.S.; revising certain functions of the state with respect to public education; amending s. 229.053, F.S.; revising the powers and duties of the State Board of Education; requiring the State Board of Education to establish a clearinghouse for information on economic development; amending s. 229.085, F.S., relating to the custody of educational funds; amending s. 229.111, F.S.; providing for the Commissioner of Education to assume the duties of the State Board of Education with respect to the acceptance of gifts; amending s. 229.512, F.S.; revising the duties of the Commissioner of Education; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.559, F.S., relating to the use of student's social security numbers; deleting obsolete provisions; amending s. 229.565, F.S.; deleting a requirement that the State Board of Education approve standards of excellence; deleting requirements for an evaluation of the Florida Primary Education Program; amending s. 229.57, F.S.; revising requirements of the student assessment program; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects; amending s. 229.591, F.S.; deleting the name "Blueprint 2000"; amending s. 229.592, F.S., relating to school improvement and education accountability; deleting obsolete provisions; revising provisions relating to exceptions to law; amending s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.594, F.S.; deleting obsolete provisions; providing the commissioner's role in reviewing components of school improvement and accountability; amending s. 229.602, F.S.; replacing the term "career education" with the term "vocational education"; amending ss. 229.75, 229.76, F.S.; revising duties of the State Board of Education to conform to changes made by the act; amending s. 229.771, F.S.; providing for removal from office by the State Board of Education; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 230.03, F.S.; providing commissioner's rulemaking authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.; requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; deleting a cross reference; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.;

requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner and the state board authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, minimum term of operation of schools, employment of personnel, salary schedules, and budgets; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; providing that certain rules of the state board in effect June 30, 1997, shall remain in effect until amended or revoked; amending s. 228.121, F.S.; correcting a cross-reference; repealing s. 228.0617, F.S., relating to the school age childcare incentives program; repealing s. 228.085, F.S., relating to the state comprehensive plan for mathematics, science, and computer education;

Amendment 2 (with title amendment)—On page 5, lines 14-21, delete those lines

And the title is amended as follows:

On page 1, lines 4 and 5, delete those lines and insert: district school system; correcting a

On motion by Senator Cowin, by two-thirds vote **CS for HB 137** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Dantzler	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Scott
Brown-Waite	Dudley	Kurth	Silver
Burt	Dyer	Latvala	Thomas
Campbell	Forman	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Horne	Meadows	
Cowin	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Casas, Grant, Hargrett

HB 1933—A bill to be entitled An act relating to workers' compensation; amending s. 440.49, F.S.; revising procedures and requirements for reimbursement from the fund; providing for barring the filing of a claim for reimbursement under certain circumstances; providing a maximum fund assessment rate; requiring certain fees; requiring the Department of Labor and Employment Security to prepare an annual report; providing a schedule for reimbursements from the fund under certain circumstances; amending s. 625.091, F.S.; providing for accounting for anticipated recoveries under the Special Disability Trust Fund; requiring insurers to identify anticipated recoveries from the fund; providing an appropriation; amending s. 624.4621, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.468, F.S.; requiring self-insurance funds to maintain a positive surplus to policyholders; amending s. 624.470, F.S.; establishing standards for the use of future investment income as an asset for self-insurance funds; amending s. 624.476, F.S.; providing that the Department of Insurance may be appointed receiver for a self-insurance fund under certain circumstances; authorizing the administrative supervision of a self-insurance fund under certain conditions; creating s. 624.477, F.S.; requiring the Department of Insurance to supervise, as receiver, the liquidation, rehabilitation, reorganization, conservation, or dissolution of self-insurance funds; amending s. 624.488, F.S.; applying provisions of the Florida Insurance Code relating to rehabilitation and liquidation of an insurer to self-insurance funds; applying provisions relating to insurer assets, liabilities, and deposits to self-insurance funds; applying a provision relating to assessable mutual insurer annual reports to self-insurance funds; amending s. 628.6014, F.S.; establishing standards for the use of future investment income as an asset for assessable mutual insurers; amending s. 631.021, F.S.; providing for delinquency proceedings, venue, remedies, and appeals; amending s. 631.182, F.S.; providing for claims reports and procedures; amending s. 631.331, F.S.; providing for notice, payment, and collection procedure; amending s. 631.391, F.S.; providing for revocation of insurance-related licenses under certain conditions; amending s. 631.397, F.S.; specifying applicability of provision relating to use of marshaled assets; amending s. 631.52, F.S.; providing scope of direct insurance; amending s. 631.54, F.S.; providing definitions; amending s. 631.55, F.S.; providing for creation of the association; amending s. 631.57, F.S.; providing for powers and duties of the association; creating ss. 631.901, 631.902, 631.903, 631.904, 631.911, 631.912,

631.913, 631.914, 631.916, 631.917, 631.918, 631.919, 631.921, 631.922, 631.923, 631.924, 631.926, and 631.927, F.S.; creating the "Florida Workers' Compensation Insurance Guaranty Association Act"; providing purposes; providing construction; providing definitions; creating the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, by merging the Florida Self-Insurance Fund Guaranty Association and the workers' compensation insurance account; providing for effect of the merger; providing requirements; providing for a board of directors; providing powers and duties of the corporation; authorizing the board to levy assessments for certain purposes; providing procedures; providing requirements and limitations; authorizing an additional assessment for certain purposes; providing procedures; providing requirements and limitations; requiring the board to prepare a plan of operation; providing requirements; providing powers of the board to prevent insolvencies and impairments; providing for examination of certain insurers by the department for certain purposes; providing immunity from liability; specifying prohibited advertisement of solicitation; providing powers of the Department of Insurance; providing for liability of members of impaired self-insurance funds; providing for effect of paid claims; providing requirements; providing procedures; providing for staying certain proceedings; providing for setting aside certain judgments, orders, decisions, verdicts, or findings under certain circumstances; providing for nonapplication of certain attorney's fees provisions under certain circumstances; providing for assumption of liability by the corporation of certain payments; amending s. 631.996, F.S.; creating the Florida Workers' Compensation Insurance Guaranty Fund Account; amending s. 631.915, F. S.; revising definitions; amending s. 631.935, F.S.; providing for powers and duties of the association; creating s. 631.929, F.S.; providing for election of remedies by injured workers; providing procedures; providing requirements; amending s. 631.997, F.S.; providing for reports and recommendations of the board; amending s. 631.998, F.S.; providing for application of provisions relating to negotiations with an insurer to the corporation; directing that certain provisions not be published in the Florida Statutes; provides for a report; providing an appropriation from the Insurance Commissioner's Regulatory Trust Fund to the Florida Self-Insurance Fund Guaranty Association; providing for disbursement of appropriated funds; repealing ss. 631.90, 631.905, 631.91, 631.915, 631.92, 631.925, 631.93, 631.935, 631.94, 631.945, 631.95, 631.955, 631.96, 631.965, 631.97, 631.975, 631.98, 631.985, 631.99, and 631.995, F.S., relating to the Florida Self-Insurance Fund Guaranty Association; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz-Balart, **HB 1933** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 20.43, F.S.; changing the effective date for the establishment of the Division of Medical Quality Assurance; authorizing the Department of Health to contract with the Agency for Health Care Administration; amending s. 11, ch. 96-403, Laws of Florida; revising the list of functions transferred from the agency to the department; creating s. 455.401, F.S.; providing intent relating to health care practitioner regulation; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 393.063, 393.0657, 394.4787, 394.67, 394.875, 394.876, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.497, 400.506, 400.509, 400.512, 400.555, 400.606, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; exempting specified health care providers from certain assessments on health care entities; creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing appropriations from the Health Care Trust Fund; amending s. 400.702, F.S.; deleting a requirement that certain intermediate-level care facilities accept only certain low-income residents who receive subsidized housing vouchers; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, cer-

tain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing effective dates.

—as amended April 29 was read the third time by title.

Senator Forman moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 10, line 26, after the comma (,) insert: *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,*

Amendment 2—On page 195, lines 16-23, delete those lines and insert: *exempt from licensure as provided in s. 458.303(1)(b).*

On motion by Senator Forman, **CS for CS for SB 2142** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

HB 2013—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; correcting a cross reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; correcting a cross reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; correcting a cross reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing conditions under which resident physicians may prescribe medicinal drugs; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; correcting a cross reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiro-

practic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and transferring and amending s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; correcting a cross reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Hargrett moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 273, between lines 26 and 27, insert:

Section 217. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his *or her* supervision. *A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests.* No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than two pharmacy technicians.

(Renumber subsequent section.)

And the title is amended as follows:

On page 291, line 1, after the semicolon (;) insert: amending s. 465.014, F.S.; amending the duties of pharmacy technicians;

On motion by Senator Jones, **HB 2013** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Madam President	Cowin	Jenne	Ostalkiewicz
Bankhead	Crist	Jones	Silver
Bronson	Dantzler	Kirkpatrick	Sullivan
Brown-Waite	Dudley	Klein	Thomas
Burt	Dyer	Kurth	Turner
Campbell	Grant	Latvala	Williams
Casas	Hargrett	Lee	
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Forman, Gutman, Harris, McKay

The Senate resumed consideration of—

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

—which was previously considered this day. Pending **Amendment 2** by Senator Rossin was withdrawn.

Senator Rossin moved the following amendment:

Amendment 3 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 235.40, Florida Statutes, to read:

235.40 Radio and television facilities.—

(3) In fiscal year 1997-1998, state funding associated with Public Broadcasting Grants and Aids, General Appropriations Act, for South Florida Telecommunications, Inc. (WXEL-TV/FM, Channel 42), may be used to establish participation by the in the purchase of South Florida Telecommunications, Inc. (WXEL-TV/FM). It is not the intent of this language to interfere with any agreement approved by the State Board of Education between the State of Florida, South Florida Telecommunications, Inc., and Barry Telecommunications, Inc.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public television and radio; providing for redirection of funds allocated for fiscal year 1997-1998 to South Florida Telecommunications, Inc.; providing an effective date.

On motion by Senator Rossin, further consideration of **SB 1648** with pending **Amendment 3** was deferred.

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for

disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Brown-Waite moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1—On page 246, lines 21-29, delete those lines and insert:

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, not to exceed $1,000 per case, against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Senator Bankhead moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 2—On page 130, line 12, after "*January 1, 1998*" insert: *, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained*

On motion by Senator Brown-Waite, **HB 1357** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Dantzler	Horne	Scott
Bronson	Diaz-Balart	Jenne	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Kirkpatrick	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—None

Vote after roll call:

Nay—McKay

CS for SB 508—A bill to be entitled An act relating to Medicaid provider agreements; amending s. 409.907, F.S.; requiring state and national criminal-history checks of those who apply to be providers; providing an exemption from a criminal history record check for directors of certain not-for-profit corporations or organizations; allowing the Agency for Health Care Administration to permit an applicant to become a provider pending the results of such checks, and to revoke permission in specified circumstances; providing exemptions from the background-screening requirements for certain providers and under certain circumstances; amending s. 409.920, F.S.; increasing the penalty for knowingly submitting false or misleading information to Medicaid for purposes of being accepted as a Medicaid provider; repealing s. 409.912(31), F.S., relating to Medicaid recipient selection of provider entities; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Brown-Waite moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 3, between lines 19 and 20, insert:

6. Any business that derives more than 50 percent of its revenue from the sale of goods to the final consumer, and the business or its controlling parent either is required to file a form 10-K or other similar statement with the Securities and Exchange Commission or has a net worth of $50 million or more.

And the title is amended as follows:

On page 1, line 8, after "organizations" insert: and for certain businesses

Amendment 2 (with title amendment)—On page 9, between lines 16 and 17, insert:

Section 4. Subsections (6) through (11) of section 409.9122, Florida Statutes, 1996 Supplement, are redesignated as subsections (7) through (12), respectively, and a new subsection (6) is added to that section to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to four visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits must be by prior authorization by the MediPass primary care provider. However, nothing in this subsection may be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 409.9122, F.S.; providing visits to certain providers for MediPass patients without prior authorization;

Senators Myers, Forman and Bankhead offered the following amendment which was moved by Senator Myers and adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 9, between lines 16 and 17, insert:

Section 3. Section 143 of chapter 95-418, Laws of Florida, is amended to read:

Section 143. Effective upon this act becoming a law and notwithstanding any provision of law to the contrary, the provisions of section 19 of chapter 93-214, Laws of Florida, and section 4 of chapter 94-206, Laws of Florida, shall not become effective on July 1, 1995, but shall take effect on July 1, 1997, *except that paragraph (f) of subsection (1) and paragraph (h) of subsection (3) of section 408.036, Florida Statutes, as amended by section 19 of chapter 93-214, Laws of Florida, shall not take effect on July 1, 1997, but shall take effect 90 days after the adjournment sine die of the next regular session of the Legislature occurring after the legislative session in which the Legislature receives a report from the Director of Health Care Administration certifying that the federal Health Care Financing Administration has implemented a per-episode prospective pay system for Medicare-certified home health agencies*; however, a certificate of need shall not be required for the establishment of a Medicare-certified home health agency by a facility certified under chapter 651, Florida Statutes, a retirement community as defined in s. 400.404(2)(e), Florida Statutes, or a residential facility that serves only retired military personnel, their dependents and the surviving dependents of deceased military personnel. Medicare-reimbursed home health services provided through such agency shall be offered exclusively to residents of the facility or retirement community or to residents of facilities or retirement communities owned, operated, or managed by the same corporate entity. Each visit made to deliver Medicare-reimbursable home health services to a home health patient who, at the time of service, is not a resident of the facility or retirement community shall be a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 143 of ch. 95-418, Laws of Florida; exempting from certificate-of-need review the establishment of Medicare-certified home health agencies, contingent upon specified future actions;

On motion by Senator Brown-Waite, **CS for SB 508** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SENATOR BURT PRESIDING

The Senate resumed consideration of—

SB 1648—A bill to be entitled An act relating to public television and radio; prohibiting a public television or radio station funded by the state from merging with or allowing the use of its facilities by a private nonprofit institution of higher learning; providing an effective date.

—which was previously considered this day. Pending **Amendment 3** by Senator Rossin was withdrawn.

Senator Rossin moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 235.40, Florida Statutes, to read:

235.40 Radio and television facilities.—

(3) In fiscal year 1997-1998, state funding associated with Public Broadcasting Grants and Aids, General Appropriations Act, for South Florida Telecommunications, Inc. (WXEL-TV/FM, Channel 42), may be used to establish participation by the State University System in the purchase of South Florida Telecommunications, Inc. (WXEL-TV/FM). It is not the intent of this language to interfere with any agreement approved by the State Board of Education between the State of Florida, South Florida Telecommunications, Inc., and Barry Telecommunications, Inc.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public television and radio; providing for redirection of funds allocated for fiscal year 1997-1998 to South Florida Telecommunications, Inc.; providing an effective date.

On motion by Senator Rossin **SB 1648** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Dantzler	Harris	Lee
Burt	Diaz-Balart	Holzendorf	McKay
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz
Clary	Grant	Klein	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Madam President

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Myers moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1—On page 2, line 25, after the comma (,) insert: *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,*

Senator Brown-Waite moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 2—On page 200, lines 23-31, delete those lines and insert:

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, not to exceed $1,000 per case, against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Senator Gutman moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Effective upon this act becoming a law, paragraphs (a) and (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, are amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. *The agency-developed examination must be made available no later than September 1, 1998, to a physician who qualifies for licensure.* A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

(Renumber subsequent section.)

And the title is amended as follows:

On page 211, line 19, after the semicolon (;) insert: amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination;

Senator Campbell moved the following amendment to **Engrossed Senate Amendment 1**:

Amendment 4 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Paragraph (t) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

(Renumber subsequent section.)

And the title is amended as follows:

On page 211, line 18, after the semicolon (;) insert: amending s. 458.331, F.S.; increasing malpractice indemnity limits for physicians;

On motion by Senator Myers, further consideration of **HB 1925** with pending **Amendment 4** was deferred.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Grant, the Senate resumed consideration of—

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of

college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

—with pending **Amendment 1** and **Amendment 1D** by Senator Grant.

The question recurred on **Amendment 1D**.

Senator Grant moved the following substitute amendment for **Amendment 1D** which was adopted:

Amendment 1E (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (a) of subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

(a) "Career education" is defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:

1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job entry programs which coordinate directed study and on-the-job training;

2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;

4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and *family and consumer sciences* ~~home economics~~; or

5. Instruction which integrates the basic academic skills and vocational skills.

Section 17. Paragraph (c) of subsection (1) of section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, 231.17, and 231.172 or any other provision of law or rule to the contrary, each school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, *family and consumer sciences* ~~home economics~~, industrial, marketing, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

Section 18. Paragraph (c) of subsection (7) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(c) More than three credits in practical arts *family and consumer sciences* ~~home economics~~ classes as defined in s. 228.041(22)(a)4.

Section 19. Paragraph (c) of subsection (4) of section 233.067, Florida Statutes, 1996 Supplement, is amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following in all public and laboratory schools:

1. Implementation of inservice education programs for teachers, counselors, and other persons, which programs deal with comprehensive health education, substance abuse prevention, prevention of sexually transmissible diseases, especially human immunodeficiency virus infection and acquired immune deficiency syndrome, and the benefits of sexual abstinence and consequences of teenage pregnancy. Such inservice education programs shall be consistent with the master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the

option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decisionmaking skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts and laboratory schools.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decisionmaking, resisting peer pressure, self-concept building skills, and identifying and dealing with situations that pose a risk to one's health and may lead to substance abuse.

5. Instruction in the causes, transmission, and prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases for students. Such instruction shall be included in appropriate middle school or junior high school health and science courses and in life management skills and other high school courses. Any student whose parent makes written request to the school principal shall be exempt from reproductive health or AIDS instructional activities, as requested. Curriculum frameworks for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

6. Upon approval by the district school board, an opportunity for 9th-12th grade students to receive instruction in cardiopulmonary resuscitation in order to become certified in that technique. A school district may enter a cooperative arrangement with a local government or nonprofit association to provide training in cardiopulmonary resuscitation through instructors certified in that technique.

7. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

8. Development of training programs to allow the use of school food service personnel as resource persons.

9. Instruction in reproductive health, interpersonal skills, and parenting to reduce teenage pregnancy and to promote healthy behavior in Florida's children for all students in kindergarten through grade 12, beginning with the 1991-1992 school year. In order that children make informed and constructive decisions about their lives, complete and accurate comprehensive health education shall be made available to all young people. Curriculum shall be developed to reduce destructive behavior in children, including early sexual involvement, substance abuse, suicide, and activities which result in sexually transmitted diseases, acquired immune deficiency syndrome, and early teenage pregnancy, with subject materials appropriate to the grade level and values consistent with those of the community. Instruction shall also include an understanding of the body and its systems and identification and prevention of child abuse in the lower grades and decisionmaking in the middle and higher grades. Instruction in human sexuality shall take into account the whole person, shall present ethical and moral dimensions, shall not be an expression of any one sectarian or secular philosophy, and shall respect the conscience and rights of students and parents. School districts and laboratory schools are encouraged to provide written materials on reproductive health to parents, as well as opportunities for parents to become informed about the instruction their children are receiving and to receive instruction themselves. All course materials and oral or visual instruction shall conform to the requisites and intent of all Florida law and the State Constitution. All instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material shall be available for inspection by parents or guardians of the children engaged in such classes.

10. Instruction in the benefits of sexual abstinence and consequences of teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome in appropriate middle school or junior high school health, science, and *family and consumer sciences* ~~home economics~~ courses and in life management skills and other appropriate high school courses. Curriculum frameworks shall be created or modified as necessary to help ensure such instruction.

Section 20. Paragraph (l) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(l) Instruction in *family and consumer sciences* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts *family and consumer sciences* ~~home economics~~ courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

Section 21. Subsections (3) through (10) of section 239.105, Florida Statutes, are amended to read:

239.105 Definitions.—As used in this chapter, the term:

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or programs of instruction through which a student prepares to take the general educational development test. *This includes grade levels 9.0 through 12.9.*

(4) "Basic literacy" *which is also referred to as "beginning adult basic education"* means the demonstration of academic competence *from 2.0 through 5.9* ~~at a fifth grade~~ educational *grade levels* ~~level~~ as measured by means approved for this purpose by the State Board of Education.

(5) "Beginning literacy" means the demonstration of academic competence from 0 through 1.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(6)~~(5)~~ "College-preparatory instruction" means courses through which a high school graduate who applies for a degree program may attain the communication and computation skills necessary to enroll in college credit instruction.

(7)~~(6)~~ "Commissioner" means the Commissioner of Education.

(8)~~(7)~~ "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community.

(9)~~(8)~~ "Department" means the Department of Education.

(10)~~(9)~~ "Document literacy" means the demonstration of competence in identifying and using information located in materials such as charts, forms, tables, and indexes.

(11) "Family literacy" means a program for adults with a literacy component for parents and children or other intergenerational literacy components.

(12)~~(10)~~ "Functional literacy" *which is also referred to as "intermediate adult basic education"* means the demonstration of academic competence *from 6.0 through 8.9* ~~at an eighth grade~~ educational *grade levels* ~~level~~ as measured by means approved for this purpose by the State Board of Education.

Section 22. Section 239.205, Florida Statutes, is amended to read:

239.205 State Board of Education rules regarding career education programs; common definitions; criteria for determining program level~~; basic skills standards~~.—

(1) The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(2) The State Board of Education shall develop guidelines to determine the criteria by which the level of degree or certificate is assigned to a vocational program. The guidelines must ensure that assignments are made at the lowest level possible commensurate with sound professional practice; however, the guidelines must also ensure that assignments are updated for programs that increase in technical complexity or general education requirements beyond the parameters of a certificate program. Institutions may continue to offer existing programs that are assigned to a lower level; however, such programs shall be funded at the assigned level. The State Board of Education shall adopt rules regarding reporting requirements for vocational programs.

~~(3) The State Board of Education shall adopt, by rule, basic skills standards to be met by each vocational student prior to completion of a certificate career education program.~~

Section 23. Subsections (1) and (2) of section 239.213, Florida Statutes, are amended to read:

239.213 Vocational-preparatory instruction.—

(1) The State Board for Career Education shall adopt, by rule, standards of basic skill mastery for certificate career education programs ~~of less than 1,800 hours~~. Each school district and community college that conducts certificate career education programs shall provide vocational-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a certificate career education program of 450 hours or more shall complete an entry-level examination within the first 6 weeks of admission into the program. The state board shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student deemed to lack a minimal level of basic skills for such program shall be referred to vocational-preparatory instruction *or adult basic education* for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a certificate of vocational program completion prior to demonstrating the basic skills required in the state curriculum frameworks for the vocational program.

Section 24. Paragraphs (b) and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president, accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs *and job training experiences*.

4. Employer satisfaction with the performance of vocational program completers.

5. Student completion and placement rates as defined in s. 239.233.

(d) Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. The development of program standards and industry-driven benchmarks for vocational, adult, and community education programs.

5.~~4.~~ Overseeing school district and community college compliance with the provisions of this chapter.

Section 25. Section 239.305, Florida Statutes, is amended to read:

239.305 Adult literacy.—

(1)(a) An adult, individualized literacy instruction program is created for adults who ~~do not~~ possess ~~basic~~ literacy skills *below the ninth grade level*. The purpose of the program is to provide self-paced, competency-based, individualized tutorial instruction. The commissioner shall administer this section in coordination with the State Board of Community Colleges, local school boards, and the Division of Library and Information Services of the Department of State ~~pursuant to State Board of Education rule~~.

(b) Local adult, individualized literacy instruction programs may be coordinated with local public library systems and with public or private nonprofit agencies, organizations, or institutions. A local public library system and a public or private nonprofit agency, organization, or institution may use funds appropriated for the purposes of this section to hire program coordinators. Such coordinators shall offer training activities to volunteer tutors and oversee the operation of local literacy programs. A local public library system and a public or private nonprofit agency, organization, or institution may also purchase student instructional materials and modules that instruct tutors in the teaching of basic and functional literacy and English for speakers of other languages. To the extent funds are appropriated, cooperating local library systems shall purchase, and make available for loan, reading materials of high interest and with a vocabulary appropriate for use by students *who possess literacy skills below the ninth grade level* ~~in basic and functional literacy instruction~~ and students of English for speakers of other languages.

(2)(a) The adult literacy program is intended to *increase* ~~reduce~~ adult *literacy* ~~illiteracy~~ as prescribed in the agency functional plan of the Department of Education. The commissioner shall establish guidelines for the purpose of determining achievement of this goal.

(b) Each participating local sponsor shall submit an annual report to the commissioner which must contain~~, but need not be limited to, the following~~ information *to demonstrate the extent to which there has been*~~:~~

~~1. The number of clients served.~~

~~2. The~~ progress toward increasing the percentage of adults within the service area who possess literacy skills. ~~As evidence of such progress, the report must include information regarding the number of students enrolled in adult basic education programs and the number of students who completed, separated from, or continued in the programs.~~

(c) *Based on the information provided from the local reports, the commissioner shall develop an annual status report on literacy and adult education.* ~~The commissioner shall review the annual reports of local sponsors and submit to the State Board of Education a county-by-county summary of the information.~~

(3) Funds appropriated for the purposes of this section shall be allocated as grants for implementing adult literacy programs. Such funds may not be used to supplant funds used for activities that would otherwise be conducted in the absence of literacy funding. A grant awarded pursuant to this section may not exceed $50,000. Priority for the use of

such funds shall be given to paying expenses related to the instruction of volunteer tutors, including materials and the salary of the program coordinator. Local sponsors may also accept funds from private sources for the purposes of this section.

(4)(a) The commissioner shall submit a state adult literacy plan to the State Board of Education to serve as a reference for school boards and community colleges to *increase* ~~reduce~~ adult *literacy* ~~illiteracy~~ in their service areas as prescribed in the agency functional plan of the Department of Education. The plan must include, at a minimum:

1. Policies and objectives for adult literacy programs, including evaluative criteria.

2. Strategies for coordinating adult literacy activities with programs and services provided by other state and local nonprofit agencies, as well as strategies for maximizing other funding, resources, and expertise.

3. Procedures for identifying, recruiting, and retaining adults who *possess* ~~lack basic and functional~~ literacy skills *below the ninth grade level*.

4. Sources of relevant demographic information and methods of projecting the number of adults who ~~do not~~ possess ~~basic or functional~~ literacy skills *below the ninth grade level*.

5. Acceptable methods of demonstrating compliance with the provisions of this section.

6. Guidelines for the development and implementation of local adult literacy plans. At a minimum, such guidelines must address:

a. The recruitment and preparation of volunteer tutors.

b. Interagency and intraagency cooperation and coordination, especially with public libraries and other sponsors of literacy programs.

c. Desirable learning environments, including class size.

d. Program evaluation standards.

e. Methods for identifying, recruiting, and retaining adults in literacy programs.

f. ~~Prevention of~~ Adult *literacy* ~~illiteracy~~ through *family literacy and workforce literacy* ~~parenting education~~ programs.

(b) Every 3 years, the school board or community college board of trustees shall *develop and maintain* ~~submit~~ a local adult literacy plan ~~to the commissioner for review and subsequent approval or disapproval. The commissioner shall notify the superintendent of schools or the president of the community college, as applicable, of the approval or disapproval of the plan. If the plan is not brought into compliance by the school district or community college within 60 days after receiving notice of disapproval by the commissioner, the school district or community college may not receive any funds from appropriations for the purposes of this section for the subsequent fiscal year~~.

Section 26. *Subsection (5) of section 240.3575 and subsection (1) of section 240.3815, Florida Statutes, and subsection (5) of section 240.382, Florida Statutes, as created by chapter 94-220, Laws of Florida, are repealed.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.305, F.S., relating to adult literacy; conforming provisions to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; repealing ss. 240.3575(5), 240.3815(1), 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1F (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Section 240.6045, Florida Statutes, is amended to read:

240.6045 Limited access competitive grant program.—

(1) There is established a limited access competitive grant program which shall be administered by the Department of Education. The purpose of the program *is* ~~shall be~~ to provide enrollment opportunities for qualified applicants *in* ~~unable to obtain admission to~~ selected ~~state university~~ limited access programs or equivalent academic tracks.

(2) The Postsecondary Education Planning Commission shall annually identify for the State Board of Education selected high priority employment fields *that are designated*~~,~~ ~~commonly referred to~~ as limited access programs, *that* ~~which~~ require a baccalaureate degree, and for which one or more state universities have insufficient capacity to serve all qualified applicants.

(3) Program applicants *must* ~~shall~~ be Florida residents, either community college graduates or state university students, who *are qualified for admission to a selected independent college or university* ~~because of lack of space are denied admission to a state university~~ program directly related to a high priority employment field identified by the State Board of Education.

(4) A limited access competitive grant may be awarded ~~in a competitive grant~~ which equals 50 percent of the cost to the state per academic year of funding an undergraduate student in public postsecondary education if the recipient chooses to enroll in a comparable program provided by an eligible independent college or university in Florida. Eligible independent institutions shall be designated by the Department of Education and shall be selected from among institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. Priority shall be given to state residents who graduate from a Florida high school or community college.

(5) The admissions and graduation requirements of the receiving independent college or university shall apply to the grant recipient.

(6) The State Board of Education shall adopt any rules necessary for the implementation of this grant program.

(7) The Postsecondary Education Planning Commission, in consultation with the Board of Regents, the State Board of Community Colleges, the Independent Colleges and Universities of Florida, and the State Board of Education, shall recommend to the Legislature an accountability process for the limited access competitive grant program. The process shall make use of existing information submitted by the respective system in conjunction with the establishment of the program. The process shall demonstrate an emphasis on assessment of the benefits and cost-effectiveness of the limited access competitive grant program in providing state residents with uninterrupted access to their major field of study leading to the successful completion of a baccalaureate degree in the shortest time possible. The Legislature shall provide oversight of this accountability process.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 240.6045, F.S.; amending requirements for qualifying;

Senator Kirkpatrick offered the following amendments to **Amendment 1** which were moved by Senator Grant and adopted:

Amendment 1G (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (a) of subsection (2) of section 240.116, Florida Statutes, 1996 Supplement, as amended by Committee Substitute for Senate Bill 458, 1997 Regular Session, is amended to read:

240.116 Articulated acceleration.—

(2)(a)1. The dual enrollment program is the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. For the purpose of this subparagraph, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida nonpublic secondary school which is in compliance with s. 229.808 and conducts a secondary curriculum pursuant to s. 232.246. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma *shall* ~~may~~ not be classified as dual enrollments. Students who are permitted to enroll in dual enrollment courses may take courses conducted during school hours, after school hours, and during the summer term. Any student so enrolled is exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational-preparatory instruction, college-preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

2. The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for vocational-level coursework if the student is to be enrolled in vocational courses. In addition to the common placement examination, student qualifications for college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for vocational certificate dual enrollment courses must include a 2.0 unweighted grade point average. *Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment interinstitutional articulation agreement.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 240.116, F.S.; authorizing exceptions to grades required for participation in articulated acceleration;

Amendment 1H (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Section 240.4041, Florida Statutes, is created to read:

240.4041 State financial aid; students with a disability.—Notwithstanding the provisions of s. 240.404(1)(b)1.b. regarding the number of credits earned per term, or other financial aid eligibility requirements related to the number of required credits earned per term, a student with a documented disability, as defined by the Americans with Disabilities Act, shall be eligible to be considered for state financial aid while attending an eligible postsecondary institution on a part-time basis. The State Board of Education shall establish the necessary criteria for documentation of the student's disability and the postsecondary institution shall make the determination as to whether or not the disability is such that part-time status is a necessary accommodation. For the purposes of this section, financial aid funds may be pro-rated based on the number of credit hours taken.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: creating s. 240.4041, F.S.; permitting part-time attendance for students with a disability who receive financial assistance;

Senators Dudley and Rossin offered the following amendment to **Amendment 1** which was moved by Senator Rossin and adopted:

Amendment 1I (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (e) of subsection (2) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for instruction:

(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *whether or not subsequently adopted. For an adopted child, this exemption will be available beginning no more than 4 years after the date on which the adopted child graduated from high school.* Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

Section 17. Paragraph (a) of subsection (5) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(5)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *whether or not subsequently adopted, is* ~~shall be~~ exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. *For an adopted child, this exemption will be available beginning no more than 4 years after the date on which the adopted child graduated from high school.* Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees.

Section 18. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *whether or not subsequently adopted,* is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. *For an adopted child, this exemption will be available beginning no more than 4 years after the date on which the adopted child graduated from high school.* Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending ss. 239.117, 240.235, 240.35, F.S.; exempting children adopted from the Department of Children and Family Services from certain postsecondary student fees;

Senator Grant moved the following amendment to **Amendment 1** which was adopted:

Amendment 1J (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Effective June 1, 1999, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *August 1* ~~September 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *August 1* ~~September 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 17. Effective June 1, 2000, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, as amended by section 1 of this act, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *July 1* ~~August 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *July 1* ~~August 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 18. Effective June 1, 2001, paragraph (b) of subsection (1) of section 232.01, Florida Statutes, as amended by section 2 of this act, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before *June 1* ~~July 1~~ of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before *June 1* ~~July 1~~ and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 19. Section 232.04, Florida Statutes, is amended to read:

232.04 In kindergartens.~~—For the 1983-1984 school year and thereafter,~~ Children who will have attained the age of 5 years on or before *the date prescribed in this section during* ~~September 1 of~~ the school year shall be eligible for admission to public kindergartens during that school year under rules prescribed by the school board. *For the school year 1998, the child must have attained the age of 5 years on or before August 1, 1998. For the school year 1999, the child must have attained the age of 5 years on or before July 1, 1999. For the school year 2000 and thereafter, the child must have attained the age of 5 years on or before June 1 of the school year.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 232.01, F.S.; revising the age at which students must begin school; amending s. 232.04, F.S.; revising the age at which students must begin kindergarten;

Senator Jenne moved the following amendment to **Amendment 1** which failed:

Amendment 1K (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (c) is added to subsection (1) of section 246.081, Florida Statutes, to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(1) The following colleges are not under the jurisdiction of the board and do not need a license, a certificate of exemption, or an authorization to operate:

(c) Any college accredited by the Commission on Colleges of the Southern Association of Colleges and Schools which is nonprofit and located in and chartered by the state, and which offers baccalaureate degrees. Such colleges will annually submit to the Commissioner of Education documentation of its accreditation status by the Southern Association of Colleges and Schools. The State Board of Education shall adopt rules relating to reporting requirements, but only for the purposes of compliance with federal rules and regulations.

Section 17. Paragraph (a) of subsection (1) of section 246.085, Florida Statutes, is amended to read:

246.085 Certificate of exemption.—

(1) As an alternative to applying for a license from the board, the following nonpublic colleges may apply for a certificate of exemption from the board:

(a) Colleges chartered in Florida and accredited by:

~~1. The Commission on Colleges of the Southern Association of Colleges and Schools;~~

1.~~2.~~ The Accrediting Council for Independent Colleges and Schools at the junior or senior college of business level;

2.~~3.~~ The American Association of Bible Colleges;

3.~~4.~~ The Transnational Association of Christian Colleges and Schools; or

4.~~5.~~ An agency recognized by the Commission on Recognition of Postsecondary Accreditation to accredit professional degree programs above the baccalaureate level.

Each nonpublic college seeking exemption pursuant to this paragraph shall submit to the board a current catalog and a letter from the recognized accrediting agency by whom the college is accredited, confirming the current accredited status of the college.

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities;

Senator Clary moved the following amendment to **Amendment 1** which was adopted:

Amendment 1L (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (n) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(n) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. *During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116, students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. During 1997-1998, a maximum of 40 students in each participating school district are authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district are authorized to generate full-time equivalent student membership in the pilot program.*

Section 17. Subsection (6) of section 240.16, Florida Statutes, 1996 Supplement, is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. *During the 1997-1998, 1998-1999, and 1999-2000 school years, the Department of Education shall assist up to three school districts in conducting a pilot of the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Education Program to the International Baccalaureate Program and submit the report to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2000.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 236.081, F.S.; establishing full-time equivalent student membership in the program; amending s. 240.116, F.S.; directing the Department of Education to create a pilot of the Advanced International Certificate of Education Program; requiring a report and recommendations;

Senator Kirkpatrick offered the following amendment to **Amendment 1** which was moved by Senator Grant and adopted:

Amendment 1M (with title amendment)—On page 22, between lines 8 and 9, insert:

Section 16. Paragraph (f) of subsection (2) of section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(2)

(f) A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. *The local WAGES coalition shall pay the community college or school district for costs incurred for WAGES clients. Other* fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.

Section 17. Paragraph (e) is added to subsection (5) of section 239.301, Florida Statutes, 1996 Supplement, to read:

239.301 Adult general education.—

(5)

(e) A district school board or a community college board of trustees may negotiate a contract with the local WAGES coalition for specialized services for WAGES clients, beyond what is routinely provided for the general public, to be funded by the WAGES coalition pursuant to s. 414.065.

Section 18. Subsection (3) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(3) Students enrolled in dual enrollment and early admission programs *under* ~~pursuant to~~ s. 240.116 and students enrolled in employment and training programs under the WAGES Program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. *The community college shall assist a student under the WAGES program in obtaining financial aid as it would any other student. A student under the WAGES program may not be denied participation in programs during the application process for financial aid. If financial aid is denied, the local WAGES coalition shall pay the community college for costs incurred by that WAGES participant related to that person's classes or program.* ~~Students enrolled in programs under the WAGES Program shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students may not be denied participation in programs during the application process for financial aid. These students may not be required to obtain loans as a part of their financial aid package.~~ *Other* fee-exempt instruction provided *under* ~~pursuant to~~ this subsection *generates* ~~shall generate~~ an additional one-fourth full-time equivalent enrollment.

Section 19. Subsections (1) and (2) of section 414.065, Florida Statutes, 1996 Supplement, are amended to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(a) Unsubsidized employment.—Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds. *Paid apprenticeship and cooperative education activities are included in this activity.*

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy for at least 12 months. The work supplementation agreement must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part

to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer *or an educational institution in cooperation with the employer* provides training needed for the participant to perform the skills required for the position. The employer *or the educational institution on behalf of the employer* receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. The on-the-job training agreement must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department.

3. Incentive payments.—The department may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. The incentive agreement must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(c) Subsidized public sector employment.—Subsidized public sector employment is employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds. The applicable subsidies provided under paragraph (b) may be used to subsidize employment in the public sector, except that priority for subsidized employment shall be employment in the private sector. Public sector employment is distinguished from work experience in that the participant is paid wages and receives the same benefits as a nonsubsidized employee who performs similar work. *Work-study activities administered by educational institutions are included in this activity.*

(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary assistance in the form of wages that are proportional to the amount of time worked. A participant assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. *Community service work experience may be selected as an activity for a participant who needs to increase employability by improving his or her interpersonal skills, job-retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. Community service is intended to:*

1. Assess WAGES program compliance before referral of the participant to costly services such as career education;

2. Maintain work activity status while the participant awaits placement into paid employment or training;

3. Fulfill a clinical practicum or internship requirement related to employment; or

4. Provide work-based mentoring.

As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) Work experience.—Work experience is an appropriate work activity for participants who lack preparation for or experience in the workforce. It must combine a job training activity in a public or private not-for-profit agency with education and training related to an employment goal. To qualify as a work activity, work experience must include education and training in addition to the time required by the work activity, and the work activity must be intensively supervised and structured. The WAGES program shall contract for any services provided for clients who are assigned to this activity and shall require performance benchmarks, goals, outcomes, and time limits designed to assure that the participant moves toward full-time paid employment. A participant shall receive temporary cash assistance proportional to the time worked. A participant assigned to work experience is an employee of the state for purposes of worker's compensation coverage and is subject to the requirements of the drug-free workplace program.

(f)~~(e)~~ Job search and job readiness assistance.—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job retention skills.

2. Instruction in completing an application for employment and writing a resume.

3. Instruction in conducting oneself during a job interview, including appropriate dress.

4. Instruction in how to retain a job, plan a career, and perform successfully in the workplace.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity, may not be used in conjunction with other program activities such as work experience, and may not continue longer than the length of time permitted under federal law.

(g)~~(f)~~ Vocational education or training.—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1. Vocational education shall not be used as the primary program activity for a period which exceeds 12 months. *The 12-month restriction applies to instruction in a career education program and does not include remediation of basic skills through adult general education if remediation is necessary to enable a WAGES participant to benefit from a career education program. Any necessary remediation must be completed before a participant is referred to vocational education as the primary work activity.* In addition, use of vocational education or training shall be restricted to not more than 20 percent of adult participants in the WAGES region, or subject to other limitation as established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. *When* ~~To the maximum extent~~ possible, a provider of vocational education or training shall use funds provided by funding sources other than the department. The department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based

contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Enterprise Florida Jobs and Education Partnership *as beneficial to meet the needs of designated groups, such as WAGES participants, who are hard to place. If the contract pays the full cost of training, the community college or school district may not report the participants for other state funding, except that the college or school district may report WAGES clients for performance incentives or bonuses authorized for student enrollment, completion, and placement.* ~~A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.~~

(h)~~(g)~~ Job skills training directly related to employment.—Job skills training directly related to employment provides job skills training in a specific occupation for which there is a written commitment by the employer to offer employment to a participant who successfully completes the training. Job skills training includes customized training designed to meet the needs of a specific employer or a specific industry. A participant may be required to complete an entrance assessment or test before entering into job skills training if assessments or tests are required for employment upon completion of the training. *Job skills training includes literacy instruction in the workplace if necessary to enable a participant to perform in a specific job or job training program.*

(i)~~(h)~~ Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(j)~~(i)~~ School attendance.—Attendance at a high school or attendance at a program designed to prepare the participant to receive a high school equivalency diploma is a required program activity for each participant 19 years of age or younger who:

1. Has not completed high school or obtained a high school equivalency diploma;

2. Is a dependent child or a head of household; and

3. For whom it has not been determined that another program activity is more appropriate.

(k)~~(j)~~ Teen parent services.—Participation in medical, educational, counseling, and other services that are part of a comprehensive program is a required activity for each teen parent who participates in the WAGES Program.

(2) WORK ACTIVITY REQUIREMENTS.—Each adult participant who is not otherwise exempt must participate in a work activity for the maximum number of hours allowable under federal law provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(a) A participant in a work activity may also be required to enroll in and attend a course of instruction designed to increase literacy skills to a level necessary for obtaining or retaining employment, provided that the instruction plus the work activity does not require more than 40 hours per week.

(b) WAGES program funds may be used, as available, to support the efforts of a participant who meets the work activity requirements and who wishes to enroll in or continue enrollment in an adult general education program or a career education program.

Section 20. Section 414.055, Florida Statutes, 1996 Supplement, is amended to read:

414.055 *One-stop career centers* ~~Jobs and benefits offices.~~—

(1) It is the intent of the Legislature that one-stop career centers developed by community coalitions or public/private partnerships that involve the business community, educational institutions, governmental entities, and community-based organizations should be the principal service-delivery mechanism for services associated with the WAGES program, employment services, and workforce development.

(2) Local WAGES coalitions and regional workforce boards must coordinate the planning and implementation of one-stop career centers and services so as to avoid unnecessary duplication of services and facilities.

(3) If a one-stop career center as described in subsection (1) has been established, neither the Department of Children and Family Services nor the Department of Labor and Employment Security may establish a one-stop career center to serve the same population or geographic area. The Department of Children and Family Services and the Department of Labor and Employment Security must assign to the established one-stop career center the number and classification of staff which is appropriate and necessary for effective operation of the one-stop career center.

(4)~~(1)~~ *Staff of* the Division of Jobs and Benefits of the Department of Labor and Employment Security, *staff of the Department of Children and Family Services, and staff of other public and private agencies and institutions* ~~shall establish jobs and benefits offices in this state, which shall function as one-stop centers to provide a central location at which the staff of the Department of Labor and Employment Security and the staff of the department~~ shall deliver services to applicants for and participants in the WAGES Program *at one-stop career centers.*

(5)~~(2)~~ At the one-stop *career* centers, staff of the Department *of Children and Family Services* shall:

(a) Accept applications and determine or redetermine the eligibility of a family to participate in the WAGES Program.

(b) Accept applications and determine or redetermine the eligibility of an individual or family to receive subsidized child care or emergency assistance, including housing assistance.

(c) Assess need and arrange for providing diversion assistance or emergency assistance.

(6)~~(3)~~ At the one-stop *career centers* ~~center~~, staff of the Department of Labor and Employment Security shall assign a participant in the WAGES Program to *an approved* ~~a~~ work activity.

~~(4) A public employment office established by the Division of Jobs and Benefits of the Department of Labor and Employment Security under s. 443.181, or a one-stop career center approved by the jobs and education regional board, may function as a jobs and benefits office established under this section.~~

(Renumber subsequent section.)

And the title is amended as follows:

On page 24, line 7, after the semicolon (;) insert: amending s. 239.117, F.S.; authorizing payment for costs incurred in certain instances; amending s. 239.301, F.S.; authorizing a contract for certain adult education services; amending s. 240.35, F.S.; authorizing payment for costs incurred in certain instances; amending s. 414.065, F.S.; adding activities related to education and training to certain requirements for WAGES participants; amending s. 414.055, F.S.; replacing jobs and benefits offices with one-stop career centers to provide services for the WAGES program, employment services, and workforce development; providing legislative intent; requiring local WAGES coalitions and regional workforce boards to coordinate efforts to avoid unnecessary duplication of services and facilities; providing restrictions and requirements for the centers; providing duties of the Department of Children and Family Services and the Department of Labor and Employment Security;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1545** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, the Senate resumed consideration of—

HB 1663—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 1663** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Harris—

CS for HB 703—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Harris and failed:

Amendment 1—On page 4, lines 12-15, delete those lines and insert: *improvement due to innovation and effort. The Commissioner of Education shall establish statewide objective criteria and publish such criteria prior to October, 1997, for schools to be invited to apply for the Florida School Recognition Program at the beginning of the 1998-99 school year, if funds are available. The selection of schools must be based*

Amendment 2—On page 6, line 15, delete "1998" and insert: 1997

Pursuant to Rule 4.19, **CS for HB 703** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 716—A bill to be entitled An act relating to sentencing; repealing ss. 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; deleting a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending ss. 397.705, 893.15, F.S.; requiring that a referral of an offender to a treatment provider or to drug rehabilitation be in addition to adjudication or imposition of sentence rather than as an alternative to adjudication or imposition of sentence; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose recommended sentence is a nonstate prison sanction to be eligible for incarceration up to a specified period; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addiction to be a mitigating circumstance for purposes of sentencing; providing effective dates.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 6, line 29, after the period (.) insert: *The provisions of chapter 947, relating to parole, shall not apply to persons sentenced under the Criminal Punishment Code.*

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Gutman:

Amendment 2—On page 97, lines 12 and 13, delete those lines and insert: *has at least one prior felony conviction and whose maximum recommended sentence is under 22 months may be sentenced to*

Senator Horne moved the following substitute amendment which was adopted:

Amendment 3 (with title amendment)—On page 97, line 15, after the period (.) insert: *A person sentenced for a felony committed on or after July 1, 1997, who has at least one prior felony conviction and whose minimum recommended sentence is less than 22 months in state prison may be sentenced to a term of incarceration not to exceed 22 months.*

And the title is amended as follows:

On page 5, line 12, after "sanction" insert: or less than 22 months

The Committee on Governmental Reform and Oversight recommended the following amendments which were moved by Senator Gutman and adopted:

Amendment 4 (with title amendment)—On page 98, between lines 17 and 18, insert:

Section 42. *The Florida Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision. Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the Criminal Punishment Code in effect on the beginning date of the criminal activity.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 13, after the semicolon (;) insert: providing that capital felonies are excluded from the punishment code; providing clarification for application of future code revisions;

Amendment 5 (with title amendment)—On page 98, between lines 17 and 18, insert:

Section 42. *The Division of Statutory Revision of the Joint Legislative Management Committee shall leave the repealed statutory provisions referenced herein in the Florida Statutes for 10 years from October 1, 1998.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 17, after the semicolon (.) insert: providing a directive to the Division of Statutory Revision to maintain certain repealed provisions in the Florida Statutes for ten years;

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Gutman:

Amendment 6—On page 98, delete line 19 and insert: this act, sections 1 through 36, 42, and 43 of this act shall take effect

Senator Gutman moved the following substitute amendment which was adopted:

Amendment 7—On page 98, lines 19-21, delete those lines and insert: this act, sections 1 through 12, sections 14 through 36, and sections 42 and 43 shall take effect October 1, 1998; this section and section 13 shall take effect upon becoming a law; and the remaining sections of this act shall take effect July 1, 1997.

Senator Gutman moved the following amendments which were adopted:

Amendment 8—On page 55, line 15 through page 56, line 8, delete those lines and insert:

775.0845 Wearing mask while committing offense; *reclassification* ~~enhanced penalties.~~—The *felony or misdemeanor degree of* ~~penalty for~~ any criminal offense, other than a violation of ss. 876.12-876.15, shall be *reclassified to the next higher degree* ~~increased~~ as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his *or her* identity.

(1)(a) *In the case of* a misdemeanor of the second degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a misdemeanor of the first degree.

(b) *In the case of* a misdemeanor of the first degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 2 of the offense severity ranking chart.

(2)(a) *In the case of* a felony of the third degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the second degree.

(b) *In the case of* a felony of the second degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the first degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense *that* ~~which~~ is reclassified under this subsection is ranked one level above the ranking under s. 921.0012, ~~or~~ s. 921.0013*, s. 921.0022, or s. 921.0023* of the offense committed.

Amendment 9—In title, on page 1, delete line 2 and insert: An act relating to criminal justice; repealing ss.

Pursuant to Rule 4.19, **CS for SB 716** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

The President introduced the following guests of The Honorable Pete Peterson, U. S. Ambassador to Vietnam, who were present in the gallery: H. E. Win Din Bin, Deputy Minister of Foreign Affairs; Fam Van Kway, Deputy Director for the Americas; Le Zong, First Secretary of Embassy of Vietnam, Washington, D. C.

CS for CS for SB's 1566 and 114—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; providing for employment of law school graduates; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Joint Legislative Management Committee; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the

regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Joint Legislative Management Committee to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing a transition period; authorizing the Governor to appoint interim and regional counsel by specified dates; authorizing attorneys to continue representation of clients during the transitional period; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for CS for SB's 1566 and 114** to **CS for HB 1091**.

Pending further consideration of **CS for CS for SB's 1566 and 114** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1091** was withdrawn from the Committees on Criminal Justice; Ways and Means; and Rules and Calendar.

On motion by Senator Burt—

CS for HB 1091—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; amending s. 27.702, F.S.; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing for employment of law school graduates; providing employment qualifications for certain positions; providing for contracts with private counsel or public defenders; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Joint Legislative Management Committee to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; providing circumstances under which a motion for collateral or postconviction relief in any capital case may be considered after a specified date; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing a transition period; authorizing the Governor to appoint interim and regional counsel by specified dates; authorizing attorneys to continue representation of clients during the transitional period; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1566 and 114** as amended and read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 1091** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Campbell

On motion by Senator Horne, by two-thirds vote **CS for HB 1319** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motions by Senator Horne, by two-thirds vote—

CS for HB 1319—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing for compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; providing for future disposition of the funds to the General Revenue Fund upon repeal of specified provisions; providing a directive to the Statutory Revision Division; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; amending s. 27.34, F.S.; revising a provision relating to the services and office space provided by the counties to the state attorneys; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 722** and by two-thirds vote read the second time by title. On motion by Senator Horne, by two-thirds vote **CS for HB 1319** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Crist	Gutman
Bankhead	Casas	Dantzler	Hargrett
Bronson	Childers	Dudley	Harris
Brown-Waite	Clary	Forman	Holzendorf
Burt	Cowin	Grant	Horne

Jenne	Latvala	Ostalkiewicz	Thomas
Jones	Lee	Rossin	Turner
Kirkpatrick	McKay	Scott	Williams
Klein	Meadows	Silver	
Kurth	Myers	Sullivan	

Nays—None

Vote after roll call:

Yea—Dyer

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 1371** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Ostalkiewicz—

CS for CS for HB 1371—A bill to be entitled An act relating to criminal justice; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; defining "prison releasee reoffender"; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing for forfeiture by the reoffender of gain-time or other early release credits; providing legislative intent to prohibit plea bargaining in re-offender cases; requiring state attorneys to submit reports regarding any sentencing deviations; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2362** and read the second time by title.

Senator Ostalkiewicz moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Prison Releasee Reoffender Punishment Act."*

Section 2. Section 775.082, Florida Statutes, is amended to read:

775.082 Penalties*; mandatory minimum sentences for certain reoffenders previously released from prison.*—

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1).

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. For a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

(b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

(c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

a. Treason;
b. Murder;
c. Manslaughter;
d. Sexual battery;
e. Carjacking;
f. Home-invasion robbery;
g. Robbery;
h. Arson;
i. Kidnapping;
j. Aggravated assault;
k. Aggravated battery;
l. Aggravated stalking;
m. Aircraft piracy;
n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
o. Any felony that involves the use or threat of physical force or violence against an individual;

p. Armed burglary;
q. Burglary of an occupied structure or dwelling; or
r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, or s. 827.071;

within 3 years of being released from a state correctional facility operated by the Department of Corrections or a private vendor.

2. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;

c. For a felony of the second degree, by a term of imprisonment of 15 years; and

d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless any of the following circumstances exist:

a. The prosecuting attorney does not have sufficient evidence to prove the highest charge available;

b. The testimony of a material witness cannot be obtained;

c. The victim does not want the offender to receive the mandatory prison sentence and provides a written statement to that effect; or

d. Other extenuating circumstances exist which preclude the just prosecution of the offender.

(9)~~(8)~~ The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

Section 3. Subsection (6) is added to section 944.705, Florida Statutes, to read:

944.705 Release orientation program.—

(6)(a) The department shall notify every inmate, in no less than 18-point type in the inmate's release documents, that the inmate may be sentenced pursuant to s. 775.082(8) if the inmate commits any felony offense described in s. 775.082(8) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) Nothing in this section precludes the sentencing of a person pursuant to s. 775.082(8), nor shall evidence that the department failed to provide this notice prohibit a person from being sentenced pursuant to s. 775.082(8). The state shall not be required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(8).

Section 4. Subsection (6) of section 947.141, Florida Statutes, is amended to read:

947.141 Violations of conditional release, control release, or conditional medical release.—

(6) Whenever a conditional release, control release, or conditional medical release is revoked by a panel of no fewer than two commissioners and the releasee is ordered to be returned to prison, the releasee, by reason of the misconduct, *shall* ~~may~~ be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of release. However, if a conditional medical release is revoked due to the improved medical or physical condition of the releasee, the releasee shall not forfeit gain-time accrued before the date of conditional medical release. This subsection does not deprive the prisoner of the right to gain-time or commutation of time for good conduct, as provided by law, from the date of return to prison.

Section 5. Subsections (1) and (6) of section 948.06, Florida Statutes, are amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(1) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his probation or community control in a material respect, *any law enforcement officer who is aware of the probationary or community control status of the probationer or offender in community control or* any parole or probation supervisor may arrest or request any county or municipal law enforcement officer to arrest such probationer or offender without warrant wherever found and forthwith return him to the court granting such probation or community control. Any committing magistrate may issue a warrant, upon the facts being made known to him by affidavit of one having knowledge of such facts, for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant. The court, upon the probationer or offender being brought before it, shall advise him of such charge of violation and, if such charge is admitted to be true, may forthwith revoke, modify, or continue the probation or community control or place the probationer into a community control program. If probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control. If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation. If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(6) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his misconduct, *shall* ~~may~~ be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his release on probation, community control, or control release. This subsection does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his treatment program placement term.

Section 6. For the purpose of incorporating the amendment to section 948.06, Florida Statutes, in references thereto, subsection (9) and paragraph (b) of subsection (13) of section 948.01, Florida Statutes, 1996 Supplement, and section 958.14, Florida Statutes, are reenacted to read:

948.01 When court may place defendant on probation or into community control.—

(9) Procedures governing violations of community control shall be the same as those described in s. 948.06 with respect to probation.

(13) If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of chapter 893, the court may either adjudge the defendant guilty or stay and withhold the adjudication of guilt; and, in either case, it may stay and withhold the imposition of sentence and place the defendant on drug offender probation.

(b) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

958.14 Violation of probation or community control program.—A violation or alleged violation of probation or the terms of a community control program shall subject the youthful offender to the provisions of s. 948.06(1). However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he was found guilty, whichever is less, with credit for time served while incarcerated.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; defining "prison releasee reoffender"; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having a weapon while engaged in a criminal offense, of s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, of s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or of s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release; providing legislative intent with respect to punishment in reoffender cases; amending s. 944.705, F.S., relating to the release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

WHEREAS, recent court decisions have mandated the early release of violent felony offenders, and

WHEREAS, the people of this state and the millions of people who visit our state deserve public safety and protection from violent felony offenders who have previously been sentenced to prison and who continue to prey on society by reoffending, and

WHEREAS, the Legislature finds that the best deterrent to prevent prison releasees from committing future crimes is to require that any releasee who commits new serious felonies must be sentenced to the maximum term of incarceration allowed by law, and must serve 100 percent of the court-imposed sentence, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for CS for HB 1371** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Myers, the Senate resumed consideration of—

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901,

484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 4** by Senator Campbell was adopted by two-thirds vote.

Senator Campbell moved the following amendments to **Engrossed Senate Amendment 1** which were adopted by two-thirds vote:

Amendment 5 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Paragraph (x) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

(Renumber subsequent section.)

And the title is amended as follows:

On page 211, line 18, after the semicolon (;) insert: amending s. 459.015, F.S.; increasing the amount of an indemnity paid for a claim for medical malpractice;

Amendment 6 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Paragraph (f) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 211, line 18, after the semicolon (;) insert: amending s. 459.0085, F.S.; increasing financial responsibility threshold;

Amendment 7 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Paragraph (x) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the

licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

(Renumber subsequent section.)

And the title is amended as follows:

On page 211, line 18, after the semicolon (;) insert: amending s. 459.015, F.S.; increasing the amount of an indemnity paid for a claim for medical malpractice;

Amendment 8 (with title amendment)—On page 203, between lines 8 and 9, insert:

Section 132. Paragraph (f) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(Renumber subsequent section.)

And the title is amended as follows:

On page 211, line 18, after the semicolon (;) insert: amending s. 459.0085, F.S.; increasing financial responsibility threshold;

On motion by Senator Myers, **HB 1925** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB's 1428, 1388, 1562 and 1252** was deferred.

On motion by Senator Latvala—

CS for CS for SB 1074—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; providing for an Intended Use Plan; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation to the Department of Environmental Protection; providing for a transfer of positions and supporting budgets; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; amending s. 403.0872, F.S.; clarifying the air pollution fee deadline; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from certain loan repayment funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an appropriation; amending s. 367.022, F.S.; providing exceptions from regulation as a utility; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for CS for SB 1074** to **HB 1323**.

Pending further consideration of **CS for CS for SB 1074** as amended, on motion by Senator Latvala, by two-thirds vote **HB 1323** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motions by Senator Latvala, by two-thirds vote—

HB 1323—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to certain public water systems; authorizing use of certain federal Safe Drinking Water Act funds for specified purposes; providing loan criteria, requirements, and limitations; providing for department rules; requiring an annual report; providing for audits; providing for loan service fees; providing for disposition of funds; providing for default; providing penalties for delinquent payments or noncompliance with loan terms and conditions; amending s. 403.860, F.S.; authorizing administrative penalties for failure of a public water system to comply with the Florida Safe Drinking Water Act; providing for rules and procedures; creating s. 403.8615, F.S.; requiring certain new water systems to demonstrate specified technical, managerial, and financial capabilities; creating s. 403.865, F.S.; providing legislative findings and intent relating to operation of water and wastewater treatment facilities by qualified personnel; creating s. 403.866, F.S.; providing definitions; creating s. 403.867, F.S.; requiring such operators to be licensed by the department; creating s. 403.868, F.S.; authorizing a utility to have more stringent requirements; creating s. 403.869, F.S.; authorizing department rules; creating s. 403.87, F.S.; authorizing appointment of a technical advisory council for water and domestic wastewater operator certification; creating s. 403.871, F.S.; providing for application and examination, reexamination, licensure, renewal, and recordmaking and recordkeeping fees; providing for disposition thereof; creating s. 403.872, F.S.; specifying requirements for licensure; creating s. 403.873, F.S.; providing for biennial license renewal; creating s. 403.874, F.S.; providing for inactive status and reactivation of inactive licenses; creating s. 403.875, F.S.; specifying prohibited acts; providing a penalty; creating s. 403.876, F.S.; requiring the department to establish grounds for disciplinary actions; providing for an administrative fine; providing for transfer of powers and duties relating to regulation of operators of water treatment plants and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection; providing for continuation of certain rules; providing a grandfather provision for operators certified prior to the transfer; amending s. 403.087, F.S.; increasing the maximum term for issuance of permits for stationary water pollution sources; specifying conditions for renewing operation permits for domestic wastewater treatment facilities for an extended term at the same fee; requiring the department to keep certain records; amending s. 403.0871, F.S.; correcting cross references; amending s. 403.0872; clarifying air pollution fee deadline; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater treatment plant operator certification by the Department of Business and Professional Regulation; providing an appropriation; amending s. 367.021, F.S.; defining "environmental compliance costs; amending s. 367.022, F.S.; providing regulatory exemptions for nonpotable irrigation water, under certain circumstances; amending s. 367.081, F.S.; providing for recovery of environmental compliance costs; amending s. 367.171, F.S.; providing application of the act; amending s. 367.022; deregulating bulk supplies of water for sale for resale; providing for a study of ozonation and other alternative processes for disinfecting water; requiring a report; amending s. 193.625, F.S. to allow high-water recharge assessments when lands will be used primarily for bona fide high-water recharge purposes for a period of at least 5 years; amending s. 403.1835, F.S.; expanding the sewage treatment facilities revolving loan program to provide loans to local governmental agencies for construction of stormwater management systems; defining "stormwater management system"; providing additional responsibilities of local governments under the program; providing priority for certain stormwater management system projects; providing for funding; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1074** as amended and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 403.8532, Florida Statutes, is amended to read:

403.8532 Drinking water state revolving loan fund; use; rules.—

(1) The purpose of this section is to assist in implementing the legislative declarations of public policy contained in ss. 403.021 and 403.851 by establishing infrastructure financing, technical assistance, and source water protection programs to assist public drinking water systems in achieving and maintaining compliance with the Florida Safe Drinking Water Act and the federal Safe Drinking Water Act, as amended, and to conserve and protect the quality of waters of the state.

(2) For purposes of this section, the term:

(a) "Financially disadvantaged community" means the service area of a project to be served by a public water system that meets criteria established by department rule and in accordance with federal guidance.

(b) "Local governmental agency" means any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing acting jointly in connection with a project, having jurisdiction over a public water system.

(c) "Public water system" means all facilities, including land, necessary for the treatment and distribution of water for human consumption and includes public water systems as defined in s. 403.852 and as otherwise defined in the federal Safe Drinking Water Act, as amended. Such systems may be publicly owned, privately owned, investor-owned, or cooperatively held.

(d) "Small public water system" means a public water system which regularly serves fewer than 10,000 people.

(3) The department is authorized to make loans to community water systems, nonprofit noncommunity water systems, and nonprofit nontransient noncommunity water systems to assist them in planning, designing, and constructing public water systems, unless such public water systems are for-profit privately owned or investor-owned systems that regularly serve 1,500 service connections or more within a single certified or franchised area. However, a for-profit privately owned or investor-owned public water system that regularly serves 1,500 service connections or more within a single certified or franchised area may qualify for a loan only if the proposed project will result in the consolidation of two or more public water systems. The department is authorized to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Public water systems are authorized to borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed. The department shall administer loans so that amounts credited to the Drinking Water Revolving Loan Trust Fund in any fiscal year are reserved for the following purposes:

(a) At least 15 percent to qualifying small public water systems.

(b) Up to 15 percent to qualifying financially disadvantaged communities.

(c) However, if an insufficient number of the projects for which funds are reserved under this paragraph have been submitted to the department at the time the funding priority list authorized under this section is adopted, the reservation of these funds shall no longer apply. The department may award the unreserved funds as otherwise provided in this section.

(4) The department is authorized, subject to legislative appropriation authority and authorization of positions, to use funds from the annual capitalization grant for activities authorized under the federal Safe Drinking Water Act, as amended, such as:

(a) Program administration.

(b) Technical assistance.

(c) Source water protection program development and implementation, including wellhead and aquifer protection programs, programs to alleviate water quality and water supply problems associated with saltwater intrusion, programs to identify, monitor and assess source waters, and contaminant source inventories.

(d) Capacity development and financial assessment program development and administration.

(e) The costs of establishing and administering an operator certification program for drinking water treatment plant operators, to the extent such costs cannot be paid for from fees.

This subsection does not limit the department's ability to apply for and receive other funds made available for specific purposes under the federal Safe Drinking Water Act, as amended.

(5) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on such loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution.

(6)(a) The department may provide financial assistance to financially disadvantaged communities for the purpose of planning, designing, and constructing public water systems. Such assistance may include the forgiveness of loan principal.

(b) The department shall establish by rule the criteria for determining whether a public water system serves a financially disadvantaged community. Such criteria shall be based on the median household income of the service population or other reliably documented measures of disadvantaged status.

(7) To the extent not allowed by federal law, the department shall not provide financial assistance for projects primarily intended to serve future growth.

(8) In order to ensure that public moneys are managed in an equitable, prudent, and cost-effective manner, the total amount of money loaned to any public water system during a fiscal year shall be no more than 25 percent of the total funds available for making loans during that year. The minimum amount of a loan shall be $75,000.

(9) The department is authorized to make rules necessary to carry out the purposes of this section and the federal Safe Drinking Water Act, as amended. Such rules shall:

(a) Set forth a priority system for loans based on public health considerations, compliance with state and federal requirements relating to public drinking water systems, and affordability. The priority system shall give special consideration to the following:

1. Projects that provide for the development of alternative drinking water supply projects and management techniques in areas where existing source waters are limited or threatened by saltwater intrusion, excessive drawdowns, contamination, or other problems;

2. Projects that provide for a dependable, sustainable supply of drinking water and that are not otherwise financially feasible; and

3. Projects that contribute to the sustainability of regional water sources.

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require adequate security to ensure that each loan recipient can meet its loan repayment requirements.

(d) Require each project receiving financial assistance to be cost-effective, environmentally sound, implementable, and self-supporting.

(e) Implement other provisions of the federal Safe Drinking Water Act, as amended.

(10) The department shall prepare a report at the end of each fiscal year, detailing the financial assistance provided under this section, service fees collected, interest earned, and loans outstanding.

(11) Prior to approval of a loan, the local government or public water system shall, at a minimum:

(a) Provide a repayment schedule.

(b) Submit evidence of the permittability or implementability of the project proposed for financial assistance.

(c) Submit plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Provide assurance that records will be kept using accepted government accounting standards and that the department and the Auditor General, or their agents will have access to all records pertaining to the loan.

(e) Provide assurance that the public water system will be properly operated and maintained in order to achieve or maintain compliance with the requirements of the Florida Safe Drinking Water Act and the federal Safe Drinking Water Act, as amended.

(f) Document that the public water system will be self-supporting.

(12) The department may conduct an audit of the loan project upon completion, or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(13) The department may require reasonable service fees on loans made to public water systems to ensure that the Drinking Water Revolving Loan Trust Fund will be operated in perpetuity and to implement the purposes authorized under this section. Service fees shall not be less than 2 percent nor greater than 4 percent of the loan amount exclusive of the service fee. Service fee revenues shall be deposited into the department's Grants and Donations Trust Fund. The fee revenues, and interest earnings thereon, shall be used exclusively to carry out the purposes of this section.

(14) All moneys available for financial assistance under this section shall be deposited in the Drinking Water Revolving Loan Trust Fund exclusively to carry out the purposes of this section. Any funds therein which are not needed on an immediate basis for financial assistance shall be invested pursuant to s. 215.49. State revolving fund capitalization grants awarded by the Federal Government, state matching funds, and investment earnings thereon shall be deposited into the fund. The principal and interest of all loans repaid and investment earnings thereon shall be deposited into the fund.

(15)(a) If a local governmental agency defaults under the terms of its loan agreement, the department shall so certify to the Comptroller, who shall forward the amount delinquent to the department from any unobligated funds due to the local governmental agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage the public water system.

(b) If a public water system owned by a person other than a local governmental agency defaults under the terms of its loan agreement, the department may take all actions available under law to remedy the default.

(c) The department may impose a penalty for delinquent loan payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(16) The department is authorized to terminate or rescind a financial assistance agreement when the recipient fails to comply with the terms and conditions of the agreement.

~~(1) If federal funds become available for a drinking water state revolving loan fund, the Department of Environmental Protection may use the funds to make grants and loans to the owners of public water systems, as defined in s. 403.852(2), and as otherwise authorized by the law making the funds available. The department may adopt rules necessary to satisfy requirements to receive these federal funds and to carry out the provisions of this subsection. The rules shall include, but not be limited to, a priority system based on public health considerations, system type, and population served; requirements for proper system operation and maintenance; and, where applicable, consideration of ability to repay loans.~~

~~(2) The department shall, by January 1, 1995, report to the Legislature the status of any drinking water state revolving fund program authorized by federal law and shall include in the report recommendations as to appropriate and necessary statutory changes to govern its implementation.~~

Section 2. *Intended Use Plan.—*

(1) The Florida Legislature recognizes that over 80 percent of the state's population lives in coastal areas and is dependent on groundwater sources for drinking water supplies. Further, the Legislature recognizes that saltwater intrusion is an increased threat to healthful and safe drinking water supplies.

(2) The Intended Use Plan required of the department under the federal Safe Drinking Water Act, as amended, shall provide, in general, to the maximum extent practicable, that priority for the use of funds be given to projects that:

(a) Address the most serious risk to human health, especially projects that would develop alternative water supply in areas with saltwater intrusion problems;

(b) Are necessary to ensure compliance with the requirements of the federal Safe Drinking Water Act, as amended, including requirements for filtration; and

(c) Assist systems most in need on a per-household basis according to affordability criteria established by the Department of Environmental Protection by rule.

Section 3. Subsection (6) of section 403.860, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section to read:

403.860 Penalties and remedies.—

(6) The department is authorized to assess administrative penalties for failure to comply with the requirements of the Florida Safe Drinking Water Act.

(a)1. Prior to the assessment of an administrative penalty, the department shall provide the public water system a reasonable amount of time to complete the corrective action necessary to bring the system back into compliance.

(b)1. At the time of assessment of the administrative penalty, the department shall give the public water system notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective, unless an administrative hearing is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69.

2. The department shall adopt rules to implement the provisions of this subsection. The rules shall establish specific procedures for implementing the penalties and shall identify assessment amounts. The rules shall authorize the application of adjustment factors for the purpose of increasing or decreasing the total amount assessed subsequent to initial assessment. Such factors may include the lack or degree of good faith to comply with the requirements, the lack or degree of willfulness or negligence on the part of the owner, the compliance history of the public water system, the economic benefit derived by the failure to comply with the requirements, and the ability to pay.

(b) The amount of the penalties assessed shall be as follows:

1. In the case of a public water system serving a population of more than 10,000, the penalty shall be not less than $1,000 per day per violation.

2. In the case of any other public water system, the penalty shall be adequate to ensure compliance.

However, the total amount of the penalty assessed on any public water system may not exceed $10,000 per violation.

Section 4. Section 403.8615, Florida Statutes, is created to read:

403.8615 Determination of capability and capacity development.—

(1) The department shall require all new community water systems and new nontransient, noncommunity water systems seeking to commence operations after October 1, 1999, to demonstrate the technical, managerial, and financial capabilities to comply with national primary drinking water regulations as required by the federal Safe Drinking Water Act, as amended. The department shall establish by rule, consistent with any federal guidance on capacity development, the criteria for determining technical, managerial, and financial capabilities. At a minimum, such water systems must:

(a) Employ or contract for the services of a certified operator, unless the department has waived this requirement pursuant to s. 403.854(5).

(b) Demonstrate the capabilities to conduct required monitoring and reporting programs and maintain appropriate records of such monitoring.

(c) Demonstrate financial soundness through the posting of a bond, creation of a reserve, documentation of an unreserved revenue source, or other appropriate means established by department rule.

(2) If the department determines that such a water system can not demonstrate technical, managerial, or financial capability, a permit may not be issued for that system pursuant to s. 403.861(7) until the water system has been determined to have the required capabilities.

Section 5. Section 403.865, Florida Statutes, is created to read:

403.865 Purpose.—The Legislature finds that the threat to the public health and the environment from the operation of water and wastewater treatment plants mandates that qualified personnel operate these facilities. It is the legislative intent that any person who performs the duties of an operator and who falls below minimum competency or who otherwise presents a danger to the public be prohibited from operating a plant or system in this state.

Section 6. Section 403.866, Florida Statutes, is created to read:

403.866 Definitions.—As used in ss. 403.865-403.876, the term:

(1) "Domestic wastewater collection system" means pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(2) "Domestic wastewater treatment plant" means any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes.

(3) "Operator" means any person, including the owner, who is in onsite charge of the actual operation, supervision, and maintenance of a water treatment plant or domestic wastewater treatment plant and includes the person in onsite charge of a shift or period of operation during any part of the day.

(4) "Public water system" has the same meaning as it has in s. 403.852.

(5) "Water distribution system" means those components of a public water system used in conveying water for human consumption from the water plant to the consumer's property, including pipelines, conduits, pumping stations, and all other structures, devices, appurtenances, and facilities used specifically for such purpose.

(6) "Water treatment plant" means those components of a public water system used in collection, treatment, and storage of water for human consumption, whether or not such components are under the control of the operator of such system.

Section 7. Section 403.867, Florida Statutes, is created to read:

403.867 License required.—A person may not perform the duties of an operator of a water treatment plant or a domestic wastewater treatment plant unless he or she holds a current operator's license issued by the department.

Section 8. Section 403.868, Florida Statutes, is created to read:

403.868 Requirements by a utility.—A utility may have more stringent requirements than set by law, including certification requirements for water distribution systems and domestic wastewater collection systems operations, except that a utility may not require a licensed contractor, as defined in s. 489.105(3) to have any additional license for work in water distribution systems or domestic wastewater collection systems.

Section 9. Section 403.869, Florida Statutes, is created to read:

403.869 Authority to adopt rules.—The department may adopt rules necessary to carry out the provisions of ss. 403.865-403.876.

Section 10. Section 403.87, Florida Statutes, is created to read:

403.87 Technical advisory council for water and domestic wastewater operator certification.—Within 90 days of the effective date of this act, the secretary of the department shall appoint a technical advisory council as necessary for the purposes of ss. 403.865-403.876. The technical advisory council shall meet upon the request of the chair, upon request of a majority of its members, or upon request of the secretary. Members shall provide for their own expenses. The council shall consist of not less than five persons who, collectively, are expert in domestic wastewater and drinking water treatment, facilities operation, public health and environmental protection, including at least one licensed wastewater treatment plant operator and one licensed water treatment plant operator.

Section 11. Section 403.871, Florida Statutes, is created to read:

403.871 Fees.—The department shall, by rule, establish fees to be paid for application and examination, reexamination, licensing and renewal, renewal of an inactive license, reactivation of an inactive license, recordmaking, and recordkeeping. The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

(1) The application fee may not exceed $100 and is not refundable.

(2) The renewal fee may not exceed $100 and is not refundable.

(3) All fees collected under this section must be deposited into the Water Quality Assurance Trust Fund. The fees shall be used exclusively to implement the provisions of ss. 403.865-403.876.

Section 12. Section 403.872, Florida Statutes, is created to read:

403.872 Requirements for licensure.—

(1) Any person desiring to be licensed as a water treatment plant operator or a domestic wastewater treatment plant operator must apply to the department to take the licensure examination.

(2) The department shall examine the qualifications of any applicant who meets the criteria established by the department for licensure, submits a completed application, and remits the required fee.

(3) The department shall license as an operator any applicant who has passed the examination under this section.

(4) The department shall establish, by rule, the criteria for licensure, including, but not limited to, a requirement of a high school diploma or its equivalent, a training course approved by the department, and onsite operational experience.

(5) The department may also include a requirement that an operator must not be the subject of a disciplinary or enforcement action in another state at the time of application for licensure in this state.

Section 13. Section 403.873, Florida Statutes, is created to read:

403.873 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee and in accordance with the other provisions of ss. 403.865-403.876.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

Section 14. Section 403.874, Florida Statutes, is created to read:

403.874 Inactive status.—

(1) The department shall reactivate an inactive license upon receipt of the reactivation application and fee.

(2) The department shall adopt rules relating to licenses that have become inactive and for the reactivation of inactive licenses.

Section 15. Section 403.875, Florida Statutes, is created to read:

403.875 Prohibitions; penalties.—

(1) A person may not:

(a) Perform the duties of an operator of a water treatment plant or domestic wastewater treatment plant unless he or she is licensed under ss. 403.865-403.876.

(b) Use the name or title "water treatment plant operator" or "domestic wastewater treatment plant operator" or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an operator, or otherwise holds himself or herself out as an operator, unless the person is the holder of a valid license issued under ss. 403.865-403.876.

(c) Present as his or her own the license of another.

(d) Knowingly give false or forged evidence to the department.

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.

(f) Employ unlicensed persons to perform the duties of an operator of a water treatment or domestic wastewater treatment plant.

(g) Conceal information relative to any violation of ss. 403.865-403.876.

(2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 403.876, Florida Statutes, is created to read:

403.876 Grounds for disciplinary action.—

(1) The department shall establish, by rule, the grounds for taking disciplinary action, including suspending or revoking a valid license, placing a licensee on probation, refusing to issue a license, refusing to renew a license, or refusing to reactivate a license, and the imposition of an administrative fine, not to exceed $1,000 per count or offense. The fines collected under this section shall be deposited into the Water Quality Assurance Trust Fund.

(2) The department shall conduct disciplinary proceedings in accordance with chapter 120.

(3) The department shall reissue the license of a disciplined operator when that operator has complied with all terms and conditions of the department's final order.

Section 17. *All powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Business and Professional Regulation related to the classification and regulation of operators of water treatment plants and domestic wastewater treatment plants are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Business and Professional Regulation to the Department of Environmental Protection. The Department of Business and Professional Regulation shall transfer to the Department of Environmental Protection six positions, along with sufficient supporting budget, as determined by the Department of Environmental Protection. The rules of the Department of Business and Professional Regulation that regulate plant operators remain in effect until the Department of Environmental Protection has adopted rules to supersede those of the Department of Professional and Business Regulation.*

Section 18. *Operators certified by the Department of Professional and Business Regulation as of the effective date of this act shall be deemed to be licensed by the Department of Environmental Protection until the expiration of the term of their certification.*

Section 19. Paragraph (g) is added to subsection (7) of section 163.01, Florida Statutes, 1996 Supplement, to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(g)1. Notwithstanding any other provisions of this section, any separate legal entity created under this section, the membership of which is limited to municipalities and counties of the state, may acquire, own, construct, improve, operate, and manage public facilities relating to a governmental function or purpose, including, but not limited to, wastewater facilities, water or alternative water supply facilities, and water reuse facilities, which may serve populations within or outside of the members of the entity. Notwithstanding s. 367.171(7), any separate legal entity created under this paragraph is not subject to commission jurisdiction and may not provide utility services within the service area of an existing utility system unless it has received the consent of the utility. The entity may finance or refinance the acquisition, construction, expansion, and improvement of the public facility through the issuance of its bonds, notes, or other obligations under this section. The entity has all the powers provided by the interlocal agreement under which it is created or which are necessary to own, operate, or manage the public facility, including, without limitation, the power to establish rates, charges, and fees for products or services provided by it, the power to levy special assessments, the power to sell all or a portion of its facility, and the power to contract with a public or private entity to manage and operate its facilities or to provide or receive services or products. Except as may be limited by the interlocal agreement under which the entity is created, all of the privileges, benefits, powers, and terms of s. 125.01, relating to counties, and s. 166.021, relating to municipalities, are fully applicable to the entity. However, neither the entity nor any of its members on behalf of the entity may exercise the power of eminent domain over the facilities or property of any existing water or wastewater plant utility system, nor may the entity acquire title to any water or wastewater plant utility facilities or property which was acquired by the use of eminent domain after the effective date of this act. Bonds, notes, and other obligations issued by the entity are issued on behalf of the public agencies that are members of the entity.

2. Any entity created under this section may also issue bond anticipation notes in connection with the authorization, issuance, and sale of bonds. The bonds may be issued as serial bonds or as term bonds or both. Any entity may issue capital appreciation bonds or variable rate bonds. Any bonds, notes, or other obligations must be authorized by resolution of the governing body of the entity and bear the date or dates, mature at the time or times, not exceeding 40 years from their respective dates, bear interest at the rate or rates, be payable at the time or times, be in the denomination, be in the form, carry the registration privileges, be executed in the manner, be payable from the sources and in the medium or payment and at the place, and be subject to the terms of redemption, including redemption prior to maturity, as the resolution may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds, notes, or other obligations ceases to be an officer before the delivery of the bonds, notes, or other obligations, the signature or facsimile is valid and sufficient for all purposes as if he or she had remained in office until the delivery. The bonds, notes, or other obligations may be sold at public or private sale for such price as the governing body of the entity shall determine. Pending preparation of the definitive bonds, the entity may issue interim certificates, which shall be exchanged for the definitive bonds. The bonds may be secured by a form of credit enhancement, if any, as the entity deems appropriate. The bonds may be secured by an indenture of trust or trust agreement. In addition, the governing body of the legal entity may delegate, to an officer, official, or agent of the legal entity as the governing body of the legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate of interest, which may be fixed or may vary at the time and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of the legal entity. However, the amount and maturity of the bonds, notes, or other obligations and the interest rate of the bonds, notes or other obligations must be within the limits prescribed by the governing body of the legal entity and its resolution delegating to an officer, official, or agent the power to authorize the issuance and sale of the bonds, notes, or other obligations.

3. Bonds, notes, or other obligations issued under subparagraph 1. may be validated as provided in chapter 75. The complaint in any action to validate the bonds, notes, or other obligations must be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 must be published in Leon County and in each county that is a member of the entity issuing the bonds, notes, or other obligations, or in which a member of the entity is located, and the complaint and order of the circuit court must be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county that is a member of the entity issuing the bonds, notes, or other obligations or in which a member of the entity is located. Section 75.04(2) does not apply to a complaint for validation brought by the legal entity.

4. The accomplishment of the authorized purposes of a legal entity created under this paragraph is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. Since the legal entity will perform essential governmental functions in accomplishing its purposes, the legal entity is not required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by it for such purposes or upon any revenues at any time received by it. The bonds, notes, and other obligations of an entity, their transfer and the income therefrom, including any profits made on the sale thereof, are at all times free from taxation of any kind by the state or by any political subdivision or other agency or instrumentality thereof. The exemption granted in this subparagraph is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 20. Subsections (1) and (2) of section 403.087, Florida Statutes, are amended, present subsections (3) through (8) of that section are redesignated as subsections (4) through (9), respectively, and new subsection (3) is added to that section to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(1) *A* ~~No~~ stationary installation *that is* ~~which will~~ reasonably ~~be~~ expected to be a source of air or water pollution *must not* ~~shall~~ be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the department, unless exempted by department rule. In no event shall a permit for a water pollution source be issued for a term of more than *10* ~~5~~ years, *nor* ~~and in no event~~ may an operation permit issued after July 1, 1992, for a major source of air pollution have a fixed term of more than 5 years. However, upon expiration, a new permit may be issued by the department in accordance with this *chapter* ~~act~~ and the rules ~~and regulations~~ of the department.

(2) The department shall adopt, *and may* amend~~,~~ or repeal, rules~~, regulations, and standards~~ for the issuance, denial, modification, and revocation of permits *under this section.*

(3) A renewal of an operation permit for a domestic wastewater treatment facility other than a facility regulated under the National Pollutant Discharge Elimination System (NPDES) Program under s. 403.0885 must be issued upon request for a term of up to 10 years, for the same fee and under the same conditions as a 5-year permit, in order to provide the owner or operator with a financial incentive, if:

(a) The waters from the treatment facility are not discharged to Class 1 municipal injection wells or the treatment facility is not required to comply with the federal standards under the Underground Injection Control program under chapter 62-528 of the Florida Administrative Code;

(b) The treatment facility is not operating under a temporary operating permit or a permit with an accompanying administrative order and does not have any enforcement action pending against it by the United States Environmental Protection Agency, the department, or a local program approved under s. 403.182;

(c) The treatment facility has operated under an operation permit for 5 years and, for at least the preceding 2 years, has generally operated in conformance with the limits of permitted flows and other conditions specified in the permit;

(d) The department has reviewed the discharge-monitoring reports required under department rule and is satisfied that the reports are accurate;

(e) The treatment facility has generally met water quality standards in the preceding 2 years, except for violations attributable to events beyond the control of the treatment plant or its operator, such as destruction of equipment by fire, wind, or other abnormal events that could not reasonably be expected to occur; and

(f) The department, or a local program approved under s. 403.182, has conducted, in the preceding 12 months, an inspection of the facility

and has verified in writing to the operator of the facility that it is not exceeding the permitted capacity and is in substantial compliance.

The department shall keep records of the number of 10-year permits applied for and the number and duration of permits issued for longer than 5 years.

Section 21. Section 403.0871, Florida Statutes, 1996 Supplement, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the department a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to ss. 161.041, 161.053, 161.0535, 403.087*(6)*~~(5)~~, and 403.861(8) shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the department for the administration of its responsibilities under this chapter and chapter 161. In no case shall funds from the Florida Permit Fee Trust Fund be used for salary increases without the approval of the Legislature.

Section 22. Paragraphs (a)7. and (a)10. of subsection (11) of section 403.0872, Florida Statutes, 1996 Supplement, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section, which is the only department operation permit for a major source of air pollution required for such source. Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail:

(11) Commencing in 1993, each major source of air pollution permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

7. If the department has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If ~~the department has not received~~ the fee *is not postmarked* by March 1 of the calendar year, *commencing with calendar year 1997,* the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to $50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

10. Notwithstanding the provisions of s. 403.087*(6)*~~(5)~~(a)4.a., authorizing air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873. The department shall, however, require fees pursuant to the provisions of s. 403.087*(6)*~~(5)~~(a)4.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Section 23. *Sections 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, and 468.552, Florida Statutes, and sections 468.549, 468.550, and 468.551, Florida Statutes, as amended by chapter 94-119, Laws of Florida, are hereby repealed.*

Section 24. Subsections (7) through (13) of section 367.021, Florida Statutes, are renumbered as subsections (8) through (14), respectively, and a new subsection (7) is added to said section to read:

367.021 Definitions.—As used in this chapter, the following words or terms shall have the meanings indicated:

(7) "Environmental compliance costs" means all reasonable expenses and a fair return on the prudent investments incurred in complying with federal, state, or local environmental laws, rules, regulations, orders, ordinances, or resolutions, or other such requirements. The commission shall be bound by the determinations, permitting, and enforcement decisions of the United States Environmental Protection Agency, the department of environmental protection, or a water management district, or other entity with jurisdiction, as to the need for, capacity of, and type of facilities, including land and processes, required for compliance, and the need for, capacity of, and type of facilities, including land and processes, required as part of any reuse system or project.

Section 25. Subsection (11) is added to section 367.022, Florida Statutes, 1996 Supplement, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(11) Any person providing only non-potable water for irrigation purposes in a geographic area where potable water service is available from a governmentally or privately owned utility or a private well.

Section 26. Subsection (2) of section 367.081, Florida Statutes, is amended to read:

367.081 Rates; procedure for fixing and changing.—

(2)(a) The commission shall, either upon request or upon its own motion, fix rates which are just, reasonable, compensatory, and not unfairly discriminatory. In every such proceeding, the commission shall consider the value and quality of the service and the cost of providing the service, which shall include, but not be limited to, debt interest; the requirements of the utility for working capital; maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and a fair return on the investment of the utility in property used and useful in the public service. However, the commission shall not allow the inclusion of contributions-in-aid-of-construction in the rate base of any utility during a rate proceeding; and accumulated depreciation on such contributions-in-aid-of-construction shall not be used to reduce the rate base, nor shall depreciation on such contributed assets be considered a cost of providing utility service. The commission shall also consider the investment of the utility in land acquired or facilities constructed or to be constructed in the public interest within a reasonable time in the future, not to exceed, unless extended by the commission, 24 months from the end of the historical test period used to set final rates. *Notwithstanding the foregoing, the commission shall approve rates for service that allow a utility to recover the full amount of environmental compliance costs from customers. Rates for service shall not include allowance for funds prudently invested or similar charges.*

(b) In establishing initial rates for a utility, the commission may project the financial and operational data as set out in paragraph (a) to a point in time when the utility is expected to be operating at a reasonable level of capacity.

Section 27. Subsections (6) and (8) of section 367.171, Florida Statutes, 1996 Supplement are amended to read:

(6) Any county in which utilities as herein defined were regulated by the commission on or after January 1, 1980, which subsequently cease to be so regulated, shall, within 90 days of the cessation of commission regulation *or the effective date of this act*, adopt and follow as minimum standards of regulation the provisions of *s. 367.021*, s. 367.081~~,~~ except for paragraph (4)(a), and *ss. 367.0817 and* ~~s.~~ 367.082, except that the word "commission" shall be read as "the governing body of such county" when the context implies or admits. The authorized rate of return shall be no less than the weighted cost of the capital of the utility, including debt and equity.

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the commission pursuant to *ss. 367.021,* ~~s.~~ 367.081(1), (2), (3), and (6), *and 367.0817*. The county shall not regulate the rates or charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission.

Section 28. Subsection (11) is added to section 367.022, Florida Statutes, 1996 Supplement, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(11) The sale for resale of bulk supplies of water to a governmental authority or to a utility regulated pursuant to this chapter either by the commission or the county.

Section 29. Subsection (5) of section 193.625, Florida Statutes, 1996 Supplement, is amended to read:

193.625 High-water recharge lands; classification and assessment.—

(5)(a) In years in which proper application for high-water recharge assessment has been made and granted under this section, for purposes of taxes levied by the county, the assessment of the land must be based on the formula adopted by the county as provided in paragraph (b).

(b) Counties that choose to have a high-water recharge protection tax assessment program must adopt by ordinance a formula for determining the assessment of properties classified as high-water recharge property and a method of contracting with property owners who wish to be involved in the program.

(c) The contract must include a provision that the land assessed as high-water recharge land will be used primarily for bona fide high-water recharge purposes for a period of at least *5* ~~10~~ years, as determined by the county, from January 1 of the year in which the assessment is made. Violation of the contract results in the property owner being subject to the payment of the difference between the total amount of taxes actually paid on the property and the amount of taxes which would have been paid in each previous year the contract was in effect if the high-water recharge assessment had not been used.

(d) A municipality located in any county that adopts an ordinance under paragraph (a) may adopt an ordinance providing for the assessment of land located in the incorporated areas in accordance with the county's ordinance.

(e) Property owners whose land lies within an area determined to be a high-water recharge area must not be required to have their land assessed according to the high-water recharge classification.

(f) In years in which proper application for high-water recharge assessment has not been made, the land must be assessed under s. 193.011.

Section 30. This section shall take effect upon becoming law.

Section 31. Subsections (3), (4), (6), and (9) of section 403.1835, Florida Statutes, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(3) The department is authorized to make loans *and grants* to local governmental agencies to assist them in planning, designing, and constructing sewage treatment facilities *and stormwater management systems*.

(a) The department is authorized to *make loans,* ~~use the funds~~ to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed. The department shall administer loans to local governmental agencies so that at least 15 percent of each annual allocation for loans is reserved for small communities.

(b) The department may make grants to financially disadvantaged small communities, as defined in s. 403.1838, using funds made available from grant allocations on loans authorized under subsection (4). The grants must be administered in accordance with s. 403.1838.

(c) The department may make grants to local government agencies as authorized under the Federal Water Pollution Control Act, or as a result of other federal action. The grants must be administered in accordance with this section and applicable federal requirements.

(4) The term of loans made pursuant to this section shall not exceed 30 years. *The department may assess grant allocations on the loans for the purpose of making grants to financially disadvantaged small communities.* The *combined rate of* interest *and grant allocations* ~~rate~~ on loans shall be no greater than *the interest rate* ~~that~~ paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution. *The grant allocations on a loan shall be equal to or less than the interest rate on the loan.*

(6) Prior to approval of a *construction* loan, the local government shall:

(a) Provide a repayment schedule.

(b) Submit plans and specifications *and evidence of permittability* for sewage treatment facilities *and stormwater management systems*.

(c) Provide assurance that records will be kept using accepted government accounting standards and that the department, the Auditor General, or their agents will have access to all records pertaining to the loan.

(d) Provide assurance that the facility will be properly operated and maintained.

(e) Document that the revenues generated will be sufficient to ensure that the facilities will be self-supporting.

(f) Provide assurance that annual financial audit reports, and a separate project audit prepared by an independent certified public accountant upon project completion, will be submitted to the department.

(g) Submit project planning documentation demonstrating cost-effectiveness, environmental soundness, public participation, and the implementability of the proposed sewage treatment facilities and stormwater management systems.

(9) *Funds for the loans and grants authorized under this section must be managed as follows:*

(a) A nonlapsing trust fund with revolving loan provisions to be known as the "Sewage Treatment Revolving Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall~~, to the extent possible,~~ be paid from federal funds and~~, when federal funds become no longer available,~~ from reasonable service fees that may be imposed upon loans *so as to enhance program perpetuity*. Grants awarded by the Federal Government, *state matching funds, and investment earnings thereon* ~~to fund revolving loans for local governmental agencies' sewage treatment facilities~~ shall be deposited into the fund. All moneys available in the fund are hereby designated to carry out the

purpose of this section. The principal and interest of all loans repaid and investment earnings shall be deposited into this fund.

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations, state matching funds for grants authorized by federal statute or other federal action, and service fees, and all earnings thereon, shall be deposited into the department's Grants and Donations Trust Fund. Service fees and all earnings thereon must be used solely for program administration. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department's Grants and Donations Trust Fund under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

Section 32. *Beginning in fiscal year 1998-1999, the Department of Environmental Protection shall make available up to 10 percent of the annual revenue received in the Sewage Treatment Revolving Loan Fund for loans to local governmental agencies for constructing stormwater management systems authorized pursuant to s. 403.1835, Florida Statutes. During this period of time, if the department does not receive requests for projects to use the funds available for stormwater management systems, such funds shall be used for constructing sewage treatment facilities and other activities authorized by s. 403.1835, Florida Statutes.*

Section 33. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to certain public water systems; authorizing use of certain federal Safe Drinking Water Act funds for specified purposes; providing loan criteria, requirements, and limitations; providing for department rules; requiring an annual report; providing for audits; providing for loan service fees; providing for disposition of funds; providing for default; providing penalties for delinquent payments or noncompliance with loan terms and conditions; amending s. 403.860, F.S.; authorizing administrative penalties for failure of a public water system to comply with the Florida Safe Drinking Water Act; providing for rules and procedures; creating s. 403.8615, F.S.; requiring certain new water systems to demonstrate specified technical, managerial, and financial capabilities; creating s. 403.865, F.S.; providing legislative findings and intent relating to operation of water and wastewater treatment facilities by qualified personnel; creating s. 403.866, F.S.; providing definitions; creating s. 403.867, F.S.; requiring such operators to be licensed by the department; creating s. 403.868, F.S.; authorizing a utility to have more stringent requirements; creating s. 403.869, F.S.; authorizing department rules; creating s. 403.87, F.S.; authorizing appointment of a technical advisory council for water and domestic wastewater operator certification; creating s. 403.871, F.S.; providing for application and examination, reexamination, licensure, renewal, and recordmaking and recordkeeping fees; providing for disposition thereof; creating s. 403.872, F.S.; specifying requirements for licensure; creating s. 403.873, F.S.; providing for biennial license renewal; creating s. 403.874, F.S.; providing for inactive status and reactivation of inactive licenses; creating s. 403.875, F.S.; specifying prohibited acts; providing a penalty; creating s. 403.876, F.S.; requiring the department to establish grounds for disciplinary actions; providing for an administrative fine; providing for transfer of powers and duties relating to regulation of operators of water treatment plants and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection; providing for continuation of certain rules; providing a grandfather provision for operators certified prior to the transfer; amending s. 403.087, F.S.; increasing the maximum term for issuance of permits for stationary water pollution sources; specifying conditions for renewing operation permits for domestic wastewater treatment facilities for an extended term at the same fee; requiring the department to keep certain records; amending s. 403.0871, F.S.; correcting cross references; amending s. 403.0872; clarifying air pollution fee deadline; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater treatment plant operator certification by the Department of Business and Professional Regulation; providing an appropriation; amending s. 367.021, F.S.; defining "environmental compliance costs; amending s. 367.022, F.S.; providing regulatory exemptions for nonpotable irrigation water, under certain circumstances; amending s. 367.081, F.S.; providing for recovery of environmental compliance costs; amending s. 367.171, F.S.; providing application of the act; amending s. 367.022; deregulating bulk supplies of water for sale or resale; amending s. 193.625, F.S.; allowing high-water recharge assessments when lands will be used primarily for bona fide high-water recharge purposes for a period of at least 5 years; amending s. 403.1835, F.S.; expanding the sewage treatment facilities revolving loan program to provide loans to local governmental agencies for construction of stormwater management systems; defining "stormwater management system"; providing additional responsibilities of local governments under the program; providing priority for certain stormwater management system projects; providing for funding; providing an effective date.

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 10, line 23, delete "*(b)*" and insert: *(c)*

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 27, line 12 through page 30, line 15, delete those lines and insert:

Section 24. Subsections (11) and (12) are added to section 367.022, Florida Statutes, 1996 Supplement, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(11) Any person providing only nonpotable water for irrigation purposes in a geographic area where potable water service is available from a governmentally or privately owned utility or a private well.

(12) The sale for resale of bulk supplies of water to a governmental authority or to a utility regulated pursuant to this chapter either by the commission or the county.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 37, line 25 through page 38, line 2, delete those lines and insert: appropriation; amending s. 367.022, F.S.; providing regulatory exemptions for nonpotable irrigation water, under certain circumstances; deregulating bulk

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 31, lines 20 and 21, delete those lines and renumber subsequent sections.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1323** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **HB 1271** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motions by Senator Latvala, by two-thirds vote—

HB 1271—A bill to be entitled An act relating to trust funds; creating s. 403.8533, F.S.; creating the Drinking Water Revolving Loan Trust Fund within the Department of Environmental Protection; specifying the purposes of the trust fund; providing source of moneys; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 1038** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1271** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, the Senate resumed consideration of—

SB 1830—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—which was previously considered this day. Pending **Amendment 1A** by Senator Horne was adopted.

MOTION TO RECONSIDER AMENDMENT

Senator Campbell moved that the Senate reconsider the vote by which **Amendment 1A** was adopted. The motion failed.

Senator Campbell moved the following amendments to **Amendment 1** which failed:

Amendment 1B (with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and insert: On page 1, line 9 through page 2, line 13, delete those lines and insert:

Section 1. Paragraph (e) of subsection (1) of section 90.804, Florida Statutes, is amended to read:

90.804 Hearsay exceptions; declarant unavailable.—

(1) DEFINITION OF UNAVAILABILITY.—"Unavailability as a witness" means that the declarant:

(e) Is absent from the hearing, and the proponent of a statement has been unable to procure the declarant's attendance *(or in the case of a hearsay exception under subsection (2)(b), (c), or (d), the declarant's attendance* or testimony*)* by process or other reasonable means.

However, a declarant is not unavailable as a witness if such exemption, refusal, claim of lack of memory, inability to be present, or absence is due to the procurement or wrongdoing of the party who is the proponent of his or her statement in preventing the witness from attending or testifying.

Section 2. This act shall take effect July 1, 1997, and shall apply to pending cases in which the final pretrial conference occurs on or after that date.

And the title is amended as follows:

On page 2, line 10, insert: On page 1, lines 3 and 4, delete those lines and insert: 90.804, F.S.; amending the definition of unavailability;

Amendment 1C (with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and insert: On page 1, line 9 through page 2, line 13, delete those lines and insert:

Section 1. Paragraph (e) is added to subsection (2) of section 90.804, Florida Statutes, to read:

90.804 Hearsay exceptions; declarant unavailable.—

(2) HEARSAY EXCEPTIONS.—The following are not excluded under s. 90.802, provided that the declarant is unavailable as a witness:

(e) Other Exceptions.—A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (a) the statement is offered as evidence of a material fact; (b) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (c) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant.

And the title is amended as follows:

On page 2, line 10, insert: On page 1, line 3, delete "90.803" and insert: 90.804

Amendment 1D—On page 1, lines 30 and 31, delete those lines and insert: *testimony is now offered had an opportunity and similar*

Amendment 1E—On page 2, line 5, after "to" insert: *testimony given after the effective date of this act and shall apply to*

Senator Horne moved the following amendment to **Amendment 1**:

Amendment 1F—On page 2, line 2, after "*examination*" insert: *provided, however, that the testimony is not inadmissible pursuant to the court's discretion under s. 90.402 or s. 90.403*

Senator Dudley moved the following substitute amendment for **Amendment 1F** which was adopted:

Amendment 1G—On page 2, line 2, after "*examination*" insert: *provided, however, the court finds that the testimony is not inadmissible pursuant to s. 90.402 or s. 90.403*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 1830** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 544 and CS for SB 1904—A bill to be entitled An act relating to educational firearm safety; amending s. 790.174, F.S.; revising requirements for the safe storage of firearms; amending s. 232.09, F.S.; creating s. 230.235, F.S.; requiring each school district to adopt a policy of zero tolerance for crime and substance abuse; requiring each school district to enter into an agreement with the sheriff which specifies guidelines for reporting delinquent acts and crimes; requiring that the school principal ensure that delinquent acts and crimes are properly reported and other appropriate action taken; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education

program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; creating s. 232.433, F.S., requiring that the State Board of Education adopt statewide uniform safety standards for student cheerleaders; repealing s. 322.0601, F.S., relating to driver's licenses for minors; providing effective dates.

—as amended April 29 was read the third time by title.

Amendments were considered to conform **CS for SB 544 and CS for SB 1904** to **CS for HB's 1309, 1143, 847, 697, 1391 and 203**.

Pending further consideration of **CS for SB 544 and CS for SB 1904** as amended, on motion by Senator Turner, by two-thirds vote **CS for HB's 1309, 1143, 847, 697, 1391 and 203** was withdrawn from the Committees on Criminal Justice; Education; and Ways and Means.

On motions by Senator Turner, by two-thirds vote—

CS for HB's 1309, 1143, 847, 697, 1391 and 203—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; providing effective dates.

—a companion measure, was substituted for **CS for SB 544 and CS for SB 1904** as amended and by two-thirds vote read the second time by title.

Senator Turner moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 230.235, Florida Statutes, is created to read:

230.235 Policy of zero tolerance for crime and substance abuse.—

(1) Each school district shall adopt a policy of zero tolerance for crime and substance abuse pursuant to this section. Such policy must require delinquent acts and crimes to be reported to a law enforcement officer if any such delinquent acts or crimes occur when students are under the jurisdiction of the school district.

(2) Each school district shall enter into an agreement with the sheriff of the county which specifies guidelines for ensuring that any felony or violent misdemeanor committed by a student or an adult and any delinquent act that would be a felony or violent misdemeanor if committed by an adult is reported to a law enforcement officer. Such agreement must include the role of the school resource officer, if applicable, in handling reported incidents, special circumstances under which school officials may handle an incident without filing a report with a law enforcement officer, and procedures for ensuring that school personnel properly report delinquent acts and crimes. The school principal shall ensure that all school personnel are properly informed as to their responsibilities regarding the reporting of delinquent acts and crimes, that appropriate delinquent acts and crimes are properly reported, and that the action taken in cases with special circumstances is proper and fully documented.

Section 2. Section 232.09, Florida Statutes, is amended to read:

232.09 Parents *and legal guardians* responsible for attendance of children*; attendance policy.—*

(1) The Legislature finds:

(a) It is essential that our children receive an education.

(b) Failure to attend school in a regular and timely fashion hinders the education process.

(c) Truancy and poor school performance have a direct relationship to juvenile delinquency and destructive behavior.

(d) A disproportionate percentage of juvenile crime occurs when juveniles should be in school.

(e) Parents and guardians must be responsible, within reason, for sending their children to school.

(f) If a juvenile refuses to attend school or a parent or guardian refuses to compel the child to attend school, there must exist an efficient and expedient process to enforce attendance laws.

(2) Each parent *and legal guardian* of a child within the compulsory attendance age *is* ~~shall be~~ responsible for *the* ~~such~~ child's school attendance as required by law. The absence of a child from school *is* ~~shall be~~ prima facie evidence of a violation of this section; however, ~~no~~ criminal prosecution *may not* ~~shall~~ be brought against a parent, guardian, or other person having control of the child until the provisions of s. 232.17(2)~~(c)~~ have been complied with. *A* ~~No~~ parent *or guardian* of a child *is not* ~~shall be held~~ responsible for *the* ~~such~~ child's nonattendance at school under any of the following conditions:

(a)~~(1)~~ With permission.—The absence was with permission of the head of the school; or

(b)~~(2)~~ Without knowledge.—The absence was without the parent's knowledge, consent, or connivance, in which case the child shall be dealt with as a dependent child; or

(c)~~(3)~~ Financial inability.—The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board; or

(d)~~(4)~~ Sickness, injury, or other insurmountable condition.—Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by regulations of the state board. *If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.*

Each district school board shall establish an attendance policy which includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 3. Section 232.0205, Florida Statutes, is created to read:

232.0205 Disclosure at school registration.—According to procedures established by the district school board, each student at the time of initial registration for school in a school district shall fully disclose all previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had. Willful failure to make the full disclosure required by this section is a noncriminal violation subject to a fine of up to $50, based on the student's ability to pay.

Section 4. Paragraph (c) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(c) A child who attains the age of 16 years during the school year *is* ~~shall~~ not *subject to compulsory school attendance* ~~be required to attend school~~ beyond the date upon which he or she attains that age *if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child and the child's parent or legal guardian. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.*

Section 5. Subsections (12) and (73) of section 39.01, Florida Statutes, 1996 Supplement, are amended to read:

39.01 Definitions.—When used in this chapter:

(12) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to *ss. 232.17 and* ~~s.~~ 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as *good-faith* ~~good faith~~ participation in family or individual counseling.

(73) "To be habitually truant" means that:

(a) The child has 15 unexcused absences within 90 *calendar* days with or without the knowledge or justifiable consent of the child's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01,* and is not exempt *under* ~~from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.~~;~~

(b) ~~In addition to the actions described in s. 232.17, the school administration has completed the following~~ Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior *under ss. 232.17 and 232.19 have been completed.*~~:~~

~~1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;~~

~~2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;~~

~~3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and~~

~~4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.~~

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in *ss. 232.17 and 232.19* ~~this paragraph~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant *and shall be passed*. If a child within the compulsory school attendance age has 15 unexcused absences *within 90 calendar days* or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

(c) A *school representative, designated according to school board policy* ~~school social worker or other person designated by the school administration, if the school does not have a school social worker~~, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the

case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~; and~~

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 6. Subsections (28) and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the student's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01, and is not exempt under* ~~and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in~~ s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 39.

(29) DROPOUT.—A dropout is a student *not subject to* ~~over the age of~~ compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage or entrance into the military, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. *322.091* ~~322.0601~~, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Students not exempt from attendance pursuant to s. 232.06 and *who are subject to* ~~under the age of~~ compulsory school attendance *under s. 232.01 and* who stop attending school *are* ~~shall be known as~~ habitual truants as defined in subsection (28) and are not ~~to be~~ considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 7. Subsection (2) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(2) A student may not be awarded a credit if he or she has not been in for instruction for a minimum of 135 hours unless he or she has demonstrated mastery of the student performance standards in the course of study as provided by rules of the district school board. Excused absences as determined by the district school board and as carried out by the secondary school principal shall not be counted against the 135-hour minimum requirement. Criteria for determining excused absences shall be as provided in *s. 232.022,* s. 232.0225, absence for religious instruction, or a religious holiday, and s. 232.09*(2)(d)*~~(4)~~, absence due to sickness, injury, or other insurmountable condition, and absence due to participation in an academic class or program. Missed work shall be made up, as provided in the pupil progression plan established by the district school board by rule, for all excused absences. The difference between the 135-hour minimum requirement and the 150-hour definition of full credit established in this section may at the discretion of the secondary school principal be used for noninstructional extracurricular activities unless otherwise provided by district school board rule. In credit programs operated in the period beyond 180 school days, each full-credit course must be established for a minimum of 120 hours.

Section 8. Subsection (2) of section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(2) Each recipient with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to assure that the recipient is involved in the child's educational progress and is aware of any existing attendance or academic problems. *The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held.*

Section 9. Section 232.17, Florida Statutes, 1996 Supplement, is amended to read:

232.17 *Enforcement of school attendance* ~~Attendance assistants; qualifications; compensation; duties.~~—*Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.* ~~Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:~~

~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE ASSISTANTS.—The school board, upon the recommendation of the superintendent, may employ and fix the compensation, including reimbursement for travel, of a sufficient number of qualified attendance assistants to guarantee regular attendance at school of all children of the district within compulsory school-age requirements who are not herein exempted from attendance.~~

~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:~~

~~(a) Maintain records.—Pupil accounting records, unless maintained by others assigned by the superintendent, shall be kept by attendance assistants. These records shall be on forms approved pursuant to regulations of the state board.~~

(1)~~(b)~~ INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—*A designated school representative* ~~In accordance with procedure established by the state board, attendance assistants~~ shall investigate cases of nonenrollment and unexcused absences from school of all children *subject to compulsory school attendance* ~~within the compulsory school age~~.

(2)~~(c)~~ GIVE WRITTEN NOTICE.—Under the direction of the superintendent*, a designated school representative* ~~the attendance assistant~~ shall give written notice, ~~either~~ in person or by *return-receipt* ~~registered~~ mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school or when the child has a minimum of 3 but fewer than *6* ~~15~~ unexcused absences within 90 *calendar* days, requiring enrollment or attendance within 3 days *after* ~~from~~ the date of notice. If *the* ~~such~~ notice and requirement are ignored, the *designated school representative* ~~attendance assistant~~ shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions

of s. 232.19(3) have been met. The superintendent may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. ~~No further written notice of the child's absence from school is required to be given to the parent, guardian, or other person having control unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.~~

(3)~~(d)~~ RETURN CHILD TO PARENT.—*A designated school representative* ~~The attendance assistant~~ shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is *not enrolled or is* absent from school during school hours *without an excuse*, and, when *the* ~~such~~ child *is* ~~has been~~ found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

~~(e) Visit home.—The attendance assistant shall visit promptly the home of each child of school age in his or her attendance district not in attendance upon the school, and of any child who should attend the Florida State School for the Deaf and the Blind, and who is reported as not enrolled in that school or as absent without excuse.~~

(4) WRITTEN NOTICE.—If no valid reason is found for such nonenrollment or absence, ~~from such school or schools~~ the *designated school representative* ~~attendance assistant~~ shall give written notice to the parent, requiring the child's enrollment or attendance ~~as prescribed above~~. The *designated school representative* ~~attendance assistant~~ shall secure the written approval of the president of the Florida State School for the Deaf and the Blind before he or she directs or requests the parents of any child to take or send such child to that school. Ten days' notice must be given in the case of a child who is ordered sent to that school. On refusal or failure of the parent to meet such requirement, the *designated school representative* ~~attendance assistant~~ shall report the same to the superintendent, and that official shall proceed to take such action as is prescribed in s. 232.19(2).

(5)~~(f)~~ REPORT TO THE DIVISION OF JOBS AND BENEFITS.—*A designated school representative* ~~The attendance assistant~~ shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(6)~~(g)~~ RIGHT TO INSPECT.—*A designated school representative* ~~The attendance assistant~~ shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The *designated school representative* ~~attendance assistant~~ shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

(7)~~(h)~~ *RECORDS* ~~Record of visits.~~—*Each designated school representative who performs duties according to this section* ~~The attendance assistant~~ shall keep an accurate record of all children returned to schools or homes, of all cases prosecuted, and of all other service performed. A written report of all such activities shall be made quarterly to the school board and shall be filed in the office of the superintendent. *If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.*

Section 10. Section 232.19, Florida Statutes, 1996 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, children under the provisions of this chapter. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a child who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the superintendent shall institute a criminal prosecution against the child's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor, pursuant to the provisions of section 322.091.

(3) HABITUAL TRUANCY CASES.—*In accordance with procedures established by the district school board, the designated school representative* ~~The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant~~ shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the child's parent or legal guardian, *must be subject to compulsory school attendance, and must not be exempt under* ~~and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to *6* ~~15~~ unexcused absences within 90 *calendar* days, one or more meetings must have been held, either in person or by phone, between a *designated school representative* ~~school attendance assistant or school social worker~~, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the *designated school representative* ~~school attendance assistant or school social worker~~ has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.

3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evalu-

ation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(4) COOPERATIVE AGREEMENTS.—

~~(c)~~ The district manager of the Department of Juvenile Justice or the district manager's designee, *the district administrator of the Department of Children and Family Services or the district administrator's designee,* and the superintendent of the local school district or the superintendent's designee must *develop* ~~have developed~~ a cooperative interagency agreement *that:* ~~which~~

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior. ~~The interagency agreement shall specify that the participants~~

(c) Addresses ~~address~~ issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans. ~~The interagency agreement shall~~

(d) Delineates ~~delineate~~ timeframes for implementation and *identifies* ~~identify~~ a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed. ~~The cooperative agreement may designate~~

(e) Designates which agency *is* ~~shall be~~ responsible for *each of* the intervention steps in ~~s. 39.01(73), or~~ this section, *to* ~~if such designation shall~~ yield more effective and efficient intervention services.

(5)~~(4)~~ ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of pupils at a public, parochial, denominational, or private school, or of pupils taught by a private tutor, kept in compliance with rules ~~and regulations~~ of the state board is prima facie evidence of the facts which it is required to show. A certified copy of any rule ~~or regulation~~ and a statement of the date of its adoption ~~and promulgation~~ by the state board is admissible as prima facie evidence of the provisions of *the* ~~such~~ rule ~~or regulation~~ and of the date of its adoption ~~or promulgation~~.

(6)~~(5)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under ~~the provisions of~~ this chapter may be *commenced* ~~begun~~ by the superintendent, by *a designated school representative* ~~an attendance assistant~~, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education *or the Department of Juvenile Justice. If a proceeding has been commenced against both a parent or legal guardian and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate sanctions against the child and parent or legal guardian, including ordering the child and parent or legal guardian to perform community service hours or attend counseling together.*

(7)~~(6)~~ PENALTIES.—The penalties for refusing or failing to comply with ~~the provisions of~~ this chapter shall be as follows:

(a) The parent *or legal guardian.—*

1. A parent *or legal guardian* who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, *a showing* ~~the court of the appropriate jurisdiction, upon finding~~ that the parent *or legal guardian* has made a bona fide and diligent effort to control and keep the child in school~~,~~ shall *be an affirmative defense to* ~~excuse the parent from~~ any criminal *or other* liability *under this subsection* ~~prescribed herein~~ and *the court* shall refer the parent *or legal guardian* and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent or legal guardian who has violated this section to send the child to school, and may also order the parent or legal guardian to participate in an approved parent training class, attend school with the child, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent or legal guardian is ordered to attend school with a child, the school shall provide for programming to educate the parent or legal guardian and child on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) The principal or teacher.—A principal or teacher in *any* ~~charge of a school,~~ public, parochial, denominational, or private *school,* or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—

1. An employer who fails to notify the superintendent when he or she ceases to employ a child *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. An employer who terminates any employee solely because he or she is attending school with a child pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The child.—

1. In addition to any other authorized sanctions, the court may order a child found to be a habitual truant to pay a civil penalty of $2 for each day of school missed, perform up to 25 community service hours at the school, or participate in counseling or other services, as appropriate.

2. Upon a second or subsequent finding that a child is a habitual truant, the court, in addition to any other authorized sanctions, may order the child to pay a civil penalty of $5 for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

Section 11. Section 232.195, Florida Statutes, is amended to read:

232.195 Continuation of truancy remedial activities upon transfer of student; retention of legal jurisdiction.—

(1) If, during the activities designed to remedy truant behavior as described in s. 232.19, the parent or legal guardian of the student who is the subject of such activities transfers the student to another school district in this state in an attempt to circumvent the remedial procedures which have already begun, the administration of the school from which the student transferred shall provide to the administration of the new school, at no charge, copies of all available records and documents relevant to such remedial activities, and the administration of the new school shall begin remedial activities in the program that most closely meets the transfer student's needs.

(2) In the event that a legal proceeding has commenced, as provided in s. 232.19~~(3)~~, against a student who has been determined to be a habitual truant, the movement of the student who is the subject of such proceeding to another circuit court district in this state will not affect the jurisdiction of the court to proceed with the case under the law.

Section 12. Section 232.197, Florida Statutes, is created to read:

232.197 Notification to schools of court action.—If a court takes action that directly involves a child's school, including, but not limited to, an order that a student attend school, attend school with his or her parent or legal guardian, perform at grade level, or perform community service hours at the school, the office of the clerk of the court shall provide notice to the school of the court's action.

Section 13. Section 232.2452, Florida Statutes, is amended to read:

232.2452 Report cards*; end-of-the-year status.—*

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) Each school district is encouraged to establish no fewer than two districtwide report card pickup days per year to facilitate teacher-parent conferences and enhance parental responsibility for student performance and behavior. During a report card pickup day, each parent or guardian may visit his or her child's school and teacher and receive the child's report card during hours established by the district school board. School districts are encouraged to establish flexible scheduling of personnel during the hours designated by the district school board for report card pickup to allow before-school, after-school, evening, or weekend opportunities for parents to visit the school and teacher.

(3) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance.

Section 14. Subsection (4) is added to section 232.25, Florida Statutes, 1996 Supplement, to read:

232.25 Pupils subject to control of school.—

(4) Each pupil enrolled in a school may be required to take the following school child's daily conduct pledge:

(a) I will respect and obey my parents and my teachers.

(b) I will not hurt another person with my words or my acts, because it is wrong to hurt others.

(c) I will tell the truth, because it is wrong to tell a lie.

(d) I will not steal, because it is wrong to take someone else's property.

(e) I will respect my body, and not take drugs.

(f) I will show strength and courage, and not do something wrong just because others are doing it.

(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

Section 15. Subsections (1) and (2) of section 322.05, Florida Statutes, 1996 Supplement, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(1) To a person who is under the age of 16 years, except that the department may issue a learner's driver's license to a person who is at least 15 years of age and who meets the requirements of *ss. 322.091 and 322.1615* ~~s. 322.161~~ and of any other applicable law or rule.

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person *meets the requirements of s. 322.091 and* holds a valid:

(a) Learner's driver's license for at least 6 months before applying for a license; or

(b) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 16. Subsection (3) is added to section 322.09, Florida Statutes, 1996 Supplement, as amended by section 4 of chapter 93-144, Laws of Florida, to read:

322.09 Application of minors.—

(3) The department may not issue a driver's license or learner's driver's license to any applicant under the age of 18 years who is not in compliance with the requirements of s. 322.091.

Section 17. Section 322.091, Florida Statutes, is created to read:

322.091 Attendance requirements.—

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:

(a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

(b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

(c) Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

(e) Has been issued a certificate of exemption according to s. 232.06; or

(f) Has received a hardship waiver under this section.

The department may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.—

(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 232.19, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.

(b) The minor, or the parent or guardian of the minor, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).

(c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver's license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver's license or learner's driver's license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.

(d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver's license or learner's driver's license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver's license or learner's driver's license and who was denied a hardship waiver.

(e) The department may not issue a driver's license or learner's driver's license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (4).

(3) HARDSHIP WAIVER AND APPEAL.—

(a) A minor, or the parent or guardian of a minor, has 15 calendar days after the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school

for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall take into consideration the recommendations of teachers, other school officials, guidance counselors, or academic advisers before waiving the requirements of subsection (1).

(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.

(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.

(4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the requirements of subsection (1), whichever occurs first.

(5) REPORTING AND ACCOUNTABILITY.—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 18. Section 39.015, Florida Statutes, is amended to read:

39.015 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules *as necessary* for the implementation of ss. 39.01(73), 39.403(2), and 232.19~~(3) and (6)(a)~~.

Section 19. Effective October 1, 1997, section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife with a blade length greater than 4 inches, except as authorized in support of school-sanctioned activities,* in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife with a blade length greater than 4 inches, except as authorized in support of school-sanctioned activities,* on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a vocational school having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5)*; except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.*

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife with a blade length greater than 4 inches, except as authorized in support of school-sanctioned activities,* in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)*1.* A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location that a reasonable person would have believed to be secure; if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

Section 20. Section 230.23015, Florida Statutes, 1996 Supplement, is amended to read:

230.23015 Students violating s. 784.081; expulsion *or* ~~and~~ placement in alternative school setting.—Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed a violation of s. 784.081*(1), (2), or (3)* shall be expelled *or* ~~and~~ placed in an alternative school setting *or other youth services or justice program, as appropriate* ~~for a minimum period of 1 year~~. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Section 21. Section 322.0601, Florida Statutes, is repealed.

Section 22. Section 232.433, Florida Statutes, is created to read:

232.433 Safety standards for cheerleaders.—The Florida High School Activities Association or successor organization shall adopt statewide uniform safety standards for student cheerleaders and spirit groups that participate in any school activity or extracurricular student activity. The Florida High School Activities Association or successor organization shall adopt the "Official High School Spirit Rules," published by the National Federation of State High School Associations, as the statewide uniform safety standards.

Section 23. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; creating s. 230.235, F.S.; requiring each school district to adopt a policy of zero tolerance for crime and substance abuse; requiring each school district to enter into an agreement with the sheriff which specifies guidelines for reporting delinquent acts and crimes; requiring that the school principal ensure that delinquent acts and crimes are properly reported and other appropriate action taken; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; creating s. 232.433, F.S., requiring that the Florida High School Activities Association or successor organization adopt statewide uniform safety standards for student cheerleaders; providing effective dates.

WHEREAS, the primary focus of the 1997 Legislature is education, and

WHEREAS, in the first month of the 1997 session, the Legislature has passed two major components of its education agenda, the first of which raises student academic standards across the board and the second of which provides for better-educated and better-prepared teachers, and

WHEREAS, a third major component of the 1997 legislative education agenda is student discipline and school safety, and

WHEREAS, it is the intent of the Legislature to raise the standards of student discipline and school safety as dramatically as it has raised student academic and teacher certification standards, NOW, THEREFORE,

Senators Turner and Lee offered the following amendment to **Amendment 1** which was moved by Senator Lee and adopted:

Amendment 1A (with title amendment)—On page 34, between lines 16 and 17, insert:

Section 23. Subsection (8) is added to section 228.057, Florida Statutes, 1996 Supplement, to read:

228.057 Public school parental choice.—

(8) Notwithstanding any provision of this section, a school district with schools operating on both multiple session schedules and single session schedules shall afford parents of students in multiple session schools preferred access to the controlled open enrollment program of the school district.

Section 24. *The intent of sections 25 and 26 of this act is to create a positive and safe learning environment for the children of Florida and to keep disruptive children from affecting the ability of public school students to learn.*

Section 25. Subsection (5) of section 39.045, Florida Statutes, 1996 Supplement, is amended to read:

39.045 Oaths; records; confidential information.—

(5) Except as provided in subsections (3), (8), (9), and (10), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. *Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a community control or commitment program for a felony offense.* The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

Section 26. *Students on Community Control.—*

(1) A juvenile on community control who is a public school student must attend a public adult education program or a dropout prevention program, pursuant to s. 230.2316, which includes a second chance school or an alternative to expulsion, if the school district where the juvenile is enrolled offers such programs, unless the principal of the school determines that special circumstances warrant continuation in the regular educational school program.

(2) If a juvenile on community control attends a regular educational school program because a public adult education program or dropout prevention program, which includes a second chance school or an alternative to expulsion, is not available in the school district, the identity of the juvenile on community control, the nature of the felony offense committed by the juvenile, and the conditions of community control must be made known to each of the student's teachers.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 38, line 10, after the semicolon (;) insert: amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford preferred access to the program to parents of students in multiple session schools; providing intent; amending s. 39.045, F.S., relating to confidential information about juvenile offenders, to provide for disclosure to teachers; requiring a juvenile in a community control program to attend a public adult education program or dropout prevention program if available unless an exception is made by the principal; requiring disclosure of certain information if a juvenile attends a regular educational school program;

Amendment 1 as amended was adopted.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 7:30 p.m. or until consideration of **CS for SB 1398**.

On motion by Senator Turner, by two-thirds vote **CS for HB's 1309, 1143, 847, 697, 1391 and 203** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

DISPOSITION OF POINT OF ORDER

On motion by Senator Campbell, **Amendment 2** to **SB 1008**, with a pending point of order raised by Senator Burt on April 9, was withdrawn. On motion by Senator Bankhead, by two-thirds vote **SB 1008**, as amended on April 9 was ordered engrossed and returned to the Special Order Calendar.

POINT OF PERSONAL PRIVILEGE

The President requested Senator Ostalkiewicz to explain the bouquet of roses on his desk. Senator Ostalkiewicz responded that the flowers were from his wife Cynthia in celebration of their nineteenth wedding anniversary.

SPECIAL ORDER CALENDAR, continued

SENATOR BURT PRESIDING

On motion by Senator Latvala—

CS for SB's 1428, 1388, 1562 and 1252—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining the terms "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development"; amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.1963, F.S.; providing for assistance to the West Coast Regional Water Supply Authority; providing duties and functions; providing for membership of the authority; amending s. 373.042, F.S.; establishing exclusions from minimum flows and levels requirements; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross-reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and advertisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing that minimum flows shall not be set for certain water bodies; amending s. 376.307, F.S.; providing that certain persons may be entitled to subsidies or filters from the Water Quality Assurance Trust Fund under certain circumstances; amending s. 373.309, F.S.; authorizing the Department of Environmental Protection to establish criteria for the acceptance of certain water quality testing results; providing legislative findings with respect to the salaries of water management district employees and other state employees; creating Water Management District Employee Compensation Study Commission; providing for membership of the commission; requiring a report; authorizing transportation uses to cross recreational trail under certain circumstances; amending s. 259.032, F.S.; providing for periodic management audits of certain lands; requiring the Department of Environmental Protection to establish a land management review team; providing effective dates.

—was read the second time by title.

An amendment was considered to conform **CS for SB's 1428, 1388, 1562 and 1252** to **CS for HB's 715, 1249, 1321 and 1339**.

Pending further consideration of **CS for SB's 1428, 1388, 1562 and 1252** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB's 715, 1249, 1321 and 1339** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Latvala—

CS for HB's 715, 1249, 1321 and 1339—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development;" amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan, to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.042, F.S.; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; requiring the Governor to select a governing board member as chair of the governing board; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.223, F.S.; providing requirements in considering authorization to transport ground or surface water under a permit for consumptive use of water; providing restrictions; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and advertisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending s. 373.59, F.S.; deleting obsolete language; correcting a cross reference; authorizing use of interests in property acquired under the Water Management Lands Trust Fund for permittable water resource development and water supply development purposes; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, and 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 373.039, and 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing for application of act to Hillsborough River and the Palm River/Tampa By-Pass Canal; amending s. 373.1963, F.S.; providing for supplemental report from the West Coast Regional Water Supply Authority; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1428, 1388, 1562 and 1252** as amended and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (2) of section 373.016, Florida Statutes, is amended, subsections (3) and (4) are renumbered as subsections (4) and (5), respectively, and a new subsection (2) is added to that section, to read:

373.016 Declaration of policy.—

(2) The department and the governing board shall take into account cumulative impacts on water resources and manage those resources in a manner to ensure their sustainability.

(3)~~(2)~~ It is further declared to be the policy of the Legislature:

(a) To provide for the management of water and related land resources;

(b) To promote the conservation, *replenishment, recapture, enhancement,* development, and proper utilization of surface and ground water;

(c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide water storage for beneficial purposes;

(d) To promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;

(e)~~(d)~~ To prevent damage from floods, soil erosion, and excessive drainage;

(f)~~(e)~~ To minimize degradation of water resources caused by the discharge of stormwater;

(g)~~(f)~~ To preserve natural resources, fish, and wildlife;

(h)~~(g)~~ To promote the public policy set forth in s. 403.021;

(i)~~(h)~~ To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors; and

(j)~~(i)~~ Otherwise to promote the health, safety, and general welfare of the people of this state.

In implementing this chapter, the department and the governing board shall construe and apply the policies in this subsection as a whole, and no specific policy is to be construed or applied in isolation from the other policies in this subsection.

Section 2. Section 373.019, Florida Statutes, 1996 Supplement, is amended to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following words shall, unless the context clearly indicates otherwise, mean:

(1)~~(13)~~ "Coastal waters" means waters of the Atlantic Ocean or the Gulf of Mexico within the jurisdiction of the state.

(2)~~(1)~~ "Department" means the Department of Environmental Protection or its successor agency or agencies.

(3) "District water management plan" means the regional water resource plan developed by a governing board under s. 373.036.

(4)~~(6)~~ "Domestic use" means the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic.

(5) "Florida water plan" means the state-level water resource plan developed by the department under s. 373.036.

(6)~~(3)~~ "Governing board" means the governing board of a water management district.

(7)~~(9)~~ "Groundwater" means water beneath the surface of the ground, whether or not flowing through known and definite channels.

(8)~~(14)~~ "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(9)~~(18)~~ "Independent scientific peer review" means the review of scientific data, theories, and methodologies by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology,

and other scientific disciplines relevant to the matters being reviewed under s. 373.042.

(10)~~(7)~~ "Nonregulated use" means any use of water which is exempted from regulation by the provisions of this chapter.

(11)~~(12)~~ "Other watercourse" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

(12)~~(5)~~ "Person" means any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, and the state and all political subdivisions, regions, districts, municipalities, and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive.

(13)~~(4)~~ "Reasonable-beneficial use" means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

(14) "Regional water supply plan" means a detailed water supply plan developed by a governing board under s. 373.0361.

(15)~~(11)~~ "Stream" means any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel has been dredged or improved does not prevent the watercourse from being a stream.

(16)~~(10)~~ "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(17)~~(8)~~ "Water" or "waters in the state" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

(18)~~(2)~~ "Water management district" means any flood control, resource management, or water management district operating under the authority of this chapter.

(19) "Water resource development" means the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments and to government-owned and privately owned water utilities.

(20)~~(16)~~ "~~State~~ Water *resource implementation rule* ~~policy~~" means the *rule authorized by s. 373.036, which sets* ~~comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061 setting~~ forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, *based on statutory policies and directives*. The waters of the state are among its most basic resources. Such waters should be managed to conserve and protect water resources and to realize the full beneficial use of these resources.

(21) "Water supply development" means the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use.

(22)~~(17)~~ For the sole purpose of serving as the basis for the unified statewide methodology adopted pursuant to s. 373.421(1), as amended, "wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. Upon legislative ratification of the methodology adopted pursuant to s. 373.421(1), as amended, the limitation contained herein regarding the purpose of this definition shall cease to be effective.

(23)~~(15)~~ "Works of the district" means those projects and works, including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board of the district as works of the district.

Section 3. Section 373.036, Florida Statutes, is amended to read:

373.036 *Florida water plan; district water management plans* ~~State water use plan.—~~

(1) FLORIDA WATER PLAN.—In cooperation with the water management districts, regional water supply authorities, and others, the department shall develop the Florida water plan. The Florida water plan shall include, but not be limited to:

(a) The programs and activities of the department related to water supply, water quality, flood protection and floodplain management, and natural systems.

(b) The water quality standards of the department.

(c) The district water management plans.

(d) Goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives. The state water policy rule, renamed the water resource implementation rule pursuant to s. 373.019(20), shall serve as this part of the plan. Amendments or additions to this part of the Florida water plan shall be adopted by the department as part of the water resource implementation rule. In accordance with s. 373.114, the department shall review rules of the water management districts for consistency with this rule. Amendments to the water resource implementation rule must be adopted by the secretary of the department and be submitted to the President of the Senate and the Speaker of the House of Representatives within 7 days after publication in the Florida Administrative Weekly. Amendments shall not become effective until the conclusion of the next regular session of the Legislature following their adoption.

~~(1) The department shall proceed as rapidly as possible to study existing water resources in the state; means and methods of conserving and augmenting such waters; existing and contemplated needs and uses of water for protection and procreation of fish and wildlife, irrigation, mining, power development, and domestic, municipal, and industrial uses; and all other related subjects, including drainage, reclamation, flood plain or flood hazard area zoning, and selection of reservoir sites. The department shall cooperate with the Executive Office of the Governor, or its successor agency, progressively to formulate, as a functional element of a comprehensive state plan, an integrated, coordinated plan for the use and development of the waters of the state, based on the above studies. This plan, with such amendments, supplements, and additions as may be necessary from time to time, shall be known as the state water use plan.~~

(2) DISTRICT WATER MANAGEMENT PLANS.—

(a) Each governing board shall develop a district water management plan for water resources within its region, which plan addresses water supply, water quality, flood protection and floodplain management, and natural systems. The district water management plan shall be based on at least a 20-year planning period, shall be developed and revised in cooperation with other agencies, regional water supply authorities, units of government, and interested parties, and shall be updated at least once every 5 years. The governing board shall hold a public hearing at least

30 days in advance of completing the development or revision of the district water management plan.

(b) The district water management plan shall include, but not be limited to:

1. The scientific methodologies for establishing minimum flows and levels under s. 373.042, and all established minimum flows and levels.

2. Identification of one or more water supply planning regions that singly or together encompass the entire district.

3. Technical data and information prepared under ss. 373.0391 and 373.0395.

4. A districtwide water supply assessment, to be completed no later than July 1, 1998, which determines for each water supply planning region:

a. Existing legal uses, reasonably anticipated future needs, and existing and reasonably anticipated sources of water and conservation efforts; and

b. Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for all existing legal uses and reasonably anticipated future needs and to sustain the water resources and related natural systems.

5. Any completed regional water supply plans.

(c) If necessary for implementation, the governing board shall adopt by rule or order relevant portions of the district water management plan, to the extent of its statutory authority.

(d)~~(2)~~ In the formulation of the *district water management* ~~state water use~~ plan, the *governing board* ~~department~~ shall give due consideration to:

1.~~(a)~~ The attainment of maximum reasonable-beneficial use of water *resources* ~~for such purposes as those referred to in subsection (1)~~.

2.~~(b)~~ The maximum economic development of the water resources consistent with other uses.

3.~~(c)~~ The *management* ~~control~~ of *water resources* ~~such waters~~ for such purposes as environmental protection, drainage, flood control, and water storage.

4.~~(d)~~ The quantity of water available for application to a reasonable-beneficial use.

5.~~(e)~~ The prevention of wasteful, uneconomical, impractical, or unreasonable uses of water resources.

6.~~(f)~~ Presently exercised domestic use and permit rights.

7.~~(g)~~ The preservation and enhancement of the water quality of the state ~~and the provisions of the state water quality plan~~.

8.~~(h)~~ The state water resources policy as expressed by this chapter.

~~(3) During the process of formulating or revising the state water use plan, the department shall consult with, and carefully evaluate the recommendations of, concerned federal, state, and local agencies, particularly the governing boards of the water management districts, and other interested persons.~~

~~(4) Each governing board is directed to cooperate with the department in conducting surveys and investigations of water resources, to furnish the department with all available data of a technical nature, and to advise and assist the department in the formulation and drafting of those portions of the state plan applicable to the district.~~

~~(5) The department shall not adopt or modify the state water use plan or any portion thereof without first holding a public hearing on the matter. At least 90 days in advance of such hearing, the department shall notify any affected governing boards, and shall give notice of such hearing by publication within the affected region pursuant to the provisions of chapter 120, except such notice by publication shall be extended at least 90 days in advance of such hearings.~~

~~(6) For the purposes of this plan the department may, in consultation with the affected governing board, divide each water management district into sections which shall conform as nearly as practicable to hydrologically controllable areas and describe all water resources within each area.~~

(3)~~(7)~~ The department *and governing board* shall give careful consideration to the requirements of public recreation and to the protection and procreation of fish and wildlife. The department *or governing board* may prohibit or restrict other future uses on certain designated bodies of water which may be inconsistent with these objectives.

(4)~~(8)~~ The *governing board* ~~department~~ may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would constitute an undesirable use for which the governing board may deny a permit.

(5)~~(9)~~ The *governing board* ~~department~~ may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would result in an enhancement or improvement of the water resources of the area. Such uses shall be preferred over other uses in the event of competing applications under the permitting systems authorized by this chapter.

(6)~~(10)~~ The department, in cooperation with the Executive Office of the Governor, or its successor agency, may add to the *Florida water* ~~state water use~~ plan any other information, directions, or objectives it deems necessary or desirable for the guidance of the governing boards or other agencies in the administration and enforcement of this chapter.

Section 4. Section 373.0361, Florida Statutes, is created to read:

373.0361 Regional water supply planning.—

(1) By October 1, 1998, the governing board shall initiate water supply planning for each water supply planning region identified in the district water management plan under s. 373.036, where it determines that sources of water are not adequate for the planning period to supply water for all existing and projected reasonable-beneficial uses and to sustain the water resources and related natural systems. The planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities, government-owned and privately owned water utilities, self-suppliers, and other affected and interested parties. A determination by the governing board that initiation of a regional water supply plan for a specific planning region is not needed pursuant to this section shall be subject to s. 120.569. The governing board shall re-evaluate such a determination at least once every five years and shall initiate a regional water supply plan, if needed, pursuant to this subsection.

(2) Each regional water supply plan shall be based on at least a 20-year planning period and shall include, but not be limited to:

(a) A water supply development component that includes:

1. A quantification of the water supply needs for all existing and reasonably projected future uses within the planning horizon. The level-of-certainty planning goal associated with identifying the water supply needs of existing and future reasonable-beneficial uses shall be based upon meeting those needs for a 1-in-10 year drought event.

2. A list of water source options for water supply development, including traditional and alternative sources, from which local government, government-owned and privately owned utilities, self-suppliers, and others may choose, which will exceed the needs identified in subparagraph 1.

3. For each option listed in subparagraph 2., the estimated amount of water available for use and the estimated costs of and potential sources of funding for water supply development.

4. A list of water supply development projects that meet the criteria in s. 373.0831(4).

(b) A water resource development component that includes:

1. A listing of those water resource development projects that support water supply development.

2. For each water resource development project listed:

a. An estimate of the amount of water to become available through the project.

b. The timetable for implementing or constructing the project and the estimated costs for implementing, operating, and maintaining the project.

c. Sources of funding and funding needs.

d. Who will implement the project and how it will be implemented.

(c) The recovery and prevention strategy described in s. 373.0421(2).

(d) A funding strategy for water resource development projects, which shall be reasonable and sufficient to pay the cost of constructing or implementing all of the listed projects.

(e) Consideration of how the options addressed in paragraphs (a) and (b) serve the public interest or save costs overall by preventing the loss of natural resources or avoiding greater future expenditures for water resource development or water supply development. However, unless adopted by rule, these considerations do not constitute final agency action.

(f) The technical data and information applicable to the planning region which are contained in the district water management plan and are necessary to support the regional water supply plan.

(g) The minimum flows and levels established for water resources within the planning region.

(3) Regional water supply plans initiated or completed by July 1, 1997, shall be revised, if necessary, to include a water supply development component and a water resource development component as described in paragraphs (2)(a) and (b).

(4) Governing board approval of a regional water supply plan shall not be subject to the rulemaking requirements of Chapter 120. However, any portion of an approved regional water supply plan which affects the substantial interests of a party shall be subject to s. 120.569.

(5) By November 15, 1997, and annually thereafter, the department shall submit to the Governor and the Legislature a report on the status of regional water supply planning in each district. The report shall include:

(a) A compilation of the estimated costs of and potential sources of funding for water resource development and water supply development projects, as identified in the water management district regional water supply plans.

(b) A description of each district's progress toward achieving its water resource development objectives, as directed by s. 373.0831(3), including the district's implementation of its 5-year water resource development work program.

(6) Nothing contained in the water supply development component of the district water management plan shall be construed to require local governments, government-owned or privately owned water utilities, self-suppliers, or other water suppliers to select a water supply development option identified in the component merely because it is identified in the plan. However, this subsection shall not be construed to limit the authority of the department or governing board under part II.

Section 5. Section 373.042, Florida Statutes, 1996 Supplement, is amended to read:

373.042 Minimum flows and levels.—

(1) Within each section, or the water management district as a whole, the department or the governing board shall establish the following:

(a) Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(b) Minimum water level. The minimum water level shall be the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

The minimum flow and minimum water level shall be calculated by the department and the governing board using the best information available. When appropriate, minimum flows and levels may be calculated to reflect seasonal variations. The department and the governing board shall also consider, and at their discretion may provide for, the protection of nonconsumptive uses in the establishment of minimum flows and levels.

(2) By July 1, 1996, the Southwest Florida Water Management District shall amend and submit to the department for review and approval its priority list for the establishment of minimum flows and levels and delineating the order in which the governing board shall establish the minimum flows and levels for surface watercourses, aquifers, and surface water in the counties of Hillsborough, Pasco, and Pinellas. *By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and levels for surface watercourses, aquifers, and surface waters within the district. The priority list shall also identify those water bodies for which the district will voluntarily undertake independent scientific peer review. By January 1, 1998, and annually thereafter, each water management district shall publish its approved priority list and schedule in the Florida Administrative Weekly.* The priority list shall be based upon the importance of the waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region, and shall include those waters which are *experiencing* or may *reasonably* be *expected to experience* ~~experiencing~~ adverse impacts ~~and those waters which are identified as possible new water supply sources proposing to withdraw 5 million gallons or more per day in the future. The development of~~ The priority list *and schedule* shall not *be subject to any* ~~constitute a point of entry to an administrative~~ proceeding pursuant to chapter 120. *Except as provided in subsection (3), the development of a priority list and compliance with the schedule for the establishment of minimum flows and levels pursuant to this subsection shall satisfy the requirements of subsection (1).*

(3) Minimum flows or levels for priority waters in *the Counties of Hillsborough, Pasco, and Pinellas* ~~subsection (2)~~ shall be established by October 1, 1997. Where a minimum flow or level for the priority waters *within those counties* has not been established by the applicable deadline, the secretary of the department shall, if requested by the governing body of any local government within whose jurisdiction the affected waters are located, establish the minimum *flow or level* ~~flows and levels~~ in accordance with the procedures established by this section. The department's reasonable costs in establishing a minimum flow or level shall, upon request of the secretary, be reimbursed by the ~~applicable~~ district.

(4)(a) Upon written request to the department or governing board by a substantially affected person, or by decision of the department or governing board, prior to the establishment of a minimum flow or level and prior to the filing of any petition for administrative hearing related to the minimum flow or level, all scientific or technical data, methodologies, and models, including all scientific and technical assumptions employed in each model, used to establish a minimum flow or level shall be subject to independent scientific peer review. Independent scientific peer review means review by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology, biology, and other scientific disciplines, to the extent relevant to the establishment of the minimum flow or level.

(b) If independent scientific peer review is requested, it shall be initiated at an appropriate point agreed upon by the department or governing board and the person or persons requesting the peer review. If no agreement is reached, the department or governing board shall determine the appropriate point at which to initiate peer review. The members of the peer review panel shall be selected within 60 days of the point of initiation by agreement of the department or governing board and the person or persons requesting the peer review. If the panel is not selected within the 60-day period, the time limitation may be waived upon the agreement of all parties. If no waiver occurs, the department or governing board may proceed to select the peer review panel. The cost of the peer review shall be borne equally by the district and each party requesting the peer review, to the extent economically feasible. The panel shall submit a final report

to the governing board within 120 days after its selection unless the deadline is waived by agreement of all parties. Initiation of peer review pursuant to this paragraph shall toll any applicable deadline under chapter 120 or other law or district rule regarding permitting, rulemaking, or administrative hearings, until 60 days following submittal of the final report. Any such deadlines shall also be tolled for 60 days following withdrawal of the request or following agreement of the parties that peer review will no longer be pursued. The department or the governing board shall give significant weight to the final report of the peer review panel when establishing the minimum flow or level.

(c) If the final data, methodologies, and models, including all scientific and technical assumptions employed in each model upon which a minimum flow or level is based, have undergone peer review pursuant to this subsection, by request or by decision of the department or governing board, no further peer review shall be required with respect to that minimum flow or level.

(d) No minimum flow or level adopted by rule or formally noticed for adoption on or before May 2, 1997, shall be subject to the peer review provided for in this subsection. ~~Prior to the establishment of minimum flows or levels for water resources areas identified in subsection (2), and prior to filing any petition for administrative hearing, scientific or technical data and methodologies, if in dispute, shall, upon written request to the governing board by a substantially affected person, be subject to independent scientific peer review. The members of the peer review panel shall be selected by agreement of the parties in interest within 60 days after receipt of the request. In the event the panel is not selected within this time, then, upon the agreement of all parties, the time may be waived, or, if no waiver occurs, the governing board may proceed to establish the minimum flows and levels. The cost of the peer review shall be borne equally by the parties selecting the panel, to the extent economically feasible. The panel shall conduct at least one public meeting of the full panel in accordance with s. 286.011(1) and (6) prior to the submission of the final report. The panel shall submit a final report to the governing board within 120 days after selection. Upon request by all members of the panel and agreement of the parties, the time for submittal may be extended for up to 30 additional days. In the event the final report is not submitted within such time, the governing board may proceed to establish the minimum flows and levels pursuant to this section. Filing of a request shall toll any applicable deadline under chapter 120, or other law or district rule, until 60 days following submittal of the final report. Any such deadlines shall also be tolled for 60 days following the withdrawal of the request, agreement of the parties that peer review will no longer be pursued, or failure to meet any deadline set forth in this subsection. If the selection of the panel is subject to the requirements of chapter 287, then the panel shall submit its final report to the governing board within 120 days after the completion of the process required pursuant to chapter 287. The governing board shall give significant weight to the final report of the panel in establishing the minimum flow or level, as appropriate. The final report may also be entered into the record by any party to the proceeding in which the minimum flow or level is applicable.~~

(5) If a petition for administrative hearing is filed under chapter 120 challenging the establishment of *a* ~~the~~ minimum *flow or level* ~~flows or levels~~, the report of *an* ~~the~~ independent scientific peer review *conducted under subsection (4)* is admissible as evidence in the final hearing, and the *administrative law judge* ~~hearing officer~~ must render the order within 120 days after the filing of the petition. The time limit for rendering *the* ~~an~~ order shall not be extended except by agreement of all the parties. To the extent that the parties agree to the findings of the peer review, they may stipulate that those findings be incorporated as findings of fact in the final order.

Section 6. Section 373.0421, Florida Statutes, is created to read:

373.0421 Establishment and implementation of minimum flows and levels.—

(1) ESTABLISHMENT.—

(a) When establishing minimum flows and levels pursuant to s. 373.042, the department or governing board shall consider changes and structural alterations to watersheds, surface waters, and aquifers and the effects such changes or alterations have had, and the constraints such changes or alterations have placed, on the hydrology of an affected watershed, surface water, or aquifer, provided that nothing in this paragraph shall allow significant harm as provided by s. 373.042(1) caused by withdrawals.

(b) Exclusions.—

1. The Legislature recognizes that certain water bodies no longer serve their historical hydrologic functions. The Legislature also recognizes that recovery of these water bodies to historical hydrologic conditions may not be economically or technically feasible, and that such recovery effort could cause adverse environmental or hydrologic impacts. Accordingly, the department or governing board may determine that setting a minimum flow or level for such a water body based on its historical condition is not appropriate.

2. The department or the governing board is not required to establish minimum flows or levels pursuant to s. 373.042 for surface water bodies less than 25 acres in area, unless the water body or bodies, individually or cumulatively, have significant economic, environmental, or hydrologic value.

3. The department or the governing board shall not set minimum flows or levels pursuant to s. 373.042 for surface water bodies constructed prior to the requirement for a permit, or pursuant to an exemption, a permit, or a reclamation plan which regulates the size, depth, or function of the surface water body under the provisions of chapter 373, chapter 378, or chapter 403, unless the constructed surface water body is of significant hydrologic value or is an essential element of the water resources of the area.

The exclusions of subparagraphs 2 and 3 shall not apply to the Everglades Protection Area, as defined in s. 373.4592(2)(h).

(2) If the existing flow or level in a water body is below, or is projected to fall within 20 years below, the applicable minimum flow or level established pursuant to s. 373.042, the department or governing board, as part of the regional water supply plan described in s. 373.0361, shall expeditiously implement a recovery or prevention strategy, which includes the development of additional water supplies and other actions, consistent with the authority granted by this chapter, to:

(a) Achieve recovery to the established minimum flow or level as soon as practicable; or

(b) Prevent the existing flow or level from falling below the established minimum flow or level.

The recovery or prevention strategy shall include phasing or a timetable which will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of additional water supplies and implementation of conservation and other efficiency measures concurrent with to the extent practical, and to offset, reductions in permitted withdrawals, consistent with the provisions of this chapter.

(3) The provisions of this section are supplemental to any other specific requirements or authority provided by law. Minimum flows and levels shall be reevaluated periodically and revised as needed.

Section 7. Subsection (6) is added to section 373.046, Florida Statutes, 1996 Supplement, to read:

373.046 Interagency agreements.—

(6) When the geographic area of a project or local government crosses water management district boundaries, the affected districts may designate a single affected district by interagency agreement to implement in that area, under the rules of the designated district, all or part of the applicable regulatory responsibilities under chapter 373. Interagency agreements entered into under this subsection which apply to the geographic area of a local government must have the concurrence of the affected local government. The application under this subsection, by rule, of any existing district rule that was adopted or formally noticed for adoption on or before May 11, 1995, is not subject to s. 70.001.

Section 8. Paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(8)(a) At 11:59 p.m. on June 30, 1988, the area transferred from the Southwest Florida Water Management District to the St. Johns River

Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. Johns River Water Management District known as the Oklawaha River Basin and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River Hydrologic Basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's governing board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to s. *373.073(2)(c)3.* ~~373.073(1)(b)3.c.,~~ shall serve as chair of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 9. Section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of 9 members who shall reside within the district, except that the Southwest Florida Water Management District shall be composed of 11 members who shall reside within the district. *Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made. The term of office for a governing board member is 4 years and commences on March 2 of the year in which the appointment is made and terminates on March 1 of the 4th calendar year of the term. Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.* ~~The term of office of members of the board shall be 4 years and shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term. Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph (b).~~

(b) Commencing January 1, 1999, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

1. In the first year of the Governor's term of office, the Governor shall appoint three members to the governing board of each district.

2. In the second year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.

3. In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.

4. In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each district.

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this subsection. In addition to the residency requirements for the governing boards as provided by subsection (2), the Governor shall consider appointing governing board members to represent an equitable cross-section of regional interests and technical expertise.

(2)~~(b)~~ *Membership on governing boards shall be selected from candidates who have significant experience in one or more of the following areas, including, but not limited to: agriculture, the development industry, local government, government-owned or privately-owned water utilities, law, civil engineering, environmental science, hydrology, accounting, or financial businesses.* Notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the United States Water Resources Council in United States Geological Survey, River Basin and Hydrological Unit Map of Florida—1975, Map Series No. 72:

(a)~~1.~~ Northwest Florida Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay.

2.~~b.~~ One member shall reside in the area generally designated as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay.

3.~~c.~~ One member shall reside in the area generally designated as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units.

4.~~d.~~ One member shall reside in the area generally designated as the "Lower Chattahoochee-Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River Apalachicola Rivers-Apalachicola Bay coastal area and offshore islands" hydrologic units.

5.~~e.~~ One member shall reside in the area generally designated as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and coastal area between Aucilla and Ochlockonee River Basin" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(b)~~2.~~ Suwannee River Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "Aucilla River Basin" hydrologic unit.

2.~~b.~~ One member shall reside in the area generally designated as the "Coastal Area between Suwannee and Aucilla Rivers" hydrologic unit.

3.~~c.~~ One member shall reside in the area generally designated as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee River Basin above the Withlacoochee River" hydrologic units.

4.~~d.~~ One member shall reside in the area generally designated as the "Suwannee River Basin below the Withlacoochee River excluding the Santa Fe River Basin" hydrologic unit.

5.~~e.~~ One member shall reside in the area generally designated as the "Santa Fe Basin-Waccasassa River and coastal area between Withlacoochee and Suwannee River" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(c)~~3.~~ St. Johns River Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "St. Mary River Basin-Coastal area between St. Marys and St. Johns Rivers" hydrologic units.

2.~~b.~~ One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River-Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.

3.~~c.~~ One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

4.~~d.~~ One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha River" hydrologic unit.

5.~~c.~~ One member shall reside in the area generally designated as the "Coastal area between Ponce de Leon Inlet and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(d)~~4.~~ South Florida Water Management District:

1.~~a.~~ Two members shall reside in Dade County.

2.~~b.~~ One member shall reside in Broward County.

3.~~c.~~ One member shall reside in Palm Beach County.

4.~~d.~~ One member shall reside in Collier County, Lee County, Hendry County, or Charlotte County.

5.~~e.~~ One member shall reside in Glades County, Okeechobee County, Highlands County, Polk County, Orange County, or Osceola County.

6.~~f.~~ Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

7.~~g.~~ One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

8.~~h.~~ No county shall have more than three members on the governing board.

(e)~~5.~~ Southwest Florida Water Management District:

1.~~a.~~ Two members shall reside in Hillsborough County.

2.~~b.~~ One member shall reside in the area consisting of Hillsborough and Pinellas Counties.

3.~~c.~~ Two members shall reside in Pinellas County.

4.~~d.~~ One member shall reside in Manatee County.

5.~~e.~~ One member shall reside in Polk County.

6.~~f.~~ One member shall reside in Pasco County.

7.~~g.~~ One member shall be appointed at large from Levy, Marion, Citrus, Sumter, Hernando, and Lake Counties.

8.~~h.~~ One member shall be appointed at large from Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.

9.~~i.~~ One member shall be appointed at large from Levy, Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.

No county described in *subparagraph 7., subparagraph 8., or subparagraph 9.* ~~sub-subparagraphs g., h., or i.~~ shall have more than one member on the governing board.

~~(2) Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.~~

Section 10. Subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 373.079, Florida Statutes, are amended to read:

373.079 Members of governing board; oath of office; staff.—

(2) Immediately after their appointment, and every 2 years thereafter, *the Governor shall select a member of the governing board as chair of the board, who shall also be subject to approval by a majority of the members of the Florida Cabinet. Subsequently,* ~~members composing~~ the governing board shall meet at some convenient place and choose ~~one of their number as chair of the board, and~~ some suitable person, who may or may not be a member of the governing board, and who may be required to execute bond for the faithful performance of his or her duties as the governing board may determine, as secretary. Such board shall adopt a seal with a suitable device and shall keep a well-bound book entitled, in effect, "Record of Governing Board of . . . . District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be open to the inspection of any citizen of this state or taxpayer in the district or his or her agent or attorney.

(4)(a) The governing board of the district is authorized to employ an executive director, *ombudsman,* and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director *by the governing board is subject to approval by the Governor and* must be initially confirmed by the Florida Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. *The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the regular session of the Legislature following a gubernatorial election.*

(5) The governing board may employ a legal staff for the purposes of:

(a) Providing legal counsel *to the governing board* on matters relating to the exercise of its powers and duties *and to the executive director and district staff on matters relating to the day-to-day operations of the district*;

(b) Representing it in all proceedings of an administrative or judicial nature; and

(c) Otherwise assisting in the administration of the provisions of this chapter.

Attorneys employed by the district must represent the legal interest or position of the governing board.

Section 11. Section 373.0831, Florida Statutes, is created to read:

373.0831 Water resource development; water supply development.—

(1) The Legislature finds that:

(a) The proper role of the water management districts in water supply is primarily planning and water resource development, but this does not preclude them from providing assistance with water supply development.

(b) The proper role of local government, regional water supply authorities, and government-owned and privately owned water utilities in water supply is primarily water supply development, but this does not preclude them from providing assistance with water resource development.

(c) Water resource development and water supply development must receive priority attention, where needed, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems.

(2) It is the intent of the Legislature that:

(a) Sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that the adverse effects of competition for water supplies be avoided.

(b) Water management districts take the lead in identifying and implementing water resource development projects, and be responsible for securing necessary funding for regionally significant water resource development projects.

(c) Local governments, regional water supply authorities, and government-owned and privately owned water utilities take the lead in securing funds for and implementing water supply development projects. Generally, direct beneficiaries of water supply development projects should pay the costs of the projects from which they benefit, and water supply development projects should continue to be paid for through local funding sources.

(d) Water supply development be conducted in coordination with water management district regional water supply planning and water resource development.

(3) The water management districts shall fund and implement water resource development as defined in s. 373.019. Each governing board

shall include in its annual budget the amount needed for the fiscal year to implement water resource development projects, as prioritized in its regional water supply plans.

(4)(a) Water supply development projects which are consistent with the relevant regional water supply plans and which meet one or more of the following criteria shall receive priority consideration for state or water management district funding assistance:

1. The project supports establishment of a dependable, sustainable supply of water which is not otherwise financially feasible;

2. The project provides substantial environmental benefits by preventing or limiting adverse water resource impacts, but require funding assistance to be economically competitive with other options; or

3. The project significantly implements reuse, storage, recharge, or conservation of water in a manner that contributes to the sustainability of regional water sources.

(b) Water supply development projects which meet the criteria in paragraph (a) and also bring about replacement of existing sources in order to help implement a minimum flow or level shall be given first consideration for state or water management district funding assistance.

Section 12. Section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits.—

(1) Permits *shall* ~~may~~ be granted for *a* ~~any~~ period of ~~time not exceeding~~ 20 years*, if requested for that period of time, if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; otherwise permits may be issued for shorter durations which reflect the period for which such reasonable assurances can be provided*. The governing board or the department may base *the* duration of permits on a reasonable system of classification according to source of supply or type of use, or both.

(2) The governing board or the department may authorize a permit of duration of up to 50 years in the case of a municipality or other governmental body or of a public works or public service corporation where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities.

(3) Where necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met, the governing board or department, in addition to any conditions required pursuant to s. 373.219, may require a compliance report by the permittee every 5 years during the term of a permit. This report shall contain sufficient data to maintain reasonable assurance that the initial conditions for permit issuance are met. Following review of this report, the governing board or the department may modify the permit to ensure that the use meets the conditions for issuance. Permit modifications pursuant to this subsection shall not be subject to competing applications, provided there is no increase in the permitted allocation or permit duration, and no change in source, except for changes in source requested by the district. This subsection shall not be construed to limit the existing authority of the department or the governing board to modify or revoke a consumptive use permit.

Section 13. *By January 1, 1998, the Department of Environmental Protection, in coordination with the appropriate water management districts and the Department of Health, shall transmit to the Speaker of the House of Representatives, the President of the Senate, and the Governor a proposal for reevaluating areas of the state which were previously delineated by the Department of Environmental Protection pursuant to s. 376.309(1)(e), Florida Statutes, as having contaminated water supplies, including contamination from ethylene dibromide, in order to ascertain whether or not the contamination has been reduced to levels which do not pose a threat to human health and to determine if the delineated areas should be redrawn or removed. The proposal shall reflect a systematic approach to the reevaluation, with an emphasis on determining the current state of contamination, potential remedies, the adequacy of existing remedies such as requirements for grouting of well-casing, and relief to affected citizens. The proposal shall also include estimates of cost and recommendations as to available funding sources for the reevaluation. Any deletion from, addition to, or redrawing of the delineation areas shall be based on the scientific evidence of the reevaluation conducted under this subparagraph.*

Section 14. Effective October 1, 1997, section 373.507, Florida Statutes, is amended to read:

373.507 Districts *and basins; postaudits, budgets,* ~~basins, and taxing authorities; budget and expense reports; audits.—~~

(1) Each ~~district and~~ basin referred to in this chapter *must* ~~shall~~ furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and the governing body of each county in which the ~~district or~~ basin has jurisdiction or derives any funds for the operations of the ~~district or~~ basin.

(2) Each district *and basin referred to in this chapter must*~~, basin, and taxing authority shall~~ make provision for an annual postaudit of its financial accounts. *The postaudit must* ~~These postaudits shall~~ be made in accordance with the rules of the Auditor General *adopted under* ~~promulgated pursuant to~~ ss. 166.241 and 11.47.

(3)(a) Each district referred to in this chapter must furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over districts, as determined by the President or Speaker as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The tentative budget.

2. The adopted budget.

3. The past year's expenditures.

4. The postaudit described in subsection (2).

(b) The documents must be furnished by the earlier of 10 days following completion of each document or as otherwise provided by law.

(c) If any entity in paragraph (a) provides written comments to the district regarding any document furnished, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities.

Section 15. Effective October 1, 1997, subsections (1) and (3), and paragraphs (a) and (c) of subsection (5), of section 373.536, Florida Statutes, 1996 Supplement, are amended to read:

373.536 District budget and hearing thereon.—

(1) The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year. The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. *Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings conducted by the governing board or district staff must be published in a newspaper of general circulation in each county in which the district lies not less than 5 days nor more than 15 days before the hearing. Budget workshops conducted for the public and not governed by s. 200.065 must be advertised in a newspaper of general circulation in the community or area in which the workshop will occur not less than 5 days nor more than 15 days before the workshop.* The tentative budget shall be adopted in accordance with the provisions of s. 200.065; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3 in any county in which the district lies, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to s. 200.065(3)(g), in a newspaper of general paid circulation in that county. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve. *District administrative and operating expenses must be identified in the budget and allocated among district programs.*

(3) As provided in s. 200.065(2)(d), the board shall publish one or more notices of its intention to finally adopt a budget for the district for

the ensuing fiscal year. The notice shall appear adjacent to an advertisement which shall set forth the tentative budget in full. The notice and advertisement shall be published in one or more newspapers having a combined general circulation in the counties having land in the district. *Districts may include explanatory phrases and examples in budget advertisements published under s. 200.065 to clarify or illustrate the effect that the district budget may have on ad valorem taxes.*

(5)(a) The Executive Office of the Governor is authorized to approve or disapprove, in whole or in part, the budget of each water management district *and shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility.*

(c) Each water management district shall, by August *1* ~~5~~ of each year, submit *for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over water management districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget, which must include* ~~to the Department of Environmental Protection, the Executive Office of the Governor, and the chairs of the appropriations committees of the Legislature for review a tentative budget that includes~~, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the *Executive Office of the Governor* ~~department~~ which is generally consistent with the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:

1. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction;

2. ~~For each program area,~~ The salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services *for the following program areas, including a separate section for lobbying, intergovernmental relations, and advertising:*~~;~~

a. District management and administration;

b. Implementation through outreach activities;

c. Implementation through regulation;

d. Implementation through acquisition, restoration, and public works;

e. Implementation through operations and maintenance of lands and works;

f. Water resources planning and monitoring; and

g. A full description and accounting of expenditures for lobbying activities relating to local, regional, state, and federal governmental affairs, whether incurred by district staff or through contractual services and all expenditures for public relations, including all expenditures for public service announcements and advertising in any media.

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document a separate section on all costs associated with the Everglades Construction Project.

3. The total amount in the district budget for each area of responsibility listed in paragraph (a) and for water resource development projects identified in the district's regional water supply plans.

4.~~3.~~ A description of each new, expanded, reduced, or eliminated program.~~;~~

5. A proposed five-year water resource development work program, that describes the district's implementation strategy for the water resource development component of each approved regional water supply plan developed or revised pursuant to s. 373.0361. The work program shall address all the elements of the water resource development component in the district's approved regional water supply plans. The Office of the Governor, with the assistance of the department, shall review the proposed work program. The review shall include a written evaluation of its consistency with and furtherance of the district's approved regional water supply plans, and adequacy of proposed expenditures. As part of the review, the Executive Office of the Governor and the department shall afford to all interested parties the opportunity to provide written comments on each district's proposed work program. At least seven days prior to the adoption of its final budget, the governing board shall state in writing to the Executive Office of the Governor which changes recommended in the evaluation it will incorporate into its work program, or specify the reasons for not incorporating the changes. The Office of the Governor shall include the district's responses in the written evaluation and shall submit a copy of the evaluation to the Legislature; and

6.~~5.~~ The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

(d) ~~The department shall, by September 5 of the year in which the budget is submitted, after taking into account continuing and proposed program needs, provide its review and comments to the governing board and the Governor.~~ By September 5 of the year in which the budget is submitted, ~~the Executive Office of the Governor and~~ the House and Senate appropriations chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the department, and the chairs of the House and Senate appropriations committees.

(e) The *Executive Office of the Governor* ~~department~~ shall annually, on or before December 15, file with the ~~Governor and the~~ Legislature a report that summarizes the expenditures of the water management districts by program area and identifies the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.

Section 16. Subsection (1) and paragraph (a) of subsection (4) of section 373.59, Florida Statutes, 1996 Supplement, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements, payments in lieu of taxes, and administration of the fund in accordance with the provisions of this section. ~~In addition, for fiscal year 1995-1996, moneys in the fund that are not revenues from the sale of any bonds and that are not required for debt service for any bond issue may be used to fund activities authorized under the Surface Water Improvement and Management Act, pursuant to ss. 373.451-373.4595, and for the control of aquatic weeds pursuant to part II of chapter 369.~~ Up to 25 percent of the moneys in the fund may be allocated annually to the districts for management, maintenance, and capital improvements pursuant to subsection *(8)* ~~(7)~~.

(4)(a) Moneys from the Water Management Lands Trust Fund shall be used for acquiring the fee or other interest in lands necessary for water management, water supply, and the conservation and protection of water resources, except that such moneys shall not be used for the acquisition of rights-of-way for canals or pipelines. Such moneys shall also be used for management, maintenance, and capital improvements. *Interests in real property acquired by the districts under this section may be used for permittable water resource development and water supply development purposes under the following conditions: the minimum flows and levels of priority water bodies on such lands have been established; the project complies with all conditions for issuance of a permit under part II of chapter 373; and the project is compatible with the purposes for which the land was acquired.* Lands acquired with moneys from the fund shall be managed and maintained in an environmentally

acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition.

Section 17. Paragraph (b) of subsection (4) of section 186.007, Florida Statutes, is amended to read:

186.007 State comprehensive plan; preparation; revision.—

(4)

(b) The purpose of the growth management portion of the state comprehensive plan is to establish clear, concise, and direct goals, objectives, and policies related to land development, water resources, transportation, and related topics. In doing so, the plan should, where possible, draw upon the work that agencies have invested in the state land development plan, the Florida Transportation Plan, the *Florida water* ~~state water use~~ plan, and similar planning documents.

Section 18. Paragraph (n) of subsection (2) of section 186.009, Florida Statutes, is amended to read:

186.009 Growth management portion of the state comprehensive plan.—

(2) The growth management portion of the state comprehensive plan shall:

(n) Set forth recommendations on how to integrate the *Florida water* ~~state water use~~ plan required by s. 373.036, the state land development plan required by s. 380.031(17), and transportation plans required by chapter 339.

The growth management portion of the state comprehensive plan shall not include a land use map.

Section 19. Subsections (1) and (7) of section 373.103, Florida Statutes, are amended to read:

373.103 Powers which may be vested in the governing board at the department's discretion.—In addition to the other powers and duties allowed it by law, the governing board of a water management district may be specifically authorized by the department to:

(1) Administer and enforce all provisions of this chapter, including the permit systems established in parts II, III, and IV of this chapter, consistent with *the* ~~state~~ water *resource implementation rule* ~~policy~~.

(7) Prepare, in cooperation with the department, that part of the *Florida water* ~~state water use~~ plan applicable to the district.

Section 20. Subsection (2) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(2) The department shall have the exclusive authority to review rules of the water management districts, other than rules relating to internal management of the districts, to ensure consistency with the ~~state~~ water *resource implementation rule* ~~policy~~ as set forth in the rules of the department. Within 30 days after adoption or revision of any water management district rule, the department shall initiate a review of such rule pursuant to this section.

(a) Within 30 days after adoption of a rule, any affected person may request that a hearing be held before the secretary of the department, at which hearing evidence and argument may be presented relating to the consistency of the rule with *the* ~~state~~ water *resource implementation rule* ~~policy~~, by filing a request for hearing with the department and serving a copy on the water management district.

(b) If the department determines that the rule is inconsistent with the ~~state~~ water *resource implementation rule* ~~policy~~, it may order the water management district to initiate rulemaking proceedings to amend or repeal the rule.

(c) An order of the department requiring amendment or repeal of a rule may be appealed to the Land and Water Adjudicatory Commission by the water management district or any other party to the proceeding before the secretary.

Section 21. Subsection (3) of section 373.418, Florida Statutes, is amended to read:

373.418 Rulemaking; preservation of existing authority.—

(3) The department or governing boards may adopt such rules as are necessary to implement the provisions of this part. Such rules shall be consistent with *the* ~~state~~ water *resource implementation rule* ~~policy~~ and shall not allow harm to water resources or be contrary to the policy set forth in s. 373.016.

Section 22. Subsection (2) of section 373.456, Florida Statutes, is amended to read:

373.456 Approval of surface water improvement and management plans.—

(2) The department shall have the exclusive authority to review the plan to ensure consistency with the ~~state~~ water *resource implementation rule* ~~policy~~ and the State Comprehensive Plan.

Section 23. Subsection (14) of section 403.031, Florida Statutes, 1996 Supplement, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(14) "State water *resource implementation rule* ~~policy~~" means the *rule authorized by s. 373.036, which sets* ~~comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061, setting~~ forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, *based on statutory policies and directives*. The waters of the state are among its most basic resources. Such waters should be managed to conserve and protect water resources and to realize the full beneficial use of these resources.

Section 24. Subsection (1) and paragraph (a) of subsection (3) of section 403.0891, Florida Statutes, are amended to read:

403.0891 State, regional, and local stormwater management plans and programs.—The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.

(1) The department shall include goals in the ~~state~~ water *resource implementation rule* ~~policy~~ for the proper management of stormwater.

(3)(a) Each local government required by chapter 163 to submit a comprehensive plan, whose plan is submitted after July 1, 1992, and the others when updated after July 1, 1992, in the development of its stormwater management program described by elements within its comprehensive plan shall consider *the* ~~state~~ water *resource implementation rule* ~~policy~~, district stormwater management goals, plans approved pursuant to the Surface Water Improvement and Management Act, ss. 373.451-373.4595, and technical assistance information provided by the water management districts pursuant to s. 373.0391.

Section 25. *Subsection (10) of section 373.026, section 373.039, and subsection (33) of section 403.061, Florida Statutes, are repealed.*

Section 26. *Effective January 1, 1999, section 373.0735, Florida Statutes, is repealed.*

Section 27. *Notwithstanding the provisions of sections 5 and 6 of this act, the establishment of minimum flows and levels for priority waters in Pasco County and Hillsborough County listed for adoption by October 1, 1997, pursuant to chapter 96-339, Laws of Florida, and peer review of the scientific or technical data and methodologies utilized in establishing said minimum flows and levels shall be governed by the provisions of chapter 96-339, Laws of Florida, provided, however, that nothing herein requires the Southwest Florida Water Management District to delay or otherwise recommence the collection, compilation or use of scientific or technical data it had undertaken prior to the effective date of this act for the establishment of minimum flows of levels for water bodies listed for adoption after October 1, 1997, pursuant to 96-339. However, the establishment of implementation of minimum flows for the Hillsborough River and the Palm River/Tampa By-Pass Canal shall be governed by sections 5 and 6 of this act.*

Section 28. Present subsections (3), (4), (5), (6), and (7) of section 373.1962, Florida Statutes, are redesignated as subsections (4), (5), (6), (7), and (8), respectively, and a new subsection (3) is added to that section, to read:

373.1962 Regional water supply authorities.—

(3) A regional water supply authority is authorized to develop, construct, operate, maintain, or contract for alternative sources of potable water, including desalinated water, and pipelines to interconnect authority sources and facilities, either by itself or jointly with a water management district; however, such alternative potable water sources, facilities, and pipelines may also be privately developed, constructed, owned, operated, and maintained, in which event an authority and a water management district are authorized to pledge and contribute their funds to reduce the wholesale cost of water from such alternative sources of potable water supplied by an authority to its member governments.

Section 29. Subsection (1) of section 373.1963, Florida Statutes, is amended to read:

373.1963 Assistance to West Coast Regional Water Supply Authority.—

(1) It is the intent of the Legislature to encourage and facilitate the implementation of changes in governance recommended by the West Coast Regional Water Supply Authority in its report to the Legislature dated February 1, 1997. The authority shall submit a supplemental report to the President of the Senate and the Speaker of the House of Representatives on the status of implementing its prior recommendations for changes in governance by January 5, 1998. The authority may reconstitute its governance in a manner consistent with its report to the Legislature, and with the provisions set forth herein, under a voluntary interlocal agreement with a term of not less than 20 years, which substantially provides as follows:

(a) The authority and its member governments agree that cooperative efforts are mandatory to meet their water needs in a manner that will provide adequate and dependable supplies of water where needed without resulting in adverse environmental effects upon the areas from which the water is withdrawn or otherwise produced.

(b) To the extent provided in the interlocal agreement, and to the extent permitted by law:

1. All member governments shall relinquish to the authority their individual rights to develop potable water supply sources;

2. The authority shall be the sole and exclusive wholesale potable water supplier for all member governments; and

3. The authority shall have the absolute and unequivocal obligation to meet the wholesale needs of the member governments for potable water.

(c) The authority shall acquire full or lesser interests in all regionally significant member government wholesale water supply facilities and tangible assets and each member government shall convey such interests in the facilities and assets to the authority, at an agreed value.

(d) The authority shall charge a uniform per gallon wholesale rate to member governments for the wholesale supply of potable water. All capital, operation, maintenance, and administrative costs for existing facilities and acquired facilities, authority master water plan facilities, and other future projects must be allocated to member governments based on water usage at the uniform per gallon wholesale rate.

(e) To the extent provided in the interlocal agreement and to the extent permitted by law, member governments shall develop procedures for resolving their differences regarding water management district proposed agency action in the water use permitting process within the authority. Such procedures should minimize the potential for litigation and include alternative dispute resolution. Nothing herein or in said procedures shall affect the rights of participants under chapter 120.

(f) Upon execution of the voluntary interlocal agreement provided for herein, the authority shall jointly develop with the Southwest Florida Water Management District alternative sources of potable water and transmission pipeline to interconnect regionally significant water supply sources and facilities of the authority in amounts sufficient to meet the needs of all member governments for a period of at least 20 years described in the voluntary interlocal agreement described herein and for natural systems. Nothing herein, however, shall preclude the Authority and its member governments from developing traditional water sources pursuant to the voluntary interlocal agreement. Development and construction costs for alternative source facilities, which may include a desalination facility and significant regional interconnects, must be borne equally by the authority and the Southwest Florida Water Management District, provided further that not less than 50 percent of the costs must be borne by the district. Nothing herein shall preclude Authority or district cost-sharing with private entities for the construction or ownership of alternative source facilities. By December 31, 1997, the authority and the Southwest Florida Water Management District shall:

1. Enter into a mutually acceptable agreement detailing the development and implementation of directives contained in this paragraph; or

2. Jointly prepare and submit to the President of the Senate and the Speaker of the House of Representatives a report describing the progress made and impediments encountered in their attempts to implement the water resource development and water supply development directives contained in this paragraph.

Nothing in this subsection shall be construed to modify the rights or responsibilities of the Authority, its member governments or the Southwest Florida Water Management District as otherwise set forth by statutes.

(g) Unless otherwise provided in the interlocal agreement, the authority shall be governed, unless otherwise provided in the voluntary interlocal agreement, by a Board of Commissioners consisting of 9 voting members, all of whom must be elected officers, as follows:

1. Three members from Hillsborough County who must be selected by the county commission, provided, however, that one members hall be selected by the Mayor of Tampa in the event that the City of Tampa elects to be a member of the authority;

2. Three members from Pasco County, two of whom must be selected by the county commission and one of whom must be selected by the City Council of New Port Richey;

3. Three members from Pinellas County, two of whom must be selected by the county commission and one of whom must be selected by the City Council of St. Petersburg.

Except as otherwise provided in this section or in the voluntary interlocal agreement between the member governments, a majority vote shall bind the authority and its member governments in all matters relating to the funding of wholesale water supply, production, delivery, and related activities.

~~(1) It is the intent of the Legislature that the West Coast Regional Water Supply Authority established pursuant to s. 373.1962 shall develop an evaluation and recommendation of the following:~~

~~(a) Authority membership and voting;~~

~~(b) Funding options and implementation, including membership responsibility apportionment;~~

~~(c) A water supply development plan based on a 20-year planning horizon;~~

~~(d) Facilities ownership and management;~~

~~(e) Governing board membership, terms, responsibilities, and officers; and~~

~~(f) Utilization of .10 mills of basin board ad valorem taxing authority, were the Legislature or the water management district to make such funding available to the authority.~~

~~The authority shall submit a report to the Speaker of the House of Representatives and the President of the Senate on the elements described in this subsection by February 1, 1997. This report may include proposed necessary statutory amendments to implement the recommendations of the authority.~~

Section 30. Subsection (1) of section 373.1963, Florida Statutes, 1996 Supplement, is amended to read:

373.1963 Assistance to West Coast Regional Water Supply Authority.—

(Substantial rewording of subsection (1). See s. 373.1963, F.S., 1996 Supp., for present text.)

(1) It is the intent of the Legislature to encourage and facilitate the implementation of the changes in governance recommended by the West Coast Regional Water Supply Authority in its report to the Legislature dated February 1, 1997. The Authority shall submit a supplemental report to the Speaker of the House of Representatives and the President of the Senate on the status of implementing its prior recommendations for changes in governance by January 5, 1998. The Authority is authorized to reconstitute its governance under a voluntary interlocal agreement with a term of not less than 20 years.

Section 31. Paragraph (e) of subsection (1) of section 376.307, Florida Statutes, 1996 Supplement, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface-water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(e) To restore or replace contaminated private potable water wells or water systems. However, funds used as provided in this paragraph must be expended for water supply systems or filters for contaminated potable water wells only as follows:

1. Persons who have contaminated potable water wells that were permitted and constructed after January 1, 1989, in accordance with standards adopted under s. 373.309 are eligible for:

a. Subsidies to connect to existing water supply systems or extensions thereof. However, the subsidy may not exceed the present worth of the 10-year cost of providing and maintaining filters for residents served by the connections; or

b. Filters and filter maintenance to provide treatment for water from contaminated wells sufficient to ensure its potability. However, a filter may not be provided for a potable water well designed to provide water to a household that is part of a subdivision or development of a size that would, according to the department, be more effectively served by a water supply system, if the subdivision or development received its development order after January 1, 1989.

2. Subsidies to develop new water supply systems to be permitted and constructed after January 1, 1989, in accordance with standards adopted pursuant to s. 373.309 because of actual or potential contamination of potable water wells. However, a subsidy may not exceed one-half of the present worth of the 10-year cost of providing and maintaining filters for the residents to be served by the system.

3. The most cost-effective remedy, as determined by the department, for wells drilled before January 1, 1989.

4. Persons permitting and constructing potable water wells on or after July 1, 1997, in accordance with standards adopted pursuant to s. 373.309 because of actual or potential contamination, may be eligible for:

a. Subsidies or filters as identified in sub-subparagraphs 1.a. and b.; or

b. Subsidies for any increased costs associated with potable water well construction pursuant to s. 373.309(1)(e)4., provided that no such subsidy shall exceed one-half the cost of the well including testing, or one-half the present worth of the 10-year cost of providing and maintaining filters for the residents to be served by said well, whichever is less, provided that the household is not part of a subdivision or development of a size that would, according to the department, be more effectively served by a water supply system, if such subdivision or development received its development order on or after July 1, 1997.

Section 32. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, 1996 Supplement, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307(1)(e) and establish by rule:

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2., 3., 4., 5., and 6. The department shall make available to water management districts, regional planning councils, the Department of Health ~~and Rehabilitative Services~~, and county building and zoning departments, maps or other information on areas of contamination, including areas of ethylene dibromide contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes. *The department is authorized to establish criteria for acceptance of water quality testing results from the Department of Health and laboratories certified by the Department of Health, and is authorized to establish requirements for sample collection quality assurance.*

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users of the well from being exposed to deleterious amounts of contaminants. The Department of Health ~~and Rehabilitative Services~~ shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health ~~and Rehabilitative Services~~, or other political subdivisions in carrying out the responsibilities related to potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

a. The well construction permit fee may not exceed $500.

b. The clearance fee may not exceed $50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.307(1)(e). The department shall consult with the Florida Ground Water Association in the process of developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating account of that entity.

Section 33. *The Legislature finds that there currently exist actual or perceived differences in the salaries of certain water management district employees and the salaries of state or other general-purpose local government employees performing the same or similar job functions. The Legislature further finds that section 373.079(4) and (5), Florida Statutes, provide the governing boards of the water management districts significant discretion in determining the compensation of its employees.*

Section 34. *(1) There is created the Water Management District Employee Compensation Study Commission, consisting of 15 members, to review the issue identified in section 30 and to prepare a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1998, which presents the commission's findings and, if necessary, provides recommendations to remedy any actual or perceived discrepancies between the salaries of state or other general purpose local government employees and employees of the water management districts. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint five members. Each appointing authority shall appoint two members from professions that are closely related to water management activities, such as hydrologists, geologists, and civil engineers, and one member who has substantial expertise in personnel and management relations. The Governor shall appoint one member who is an elected municipal officer of a municipality of less than 50,000 in population and one member who is an elected county officer of a county of less than 100,000 in population. The President of the Senate shall appoint two members of the Senate. The Speaker of the House of Representatives shall appoint two members of the House of Representatives. Each appointing authority shall consider ethnic and gender balance in addition to particular expertise when making appointments.*

(2) Each member may receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out official business of the commission.

(3) The commission shall be staffed by an executive director and other personnel who are appointed by the commission and who are exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System. The commission may employ staff and consultants as necessary to fulfill its responsibilities.

(4) The commission is assigned, for administrative purposes, to the Joint Legislative Management Committee within the Legislature.

(5) Appointments must be made by July 1, 1997, and the commission's first meeting must be held by August 31, 1997. The commission shall continue to exist until January 1, 1998. A chairman shall be designated by the Governor.

Section 35. Subsection (17) is added to section 259.032, Florida Statutes, 1996 Supplement, to read:

Section 36. Paragraph (c) is added to subsection (7) of section 253.03, Florida Statutes, 1996 Supplement, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)

(c) Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to chapter 18-21.00405, Florida Administrative Code, shall be allowed to apply for an extension of such lease, regardless of the fact that the present landholder is not an adjacent riparian landowner.

Section 37. Paragraph (b) of subsection (4) of section 370.06, Florida Statutes, 1996 Supplement, is added to read:

370.06 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(a) Any person who seeks to use special gear or equipment in harvesting saltwater species must purchase a special activity license as specified by law to engage in such activities. The department may issue special activity licenses, in accordance with s. 370.071, to permit the cultivation of oysters, clams, mussels, and crabs when such aquaculture activities relate to quality control, sanitation, and public health regulations. The department may prescribe by rule special terms, conditions, and restrictions for any special activity license.

(b) The department is authorized to issue special activity licenses in accordance with s. 370.06 and s. 370.31, to permit the importation, possession, and aquaculture of anadromous sturgeon. The special activity license shall provide for best management practices to prevent the release and escape of cultured anadromous sturgeon and to protect indigenous populations of saltwater species from sturgeon-borne disease.

Section 38. Subsections (3) and (4) of section 370.092, Florida Statutes, 1996 Supplement, are amended to read:

370.092 Carriage of proscribed nets across Florida waters.—

(3)(a) It shall be a major violation pursuant to this section *and shall be punished as provided in subsection (4)* for any person, firm, or corporation to be simultaneously in possession of any species of mullet in excess of the recreational daily bag limit and any gill or other entangling net as defined in s. 16(c), Art. X of the State Constitution. Simultaneous possession under this provision shall include possession of mullet and gill or other entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another including vessels towed behind a main vessel. *This subsection does not prohibit a resident of this state from transporting on land, from Alabama to this state, a commercial quantity of mullet together with a gill net if:*

1. The person possesses a valid commercial fishing license that is issued by the State of Alabama and that allows the person to use a gill net to legally harvest mullet in commercial quantities from Alabama waters.

2. The person possesses a trip ticket issued in Alabama and filled out to match the quantity of mullet being transported, and the person is able to present such trip ticket immediately upon entering this state.

3. The mullet are to be sold to a wholesale saltwater products dealer located in Escambia County or Santa Rosa County, which dealer also possesses a valid seafood dealer's license issued by the State of Alabama. The dealer's name must be clearly indicated on the trip ticket.

4. The mullet being transported are totally removed from any net also being transported.

(b) It shall be a major violation pursuant to this section for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

(4)(a) In addition to being subject to the other penalties provided in this chapter, any violation of s. 16, Art. X of the State Constitution, *paragraph (3)(a),* or any rules of the Marine Fisheries Commission which implement the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation receiving any judicial disposition other than acquittal or dismissal of such violation shall be subject to the following additional penalties:

1. For a first major violation within a 7-year period, a civil penalty of $2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition shall be imposed.

2. For a second major violation under this paragraph charged within 7 years of a previous judicial disposition, which results in a second judicial disposition other than acquittal or dismissal, a civil penalty of $5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.

3. For a third and subsequent major violation under this paragraph, charged within a 7-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of $5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.

A court may suspend, defer or withhold adjudication of guilt or imposition of sentence *only* for any first violation of s. 16, Art. X of the State Constitution, or any rule or statute implementing its restrictions, determined by a court only after consideration of competent evidence of mitigating circumstances to be a nonflagrant or minor violation of those restrictions upon the use of nets. Any violation of s. 16, Art. X of the State

Constitution, or any rule or statute implementing its restrictions, occurring within a 7-year period commencing upon the conclusion of any judicial proceeding resulting in any outcome other than acquittal shall be punished as a second, third, or subsequent violation accordingly.

(b) During the period of suspension or revocation of saltwater license privileges under this section, the licensee may not participate in the taking or harvesting *or attempt the taking or harvesting* of saltwater products from any vessel within the waters of the state, or any other activity requiring a license, permit, or certificate issued pursuant to this chapter. *Any person who violates this paragraph is:*

1. Upon a first or second conviction, to be punished as provided by s. 370.021(2)(a) and (b).

2. Upon a third or subsequent conviction, guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Upon reinstatement of saltwater license privileges suspended pursuant to a violation of this section, a licensee owning or operating a vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net, or containing or otherwise transporting in nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall remain restricted for a period of 12 months following reinstatement, to operation under the following conditions:

1. Vessels subject to this reinstatement period shall be restricted to the corridors established by department rule.

2. A violation of the reinstatement period provisions shall be punishable pursuant to s. 370.021(2)(a) and (b).

(d) Rescission and revocation proceedings under this section shall be governed by chapter 120.

Section 39. Section 370.093, Florida Statutes, is created to read:

370.093 Illegal use of nets.—

(1) It is unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net that is not consistent with the provisions of s. 16, Art. X of the State Constitution.

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the Marine Fisheries Commission under s. 370.027. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the Commission implements rules regulating those types of gear.

(b) The use of gill or entangling nets of any size is prohibited, as such nets are defined in s. 16, Art. X of the State Constitution. Any net constructed wholly or partially of monofilament or multifilament material, other than a hand thrown cast net, or a hand-held landing or dip net, shall be considered to be an entangling net within the prohibition of S. 16, Art. X of the state constitution unless specifically authorized by rule of the commission.

(c) This subsection shall not be construed to apply to aquaculture activities licenses issued pursuant to s. 370.26.

(3) As used in s. 16, Art. X of the State Constitution and this subsection, the term "net" or "netting" must be broadly construed to include all manner or combination of mesh or webbing or any other solid or semi-solid fabric or other material used to comprise a device that is used to take or harvest marine life.

(4) Upon the arrest of any person for violation of this subsection, the arresting officer shall seize the nets illegally used. Upon conviction of the offender, the arresting authority shall destroy the nets.

(5) Any person who violates this section shall be punished as provided in s. 370.092(4).

(6) The Marine Fisheries Commission is granted authority to adopt rules pursuant to ss. 370.025 and 370.027 implementing the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

Section 40. Subsection (8) of section 370.14, Florida Statutes, 1996 Supplement, is amended to read:

370.14 Crawfish; regulation.—

(8)(a) By a special permit granted by the Division of Law Enforcement, a Florida-licensed seafood dealer may lawfully import, process, and package saltwater crawfish or uncooked tails of the species Panulirus argus during the closed season. However, crawfish landed under special permit shall not be sold in the state.

(b) The licensed seafood dealer importing any such crawfish under the permit shall, 12 hours prior to the time the seagoing vessel or airplane delivering such imported crawfish enters the state, notify the Division of Law Enforcement as to the seagoing vessel's name or the airplane's registration number and its captain, location, and point of destination.

(c) At the time the crawfish cargo is delivered to the permitholder's place of business, the crawfish cargo shall be weighed ~~in the presence of the marine patrol officer,~~ and *shall be available for inspection by the Department of Environmental Protection*. A signed receipt of such quantity in pounds shall be *forwarded* ~~furnished~~ to ~~said officer, which receipt shall be filed by the marine patrol officer with~~ the Division of Law *Enforcement's local Florida Marine Patrol office within 48 hours after shipment weigh-in completion. If requested by the department, the weigh-in process will be delayed up to 4 hours to allow for a department representative to be present during the process* ~~Enforcement~~.

(d) Within 48 hours *after shipment weigh-in completion* ~~from the time the receipt is given to the marine patrol officer~~, the permitholder shall submit to the Division of Law Enforcement, on forms provided by the division, a sworn report of the quantity in pounds of the saltwater crawfish received, which report shall include the location of said crawfish and a sworn statement that said crawfish were taken at least 50 miles from Florida's shoreline. The landing of crawfish or crawfish tails from which the eggs, swimmerettes, or pleopods have been removed; the falsification of information as to area from which crawfish were obtained; or the failure to file the report called for in this section shall be grounds to revoke the permit.

(e) Each permitholder shall keep throughout the period of the closed season copies of the bill of sale or invoices covering each transaction involving crawfish imported under this permit. Such invoices and bills shall be kept available at all times for inspection by the division.

Section 41. Effective October 1, 1997, section 370.1405, Florida Statutes, is created to read:

370.1405 Crawfish reports by dealers during closed season required.—

(1) Within 3 days after the commencement of the closed season for the taking of saltwater crawfish, each and every seafood dealer, either retail or wholesale, intending to possess crawfish, crawfish tails, or crawfish meat during closed season shall submit to the Department of Environmental Protection, on forms provided by the department, a sworn report of the quantity, in pounds, of saltwater whole crawfish, crawfish tails, and crawfish meat in the dealer's name or possession as of the date the season closed. This report shall state the location and number of pounds of whole crawfish, crawfish tails, and crawfish meat. The department shall not accept any reports not delivered or postmarked by midnight of the 3rd calendar day after the commencement of the closed season, and any stocks of crawfish reported therein are declared a nuisance and may be seized by the department.

(2) Failure to submit a report as described in subsection (1) or reporting a greater or lesser amount of whole crawfish, crawfish tails, or crawfish meat than is actually in the dealer's possession or name is a major violation of this chapter, punishable as provided in s. 370.021(2), s. 370.07(6)(b), or both. The department shall seize the entire supply of unreported or falsely reported whole crawfish, crawfish tails, or crawfish meat, and shall carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire quantity of unreported or falsely reported crawfish as determined by the

judge. After posting the cash bond, the dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the department according to law.

(3) All dealers having reported stocks of crawfish may sell or offer to sell such stocks of crawfish; however, such dealers shall submit an additional report on the last day of each month during the duration of the closed season. Reports shall be made on forms supplied by the department. Each dealer shall state on this report the number of pounds sold during the report period and the pounds remaining on hand. In every case, the amount of crawfish sold and the amount reported on hand shall equal the amount remaining on hand in the last submitted report. Reports postmarked later than midnight on the 3rd calendar day of each month during the duration of the closed season will not be accepted by the department. Dealers for which late supplementary reports are not accepted by the department, must show just cause why their entire stock of whole crawfish, crawfish tails, or crawfish meat should not be seized by the department. Whenever a dealer fails to make the monthly supplementary report as described in this subsection, the dealer may be subject to the following civil penalties as follows:

(a) For a first violation, the department shall assess a civil penalty of $500.

(b) For a second violation within the same crawfish closed season, the department shall assess a civil penalty of $1,000.

(c) For a third violation within the same crawfish closed season, the department shall assess a civil penalty of $2,500 and may seize said dealer's entire stock of whole crawfish, crawfish tails, or crawfish meat and carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire remaining quantity of crawfish as determined by the judge. After posting the cash bond, a dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the department according to law.

(4) All seafood dealers shall at all times during the closed season make their stocks of whole crawfish, crawfish tails, or crawfish meat available for inspection by the department.

(5) Each dealer in whole crawfish, crawfish tails, or crawfish meat shall keep throughout the period of the crawfish closed season copies of the bill of sale or invoice covering each transaction involving whole crawfish, crawfish tails, or crawfish meat. Such invoices and bills shall be kept available at all times for inspection by the department.

Section 42. *(1) Notwithstanding the provisions of section 370.093(3), Florida Statutes, there is hereby established a 3-year pilot program that allows for participation by Saltwater Products License holders with purse seine endorsements during the years 1995 or 1996 located in the counties of Wakulla, Franklin, Gulf, Bay, Walton, and Okaloosa. Priority shall be given to such Saltwater Products License holders with landings in 1996 as recorded on Florida DEP trip tickets of one or more of the following baitfish species: Spanish sardines, cigar minnows, thread herring, chub mackerel, anchovy, little tunny, menhaden, blue runner, and ladyfish. No more than 7 such licenses shall be issued which allow for and shall be limited to the following:*

(a) These licenses shall be issued only for the use of baitfish purse seines, not exceeding 600 yards in length, to be used in the nearshore and inshore waters, modified to employ solid tarpaulin material in conjunction with 500 square feet of traditional seine mesh netting in the State of Florida in and south of the counties of Wakulla, Franklin, Gulf, Bay, Walton, and Okaloosa. Only one purse seine per license shall be allowed.

(b) Each licensee shall post a bond of $50,000 payable to the State of Florida as security to pay for any environmental damage or cleanup of material caused by this fishing gear of the licensee.

(2) The Marine Fisheries Commission shall establish limits on annual harvest levels for the area, for each of the baitfish species that are the subject of this section, based on maintaining healthy scientific and biological levels of stock abundance of those certain baitfish species by allowing annual harvest of the baitfish species in the program area limited by the Florida Marine Fisheries Commission not to exceed 50 percent of the annual average of reported landings which occurred over the 3 years prior to July 1, 1995.

Section 43. Except as otherwise provided herein, this act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to environmental protection; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development;" amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan, to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.042, F.S.; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; providing criteria for selection; amending s. 373.079, F.S.; requiring the Governor to select a governing board member as chair of the governing board; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; providing for confirmation of executive directors by the Senate; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and advertisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending s. 373.59, F.S.; deleting obsolete language; correcting a cross reference; authorizing use of interests in property acquired under the Water Management Lands Trust Fund for permittable water resource development and water supply development purposes; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, and 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 373.039, and 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing for application of act to Hillsborough River and the Palm River/Tampa By-Pass Canal; amending s. 373.1962, F.S.; providing procedures that a regional water supply authority may use to provide alternative sources of potable water; amending s. 373.1963, F.S.; providing for supplemental report from the West Coast Regional Water Supply Authority; amending s. 376.307, F.S.; providing that funds in the Water Quality Assurance Trust Fund may be used for certain subsidies or filters; amending s. 373.309, F.S.; authorizing the Department of Health to establish criteria for acceptance of certain tests; providing a legislative finding; creating the Water Management District Employee Compensation Study Commission; providing its duties; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 370.06, F.S.; authorizing the department to issue special activity licenses for aquacultural activities involving sturgeon; amending s. 370.092, F.S.; providing for the transport of mullet harvested in Alabama waters; providing for penalties for fishing

during periods of license suspension or revocation; creating s. 370.093, F.S.; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; providing for penalties; providing a definition of the terms "net" and "netting"; authorizing the Marine Fisheries Commission to adopt certain rules; amending s. 370.14, F.S.; providing the Marine Patrol discretion to be present at the closed-season weighing of crawfish; creating s. 370.1405, F.S.; providing for the sale of crawfish during a closed season under specified reporting requirements; providing penalties; establishing an experimental program to assess the utility and effects of using "tarp" nets to harvest baitfish; providing an effective date.

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 16, between lines 6 and 7, insert:

(c) Minimum flows and levels shall be based on sound science, using best available data.

(d) The methods and schedules for implementation of minimum flows and levels may consider economic impacts, as well as the urgency of abating significant harm to the water resources or ecology of the area.

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1B—On page 16, line 7, insert:

(c) Minimum flows and levels shall be based on sound science using best available data, and established solely on the scientific criteria of the viability and sustainability of the water resource.

(d) The methods and schedules for implementation of minimum flows and levels may consider economic impacts, as well as the urgency of abating significant harm to the water resources or ecology of the area.

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 22, line 17, delete "*subparagraphs 2 and 3*" and insert: *this paragraph*

Senator Dyer moved the following amendment to **Amendment 1** which failed:

Amendment 1D—On page 26, lines 24-30, delete those lines and insert:

(2)~~(b)~~ Notwithstanding the

Senator Dyer moved the following amendments to **Amendment 1** which were adopted:

Amendment 1E—On page 30, line 29 through page 31, line 1, delete those lines and insert: years thereafter, ~~members composing~~ the governing

Amendment 1F—On page 31, line 27, before "*regular*" insert: *second*

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G (with title amendment)—On page 34, between lines 13 and 14, insert:

Section 12. Subsection (4) of section 373.139, Florida Statutes, 1996 Supplement, is amended to read:

373.139 Acquisition of real property.—

(4) The governing board of the district may purchase tax certificates or tax deeds issued in accordance with chapter 197 relating to property eligible for purchase under this section. *Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 73, line 19, after the second semicolon (;) insert: amending s. 373.139, F.S.; authorizing the use of land for multiple purposes;

Senator Latvala moved the following amendments to **Amendment 1** which were adopted:

Amendment 1H—On page 48, lines 10-27, delete those lines and insert:

Section 27. *Nothing in sections 5 and 6 of this act shall be construed to:*

(1) Modify the order or dates by which the Southwest Florida Water Management District will establish minimum flows and levels for water bodies in Hillsborough, Pasco, and Pinellas counties as listed pursuant to chapter 96-339, Laws of Florida.

(2) Modify the peer review process for the establishment of minimum flows and levels in Hillsborough, Pasco, and Pinellas counties created by chapter 96-339, Laws of Florida.

As it relates only to the counties of Hillsborough, Pasco, and Pinellas, in the event of conflict between section 373.0421(2), Florida Statutes, created by this act and statutory and case law existing immediately prior to the effective date of this act, the prior law shall govern; provided, however, that the establishment and implementation of minimum flows for the Hillsborough River and the Palm River/Tampa By-Pass Canal shall be governed by sections 5 and 6 of this act.

Amendment 1I—On page 51, lines 16 and 17, delete those lines and insert: *20 years and for natural systems. Nothing herein,*

Senator Dantzler moved the following amendment to **Amendment 1** which was adopted:

Amendment 1J—On page 51, lines 23-26, delete those lines and insert: *interconnects, must be borne as mutually agreed to by both the authority and the Southwest Florida Water Management District. Nothing herein shall preclude authority or*

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1K—On page 52, lines 15 and 16, delete those lines and insert: *agreement, the authority shall be governed by a Board of*

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1L (with title amendment)—On page 58, between lines 29 and 30, insert:

Section 33. *(1) As used in this section, "severance pay" means the actual or constructive compensation, in salary, benefits, or perquisites, of an officer or employee of a water management district, or any subdivision or agency thereof, for employment services yet to be rendered for a term greater than one normal pay period before or immediately following termination of employment. The term does not include:*

(a) Earned and accrued annual, sick, compensatory, and administrative leave.

(b) Early retirement provisions established in an actuarially funded pension plan subject to part VII of chapter 112, Florida Statutes.

(2) A water management district, or any agency or subdivision thereof, may not pay to any of its officers or employees severance pay, except under any of the following conditions:

(a) The severance pay is authorized in an employment contract or collective bargaining agreement providing for it and in effect on July 1, 1997. Collective bargaining agreements or employment contracts extended or entered on or after July 1, 1997, may not contain any provision for severance pay. However, employees classified as managerial, executive, or exempt in the district's personnel plan who serve at the convenience of the district are subject to the provisions of this section beginning July 1, 1997.

(b) The severance pay is paid from wholly private funds available to the district in the ordinary course of business, the payment and receipt of which would not otherwise violate any provision of part III of chapter 112, Florida Statutes.

(c) The severance pay is administered under the auspices of part II of chapter 112, Florida Statutes, on behalf of an agency outside this state and would be permitted under that agency's personnel system.

(3) This section does not operate to create an entitlement to severance pay in the absence of its authorization by a water management district.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 75, line 8, after the first semicolon (;) insert: prohibiting the payment of severance pay by a water management district to any of its officers or employees, except under specified circumstances;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1M (with title amendment)—On page 59, between lines 7 and 8, insert:

Section 34. Subsection (6) of section 373.250, Florida Statutes, is amended to read:

373.250 Reuse of reclaimed water.—

(6) Each water management district shall submit to the Legislature, by *June 1* ~~January 30~~ of each year, an annual report which describes the district's progress in promoting the reuse of reclaimed water. The report shall include, but not be limited to:

(a) The number of permits issued during the year which required reuse of reclaimed water and, by categories, the percentages of reuse required.

(b) The number of permits issued during the year which did not require the reuse of reclaimed water and, of those permits, the number which reasonably could have required reuse.

(c) In the second and subsequent annual reports, a statistical comparison of reuse required through consumptive use permitting between the current and preceding years.

(d) A comparison of the volume of reclaimed water available in the district to the volume of reclaimed water required to be reused through consumptive use permits.

(e) A comparison of the volume of reuse of reclaimed water required in water resource caution areas through consumptive use permitting to the volume required in other areas in the district through consumptive use permitting.

(f) An explanation of the factors the district considered when determining how much, if any, reuse of reclaimed water to require through consumptive use permitting.

(g) A description of the district's efforts to work in cooperation with local government and private domestic wastewater treatment facilities to increase the reuse of reclaimed water. The districts, in consultation with the department, shall devise a uniform format for the report required by this subsection and for presenting the information provided in the report.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 75, line 20, after the first semicolon (;) insert: amending s. 373.250, F.S.; providing a date for water management districts to submit annual reports to the Legislature;

Senator Latvala moved the following amendments to **Amendment 1** which were adopted:

Amendment 1N—On page 60, lines 18 and 19, delete those lines and renumber subsequent sections.

Amendment 1O—On page 65, line 28, after the period (.) insert: *Multifilament material shall not be defined to include nets constructed of braided or twisted nylon, cotton, linen twine, or polypropylene twine.*

Senators Kurth, Hargrett, Cowin and Brown-Waite offered the following amendment to **Amendment 1** which was moved by Senator Kurth and failed:

Amendment 1P (with title amendment)—On page 71, between lines 20 and 21, insert:

Section 43. *(1) There is created the Task Force on Water and Wastewater Utility Regulation by the Public Service Commission.*

(2) The Task Force shall act as an advisory and recommendatory body to the Governor and the Legislature.

(3) The Task Force shall consist of 15 members, as follows:

(a) A representative from the Governor's office;

(b) Two Senators, one of whom shall serve as co-chair of the task force, a representative for the consumer, a representative from the municipalities, and a representative of the water and wastewater utility industry, each of whom is to be appointed by the Senate President;

(c) Two Members of the House of Representatives, one of whom shall serve as co-chair of the task force, two representatives for the consumer, including a representative of low-income consumers, a representative from the municipalities, and a representative of the water and wastewater utility industry, each of whom is to be appointed by the Speaker of the House of Representatives;

(d) The chair of the Public Service Commission;

(e) The Public Counsel; and

(f) The Secretary or a designee of the Department of Environmental Protection.

(4) The task force shall study and develop recommendations regarding, but not limited to:

(a) Public Service Commission administrative rules and rate case processes for all types of water and wastewater utilities, with particular focus on home association-owned or developer-owned utilities, including, but not limited to, guaranteed rates of return, rate increases, the extent of consumer participation relative to all phases of the utility's development, service, and establishment of rates, and suggestions for implementation of citizen advisory task forces composed of citizens in the jurisdiction in which the utility serves;

(b) The process, extent, and equity of pass-through charges from water and wastewater utilities to customers, including environmental compliance costs;

(c) Incentives for desalination, conservation, and reuse projects;

(d) Benefits of utilizing contributions-in-aid-of-construction in the rate base; and

(e) Potential ways to provide affordable water rates to low-income households.

(5) The task force shall hold at least five public meetings, of which one shall be held in Brevard County and another in Sarasota County. Additional meetings may be called by the co-chairs, or upon written request of a majority of the members of the task force. The first meeting shall be held no later than 30 days after the appointments are made but before July 1, 1997. All meetings of task force are public in accordance with the provisions of section 286.011, Florida Statutes.

(6) The task force may adopt and enforce reasonable procedures necessary to facilitate the studies and the reviews it is authorized to perform.

(7) Members of the task force shall receive no compensation but shall receive per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties. Private-sector members of the task force are not eligible for per diem or travel expenses.

(8) The staffs of the Senate Committee on Regulated Industries and the House Committee on Utilities and Communications shall provide support for the task force and such additional assistance shall be provided as is appropriate by the Public Service Commission and the Department of Management Services.

(9) The task force shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15, 1998. The report shall detail its activities during the preceding year, summarize its findings, state its conclusions, and, to the extent possible, include specific recommendations for any necessary legislative, administrative, or regulatory reform.

(10) This section expires on the first day of the 1998 Regular Session of the Legislature.

(Renumber subsequent section.)

And the title is amended as follows:

On page 76, line 4, after the semicolon (;) insert: creating a Task Force on Water and Wastewater Utility Regulation by the Public Service Commission; providing duties; providing for a report;

Senators Williams, Brown-Waite, Bronson and Cowin offered the following amendment to **Amendment 1** which was moved by Senator Williams and failed:

Amendment 1Q (with title amendment)—On page 71, between lines 20 and 21, insert:

Section 43. Subsection (2) of section 373.223, Florida Statutes, is amended to read:

373.223 Conditions for a permit.—

(2) The governing board or the department may authorize the holder of a use permit to transport and use ground or surface water beyond overlying land, across county boundaries, or outside the watershed from which it is taken if the governing board or department determines that such transport and use is consistent with the public interest, and no local government shall adopt or enforce any law, ordinance, rule, regulation, or order to the contrary. *Except for the Central and Southern Florida Flood Control Project, when evaluating whether such a potential transport of ground or surface water is consistent with the public interest, the governing board or department may give significant weight to:*

(a) The proximity of the proposed source of water to the area in which it is to be used or applied.

(b) Other environmentally, economically, and technically feasible alternatives to the source being proposed, including, but not limited to, desalination, reuse, stormwater, and aquifer storage and recovery.

(c) Cumulative impacts due to groundwater withdrawal.

(d) Affected local governments.

(Renumber subsequent section.)

And the title is amended as follows:

On page 76, line 4, after the semicolon (;) insert: amending s. 373.223, F.S.; providing criteria to be considered in authorizing transport and use of ground or surface waters;

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1R (with title amendment)—On page 71, between lines 20 and 21, insert:

Section 43. Section 403.0882, Florida Statutes, is created to read:

403.0882 Discharge of demineralization concentrate.—

(1) For the purposes of this section, the term:

(a) "Demineralization concentrate" means the concentrated byproduct formed by demineralization.

(b) "Demineralization" means the use of reverse osmosis, ion exchange, membrane softening, ultra filtration, and other similar processes to remove materials from water for the production of potable water for human consumption.

(c) "Small water utility business" means any facility that distributes potable water to two or more customers with a concentrate discharge of less than 50,000 gallons per day.

(2) The department shall classify the discharge of demineralization concentrate as a potable water byproduct rather than as an industrial wastewater. Except as otherwise provided in this section, the discharge of demineralization concentrate shall be permitted according to the same requirements as an industrial wastewater under this chapter.

(3)(a) The discharge of demineralization concentrate from small water utility businesses meeting the standards set forth in this section and s. 403.086(4) shall be presumed to be allowable and permittable in all waters in the state at a reasonably accessible point where such discharge results in minimal negative impact as demonstrated by the permit applicant. The presumption may be overcome only by a demonstration that one or more of the following conditions is present:

1. The discharge will be made directly into an Outstanding Florida Water, except as provided in chapter 90-262, Laws of Florida;

2. The discharge will be made directly to Class I or Class II waters;

3. The discharge will be made to a water body having a total maximum daily load established by the department and the discharge will cause or contribute to a violation of the established load;

4. The discharge fails to meet the requirements of the antidegradation policy contained in the department rules;

5. The discharge will be made to a sole-source aquifer as defined in department rules; or

6. The discharge fails to meet applicable surfacewater and groundwater quality standards.

(b) If one or more of the conditions in subparagraphs (a)1.-6. has been demonstrated, the department may:

1. Require more stringent effluent limitations;

2. Require relocation of the discharge point or a change in the method of discharge;

3. Limit the duration or volume of the discharge; or

4. Prohibit the discharge if there is no alternative that meets the conditions of subparagraphs 1.-3.

(4)(a) Discharge of demineralization concentrate from facilities used for the production of potable water to domestic wastewater treatment plant effluent disposal, not including reuse systems, shall be presumed allowable if the discharge of concentrate to the wastewater treatment facility is at no time greater than 20 percent of the annual average daily flow of that facility;

(b) Discharge of demineralization concentrate from facilities used for the production of potable water to domestic wastewater reuse systems, including drain fields, percolation ponds, absorption fields, and spray irrigation sites, shall be allowable if the applicant demonstrates through the engineering report that the blend will meet water quality standards and protect public health, site vegetation, and the ability of the reuse system, including land application, to function as intended.

(5) For facilities owned by small water utility businesses, the following conditions apply:

(a) A mixing zone with a radius that is not in excess of two times the natural water depth at the point of discharge for acute toxicity, or a 200-foot radius for chronic toxicity, and that provides for a minimum of 4 to 1 dilution within the mixing zone for acute toxicity under all conditions, shall be presumed allowable in the permitting of discharge of concentrate from facilities used for demineralization for potable water production.

(b) The department shall not:

1. Require such businesses to perform toxicity testing at other than the time of permit application, permit renewal, or any requested permit modification, unless the initial toxicity test or any subsequent toxicity test performed by the department does not meet toxicity requirements.

2. Require such businesses to obtain a water-quality-based effluent limitation determination.

(6) Demineralization facilities may apply for permits under this section according to the following schedule:

(a) For facilities providing potable water service to more than 2,000 equivalent residential customers, no later than 18 months after the effective date of this section.

(b) For facilities providing potable water service to 1,000 or more but not more than 2,000 residential equivalent customers, no later than 24 months after the effective date of this section.

(c) For facilities providing potable water service to fewer than 1,000 equivalent residential customers, or small water utility businesses, no later than 36 months after the effective date of this section.

(7) The department may adopt rules for the regulation of demineralization and to implement the provisions of this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 76, line 4, after the semicolon (;) insert: creating s. 403.0882, F.S.; providing definitions; specifying conditions and limitations for the discharge of demineralization concentrate; specifying conditions for discharge of concentrate from small water utility businesses; limiting departmental regulation of such businesses; providing a permitting schedule for demineralization facilities;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB's 715, 1249, 1321 and 1339** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 214** was deferred.

On motion by Senator Casas, by two-thirds vote **CS for CS for HB 725** was withdrawn from the Committees on Regulated Industries; Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Casas—

CS for CS for HB 725—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; allowing vendor-to-vendor sales; establishing limits; requiring maintenance of certain records; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; creating s. 561.5101, F.S.; requiring all alcoholic beverages brought into this state to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing an exception for sacramental alcoholic beverages; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 336 and CS for SB's 1216 and 2024** and read the second time by title.

Senator Casas moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *No later than March 1, 1999, the Department of Business and Professional Regulation shall certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes due and paid during calendar year 1998 under sections 563.05, 564.06, and 565.12, Florida Statutes, and payments made to the state pursuant to section 561.54, Florida Statutes. If this amount is greater than $535 million, then, effective July 1, 1999, section 561.501, Florida Statutes, is repealed.*

Section 2. Contingent upon the repeal of section 561.501, Florida Statutes, section 561.025, Florida Statutes, is amended to read:

561.025 Alcoholic Beverage and Tobacco Trust Fund.—There is created within the State Treasury the Alcoholic Beverage and Tobacco Trust Fund. All funds collected by the division under ss. 210.15, 210.40, or under s. 569.003 and the Beverage Law with the exception of state funds collected pursuant to ss. ~~561.501,~~ 563.05, 564.06, and 565.12 shall be deposited in the State Treasury to the credit of the trust fund, notwithstanding any other provision of law to the contrary. Moneys deposited to the credit of the trust fund shall be used to operate the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; except that:

(1) The revenue transfer provisions of ss. 561.32 and 561.342(1) and (2) shall continue in full force and effect, and the division shall cause such revenue to be returned to the municipality or county in the manner provided for in s. 561.32 or s. 561.342(1) and (2); and

(2) Ten percent of the revenues derived from retail tobacco products dealer permit fees collected under s. 569.003 shall be transferred to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children, pursuant to s. 233.067(4).

Section 3. Contingent upon the repeal of section 561.501, Florida Statutes, section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a) Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

(b) Ten million dollars annually shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

(c)~~(b)~~ The remainder of collection shall be credited to the General Revenue Fund.

(2) The unencumbered balance in the Alcoholic Beverage and Tobacco Trust Fund at the close of each fiscal year may not exceed $2 million. These funds shall be held in reserve for use in the event that trust fund revenues are unable to meet the division's appropriation for the next fiscal year. In the event of a revenue shortfall, these funds shall be spent pursuant to subsection (3). Notwithstanding subsection (1), if the unencumbered balance on June 30 in any fiscal year is less than $2 million, the department is authorized to retain the difference between the June 30 unencumbered balance in the trust fund and $2 million from the July collections of state funds collected pursuant to ss. 563.05, 564.06, and 565.12. Any unencumbered funds in excess of reserve funds shall be transferred unallocated to the General Revenue Fund by August 31 of the next fiscal year.

(3) Funds deposited into the Alcoholic Beverage and Tobacco Trust Fund pursuant to subsection (1) shall be used for administration and enforcement of chapters 210, 561, 562, 563, 564, 565, 567, 568, and 569.

~~(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:~~

~~(a) Nine and eight-tenths of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.~~

~~(b) The remainder of collections shall be credited to the General Revenue Fund.~~

Section 4. Subsections (1), (2), (3), (4), and (5) of section 561.24, Florida Statutes, are amended to read:

561.24 Licensing manufacturers as distributors or registered exporters prohibited; procedure for issuance and renewal of distributors' licenses and exporters' registrations.—

(1) A manufacturer, rectifier, or distiller that manufactures, rectifies, or distills spirituous liquors *or wine* may not be granted a license as a distributor and may not register as an exporter.

(2) A manufacturer, rectifier, or distiller that manufactures, rectifies, or distills spirituous liquors *or wine* may not be granted a renewal of a license or registration previously held as a distributor or exporter.

(3) If the applicant for a distributor's license or exporter's registration, or renewal thereof, is an individual or copartnership, such individual or copartnership is within the provisions of subsection (1) or subsection (2), as the case may be, if the individual or any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged directly or indirectly or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (4), in manufacturing, rectifying, or distilling spirituous liquors *or wine*. If any individual or any member of such copartnership within 6 months next preceding the making of an application hereunder has been interested or connected as provided by this subsection, such individual or such member of the copartnership shall be prima facie presumed to be so interested or connected with such corporation at the time of the making of the application, and such prima facie presumption shall continue until overcome by the applicant.

(4) If the applicant for a distributor's license or exporter's registration, or for the renewal thereof, is a corporation, such corporation is within the provisions of subsections (1) and (2), as the case may be, if such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in manufacturing, rectifying, or distilling spirituous liquors *or wine* or if such applicant corporation is controlled by, or the majority of stock therein is owned by, another corporation, which latter corporation is engaged, directly or indirectly, in manufacturing, rectifying, or distilling spirituous liquors *or wine*.

(5) Notwithstanding any of the provisions of the foregoing subsections, any corporation which holds a license as a distributor on June 3, 1947, shall be entitled to a renewal thereof, provided such corporation complies with all of the provisions of the Beverage Law of Florida, as amended, and of this section and establishes by satisfactory evidence to the *division* ~~board of county commissioners of the county wherein the original license was issued~~ that, during the 6-month period next preceding its application for such renewal, of the total volume of its sales of spirituous liquors, in either dollars or quantity, not more than 40 percent of such spirituous liquors sold by it, in either dollars or quantity, were manufactured, rectified, or distilled by any corporation with which the applicant is affiliated, directly or indirectly, including any corporation which owns or controls in any way any stock in the applicant corporation or any corporation which is a subsidiary or affiliate of the corporation so owning stock in the applicant corporation. *Any manufacturer of wine holding a license as a distributor on the effective date of this act shall be entitled to a renewal of such license notwithstanding the provisions of subsections (1) through (5). This section does not apply to any winery qualifying as a certified Florida Farm Winery under s. 599.004.*

Section 5. Subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of 10 cents is imposed upon each ounce of liquor and each 4 ounces of wine, *a surcharge of 6 cents is imposed on each 12 ounces of cider,* and a surcharge of 4 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor.

Section 6. Section 561.5101, Florida Statutes, is created to read:

561.5101 Come-to-rest requirement; exceptions; penalties.—

(1) For purposes of inspection and tax-revenue control, all malt beverages, except those manufactured and sold pursuant to s. 561.221(3), must come to rest at the licensed premises of an alcoholic beverage wholesaler in this state before being sold to a vendor by the wholesaler. The prohibition contained in this subsection does not apply to the shipment of malt beverages commonly known as private labels. The prohibition contained in this subsection shall not prevent a manufacturer from shipping malt beverages for storage at a bonded warehouse facility, provided that such malt beverages are distributed as provided in this subsection or to an out-of-state entity.

(2) Any person who is in the business of selling alcoholic beverages and who knowingly and intentionally sells malt beverages in a manner inconsistent with the requirements of subsection (1), whether to a vendor or to an ultimate consumer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Subsections (18) and (19) are added to section 561.01, Florida Statutes, to read:

561.01 Definitions.—As used in the Beverage Law:

(18) "Common carrier" means any person, firm, or corporation that undertakes for hire, as a regular business, the transportation of persons or commodities from place to place, offering its services to all who choose to employ it and pay its charges.

(19) "Permit carrier" means a licensee authorized to make deliveries as provided in s. 561.57.

Section 8. Section 561.54, Florida Statutes, is amended to read:

561.54 Certain deliveries of beverages prohibited.—

(1) It is unlawful for common or permit carriers, operators of privately owned cars, trucks, buses, or other conveyances or out-of-state manufacturers or suppliers to make delivery from without the state of any alcoholic beverage to any person, association of persons, or corporation within the state, except to qualified manufacturers, distributors, and exporters of such beverages so delivered and to qualified bonded warehouses in this state.

(2) Any licensee aggrieved by a violation of this section may bring an action in any court of competent jurisdiction to recover for the state all moneys obtained by common carriers or permit carriers; obtained by operators of privately owned cars, trucks, buses, or other conveyances; or obtained by out-of-state manufacturers or suppliers as a result of the delivery of alcoholic beverages in violation of this section, and may obtain a declaratory judgment that an act or practice violates this section and enjoin any person from violating this section. In addition to such relief, the court may order the confiscation and destruction of any alcoholic beverages delivered in violation of this section. In assessing damages, the court shall enter judgment against a defendant for three times the amount of the delivery charges proved or the fair market value of merchandise unlawfully brought into the state. Payment or satisfaction of any judgment under this section, other than for costs and attorney's fees, shall be made in its entirety to the state. In any successful action under this section, the court shall award the plaintiff costs and reasonable attorney's fees.

Section 9. Section 561.545, Florida Statutes, is created to read:

561.545 Certain shipments of beverages prohibited; penalties; exceptions.—The Legislature finds that the direct shipment of alcoholic beverages by persons in the business of selling alcoholic beverages to residents of this state in violation of the Beverage Law poses a serious threat to the public health, safety, and welfare, to state revenue collections, and to the economy of the state. The Legislature further finds that the penalties for

illegal direct shipment of alcoholic beverages to residents of this state should be made adequate to ensure compliance with the Beverage Law and that the measures provided for in this section are fully consistent with the powers conferred upon the state by the Twenty-first Amendment to the United States Constitution.

(1) Any person in the business of selling alcoholic beverages who knowingly and intentionally ships, or causes to be shipped, any alcoholic beverage from an out-of-state location directly to any person in this state who does not hold a valid manufacturer's or wholesaler's license or exporter's registration issued by the Division of Alcoholic Beverages and Tobacco or who is not a state-bonded warehouse is in violation of this section.

(2) Any common carrier or permit carrier or any operator of a privately owned car, truck, bus, or other conveyance who knowingly and intentionally transports any alcoholic beverage from an out-of-state location directly to any person in this state who does not hold a valid manufacturer's or wholesaler's license or exporter's registration or who is not a state-bonded warehouse is in violation of this section.

(3) Any person found by the division to be in violation of subsection (1) shall be issued a notice, by certified mail, to show cause why a cease and desist order should not be issued. Any person who violates subsection (1) within 2 years after receiving a cease and desist order or within 2 years after a prior conviction for violating subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any common carrier or permit carrier, or any operator of a privately owned car, truck, bus, or other conveyance found by the division to be in violation of subsection (2) as a result of a second or subsequent delivery from the same source and location, within a 2-year period after the first delivery shall be issued a notice, by certified mail, to show cause why a cease and desist order should not be issued. Any person who violates subsection (2) within 2 years after receiving the cease and desist order or within 2 years after a prior conviction for violating subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to the direct shipment of sacramental alcoholic beverages to bona fide religious organizations as authorized by the division or to possession of alcoholic beverages in accordance with s. 562.15(2).

Section 10. Paragraph (a) of subsection (1) of section 561.68, Florida Statutes, is amended to read:

561.68 Licensure; distributor's salesmen.—

(1)(a) Before any person may solicit or sell to vendors or become employed as a salesman of spirituous or vinous beverages for a licensed Florida distributor in accordance with the provisions of this section, such person shall file with the district supervisor of the district of the Division of Alcoholic Beverage and Tobacco in which the distributor's premises is located a sworn application for a license on forms provided by the division. Prior to any application being approved, the division shall require the applicant to file a fee of $50 and file a set of fingerprints on regular United States Department of Justice forms. *The licensure requirement provided in this paragraph does not apply to the solicitation or sale of cider.*

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises, contingent upon certain conditions being met; amending s. 561.025, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; amending s. 561.121, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; providing for a portion of funds from the excise taxes on alcoholic beverages to be transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; amending s. 561.501, F.S.; providing for a surcharge on cider; creating s. 561.5101, F.S.; requiring all malt beverages to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.01, F.S.; providing definitions; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney's fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing exceptions; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which failed:

Amendment 1A (with title amendment)—On page 6, line 28 through page 7, line 18, delete section 6 and renumber subsequent sections.

And the title is amended as follows:

On page 12, lines 6-9, delete those lines and insert: amending s.

The question recurred on **Amendment 1** which was adopted.

On motion by Senator Casas, by two-thirds vote **CS for CS for HB 725** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Bankhead	Forman	Klein	Silver
Brown-Waite	Grant	Kurth	Sullivan
Burt	Gutman	Lee	Thomas
Campbell	Hargrett	McKay	Turner
Casas	Harris	Meadows	Williams
Childers	Holzendorf	Myers	
Crist	Jenne	Rossin	
Dyer	Jones	Scott	

Nays—5

Dantzler	Horne	Latvala	Ostalkiewicz
Dudley			

Vote after roll call:

Yea—Bronson

Nay—Cowin

Yea to Nay—Brown-Waite

On motion by Senator Harris, by two-thirds vote **HB 835** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Harris—

HB 835—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; authorizing, rather than requiring, taxpayers who are required to remit taxes by electronic funds transfer to make returns in a form initiated through an electronic data interchange; providing an effective date.

—a companion measure, was substituted for **SB 1502** and read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 835** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Childers	Dyer	Holzendorf
Bronson	Cowin	Forman	Horne
Brown-Waite	Crist	Grant	Jenne
Burt	Dantzler	Gutman	Jones
Campbell	Diaz-Balart	Hargrett	Klein
Casas	Dudley	Harris	Kurth

Latvala	Myers	Scott	Thomas
Lee	Ostalkiewicz	Silver	Turner
McKay	Rossin	Sullivan	Williams
Meadows			

Nays—None

Vote after roll call:

Yea—Madam President

THE PRESIDENT PRESIDING

On motion by Senator Forman, by two-thirds vote **HB 1965** was withdrawn from the Committees on Health Care; Community Affairs; and Ways and Means.

On motion by Senator Forman, the rules were waived and—

HB 1965—A bill to be entitled An act relating to health care; creating s. 154.501, F.S.; creating the "Primary Care for Children and Families Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care for Children and Families Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; authorizing contracts for health care services; creating s. 154.506, F.S.; providing for primary care for children and families challenge grant awards; providing for local matching funds; requiring a study and a report; directing the Agency for Health Care Administration to seek federal waivers; repealing s. 766.1115(12), F.S., relating to expiration of the Access to Health Care Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 504** and by two-thirds vote read the second time by title.

Senators Forman and Myers offered the following amendment which was moved by Senator Myers and adopted:

Amendment 1 (with title amendment)—On page 9, between lines 8 and 9, insert:

Section 10. Subsection (1) of section 236.0812, Florida Statutes, is amended to read:

236.0812 Medicaid certified school funding maximization.—

(1) Each school district, subject to the provisions of *ss.* ~~s.~~ 409.9071 *and 409.908(21), appropriate federal authorization,* and this section, is authorized to certify funds provided for *school-based* physical *and behavioral health and transportation*~~, occupational, and speech therapy~~ services for the purpose of earning federal Medicaid financial participation. *While not limited to these services, each participating school district must place an emphasis on direct medically related nursing services.*

Section 11. Section 409.904, Florida Statutes, 1996 Supplement, is amended to read:

409.904 Optional payments for eligible persons.—The *agency* ~~department~~ may make payments for medical assistance and related services on behalf of the following persons who *are determined* ~~the department determines~~ to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) A person who is age 65 or older or is determined ~~by the department~~ to be disabled, whose income is at or below 100 percent of federal poverty level, and whose assets do not exceed *established* limitations ~~established by the department~~.

(2) A family, a pregnant woman, a child under age 18, a person age 65 or over, or a blind or disabled person who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed *established* limitations ~~established by the department~~. For a family or person in this group, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person in this group, which group is known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

(3) A person who is in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, or a state mental hospital, whose income does not exceed 300 percent of the SSI income standard, and who meets the assets standards established under federal and state law.

(4) A low-income person who meets all other requirements for Medicaid eligibility except citizenship and who is in need of emergency medical services. The eligibility of such a recipient is limited to the period of the emergency, in accordance with federal regulations.

(5) Subject to specific federal authorization, a postpartum woman living in a family that has an income that is at or below 185 percent of the most current federal poverty level is eligible for family planning services as specified in s. 409.905(3) for a period of up to 24 months following a pregnancy for which Medicaid paid for pregnancy-related services.

Section 12. Subsection (3) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(3) FAMILY PLANNING SERVICES.—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information~~,~~ education*; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention;*~~,~~ drugs and supplies~~,~~ and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

Section 13. Subsection (1) of section 409.9071, Florida Statutes, 1996 Supplement, is amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures to allow for certification of state and local education funds which have been provided for *services as authorized in s. 236.0812* ~~physical, occupational, and speech therapy services~~. Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for ~~both~~ Medicaid and ~~the exceptional student education program, and~~ who have an individualized educational plan that demonstrates that such services are medically necessary and a physician authorization order *if* ~~where~~ required by federal Medicaid laws.

Section 14. Subsection (21) of section 409.908, Florida Statutes, 1996 Supplement, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability

of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(21) The agency may reimburse school districts which certify the state match pursuant to s. 409.9071 for the federal portion of ~~either the Medicaid fee or~~ the school district's allowable costs to deliver the services, *subject to federal approval* ~~whichever is less~~. The school district shall determine the allowable costs for delivering ~~therapy~~ services *as authorized in s. 236.0812* for which the state Medicaid match will be certified, based on the policies and procedures published by the agency. Reimbursement of school-based therapy providers is contingent on such providers being enrolled as Medicaid therapy providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, may bill for services that are provided on school premises.

Section 15. Subsection (3) of section 409.912, Florida Statutes, 1996 Supplement, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county public health unit, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by July 1, 1997, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must become licensed under chapter 624 or chapter 641 by December 31, 1998, and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the insurance code before the entity becomes operational.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641 by July 1, 1997. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (14) and (15).

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. However, no such demonstration project shall be established with a Federally Qualified Health Center nor shall any provider service network under contract with the agency pursuant to this paragraph include a Federally Qualified Health Center in its provider network. One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for two years from the date of implementation.

Section 16. *The Agency for Health Care Administration shall develop a program, in conjunction with the Department of Education, the Department of Children and Family Services, the Department of Health, local school districts, and other stakeholders to identify low-income, uninsured children and, to the extent possible and subject to appropriation, refer them to the Department of Children and Family Services for a Medicaid eligibility determination and provide parents with information about alternative sources of health care.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 236.0812, F.S.; authorizing certified match for expanded school-based services; amending s. 409.904, F.S.; providing technical changes; amending s. 409.905, F.S.; authorizing a preventive focus for Medicaid family planning services; amending s. 409.9071, F.S.; incorporating conforming revisions; amending s. 409.908, F.S.; modifying the Medicaid reimbursement for certified match services; amending s. 409.912, F.S.; authorizing Medicaid to enter prepaid contracts with provider service networks; directing the Agency for Health Care Administration to develop a program to inform certain persons about sources of health care;

Senator Myers moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 9, between lines 8 and 9, insert:

Section 10. Present subsections (20) and (21) of section 409.906, Florida Statutes, 1996 Supplement, are renumbered as subsections (21) and (22), respectively, and a new subsection (20) is added to that section to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(20) REGISTERED NURSE FIRST ASSISTANT SERVICES.—The agency may pay for all services provided to a recipient by a registered nurse first assistant as described in s. 464.027. Reimbursement for such services may not be less than 80 percent of the reimbursement that would be paid to a physician providing the same services.

Section 11. Subsection (1) of section 409.9071, Florida Statutes, 1996 Supplement, is amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures to allow for certification of state and local education funds which have been provided for *services as authorized in s. 236.0812* ~~physical, occupational, and speech therapy services~~. Any state or local funds certified pursuant to this section shall

be for children with specified disabilities who are eligible for ~~both~~ Medicaid and ~~the exceptional student education program, and~~ who have an individualized educational plan that demonstrates that such services are medically necessary and a physician authorization order *if* ~~where~~ required by federal Medicaid laws.

Section 12. Present paragraphs (q), (r), and (s) of subsection (3) of section 409.908, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (r), (s), and (t), respectively, and a new paragraph (q) is added to that subsection, and subsection (21) of that section is amended, to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(3) Subject to any limitations or directions provided for in the General Appropriations Act, the following Medicaid services and goods may be reimbursed on a fee-for-service basis. For each allowable service or goods furnished in accordance with Medicaid rules, policy manuals, handbooks, and state and federal law, the payment shall be the amount billed by the provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less, with the exception of those services or goods for which the agency makes payment using a methodology based on capitation rates, average costs, or negotiated fees.

(q) Registered nurse first assistant services.

(21) The agency may reimburse school districts which certify the state match pursuant to s. 409.9071 for the federal portion of ~~either the Medicaid fee or~~ the school district's allowable costs to deliver the services, *subject to federal approval* ~~whichever is less~~. The school district shall determine the allowable costs for delivering ~~therapy~~ services *as authorized in s. 236.0812* for which the state Medicaid match will be certified, based on the policies and procedures published by the agency. Reimbursement of school-based therapy providers is contingent on such providers being enrolled as Medicaid therapy providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, may bill for services that are provided on school premises.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain services provided by a registered nurse first assistant; amending s. 409.9071, F.S.; incorporating conforming revisions; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to pay for certain services provided by a registered nurse first assistant; modifying the Medicaid reimbursement for certified match services;

On motion by Senator Forman, by two-thirds vote **HB 1965** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Cowin	Hargrett	Latvala	Silver
Crist	Harris	Lee	Sullivan
Dantzler	Holzendorf	McKay	Thomas
Dudley	Horne	Meadows	Turner
Dyer	Jenne	Myers	Williams
Forman	Jones	Ostalkiewicz	
Grant	Klein	Rossin	
Gutman	Kurth	Scott	

Nays—None

CS for CS for SB 976—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising provisions with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising provisions with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising provisions with respect to grounds for denial of licensure; amending s. 501.626, F.S.; revising provisions with respect to rulemaking authority; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license; revising provisions with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising provisions with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and 559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising provisions with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit by each independent agent; defining the term "independent agent"; amending s. 559.929, F.S.; revising provisions with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising provisions with respect to rules; amending s. 559.9355, F.S.; revising provisions with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for CS for SB 976** to **HB 1619**.

Pending further consideration of **CS for CS for SB 976** as amended, on motion by Senator Williams, by two-thirds vote **HB 1619** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Williams—

HB 1619—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; providing retroactive application of an exemption under certain circumstances; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising language with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising language with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising language with respect to grounds for denial of licensure; amending s. 501.626, F.S.; revising language with respect to rulemaking authority; amending s. 501.925, F.S.; revising conditions under which a watch is considered a used watch; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license, revising language with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising language with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and 559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising language with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit by each independent agent; defining the term "independent agent"; amending s. 559.929, F.S.; revising language with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising language with respect to rules; amending s. 559.9355, F.S.; revising language with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 976** as amended and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 1619** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Klein	Rossin
Brown-Waite	Forman	Kurth	Scott
Burt	Grant	Latvala	Silver
Casas	Gutman	Lee	Sullivan
Cowin	Harris	McKay	Turner
Crist	Horne	Meadows	Williams
Dantzler	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Bankhead, Childers, Clary, Thomas

On motion by Senator Horne, the Senate resumed consideration of—

SB 1830—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 1830** as amended, on motion by Senator Horne, by two-thirds vote **CS for HB 1597** was withdrawn from the Committee on Judiciary.

On motion by Senator Horne—

CS for HB 1597—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—a companion measure, was substituted for **SB 1830** as amended and read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (22) of section 90.803, Florida Statutes, 1996 Supplement, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(22) FORMER TESTIMONY.—Former testimony given by the declarant *which testimony was given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, or a person with a similar interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination, provided, however, the court finds that the testimony is not inadmissible pursuant to s. 90.402 or s. 90.403.* ~~at a civil trial, when used in a retrial of said trial involving identical parties and the same facts.~~

Section 2. This act shall take effect July 1, 1997 and shall apply to pending cases in which the final pretrial conference occurs on or after that date.

And the title is amended as follows:

On page 1, line 3, delete "providing additional exceptions" and insert: revising an exception

Pursuant to Rule 4.19, **CS for HB 1597** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 1.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 30 and Thursday, May 1, 1997: CS for CS for SB 1548 and CS for SB 1434, CS for SB 1404, CS for SB 2228, CS for SB 1654, CS for SB 1578, CS for CS for SB 1660, SB 1830, CS for HB 703, CS for SB 716, CS for CS for SB's 1566 and 114, CS for CS for SB 722, CS for SB 2362, CS for SB's 1428, 1388, 1562 and 1252, CS for CS for SB 1074, SB 1038, CS for CS for SB 214, CS for CS for CS for SB 336 and CS for SB's 1216 and 2024, SB 1502, CS for SB 504, CS for CS for SB 976, CS for SB 1398, SB 388, CS for SB 1592, CS for CS for SB 690, CS for SB 584, SB 2342, CS for SB 746, CS for CS for SB 170, CS for SB 2352, CS for SB 1822, CS for SB 1432, CS for SB 1920, CS for SB 564, SB 840, SJR 844, CS for SB 2086, CS for SB 1760, CS for CS for SB 1412, CS for CS for SB 546, SB 1270, CS for SB 2066, CS for SB 2186, CS for SB 2048, CS for CS for SB 526, CS for SB 748, CS for SB 1094, CS for SB 2436, CS for SB 2450, CS for SB 1422, SB 2272, CS for SB 888, CS for SB 598, CS for SB 1132, SB 450, SB 678, SB 354, SB 240, SB 620, CS for SB 1360, CS for SB 238, SB 1102, CS for SB 936, SB 252, CS for SB 1880, CS for SB 1228, CS for CS for SB 514, CS for SB 774, CS for SB 2310, SB 126, SB 1784, SB 2346, SB 2062, SB 686, SB 2058, SB 14, CS for SB 1362, CS for SB's 234 and 456, CS for CS for SB 1532, CS for SB 998, CS for SB's 818, 1136 and 1242, SB 714, CS for SB 1148, CS for SB 250, CS for SB 402, CS for SB 1244, CS for SB 1598, SB 1496, CS for SB 490, CS for SB 1456, CS for SB 650, SB 830, SB 56, CS for SB's 1678 and 2404, SB 1662, CS for SB's 1846 and 1876, SB 838, CS for SB 724, CS for SB 1012, CS for SB 612, SB 824, SB 826, SB 382, CS for SB 1128, CS for SB 74, CS for SB 112, CS for SB 1850, SB 864, SB 162, SB 996, SB 2002, SB 1028, CS for SB 1006, SB 1470, CS for CS for SB 1020, SB 190, CS for SB 2374, CS for SB 680, SB 1372, CS for SB 1346, CS for SB 1686, SB 1030, SB 1980, CS for SB 914, SB 42, SB 1484, CS for SB 770, CS for SB 1214, SB 1016, CS for SB 470, CS for CS for SB 1234, CS for SB 894, CS for SB 1248, CS for SB 1466, SB 1092, CS for SB 876, SB 172, SB 1304, CS for SB 1594, CS for SB's 1964 and 1742, CS for SB 2038, CS for CS for SB 2194, SB 2282, SB 468, CS for SB 904, SB 988, SB 660, CS for SB 362, CS for CS for SB 364, SB 1292, SB 1634, CS for SB 700, CS for SB 910, CS for SB 1056, SB 1810, SB 1812, SB 1906, SB 204, SB 400, CS for SB 946, SB 2054

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, April 30, 1997: HB 295, HB 421, HB 423, HB 427, HB 429, HB 515, HB 517, HB 519, HB 521, HB 567, HB 569, HB 591, HB 593, HB 595, HB 597, HB 619, HB 621, HB 623, HB 635, HB 637, HB 645, HB 655, HB 783, HB 917, HB 927, HB 951, HB 959, HB 961, HB 1103, HB 1173, HB 1265, HB 1281, HB 1283, HB 1285, HB 1293, HB 1305, HB 1315, HB 1365, HB 1383, HB 1389, HB 1401, HB 1431, HB 1459, HB 1473, HB 1477, HB 1517, HB 1659, HB 1709, HB 1729, HB 1765, HB 1773, HB 1907, HB 1953, HB 1987, HB 2003, HB 2021, HB 2027, HB 2029, HB 1291, HB 1655, HB 571, HB 871, HB 425

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 52, CS for SB 360 and SB 406 which became law without his signature on April 30, 1997.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 803, CS for HB 815, CS for HB 879, CS for HB 921, CS for HB 1275, HB 1625, HB 1693, HB 2099; has passed as amended CS for HB 117, CS for HB 241, CS for HB 767, HB 1045, HB 1109, CS for CS for HB's 1119 and 1577, CS for HB's 1309, 1143, 847, 697, 1391 and 203, HB 1323, CS for HB 1437, HB 1487, HB 1519, CS for HB 1589, HB 1853, HB 1957, HB 1965, HB 2121; has passed by the required Constitutional three-fifths vote of the membership HB 1271, CS for HB 1319 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Elder Affairs and Long Term Care; and Representative Eggelletion—

CS for HB 803—A bill to be entitled An act relating to Alzheimer's disease; creating s. 400.4178, F.S.; providing standards for facilities that provide special care for persons with Alzheimer's disease and other related disorders; providing employee training requirements; providing continuing education requirements; providing for approval of education courses and providers; providing for fees; providing for rules; amending s. 400.452, F.S.; including education on Alzheimer's disease and related disorders in the core educational requirement for facility administrators and staff; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Governmental Operations and Representative Wallace—

CS for HB 815—A bill to be entitled An act relating to state government; providing legislative intent; providing duties of procuring agencies relating to procurement contracts; imposing certain duties on the Comptroller; providing application; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Rules and Regulations; and Representative Posey and others—

CS for HB 879—A bill to be entitled An act relating to administrative procedure; creating s. 120.571, F.S., the "Agency Accountability Act of 1997"; providing for court orders imposing liability upon an agency which has made a determination affecting the substantial interests of a party based on a grossly negligent assessment of material facts, under specified circumstances; providing for agency liability for actual damages and attorney's fees incurred by the party suffering financial harm as a result of the determination; providing for waiver of sovereign immunity; specifying applicability; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

By the Committee on Education/K-12 and Representative Boyd and others—

CS for HB 921—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Valdes and others—

CS for HB 1275—A bill to be entitled An act relating to taxation; providing legislative intent with respect to the municipal public service

tax; amending s. 166.231, F.S.; providing that specified governmental bodies are exempt from said tax; exempting certain religious institutions from the tax on telecommunication services; providing that state universities shall not be deemed sellers of taxable items under certain circumstances; revising provisions relating to determination of the situs of telecommunication services; providing requirements for returns and remittance of the tax on telecommunication services; requiring certain purchasers claiming exemptions to certify that they are qualified therefor; requiring governmental bodies that sell taxable services to nonexempt users to collect and remit the tax; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information relating to the tax to the Department of Revenue and to other persons; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures that apply when more than one municipality claims an address or when information does not conform to the seller's address records; creating s. 166.234, F.S.; providing procedures for audits of sellers by municipalities; prohibiting contingent fee audits; prescribing record retention requirements for sellers; providing time limitations on assessments of taxes and on applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; authorizing municipalities to assess interest and penalties; providing requirements with respect to a determination by a municipality of amounts of tax; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes; providing for interest on refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing for communications between municipalities with respect to specified matters relating to audits and the identities of sellers; prescribing the circumstances for assessment of audit expenses against a seller; providing a schedule for application of the requirements of the act; amending ss. 203.01 and 203.63, F.S., relating to taxes on gross receipts for utility services and on interstate and international telecommunication services; specifying that certain sums charged as taxes under said sections and under ch. 212, F.S., shall not be subject to refund, notwithstanding requirements relating to separate statement of such taxes on bills or invoices; providing legislative intent; providing an appropriation; providing for severability; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Dawson-White and others—

HB 1625—A bill to be entitled An act relating to transitional living facilities for brain and spinal cord injured persons; creating pt. IX of ch. 400, F.S.; creating s. 400.905, F.S.; providing for licensure of transitional living facilities; creating s. 400.906, F.S.; providing definitions; creating s. 400.907, F.S.; establishing license and fee requirements; creating s. 400.908, F.S.; regulating sale or transfer of ownership of a facility; creating s. 400.909, F.S.; providing for denial, revocation, or suspension of a license and imposition of an administrative fine; creating s. 400.910, F.S.; providing for a moratorium on admissions; creating s. 400.911, F.S.; providing for initial licensure application; creating s. 400.912, F.S.; providing for renewal, expiration, and conditional licenses; creating s. 400.913, F.S.; requiring reports of abuse in facilities; creating s. 400.914, F.S.; providing for disposition of fees and fines; creating s. 400.915, F.S.; providing for violations and penalties; creating s. 400.916, F.S.; prohibiting rebates; providing penalties; creating s. 400.917, F.S.; prohibiting certain solicitations; allowing certain third-party supplementation; creating s. 400.918, F.S.; providing for injunctive proceedings; creating s. 400.919, F.S.; providing for receivership proceedings; creating s. 400.920, F.S.; providing for contracts; creating s. 400.921, F.S.; providing requirements for use of licensed personnel; creating s. 400.922, F.S.; providing for appropriateness of placements and examination of residents; creating s. 400.923, F.S.; providing for property and personal affairs of residents; providing a penalty; creating s. 400.924, F.S.; providing a resident bill of rights; creating 400.925, F.S.; providing for civil actions to enforce rights; creating s. 400.926, F.S.; providing right of entry and inspection; creating s. 400.927, F.S.; providing procedures for closing of facilities, including notice and penalties; creating s. 400.928, F.S.; providing for rules establishing standards; creating s. 400.929, F.S.; providing for maintenance of records and reports; amending s. 413.605, F.S.; providing additional duty of the advisory council on brain and spinal cord injuries; amending s. 413.273, F.S.; revising per diem and travel expenses for members of certain councils; amending s. 413.395, F.S.; authorizing incorporation of the Florida Independent Living Council; authorizing members' compensation and reimbursement for child care; amending s. 413.405, F.S., relating to the Rehabilitation Advisory Council; authorizing members' reimbursement for child care; repealing s. 400.805, F.S., relating to transitional living facilities for brain and spinal cord injured persons; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Tourism and Representative Barreiro and others—

HB 1693—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; revising firesafety requirements for specified public lodging establishments; deleting obsolete language; amending s. 509.242, F.S.; revising classifications for public lodging establishments; providing that such classifications are for licensing purposes only; providing classification for "home stay inn"; amending s. 553.895, F.S.; removing obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 2099—A bill to be entitled An act relating to state moneys; amending s. 216.167, F.S.; requiring the Governor's recommended budget and revenues to include estimates of the Budget Stabilization Fund; amending s. 215.32, F.S.; revising the funds into which all moneys received by the state must be deposited and within which they must be accounted for; specifying the manner of dividing such moneys into such funds; specifying the use and investment of moneys in such funds; repealing ss. 212.081(3) and 420.5094, F.S., relating to legislative intent on certain moneys available in excess of general revenue needs that accrue to the Working Capital Fund and relating to the single-family mortgage revenue bond program, and amending ss. 216.221 and 252.37, F.S., relating to the financing of deficits and emergencies, to conform; amending ss. 265.51 and 265.55, F.S.; restricting authority of the Department of State to make agreements to indemnify for certain losses relating to items of artistic or historical value, and of the Comptroller to pay such claims, to specific appropriations for that purpose, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Business Development and International Trade; and Representative Culp and others—

CS for HB 117—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the definition of educational institutions for purposes of exemption; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Valdes and others—

CS for HB 241—A bill to be entitled An act relating to sentencing; repealing ss. 921.001, Florida Statutes, subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of section 921.0001, Florida Statutes, and sections 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005,

F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; authorizing a court to impose a sentence above 75 percent of the statutory maximum or 75 percent higher than the code; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; amending a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose maximum recommended sentence is under a specified period to be eligible for incarceration up to a specified period; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addition or the use of alcohol or drugs as a mitigating circumstance for purposes of sentencing; providing that capital felonies are excluded from the punishment code; providing clarification for application of future code revisions; providing a directive to the Division of Statutory Revision to maintain certain repealed provisions in the Florida Statutes for 10 years; providing effective dates.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Hill—

CS for HB 767—A bill to be entitled An act relating to violations involving checks; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Ziebarth and others—

HB 1045—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; clarifying the benefit payment and calculation procedure under the system; providing for dual calculation of benefits with respect to members of the Elected State and County Officers' Class who initially become members of that class on or after a specific date; providing for matters relative thereto; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Edwards—

HB 1109—A bill to be entitled An act relating to public officers and employees; amending s. 112.3173, F.S., which provides for the forfeiture of retirement benefits by a public officer or employee convicted of specified felony offenses involving breach of the public trust or whose office or employment is terminated by reason of his or her commission or aiding in the commission of such offense; specifying additional offenses for which such forfeiture is required; providing that certain spouses or joint annuitants shall remain eligible for the benefits upon such forfeiture; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committees on General Government Appropriations; Water and Resource Management; and Representative Minton and others—

CS for CS for HB's 1119 and 1577—A bill to be entitled An act relating to public lands; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 253.034, F.S.; specifying objectives of the management of the state's lands and natural resources; providing requirements for multiple-use land management strategies; providing references to the Land Acquisition and Management Council; revising land-management plan adoption processes; correcting a cross reference; amending s. 253.68, F.S.; modifying authority of local government to object to state aquaculture leases; amending s.

253.7825, F.S.; correcting a cross reference; amending s. 259.032, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain lands through the Conservation and Recreation Lands (CARL) Trust Fund; directing managing agencies to enter into certain contracts or agreements; requiring notice and public hearing on individual management plans; providing for withholding of CARL management funds to certain agencies; providing management objectives for lands acquired under ch. 259, F.S.; increasing the percentage of funds deposited in the Florida Preservation 2000 Trust Fund available for land management and capital improvements; allowing agencies to keep revenues generated from activities on lands they manage; revising provisions relating to payments in lieu of taxes; amending s. 259.035; creating the Land Acquisition and Management Advisory Council; providing responsibility for review of plans for state-owned lands; creating s. 259.036, F.S.; providing for management review teams for certain lands; amending s. 259.101, F.S.; adding historical or archeological sites to Preservation 2000 project criteria; commencing process to close out the Florida Preservation 2000 Program; amending s. 260.015, F.S.; changing certain land acquisition procedures for the Florida Greenways and Trails Program; creating s. 369.255, F.S.; authorizing certain counties and municipalities to create green utilities and adopt fees for certain purposes; amending s. 373.139, F.S.; providing that lands acquired for specified purposes by water management districts shall receive multiple-use management, except under certain conditions; directing the district governing boards to consult with or enter into a memorandum of agreement with specified state agencies with respect to such management; amending s. 373.59, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain land through the Water Management Lands Trust Fund; providing for use of land management volunteers; creating s. 373.591, F.S.; creating management review teams for water management district lands; amending s. 704.06, F.S.; clarifying linear facilities ability to cross conservation easements; repealing s. 253.022, F.S., relating to the Land Management Advisory Council; amending s. 373.250, F.S.; revising a date with respect to certain reports by water management districts; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Education/K-12 and Representative Stafford and others—

CS for HB's 1309, 1143, 847, 697, 1391 and 203—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; providing effective dates.

—was referred to the Committees on Criminal Justice; Education; and Ways and Means.

By Representative Laurent—

HB 1323—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to certain public water systems; authorizing use of certain federal Safe Drinking Water Act funds for specified purposes; providing loan criteria, requirements, and limitations; providing for department rules; requiring an annual report; providing for audits; providing for loan service fees; providing for disposition of funds; providing for default; providing penalties for delinquent payments or noncompliance with loan terms and conditions; amending s. 403.860, F.S.; authorizing administrative penalties for failure of a public water system to comply with the Florida Safe Drinking Water Act; providing for rules and procedures; creating s. 403.8615, F.S.; requiring certain new water systems to demonstrate specified technical, managerial, and financial capabilities; creating s. 403.865, F.S.; providing legislative findings and intent relating to operation of water and wastewater treatment facilities by qualified personnel; creating s. 403.866, F.S.; providing definitions; creating s. 403.867, F.S.; requiring such operators to be licensed by the department; creating s. 403.868, F.S.; authorizing a utility to have more stringent requirements; creating s. 403.869, F.S.; authorizing department rules; creating s. 403.87, F.S.; authorizing appointment of a technical advisory council for water and domestic wastewater operator certification; creating s. 403.871, F.S.; providing for application and examination, reexamination, licensure, renewal, and recordmaking and recordkeeping fees; providing for disposition thereof; creating s. 403.872, F.S.; specifying requirements for licensure; creating s. 403.873, F.S.; providing for biennial license renewal; creating s. 403.874, F.S.; providing for inactive status and reactivation of inactive licenses; creating s. 403.875, F.S.; specifying prohibited acts; providing a penalty; creating s. 403.876, F.S.; requiring the department to establish grounds for disciplinary actions; providing for an administrative fine; providing for transfer of powers and duties relating to regulation of operators of water treatment plants and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection; providing for continuation of certain rules; providing a grandfather provision for operators certified prior to the transfer; amending s. 403.087, F.S.; increasing the maximum term for issuance of permits for stationary water pollution sources; specifying conditions for renewing operation permits for domestic wastewater treatment facilities for an extended term at the same fee; requiring the department to keep certain records; amending s. 403.0871, F.S.; correcting cross references; amending s. 403.0872; clarifying air pollution fee deadline; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater treatment plant operator certification by the Department of Business and Professional Regulation; providing an appropriation; amending s. 367.021, F.S.; defining "environmental compliance costs; amending s. 367.022, F.S.; providing regulatory exemptions for nonpotable irrigation water, under certain circumstances; amending s. 367.081, F.S.; providing for recovery of environmental compliance costs; amending s. 367.171, F.S.; providing application of the act; amending s. 367.022; deregulating bulk supplies of water for sale for resale; providing for a study of ozonation and other alternative processes for disinfecting water; requiring a report; amending s. 193.625, F.S. to

allow high-water recharge assessments when lands will be used primarily for bona fide high-water recharge purposes for a period of at least 5 years; amending s. 403.1835, F.S.; expanding the sewage treatment facilities revolving loan program to provide loans to local governmental agencies for construction of stormwater management systems; defining "stormwater management system"; providing additional responsibilities of local governments under the program; providing priority for certain stormwater management system projects; providing for funding; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Saunders—

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Representative Warner—

HB 1487—A bill to be entitled An act relating to education; transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 11.42, F.S., relating to the Auditor General; conforming a cross-reference; amending s. 20.15, F.S.; revising duties of the State Board of Education; providing for the Commissioner of Education rather than the State Board of Education to head the Department of Education; providing for the appointment of a Deputy Commissioner for Educational Programs; providing for the appointment of a Deputy Commissioner for Planning, Budgeting, and Management; providing for the Commissioner of Education rather than the State Board of Education to appoint the councils and committees within the Department of Education; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; granting the Commissioner of Education rulemaking authority for certain programs; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education program; amending s. 228.081, F.S.; requiring the State Board of Education and the department to provide certain assistance for educational programs of the Department of Juvenile Justice; amending s. 228.086, F.S., relating to regional centers of excellence in mathematics, science, computers, technology, and global awareness; deleting certain requirements; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.092, F.S., relating to retention of records of nonpublic school students; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.011, F.S.; revising certain functions of the state with respect to public education; amending s. 229.053, F.S.; revising the powers and duties of the State Board of Education; requiring the State Board of Education to establish a clearinghouse for information on economic development; amending s. 229.085, F.S., relating to the custody of educational funds; amending s. 229.111, F.S.; providing for the Commissioner of Education to assume the duties of the State Board of Education with respect to the acceptance of gifts; amending s. 229.512, F.S.; revising the duties of the Commissioner of Education; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.559, F.S., relating to the use of student's social security numbers; deleting obsolete provisions; amending s. 229.565, F.S.; deleting a requirement that the State Board of Education approve standards of excellence; deleting requirements for an evaluation of the Florida Primary Education Program; amending s. 229.57, F.S.; revising requirements of the student assessment program; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects; amending s. 229.591, F.S.; deleting the name "Blueprint 2000"; amending s. 229.592, F.S., relating to school improvement and education accountability; deleting obsolete provisions; revising provisions relating to exceptions to law; amending s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.594, F.S.; deleting obsolete provisions; providing the commissioner's role in reviewing components of school improvement and accountability; amending s. 229.602, F.S.; replacing the term "career education" with the term "vocational education"; amending ss. 229.75, 229.76, F.S.; revising duties of the State Board of Education to conform to changes made by the act; amending s. 229.771, F.S.; providing for removal from office by the State Board of Education; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 230.03, F.S.; providing commissioner's rulemaking authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.; requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; deleting a cross reference; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.; requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner and the state board authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt

requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, minimum term of operation of schools, employment of personnel, salary schedules, and budgets; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; providing that certain rules of the state board in effect June 30, 1997, shall remain in effect until amended or revoked; amending s. 228.121, F.S.; correcting a cross-reference; repealing s. 228.0617, F.S., relating to the school age childcare incentives program; repealing s. 228.085, F.S., relating to the state comprehensive plan for mathematics, science, and computer education; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Representative Westbrook—

HB 1519—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; providing that rural hospitals designated after July 1, 1997, shall not be included in the rural hospital disproportionate share of financial assistance programs unless additional appropriations are provided; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on General Government Appropriations and Representative Westbrook and others—

CS for HB 1589—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that provide for small-scale amendment thresholds to allow Duval County 120 acres, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and Water Management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending ss. 259.032, 373.59, F.S.; amending a requirement that small counties levy a specified millage or suffer a specified percentage of tax loss in order to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the Florida Preservation 2000 Program; revising the period during which payments in lieu of taxes are to be made; amending s. 403.7095, F.S.; revising the population limitation for purposes of provisions which authorize annual solid waste and recycling grants to small counties and deleting the expiration date for such grants; amending s. 212.055, F.S.; providing the expiration date for small county indigent care surtax; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining the terms "rural county" and "rural city"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; authorizing the transfer and use of legally restricted fuel taxes by counties having a population of 30,000 or less for unrestricted purposes for all fiscal years prior to and through fiscal year 1997-1998; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Culp and others—

HB 1853—A bill to be entitled An act relating to Medicaid; amending ss. 236.0812, 409.9071, 409.908, 409.9122, and 409.9126, F.S.; revising and conforming provisions relating to school-based services provided to children under the Medicaid certified school match program; expanding included services; providing limitations; deleting obsolete language; clarifying recipient eligibility requirements and providing for cooperation with the Department of Education; directing the Agency for Health Care Administration to submit a state plan amendment, and to seek

federal waivers when necessary; authorizing the agency to conduct school district compliance reviews; revising budget and reimbursement provisions; directing the agency to develop a reimbursement schedule; authorizing certain retroactive reimbursements; providing an exemption from background screening requirements; providing for managed care plan agreements with school districts and county health departments; providing for procedures to ensure continuity of care; providing an effective date.

—was referred to the Committees on Education; Health Care; and Ways and Means.

By Representative Arnall—

HB 1957—A bill to be entitled An act relating to public records; creating s. 414.1035, F.S.; providing an exemption from public records requirements for identifying information relating to the drug screening, testing, or treatment of applicants for or recipients of WAGES Program assistance or services; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Children, Families and Seniors.

By the Committee on Health Care Services and Representative Albright and others—

HB 1965—A bill to be entitled An act relating to health care; creating s. 154.501, F.S.; creating the "Primary Care for Children and Families Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care for Children and Families Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; authorizing contracts for health care services; creating s. 154.506, F.S.; providing for primary care for children and families challenge grant awards; providing for local matching funds; requiring a study and a report; directing the Agency for Health Care Administration to seek federal waivers; repealing s. 766.1115(12), F.S., relating to expiration of the Access to Health Care Act; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Ways and Means.

By the Committee on Education Innovation and Representative Melvin and others—

HB 2121—A bill to be entitled An act relating to educational facilities and funding; providing for a review over a 4-year period of the Florida Statutes that govern agency operations; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; authorizing the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 236.25, F.S., relating to district school tax; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; authorizing a waiver of the expenditure restrictions; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising requirements and providing additional criteria for funding from the Special Facility Construction Account; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities; providing additional survey requirements; requiring validation of use of standardized measures by the Department of Education; amending s. 236.083, F.S.; providing for a guaranteed allocation from student transportation funding for new schools meeting certain requirements; providing for calculation; authorizing transfer of such amount to the district capital improvement account for construction, financing, or lease-purchase of new schools; requiring the Department of Education to recommend certain incentives; authorizing the adoption of rules; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Laurent—

HB 1271—A bill to be entitled An act relating to trust funds; creating s. 403.8533, F.S.; creating the Drinking Water Revolving Loan Trust Fund within the Department of Environmental Protection; specifying the purposes of the trust fund; providing source of moneys; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos and others—

CS for HB 1319—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing for compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; providing for future disposition of the funds to the General Revenue Fund upon repeal of specified provisions; providing a directive to the Statutory Revision Division; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; amending s. 27.34, F.S.; revising a provision relating to the services and office space provided by the counties to the state attorneys; providing effective dates.

—was referred to the Committees on Judiciary; and Ways and Means.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment(s) to CS for CS for SB's 1688, 792, 1334 and 2254 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representatives King, Wise, Wasserman-Schultz and K. Pruitt.

John B. Phelps, Clerk

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199,

235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 244, CS for CS for SB 496, SB 884, SB 1158, CS SB 1246, CS for SB 1546, CS for SB 1992 and CS for CS for SB 2060.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 152, SB 180, CS for SB 232, SB 326, CS for SB 378, CS for SB 442, SB 486, CS for SB's 530 and 848, CS for SB 550, CS for SB 630, CS for SB's 780, 520 and 692, SB 902, CS for SB 968, SB 1108, CS for SB 1112, CS for SB 1160, CS for SB 1282, SB 1430 and CS for SB 1862 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 30, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-SPONSORS

Senators Bankhead—CS for SB 1598; Diaz-Balart—SB 1008; Crist—SB 190; Jenne—SB 162; Jennings—SB 1028

RECESS

On motion by Senator Bankhead, the Senate recessed at 8:33 p.m. to reconvene at 9:00 a.m., Thursday, May 1.

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SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER WITH SUBJECT, SPONSOR AND DISPOSITION

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

ACS — Upon Adjournment, on Senate Calendar
AM — Upon Adjournment, in Messages
ASC — Upon Adjournment, in Senate Committee
CCH — Carried over, on House Calendar
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
WS — Withdrawn from the Senate

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2 Minority Teacher Education Scholars (Ways and Means and others) (FR)31, (CR)235, (MO)481, (CO)531, (BA)550, (CR)583, (CR)585, (CS)586, (BA)612, **613**, 721, (BA)1421, **1422** Ch. 97-297
4 Motor Vehicles/Alternative Fuel (Meadows) (MO)3, (CR)30, (FR)31, (MO)535 WS
6 Handgun Purchases/3-Day Wait (Bronson) (FR)31, (MO)197 WS
8 Minor/Claims Settlement/Guardians (Judiciary) (CR)(FR)31, (CS)94, (CR)139, (CR)235, (BA)271, (CR)276, (BA)**303** DM
10 Tobacco-free Prisons Act (Criminal Justice and others) (FR)32, (CR)(CS)316, (CO)401, (MO)404, (BA)493, (CR)500, (BA)**515**, 956 FPH
12 Fla. Retirement System/Calculation (Burt) (FR)32, (CR)584, (MO)604 DCS
14 Ad Valorem Tax/Veteran's Homestead (Meadows) (CR)30, (FR)32, (MO)535, (BA)698, (CR)709, (CR)938, (CR)1096, (BA)1105, (CR)1294 LTS/CSP-HB 157
16 FRS/Normal Retirement Date (Meadows) (FR)32, (MO)404 WS
18 Violent Crime Emergency Account (Burt) (MO)3, (FR)32 WS/CSP-SB 156
20 Corrections & Offenders (Criminal Justice) (FR)32, (CR)584, (CS)586, (MO)724, (MO)957 DCS/CSP-CS/CS/SB 310, CS/SB 1930
22 Liens for Bulk Feed (Bronson) (FR)32 DSC
SJR
24 Legislative Authority Limits/Taxes (Burt) (FR)32 DSC
SB
26 Dredging of Natural Waterbodies (Natural Resources) (CR)31, (FR)32, (CS)94, (MO)108, (BA)442, (CR)448 LTS/CSP-CS/HB 57
28 Motor Vehicle Ins./School Transport (Meadows) (CR)30, (FR)32, (CR)200, (BA)553, (CR)583 LTS/CSP-HB 9
30 Sentencing/Term of Incarceration (Burt) (MO)3, (FR)32 WS/CSP-CS/HB 241
32 Sentencing/Prior Offenses (Burt) (MO)3, (FR)33 WS
SCR
34 Legislative Efficiency/Joint Comm. (Rossin) (MO)3 WS
SB
36 Secondhand Dealers/Title Loans (Williams) (FR)33 DSC
38 Fla. Maximum Class Size Goals Act (Education) (FR)33, (CR)253, (CS)263, (MO)604 DCS
40 Wrongful Death/Medical Malpractice (Banking and Insurance and others) (FR)33, (CR)200, (CR)(CS)521 DCS
42 Concealed Weapons/Nonresident (Williams) (CR)30, (FR)33, (CR)709, (CR)938, (CR)1096 DCS
44 Taxation/Motor & Diesel Fuels (Ways and Means and others) (FR)33, (BA)538, (CR)583, (CR)585, (CS)586, (BA)605 LTS/CSP-CS/CS/HB 81
46 Speedy Trial Reform Act of 1997 (Rossin) (FR)33, (CR)139, (MO)404, (BA)491, (CR)500, (BA)**513** UHC/LTH
SB
48 Alternative-fuel-vehicle Projects (Meadows) (CR)31, (FR)33 USC/LTS
50 State Procurement/Contractual Bids (Meadows) (FR)33, (MO)404 WS
52 Asbestos Removal Programs (Rossin) (CR)30, (FR)33, (CR)139, (MO)324, (BA)442, (CR)448, (BA)**458**, 531, 603, 1096 Ch. 97-31
54 Municipal Elections/Governing Body (Meadows) (FR)33, (MO)404 WS
56 Bidders/Illegal Aliens/Nonemployment (Jenne) (FR)34, (CR)124, (CR)709, (CR)938, (CR)1096 DCS
58 Leadership Funds/Political Party (Kirkpatrick) (FR)34 DSC
60 Sentencing/Violent Felony Offenders (Horne) (FR)34 DSC
62 Personal Property/Documentary Stamps (Ways and Means) (CR)30, (FR)34, (CR)(CS)651, (BA)698, (CR)709, (BA)737, (CR)938 LTS/CSP-HB 153
64 Local Option Tourist Dev. Tax (Community Affairs) (FR)34, (CR)140, (CS)205, (CR)363, (CS/CS)369, (MO)404, (BA)699, (CR)709, (BA)733, (BA)735, (CR)938, (BA)**959**, 1304 DM
66 Education/Teacher/Quest Projects (Kurth) (FR)34, (MO)212 WS
68 Mobile Home Park Recreation District (Kurth and others) (CR)30, (FR)34, (CR)124, (MO)127, (BA)(CR)276, (BA)**307**, 383, 470, 599 Ch. 97-11
70 Medicaid/Third-party Liability (Jenne and others) (FR)34, (CO)451 DSC
72 School Board/Single-member Residence (Jenne and others) (FR)34, (CR)124, (CO)126, (CO)196, (CR)277, (BA)439, (CR)448, (BA)462, (BA)**550**, (CR)583, 1303 Ch. 97-88
74 Education/Expenditure Requirements (Education) (FR)34, (CR)253, (CS)263, (MO)269, (CR)709, (CR)938, (CR)1096 DCS
76 Postsecondary Planning Commission (Kirkpatrick) (FR)34, (CR)200, (CR)235, (MO)269 DCS
78 University Resource Fees (Kirkpatrick) (FR)34, (MO)509 WS
80 Sentencing/Mitigation (Burt) (MO)3, (FR)34 WS/CSP-CS/HB 241
82 Real Estate Transactions (Judiciary and others) (CR)30, (CR)31, (FR)35, (CS)95, (MO)108, (BA)275, (CR)276, (BA)**306**, 603, 956 Ch. 97-42
84 False or Perjured Statements (Burt) (MO)3, (FR)35 WS/CSP-SB 164
86 Wearing Mask or Hood/Offenses (Burt) (MO)3, (FR)35 WS/CSP-HB 385, CS/HB 241
88 Defendant's Voluntary Intoxication (Burt) (MO)3, (FR)35 WS
90 Rental Theft (Burt) (MO)3, (FR)35 WS
92 Controlled Substances (Sullivan and others) (FR)35, (MO)122, (CR)124, (BA)127, (BA)130, (BA)135, (CR)139, (BA)197 LTS/CSP-CS/HB 91

SB
94 Motor Vehicle Operator/Sobriety Test (Bronson) (FR)35 DSC
96 Law Enforcement Officers/Training (Criminal Justice) (FR)35, (CR)236, (CS)239, (BA)490, (CR)500, (BA)**511** DM
98 Outdoor Advertising/Rural Areas (Williams) (CR)31, (FR)36, (BA)327, (CR)361, (BA)**385**, 1303 Ch. 97-89
100 Nursing Home Administrators/Licenses (Forman) (FR)36, (CR)200 DCS/CSP-HB 1925, HB 2013
102 Homeowners' Associations/Fines (Forman) (FR)36, (MO)197 WS/CSP-CS/HB 113
104 Homeowners' Associations (Community Affairs and others) (CR)31, (FR)36, (CS)95, (CR)583, (BA)693, (BA)707 LTS/CSP-CS/HB 113
106 Driver License Penalties (Transportation) (CR)31, (FR)36, (CS)95, (CR)124 DCS/CSP-HB 507, HB 2031, CS/SB 1002
108 Criminal Proceedings/New Trial (Burt) (MO)3, (FR)36 WS
SJR
110 Legislative Terms & Campaigns (Rossin) (FR)36, (MO)211 WS
SB
112 Grant Program/Disadvantaged Students (Education and others) (FR)36, (CR)253, (CS)263, (MO)535, (CR)709, (CR)938, (CR)1096, (MO)1105, (BA)1134 LTS/CSP-HB 1873, HB 1545
114 Postconviction Proceedings (Williams) (FR)36, (CR)363, (CS)377, (MO)535, (CR)584, (CR)585, (CS/CS)592, (BA)1046, (BA)1047, (CR)1096 LTS/CSP-CS/HB 1091
116 Arrests/Expenses Incurred (Kirkpatrick) (FR)37 DSC
118 Admissions Tax/Sporting Events (Crist) (CR)30, (FR)37 DSC
120 Elections/Political Ads/Phone Calls (Executive Business, Ethics and Elections) (FR)37, (CR)(CS)125 DCS/CSP-CS/HB 461
122 Corrections/Chain-gang Work Groups (Crist) (CR)30, (FR)37, (BA)542, (BA)543, (CR)583, (BA)609, (BA)**610**, 721 DCH
124 Sex Offenders/Residence Requirements (Kurth) (FR)37, (MO)384 WS
126 Alcohol, Drug Abuse, & Mental Health (Kurth and others) (FR)37, (CR)235, (CO)247, (CO)267, (MO)535, (CR)938, (CR)1096, (BA)1306, (CR)1843 LTS/CSP-HB 259
128 Early Education Performance Standard (Kirkpatrick) (FR)37, (CR)200, (CR)277, (BA)439, (CR)448, (BA)461, (BA)462, (BA)**473** DM
130 Civil Traffic Offenses (Transportation and others) (FR)37, (CO)247, (CR)(CS)316, (MO)324 DCS/CSP-CS/SB 1002
132 Political Campaigns/State Aircrafts (Crist) (CR)30, (FR)37, (CR)140 DCS
134 Ad Valorem Tax Administration (Judiciary and others) (FR)37, (CO)126, (CR)140, (CS)193, (CO)470, (CR)584, (BA)698, (CR)709 LTS/CSP-HB 445
136 Prisoners/Work Requirements (Crist) (FR)37 DSC
138 Insurance/Genetic Testing (Banking and Insurance) (CR)31, (FR)38, (CS)95, (CR)140 DCS/CSP-CS/HB 37
140 Marine Net Fishing (Crist) (FR)38, (CR)236, (CS)240, (CR)362 DSC/CSP-CS/HB 715, CS/CS/HB 1119, SB 292
142 FRS/Special Risk Member (Crist and others) (FR)38, (CO)267 DSC
144 Physicians/Limited Licensure (Myers) (CR)30, (FR)38, (CR)235, (BA)271, (CR)276 LTS/CSP-HB 53, HB 2013
SJR
146 Courts/Criminal Judgment or Sentence (Williams) (FR)38 DSC
SB
148 Domestic Violence (Criminal Justice and others) (FR)38, (CR)(CS)316, (MO)472, (BA)540, (BA)542, (CR)583, (BA)**609**, 956 Ch. 97-298
150 Vessel Registration Fees/Exemption (Holzendorf) (FR)38, (CR)200, (MO)287, (BA)341, (BA)342, (CR)361 LTS/CSP-CS/HB 229
152 Controlled Substances (Holzendorf and others) (FR)38, (CO)126, (CR)139, (MO)324, (CO)383, (BA)493, (CR)500, (BA)**515**, 663, 1103 Ch. 97-43
154 Wearing Mask or Hood/Offenses (Clary) (FR)38, (CR)124, (MO)127, (BA)492, (CR)500, (BA)513, (BA)520 LTS/CSP-HB 385, CS/HB 241
156 Violent Crime Emergency Account (Gutman) (CR)30, (FR)38, (BA)127, (CR)139, (BA)**198**, 956 Ch. 97-302
158 Public Assistance/Legal Residents (Gutman and others) (FR)38 DSC
160 Constitution Revision Commission (Ways and Means and others) (FR)39, (BA)271, (CR)276, (CR)277, (CS)282, (BA)**303**, 383, 470, 527 Ch. 97-7
SB
162 Controlled Substances/Child Facility (Klein and others) (FR)39, (CR)139, (MO)472, (CR)938, (CR)1096, (CO)1103, (BA)1105, **1106**, (CR)1294, 1303 Ch. 97-269
164 False or Perjured Statements (Gutman) (FR)39, (CR)139, (MO)197, (BA)493, (CR)500, (BA)**514**, (BA)1239, (BA)1240, (BA)1422, **1423** Ch. 97-90
166 Fla. Criminal Code/Sentencing (Gutman) (FR)39, (MO)108 WS
168 Defendant's Voluntary Intoxication (Gutman) (FR)39, (CR)139 DSC
170 Criminal Justice (Judiciary) (FR)39, (CR)236, (CS)239, (CR)474, (CS/CS)475, (CR)709, (CR)938, (CR)1096, (BA)1153, (BA)1154, (BA)1233, (BA)1234, (BA)1418, (BA)**1420**, (BA)1844 DM
172 Juror Comp./Donation to Programs (Brown-Waite and others) (FR)39, (CR)521, (CR)709, (CR)938, (CR)1096, (BA)1106, (CR)1294 LTS/CSP-CS/HB 377
174 Public Records/Victims/Witnesses (Rossin) (FR)39, (CR)235, (CR)362, (BA)539, (CR)583, (BA)600 LTS/CSP-CS/HB 181, CS/HB 35
176 Victim & Witness Protection Protocol (Criminal Justice) (FR)39, (CR)236, (CS)239, (MO)472, (BA)538, (BA)539, (CR)583, (BA)605 LTS/CSP-CS/HB 35, CS/HB 181
178 Education & Workplace Readiness (Education) (FR)40, (MO)127, (CR)140, (CS)193, (BA)434, (CR)448 LTS/CSP-CS/HB 197, CS/SB 458
180 Minors/Employment Involving Nudity (Gutman) (FR)40, (CR)315, (BA)494, (CR)500, (BA)**515**, 663, 1103 Ch. 97-44
182 Sentencing/Prior Offenses (Gutman) (FR)40, (CR)139, (MO)197, (BA)491, (BA)492, (CR)500, (BA)**513** DM
SJR
184 Homestead Exemption/Age 65 or Older (Crist and others) (FR)40, (CR)449, (CO)603 DSC
SB
186 Fertilizers/Testing (Agriculture) (CR)31, (FR)40, (CS)95, (MO)108, (CR)139, (CR)235, (BA)270, (CR)276 LTS/CSP-HB 1181
188 Unemployment Compensation (Ways and Means and others) (CR)31, (FR)40, (CS)95, (CR)276, (CR)277, (CS/CS)282, (BA)307, (BA)494, (BA)496, (CR)500 LTS/CSP-CS/CS/HB 3
190 Public Nuisance/Additional Penalties (McKay and others) (FR)40, (CR)124, (MO)404, (CR)709, (CR)938, (CR)1096, (CO)1103, (BA)1106, (BA)1107, (CR)1294 LTS/CSP-CS/CS/HB 381
SJR
192 Legislative Sessions/Odd-years (McKay) (FR)40 DSC
SB
194 Parental Choice in Education Act (McKay) (MO)3, (FR)40 WS
SJR
196 Taxes/Exemptions/Voter Approval (Crist) (FR)40 DSC
SB
198 Stalking/Jennifer Act (Diaz-Balart and others) (FR)40, (CR)139, (MO)197, (BA)273, (BA)274, (CR)276, (BA)**305**, 531, 603, 938 Ch. 97-27
200 Condominium Association Liens (Regulated Industries) (FR)41, (CR)584, (CS)587, (MO)724 DCS
202 Juvenile Justice/Children & Family (Bankhead) (FR)41 DSC/CSP-CS/CS/CS/SB 278
204 Sentencing/Mitigation (Cowin and others) (FR)41, (CR)124, (MO)535, (CR)1096, (BA)1107, (CR)1294 LTS/CSP-CS/HB 241
206 Plastic-coated Paper Products (McKay) (FR)41, (CR)200, (MO)269, (BA)441, (BA)442, (CR)448 LTS/CSP-CS/HB 107
208 Sales Tax/Complimentary Meals (Crist and others) (CR)30, (FR)41, (CR)651, (CO)663, (BA)698, (BA)705, (CR)709 LTS/CSP-HB 499
210 Violent Offenders/Public Notice (Criminal Justice) (FR)41, (CR)316, (CS)317, (CR)449, (BA)490, (CR)500, (BA)**511** DM/CSP-SB 958
SJR
212 Homestead Exemption/Forced Sale/Lien (Williams) (FR)41 DSC
SB
214 Telecommunications/Local Government (Community Affairs and others) (FR)41, (CR)362, (CS)369, (CR)521, (CS/CS)522, (MO)535, (BA)1089, (CR)1096, (BA)1147, (BA)1151 LTS/CSP-CS/CS/HB 313
216 Deceptive & Unfair Trade Practices (Campbell) (FR)41, (MO)211 WS

SB
218 Retirement/Special Risk Class (Dyer and others) (FR)41 DSC
220 Florida Information Council/DMS (Kirkpatrick) (FR)41 DSC
222 Trading Stamp Companies (Williams) (FR)41, (CR)124, (MO)127, (CR)361, (BA)390 LTS/CSP-HB 285
224 Relief/Alice Berdat Estate (Crist) (FR)42 DSC
226 Relief/Mary Beth Wiggers (Crist) (FR)42 DSC
228 State Univ. System/Board of Regents (Kirkpatrick) (FR)42, (CR)315, (CR)362, (CR)651, (CS)653, (CR)709, (CO)721, (BA)825, (BA)829, (CR)938, (BA)963 LTS/CSP-CS/HB 1413
230 Traffic Control/Red Light (Brown-Waite) (FR)42, (MO)664 WS
232 Aspen Search & Rescue Dog Act (Criminal Justice) (FR)42, (MO)197, (CR)200, (CS)205, (BA)272, (CR)276, (BA)**304**, 663, 1103 Ch. 97-61
234 Beach Management Funding (Regulated Industries and others) (FR)42, (CR)473, (CS)476, (CR)521, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1111, (BA)1112, (CR)1294 LTS/CSP-CS/HB 103
236 HSMV/Recovery Agents (Commerce and Economic Opportunities) (CR)30, (FR)42, (CR)(CS)125, (MO)127, (BA)274, (BA)275, (CR)276, (BA)306, (BA)**315** DM
238 Certificates of Need (Health Care) (FR)42, (CR)236, (CS)239, (CR)651, (CR)709, (CR)938, (CR)1096, (BA)1306, **1314**, (CR)1843 Ch. 97-270
240 Public Records/Housing Assistance (Forman and others) (FR)43, (CR)124, (CR)140, (CR)1096 DCS
242 Hurricane Shelters/School Boards (Clary and others) (FR)43, (MO)535, (CR)583 WS
244 Managed Care/Dermatologists (Myers and others) (CR)30, (FR)43, (MO)127, (BA)482, (CR)500, (BA)**510**, 1103 Ch. 97-171
246 Probation & Parole Office Space/DOC (Community Affairs) (FR)43, (CR)139, (CR)449, (CS)450, (BA)493, (CR)500 LTS/CSP-CS/HB 97
248 Termination of Parental Rights (Judiciary) (CR)31, (FR)43, (CS)95, (CR)392, (CS/CS)393, (MO)509, (BA)546, (CR)583 LTS/CSP-CS/HB 1111
250 Challenger License Plates/Funds (Transportation and others) (FR)43, (CR)253, (CS)263, (MO)324, (MO)472, (CR)583, (BA)693, (CR)938, (CR)1096, (BA)1111, (CR)1294 LTS/CSP-CS/HB 1631
252 Felony Battery Offenses (Bronson) (FR)43, (CR)500, (MO)535, (CR)938, (CR)1096, (BA)1111, (CR)1294 LTS/CSP-HB 61
254 Performance-based Budgets (Scott) (FR)43 DSC
256 Legislative Employees/FRS (Forman and others) (FR)43, (MO)535 WS
258 Inmate/Parole Release Date (Crist) (CR)30, (FR)43, (BA)128, (CR)139, (BA)**198**, (BA)1234, (BA)1236, (BA)1823, **1824** Ch. 97-289
260 Misdemeanors/Enhanced Sentences (Crist) (FR)44, (CR)235, (MO)287 DCS
262 Aquatic Plants/Gas Tax Collection TF (Dantzler) (FR)44 DSC
264 Secondhand Dealers/Title Loans (Latvala) (FR)44 DSC
266 District Water Control Plan (Natural Resources) (CR)31, (FR)44, (CS)95, (MO)108, (BA)482, (BA)490, (CR)500, (BA)511, (BA)513 LTS/CSP-CS/HB 501
268 Public Officers & Employees/Bonds (Burt) (CR)30, (FR)44, (MO)197, (BA)441, (CR)448, (BA)**457** DM
270 Clinical Laboratories (Health Care) (FR)45, (CR)200, (CS)205, (MO)324, (BA)447, (CR)448, (BA)459, **460**, (BA)**1424** Ch. 97-91
272 Same-sex Marriages (Judiciary and others) (FR)45, (CR)236, (CS)240, (MO)324, (CR)583, (CO)603, (BA)693 LTS/CSP-CS/HB 147
274 Mental Illness Insurance Parity Act (Health Care and others) (FR)45, (CO)126, (CO)267, (CR)315, (MO)535, (CR)585, (CS)587 DCS
276 Casualty Insurance Premiums (Latvala) (FR)45 DSC/CSP-SB 840
278 Juveniles (Ways and Means and others) (FR)45, (CR)(CS)125, (CR)200, (CS/CS)205, (BA)272, (BA)273, (CR)276, (CR)277, (CS/CS/CS)282, (BA)304, **305**, (BA)1424, **1430** Ch. 97-281
280 Homeowner's Ins./Special Purpose (Burt) (FR)46 DSC
282 Cruelty to Animals (Forman) (FR)46, (MO)535 WS
SB
284 Govt. Employees Deferred Comp. TF (Governmental Reform and Oversight and others) (CR)31, (FR)46, (CS)96, (MO)108, (CR)139, (CR)235, (BA)270, (BA)271, (CR)276, (BA)302, **303**, 383, 470, 527 Ch. 97-8
286 State Group Insurance/AHCA/DMS (Banking and Insurance and others) (CR)31, (FR)46, (CS)96, (MO)108, (MO)197, (CR)200, (CS/CS)206, (BA)275, (BA)(CR)276, (BA)**306**, (BA)1430, **1436** Ch. 97-92
288 Money Transmitters/Affiliated Party (Banking and Insurance) (CR)31, (FR)46, (CS)96, (MO)108, (BA)128, (BA)130, (CR)139, (BA)**198**, 603, 956 Ch. 97-59
290 Lobbyists/Regulation (Executive Business, Ethics and Elections and others) (FR)46, (CR)(CS)125, (CR)235, (BA)271, (CR)276, (BA)**303**, 383, 470, 599 Ch. 97-12
292 Artificial Reefs (Klein) (FR)46, (CR)200, (MO)212, (BA)341, (BA)342, (CR)361, (BA)**389**, 956 Ch. 97-172
SJR
294 Schools/Divided Districts (Education) (FR)46, (CR)200, (CS)206 DSC
SB
296 Inhumane Treatment of Exotic Mammals (Klein) (FR)46 DSC
SJR
298 Recording of Instruments/County Seat (Judiciary) (FR)47, (CR)140, (CS)193, (CR)362 DSC
SB
300 Comptroller (Banking and Insurance) (CR)31, (FR)47, (CS)96, (CR)124, (MO)127, (CR)361, (BA)390, (BA)391, (BA)**405**, 603, 956 Ch. 97-60
302 Domestic Violence/Injunctions/Orders (Harris) (FR)47, (CR)473, (CS)476, (MO)664, (MO)724 DCS/CSP-CS/HB 55
304 Journalist's Privilege (Sullivan and others) (FR)47, (CO)285 DSC
306 Clean Indoor Air Act (Sullivan and others) (FR)47, (MO)108, (CR)277 USC/LTS
308 Interception of Communications (Gutman) (FR)47, (MO)108 WS
310 Criminal Punishment & Corrections (Ways and Means and others) (FR)47, (CR)236, (CS)240, (CO)247, (BA)273, (CR)276, (CR)277, (CS/CS)282, (BA)**305**, (BA)1436, **1444** Ch. 97-78 CSP-CS/HB 241, CS/SB 1002, CS/SB 1930
312 HIV/Informing Partner/Prostitution (Criminal Justice) (FR)47, (CR)200, (CS)206, (MO)269, (BA)491, (CR)500 LTS/CSP-HB 273
314 Criminal Proceedings/New Evidence (Gutman) (FR)48, (CR)449 DSC
316 Criminal Prosecutions/Witnesses (Gutman and others) (CR)30, (FR)48, (BA)127, (BA)128, (CR)139, (BA)**198** DHC
318 Teachers/NBPTS Certification (Education) (FR)48, (CR)253, (CS)263, (MO)604 DCS
320 Disabled/Personal Care Services (Turner) (FR)48, (MO)1105 WS
322 Educational Enhancement TF/Lottery (Campbell) (FR)48 DSC
324 Ad Valorem Tax/Widow's Exemption (Jenne) (FR)48 DSC
326 Building Designations/Universities (Bankhead and others) (FR)48, (CR)124, (CR)139, (BA)(CO)**334**, (CR)361, 720, 1103 Ch. 97-315 CSP-CS/HB 227
328 Controlled Substances/Service Hours (Kirkpatrick) (FR)48, (CR)236, (BA)492, (CR)500, (BA)513, **514** DM/CSP-CS/HB 91, SB 152
330 Executive Appointments/Confirmation (Executive Business, Ethics and Elections) (FR)48, (CR)140, (CS)193, (MO)453 DCS
332 Investment/Local Govt. Surplus Funds (Rossin) (FR)48, (CR)124, (MO)127, (BA)(CR)276, (BA)**307**, 383, 470, 527 Ch. 97-9
334 Tobacco Products/Supply Source (Casas) (FR)48, (CR)200, (MO)324 DCS
336 Alcoholic Bev./Surcharges/Shipments (Ways and Means and others) (FR)49, (CR)391, (CS)394, (MO)535, (CR)584, (CS/CS)587, (CR)(CS/CS/CS)709, (CR)938, (BA)1089, (CR)1096 LTS/CSP-CS/CS/HB 725
338 Indian River Co./Shellfish Harvest (Kurth) (FR)49 DSC/CSP-HB 519
340 School District Personnel (Education and others) (CR)31, (FR)49, (CS)96, (BA)109, (BA)111, (CR)115, (CO)121, (BA)**124**, (BA)1818, **1821** Ch. 97-310
342 School District Personnel/Salaries (Harris and others) (CR)30, (FR)49, (BA)109, (CR)115, (BA)**123** DHC/CSP-CS/HB 703

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344 Firearms & Weapons/Regulation (Campbell) (FR)49 DSC
346 Weapons or Devices/Self-defense (Bronson) (FR)49, (CR)235, (MO)287, (BA)539, (BA)540, (CR)583 LTS/CSP-CS/CS/HB 379
348 Health Care Service Programs/HMOs (Sullivan) (FR)49 DSC/CSP-CS/CS/HB 297
350 Health Insurance/Physician Assistant (Sullivan and others) (FR)49, (CR)200, (BA)275, (CR)276 LTS/CSP-CS/HB 7
352 Medical Examiners/Necessary Records (Sullivan) (MO)3, (FR)49 WS
354 Public Records/Child Placing Agency (Hargrett and others) (FR)49, (CR)139, (CO)196, (CO)247, (CR)277, (CO)285, (CO)383, (CR)938, (CR)1096, (BA)**1314**, (CR)1843 DM
356 Health Care Facilities/Regulation (Brown-Waite) (FR)50, (CR)124, (MO)127, (CR)235, (BA)271, (BA)272, (CR)276, (BA)303, **304** DCH
358 Community Health Purchasing Alliance (Brown-Waite) (CR)30, (FR)50, (CR)236, (BA)482, (CR)500, (BA)**510**, 603, 721 Ch. 97-45
360 Coastal Zone/Substantial Improvement (Community Affairs and others) (FR)50, (CR)236, (CS)240, (BA)442, (CR)448, (BA)**458**, 531, 603, 1096 Ch. 97-32
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366 Education Funding (Rossin) (FR)50 DSC
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454 Lobbyist Registration & Reporting (Bankhead) (CR)31, (FR)60, (BA)(CR)115 LTS/CSP-HCR 775
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478 HIV/Informing Partner/Prostitution (Dyer) (FR)61, (CR)200, (CS)206, (MO)269, (BA)491, (CR)500 LTS/CSP-HB 273
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538 Premium Assistance Program (Forman) (FR)65, (MO)535 WS
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556 Wuerffel, Danny/University of Fla. (Kirkpatrick and others) (FR)**249** Adopted
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558 Water & Wastewater Utilities (Regulated Industries and others) (FR)67, (CR)140, (CS)194, (BA)446, (BA)447, (CR)448, (BA)**459** DM
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614 Taxes/Software/Electronic Filing (Commerce and Economic Opportunities) (FR)71, (CR)140, (CS)207 DSC
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672 Access to Emergency Medical Services (Campbell) (FR)74, (MO)211 WS
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704 Environmental Permitting/DEP & WMDs (Williams) (FR)77 DSC
706 Prepaid Postsecondary Educ. Program (Williams) (MO)3, (FR)77 WS
708 Tax Refund/Target Industry Business (Williams) (FR)77 DSC/CSP-CS/SB 1754
710 Water Management District/Appraisals (Latvala) (FR)77 DSC/CSP-CS/CS/HB 1119
712 Domestic Wastewater Management (Hargrett) (FR)77, (CR)473, (MO)724 WS
714 Mutual Insurance Holding Companies (Horne) (FR)77, (CR)449, (CR)709, (CR)1096, (BA)1317, (CR)1843 LTS/CSP-HB 793
716 Fla. Criminal Punishment Code (Criminal Justice and others) (FR)77, (CR)363, (CS)372, (CR)449, (MO)453, (MO)481, (CR)651, (CR)709, (BA)781, (CR)938, (BA)1045, (BA)1046, (CR)1096, (BA)1243, (CO)1304 LTS/CSP-CS/HB 241, HB 385, CS/CS/SB 310
718 State Financial Matters (Governmental Reform and Oversight and others) (FR)77, (MO)324, (CR)363, (CS)373, (CR)583, (BA)669 LTS/CSP-CS/HB 1413
SJR
720 Property Rights (Williams) (FR)78 DSC
SB
722 Court Funding/County Article V TF (Ways and Means and others) (FR)78, (CO)196, (CO)323, (CR)391, (CS)394, (CR)449, (CO)470, (CR)651, (CS/CS)652, (CR)709, (CR)938, (BA)1047, (CR)1096 LTS/CSP-CS/HB 1319, SB 902
724 Alcohol Impairment Testing (Criminal Justice) (FR)78, (CR)236, (CS)243, (CR)473, (CR)709, (CR)938, (CR)1096 DCS
SR
726 Submarine Sailors Day (Clary) (FR)452, **453** Adopted
SB
728 Family Practice Teaching Hospitals (Myers and others) (FR)78 DSC
730 Veterans/Employment Preference (Brown-Waite and others) (FR)78, (MO)604, (MO)664 WS
732 Brownsville Commercial District (Turner) (FR)78, (CR)140, (CR)361, (BA)546, (CR)583 DCS/CSP-CS/HB 419
734 Comprehensive Youth Employment Act (Turner) (FR)78, (MO)1105 WS
736 WAGES Program/Custodial Parent (Turner and others) (FR)78, (CO)285, (MO)1105 WS
738 Adult Family-care Homes (Turner and others) (FR)78, (CO)470, (MO)1105 WS

SB
740 Iona McGregor Fire & Rescue District (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
742 Sanibel Island Fire Control Dist. (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
744 Estero Fire & Rescue Service Dist. (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
746 Woman's Right-To-Know Act (Health Care and others) (FR)79, (CR)500, (CS)502, (MO)664, (CR)1096, (BA)1149, (MO)1240, (BA)1270 LTS/CSP-CS/HB 1205
748 Deferred Retirement Option Program (Governmental Reform and Oversight) (FR)79, (CR)316, (CS)318, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1122, (CR)1294 LTS/CSP-CS/HB 663, CS/CS/SB 1824
750 Fla. Mobile Home Act (Community Affairs and others) (FR)79, (CR)363, (CS)373, (CR)583, (BA)693, (BA)707, (BA)708, (BA)728, (BA)**730**, (BA)**1825** Ch. 97-291
752 Elections/Absentee Ballots/Overseas (Executive Business, Ethics and Elections) (FR)79, (CR)140, (CS)194 DCS
754 ADA/Vertical Accessibility (Childers) (FR)79 DSC
756 Funeral Directing & Embalming (Regulated Industries) (FR)79, (CR)236, (CS)243, (MO)404, (MO)509 DCS
758 Recovery for Damages (Crist) (FR)80 DSC
760 Boating/Propeller Guards (Crist) (FR)80, (CR)362 DCS
762 Keep Kids Drug-Free License Plate (Crist) (FR)80 DSC
764 Hugh O'Connor Memorial Act (Judiciary and others) (FR)80, (CR)236, (CS)243, (BA)273, (CR)276, (CO)285, (BA)**305**, (BA)1236, (BA)1239, 1303 Ch. 97-80
766 Volunteer Health Care Providers (Health Care) (FR)80, (CR)124, (MO)324, (CR)473 DCS
768 Ecosystem Management/DEP (Governmental Reform and Oversight and others) (FR)80, (CR)473, (CR)500, (CR)585, (CS)589, (MO)604 DCS/CSP-CS/CS/HB 1119
770 Insurance (Banking and Insurance) (FR)80, (CR)200, (CS)207, (MO)212, (CR)709, (CR)938, (CR)1096 DCS/CSP-HB 743, CS/SB 1754, SB 840
772 Homestead Property/Appraisal (Crist) (FR)81 DSC
774 Sexual Battery Sentencing/MPA (Criminal Justice and others) (FR)81, (CR)316, (CS)319, (CR)709, (CR)938, (CR)1096, (BA)1317, (CR)1843 LTS/CSP-CS/HB 83
776 Lottery Proceeds/Distribution (Cowin and others) (FR)81, (CR)235, (MO)324, (MO)509 DCS
778 School Buses/Passing (Transportation and others) (FR)81, (CO)196, (CR)236, (CS)243, (CO)267, (BA)274, (CR)276, (BA)**306**, 383, 470, 527 Ch. 97-10
780 Rural/Urban Job Tax Credit Program (Commerce and Economic Opportunities and others) (FR)81, (CR)140, (CS)208, (MO)269, (BA)328, (BA)336, (BA)337, (CR)361, (CR)362, (BA)**386**, 956, 1103 Ch. 97-50
782 Sales Tax Exemptions (Burt) (FR)81 DSC
784 Special Districts (Ostalkiewicz) (FR)81 DSC
786 High School Athletics Organization (Governmental Reform and Oversight and others) (FR)81, (CR)200, (CS)208, (CR)363, (CS/CS)373, (MO)384, (CR)500, (BA)519 LTS/CSP-CS/HB 991
788 Apalach.-Chattahoochee-Flint River (Natural Resources and others) (FR)81, (MO)122, (BA)135, (BA)(CR)139, (CR)140, (CS)194, (BA)199, **200**, 503, 603, 711 Ch. 97-25
790 Human Rights/Committees (Forman and others) (FR)82, (CR)521, (CR)584 DCS
792 Career & Adult Education (Diaz-Balart and others) (FR)82, (CO)126, (CR)316, (CS)321, (MO)404, (BA)555, (BA)562, (BA)581, (BA)(CR)583, (CR)585, (CS/CS)593, (BA)**619**, 721, (MO)957, (BA)995, (BA)1001, (BA)1102, (BA)1397, **1418**, 1844 Ch. 97-307
794 Property Insurance (Banking and Insurance) (FR)82, (MO)122, (BA)128, (BA)130, (CR)139, (CR)140, (CS)194, (BA)198, **199**, (BA)1350, **1364** Ch. 97-55 CSP-SB 840
796 Fla. Criminal Code/Sentencing (Lee) (FR)82, (CR)139, (MO)212, (BA)491, (CR)500, (BA)**512** DM
798 Schools/Instructional Materials (Education) (FR)82, (CR)200, (CS)208, (MO)269, (BA)550, (BA)552, (CR)583, (BA)**613**, 721, 956 Ch. 97-285
800 Retail Installment Sales (Commerce and Economic Opportunities) (FR)82, (CR)236, (CS)243, (BA)447, (CR)448, (BA)461, (BA)**472**, 956 Ch. 97-174
802 FRS/Assistant State Attorneys (Silver and others) (FR)82 DSC
804 Marine Net Fishing (Clary) (FR)83, (CR)236, (CS)240, (CR)362 DSC/CSP-CS/HB 715, CS/CS/HB 1119, SB 292
SB
806 Eminent Domain/Acquisitions (Judiciary) (FR)83, (MO)269, (MO)324, (CR)391, (CS)394, (CR)500, (MO)509, (MO)604 DCS
808 Small Business Employment Incentives (Grant) (FR)83 DSC
810 Health Care Responsibility/AHCA (Grant) (FR)83, (CR)277 DCS
812 Sales Tax/Gasparilla Distance Assn. (Grant) (FR)83 DSC
814 Motor Vehicle & Casualty Insurance (Grant and others) (FR)83, (CR)521 DCS/CSP-CS/SB 1286
816 Insurance Commissioner (Grant) (FR)83 DSC
818 Trusts & Estates/Administration (Judiciary) (FR)83, (CR)392, (CS)395, (CR)583, (BA)693, (CR)938, (CR)1096, (BA)1317, (BA)1318, (CR)1843 LTS/CSP-HB 1411
820 Veterans/ID Card Renewals (Klein and others) (FR)83, (CR)139, (MO)212, (CR)361, (BA)390 LTS/CSP-HB 115
822 Dept. of Health/HRS/AHCA/DOC (Klein and others) (FR)83, (CR)316, (CS)317, (CR)448, (MO)453, (CR)585, (CS/CS)587, (BA)737, (BA)738, (CR)938 LTS/CSP-HB 1357, HB 1837, HB 1965, CS/CS/SB 566
824 Community College Grant Program (Horne) (FR)84, (CR)235, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1318, (CR)1843 LTS/CSP-HB 615, CS/HB 617
826 Community College Matching TF (Horne) (FR)84, (CR)235, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1318, (CR)1843 LTS/CSP-CS/HB 617, HB 615
828 Motor Vehicle Equipment Requirements (Bronson) (FR)84 DSC
830 Water & Wastewater Systems/PSC (Bronson) (MO)3, (FR)84, (CR)315, (CR)500, (CR)709, (CR)938, (CR)1096 DCS/CSP-HB 1323
832 Special Districts/Governing Body (Ostalkiewicz) (FR)84 DSC
834 HMOs/Health Care Providers/Contracts (Health Care and others) (FR)84, (CO)247, (CR)362, (CS)373 DSC/CSP-CS/CS/HB 297
836 Licensed Optometrists/Hospitals (Forman and others) (FR)84, (CO)126, (CO)196 DSC
838 Fla. Preservation 2000 Program (Holzendorf) (FR)84, (CR)449, (CR)521, (MO)535, (CR)1096 DCS
840 Insurance/Risk Based Capital (Holzendorf) (FR)84, (CR)584, (CR)938, (CR)1096, (BA)1220, (BA)1222, **1229**, 1843, (BA)1844 Ch. 97-292 CSP-HB 743, CS/SB 794, CS/SB 904
842 Liens/Construction (Judiciary) (FR)84, (CR)236, (CS)243, (CR)500, (CR)583, (BA)693, (BA)707 LTS/CSP-CS/HB 889
SJR
844 Ad Valorem Tax/Historic Properties (Gutman and others) (FR)85, (CR)235, (CO)247, (MO)535, (MO)604, (CR)1096, (BA)1221 LTS/CSP-HJR 969, HB 967
SR
846 Osteopathic Medicine Day (Forman) (FR)**268** Adopted
SB
848 Mastectomies/Insurance Coverage (Campbell) (FR)85, (MO)324, (CR)363, (CS)370, (BA)442, (BA)446, (CR)448, (CO)451, (BA)**459**, 663, 1103 Ch. 97-48
850 Evidence of Prejudice/Offenses (Criminal Justice) (FR)85, (CR)200, (CS)208, (MO)269, (BA)493, (CR)500, (BA)**514** DM
852 Designations/Pensacola & UCF (Health Care) (FR)85, (CR)200, (CS)208, (CR)361, (CR)500, (BA)546, (CR)583 LTS/CSP-CS/HB 227, SB 326
854 Aquaculture Leases/TIITF (Bronson) (FR)85, (CR)139, (MO)269, (CR)277, (BA)329, (CR)361, (BA)387, (BA)**391** DM/CSP-CS/CS/HB 907, CS/CS/HB 1119
856 Judgments/Rate of Interest (Dyer) (FR)85 DSC
858 Fla. Bright Future Scholarship Act (Ways and Means and others) (FR)85, (CR)253, (CS)263, (CO)285, (BA)538, (CR)583, (CR)585, (CS/CS)589, (BA)**604**, (BA)**1596** Ch. 97-77
860 Courts/Order of No Imprisonment (Criminal Justice) (FR)85, (CR)473, (CS)476, (MO)604 DCS/CSP-SB 1906
862 Florida School Code (Dyer) (FR)86, (CR)362, (CR)449, (MO)604 DCS
864 Community Policing Innovations (Dyer) (FR)86, (CR)139, (MO)472, (MO)481, (CR)709, (CR)938, (CR)1096 DCS
866 Hearsay Exceptions (Lee) (FR)86 DSC
868 Education/Programs (Education) (FR)86, (CR)200, (CS)208, (CR)235, (MO)535 DCS/CSP-CS/HB 137, CS/SB 458
870 Excise Tax on Documents/School Board (Forman) (FR)87 DSC

SB
872 Pediatric Trauma Centers (Health Care and others) (FR)87, (CO)196, (CO)383, (CR)449, (CS)450, (MO)472 DCS
874 Minor/Solicitation to Commit Offense (Dyer) (FR)87, (CR)449, (MO)509 DCS
876 Sea Turtle License Plate/DEP Grants (Transportation and others) (FR)87, (MO)535, (CR)585, (CS)589, (CR)709, (CR)938, (CR)1096, (BA)**1319**, (CR)1843 Ch. 97-272
878 Pinellas Police Standards Council (Latvala) (FR)88 DSC/CSP-HB 635
880 Human Rights Advocacy Councils (Children, Families and Seniors and others) (FR)88, (CR)140, (CS)195, (CR)500, (BA)519, (BA)**537** DM
882 Private Activity Bonds (Commerce and Economic Opportunities) (FR)88, (CR)139, (MO)212, (BA)340, (CR)361 LTS/CSP-HB 599
884 Medical Practitioner/Public Records (Brown-Waite) (FR)88, (CR)235, (MO)404, (CR)583, (BA)640, (BA)**666**, 1103 Ch. 97-175
886 Officers Under Investigation (Myers) (FR)88, (MO)535 WS
888 Children & Family Services Records (Children, Families and Seniors and others) (FR)88, (CR)140, (CS)195, (CO)267, (CR)277, (CR)938, (CR)1096, (BA)1319, (BA)1320, (CR)1843 DCS
890 Children's Mental Health (Children, Families and Seniors) (FR)88, (CR)584, (CS)589 DSC
892 Judiciary/Number of Judges Increased (Ways and Means and others) (FR)89, (CR)236, (CS)243, (CR)585, (CS/CS)589, (CR)709, (BA)737, (CR)938 LTS/CSP-HB 1753
894 Compact for Faculty Diversity Prog. (Education and others) (FR)89, (CR)253, (CS)263, (MO)535, (CO)603, (CR)709, (CR)938, (CR)1096 DCS
896 Voter Registration/Book-closing (Holzendorf) (FR)89, (MO)472 WS
898 Insurance Policies/Lapse Notice (Holzendorf) (FR)89, (CR)315, (CR)500, (BA)538, (BA)**543**, (CR)583 DM/CSP-SB 840
900 Collective Bargaining/Impasses (Holzendorf) (FR)89, (MO)535 WS
902 County Article V TF/Supreme Court (Silver) (FR)89, (CR)362, (CR)449, (MO)481, (BA)**538**, (CR)583, 720, 1103 Ch. 97-64 CSP-CS/HB 1319
904 Risk-based-capital Info/Confidential (Banking and Insurance and others) (FR)89, (CO)267, (CR)521, (CS)522, (MO)724, (CR)1096, (BA)1320, (BA)1349, **1350**, (CR)1843 Ch. 97-293 CSP-SB 840
906 Independent Fire Control Districts (Dudley and others) (FR)89, (CR)235, (CO)285 DSC/CSP-HB 927, HB 1741
908 Surplus Lines Ins./Dana Roehrig Act (Banking and Insurance and others) (FR)89, (CO)267, (CR)363, (CS)373, (MO)481, (CR)500, (BA)554, (BA)555, (CR)583, (BA)615, (BA)665 LTS/CSP-CS/HB 269
910 Domestic Violence (Judiciary) (FR)90, (CR)473, (CS)476, (MO)664, (MO)724, (CR)1096 DCS/CSP-CS/HB 55
912 Molders' Liens (Latvala) (FR)90 DSC
914 Service of Process (Judiciary) (FR)90, (CR)392, (CS)395, (MO)535, (CR)709, (CR)938, (CR)1096 DCS
916 Reconstructive Breast Surgery (Banking and Insurance) (FR)90, (MO)404, (CR)449, (CS)450 DCS/CSP-CS/SB 530
918 Ad Val Taxes/Computers & Schools (Commerce and Economic Opportunities) (FR)90, (CR)363, (CS)373, (CR)584, (CR)709, (BA)824, (BA)825, (CR)938, (BA)**962**, 1303, 1304 Ch. 97-294
920 Warranties/Auto & Home (Banking and Insurance) (FR)90, (CR)463, (CS)464, (BA)554, (CR)583 LTS/CSP-CS/HB 549
922 Private Attorneys/State Agencies (Kirkpatrick) (FR)90 DSC
924 Designated Parking/Young Children (Gutman) (FR)90 DSC
926 Campaign Financing/Study Committee (Gutman) (FR)90 DSC
928 Sexual Battery/Victim Under Age 13 (Gutman) (FR)90, (CR)362 DSC
930 Mental Health/Involuntary Exams (Judiciary) (FR)91, (CR)391, (CS)395 DSC
932 School Counselors/Pilot Program (Gutman and others) (FR)91, (CO)383 DSC
934 Tax Deeds & Certificates (Gutman) (FR)91 DSC
936 Criminal Mischief/Local Graffiti Law (Community Affairs) (FR)91, (CR)362, (CS)373, (MO)481, (CR)709, (CR)938, (CR)1096 DCS

SB
938 Jacksonville Charter/Civil Service (Holzendorf) (FR)91 DSC/CSP-HB 783
940 Information Resources Management (Governmental Reform and Oversight and others) (FR)91, (CR)363, (CS)373, (MO)384, (MO)481, (CR)583, (BA)673, (BA)689, (BA)725, (BA)727, **728**, 956 Ch. 97-286
942 Used Motor Vehicle Warranty Act (Holzendorf) (FR)92, (MO)472 WS
944 Public Sts./Solicitation by Children (Holzendorf) (FR)92, (MO)472 WS
946 Domestic Violence/Confidentiality (Children, Families and Seniors) (FR)92, (MO)472, (MO)481, (CR)521, (CS)523, (CR)583, (MO)724, (CR)1096 DCS
948 Medical Practitioners/Backgrounds (Health Care) (FR)92, (CR)236, (CS)243, (MO)404, (MO)472, (CR)583, (BA)630, (BA)640, (BA)**666**, (BA)1452, **1454** Ch. 97-273 CSP-HB 1357, HB 1925, HB 2013
950 Municipal Water & Sewer Utilities (Silver) (FR)92, (CR)449, (MO)664 DCS
952 Public Hospital Records & Meetings (Brown-Waite) (FR)92, (MO)404 WS
954 Local Telecommunications/Access Rate (Regulated Industries) (FR)93, (CR)392, (CS)395 DSC
956 Municipality/Unclaimed Money (Community Affairs) (FR)93, (CR)236, (CS)244, (MO)269, (BA)490, (CR)500, (BA)**511**, 603, 721 Ch. 97-56
958 Public Safety Information Act (Forman and others) (FR)93, (CR)277, (BA)491, (CR)500, (CO)503, (BA)517, (BA)539, (CR)583, (BA)619, (BA)628, (BA)665, **666**, 956 Ch. 97-299 CSP-CS/SB 1760
960 Gambling/Penny-ante Games/Bunko (Forman) (FR)93, (CR)391 DCS
962 District Juvenile Justice Boards (Children, Families and Seniors) (FR)93, (CR)140, (CS)195, (BA)494, (CR)500, (BA)**515** DM
964 Fuel Taxes/Motor & Diesel (Transportation) (FR)93, (CR)277, (CS)283, (CR)363, (CS/CS)374, (MO)535 DCS
966 Fla. Violent Crime Council/Exemption (Gutman) (FR)93, (CR)235, (CR)277, (BA)539, (CR)583 LTS/CSP-CS/HB 493
968 Prepaid Limited Health Service Org. (Banking and Insurance and others) (FR)93, (CR)200, (CS)209, (CR)362, (BA)482, (CR)500, (BA)**510**, 720, 1103 Ch. 97-65
970 Gasparilla Island Bridge Authority (Harris) (FR)93, (CR)235 DSC/CSP-HB 295
972 State Agency Rental Vehicles (Governmental Reform and Oversight) (FR)93, (CR)363, (CS)374, (MO)535, (CR)709, (BA)825, (CR)938, (BA)**962** DM
974 Government Efficiency (Williams) (FR)93 DSC
976 Consumer Protection (Ways and Means) (FR)93, (CR)363, (CS)374, (CR)(CS/CS)709, (MO)938, (BA)1094, (BA)1095, (CR)1096 LTS/CSP-HB 1619
978 Assisted Living/Special Care Units (McKay) (FR)93, (CR)140, (CS)194, (MO)535 DCS/CSP-CS/SB 1836
980 Discretionary Sales Tax/Municipality (Holzendorf) (FR)94, (MO)535 WS

SR
982 Jacksonville Jaguars Football Team (Holzendorf) (FR)**509** Adopted

SB
984 Motorcycle Riders/Safety Equipment (Transportation and others) (FR)94, (CR)236, (CS)244, (CO)247, (MO)269 DSC

SJR
986 Taxes/Tangible Personal Property (Commerce and Economic Opportunities) (FR)94, (CR)363, (CS)375 DSC

SB
988 State Moneys/Investments (Kurth) (FR)94, (CR)200, (CR)449, (MO)481, (CR)1096 DCS
990 Insurance/Temporary Representatives (Banking and Insurance) (FR)94, (CR)363, (CS)375, (CR)500, (BA)554, (CR)583 LTS/CSP-CS/HB 1001
992 Endangered/Threatened Native Flora (Silver) (FR)94, (CR)500, (MO)535 DSC/CSP-CS/CS/HB 907
994 Bayshore Fire Protection & Rescue (Rossin) (FR)94 DSC/CSP-HB 927, HB 1741
996 Dual Officeholding/Law Officers (Silver) (FR)94, (CR)500, (CR)709, (CR)938, (MO)957, (CR)1096 WS
998 Electronic Commerce (Governmental Reform and Oversight and others) (FR)115, (CR)363, (CS)375, (MO)509, (MO)535, (CR)938, (CR)1096 DCS/CSP-CS/HB 1413, CS/SB 1754
1000 Motor Vehicle & Vessel Registration (Hargrett) (FR)115, (MO)724 WS

SB
1002 HSMV/Fines/Penalties/Costs (Transportation) (FR)116, (CR)236, (CS)244, (MO)249, (BA)324, (BA)326, (BA)334, (BA)336, (CR)361, (BA)384, **385**, (BA)1270, **1281**, 1843 Ch. 97-300 CSP-CS/CS/SB 310, CS/CS/SB 2060
1004 Transportation Job Training (Hargrett) (FR)116 DSC
1006 Domestic Violence (Judiciary and others) (FR)116, (CR)521, (CS)523, (CR)709, (CR)938, (CR)1096, (BA)1320, (CR)1843, (CO)1844 LTS/CSP-CS/HB 55
1008 Elections/Second Primary Date (Silver and others) (FR)116, (CR)277, (BA)442, (BA)447, (CR)448, (CO)451, (MO)604, (BA)1070, (CO)1103, (BA)1123, (CR)1294 LTS/CSP-HB 1077
1010 Public Records/Credit & Debit Cards (Kirkpatrick and others) (FR)116, (CR)140 DCS
1012 Chiropractic Licensure (Health Care) (FR)116, (CR)200, (CS)209, (CR)709, (CR)938, (CR)1096, (BA)1326, (CR)1843 LTS/CSP-HB 1561
1014 Burglary & Trespass (Criminal Justice) (FR)116, (CR)316, (CS)319, (BA)490, (CR)500, (BA)511, (BA)**512** DM
1016 Culpable Negligence/Pack of Dogs (Dantzler and others) (FR)116, (CO)285, (CR)500, (MO)509, (CO)663, (CR)709, (CR)938, (CR)1096 DCS
1018 Florida ADA Implementation Act (Community Affairs and others) (FR)116, (CR)316, (CS)319, (CR)449, (MO)481, (CR)583, (BA)629, (CO)663 LTS/CSP-CS/HB 1707
1020 Juvenile Sex Offenders/Notification (Education) (FR)116, (CR)462, (CS)464, (CR)585, (CS/CS)590, (CR)709, (CR)938, (CR)1096 DCS
1022 Juvenile & Criminal Justice (Criminal Justice) (FR)116, (CR)462, (CS)464 DSC
1024 Comprehensive Plans/Amendments (Klein) (FR)117, (MO)724 WS/CSP-HB 1641
1026 State Song Commission (Klein) (FR)117 DSC
1028 Felonies re Destructive Devices (Klein and others) (FR)117, (CR)235, (MO)472, (CR)709, (CR)938, (CR)1096, (CO)1103, (BA)**1123**, (CR)1294, 1303 Ch. 97-104
1030 Residential Prop. Insurers/Premiums (Klein) (FR)117, (CR)315, (CR)709, (CR)938, (CR)1096 DCS
1032 Sales Tax/Coins or Currency (Klein) (FR)117 DSC
1034 Ad Valorem Tax/Agricultural Crops (Klein) (FR)117, (MO)287 WS
1036 MV Registration/Odometer Readings (Klein) (FR)117, (MO)724 WS
1038 Drinking Water Revolving Loan TF/DEP (Latvala) (FR)117, (CR)473, (CR)584, (CR)709, (CR)938, (BA)1060, (CR)1096 LTS/CSP-HB 1271
1040 District School Board Elections (Scott) (FR)117 DSC
1042 International Banking (Klein) (FR)117, (CR)315, (MO)324, (CR)500, (BA)519 LTS/CSP-HB 397
1044 Foster Care Revenues (Rossin and others) (FR)118, (CO)285, (CR)449, (CO)451, (MO)604 DCS
1046 Health Care/Universal Access (Klein) (FR)118 DSC
1048 Community Asset Protection Act (Community Affairs) (FR)118, (CR)363, (CS)375 DSC
1050 Partnerships/Secretary of State (Silver) (FR)118, (CR)449, (MO)664, (MO)724 DCS
1052 School Boards/Civil Immunity (Education) (FR)118, (CR)316, (CS)319 DSC
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2312 Health Care/Low-Income/Broward Co. (Forman) (FR)281 DSC
2314 Motor Vehicles & Mobile Homes (Criminal Justice) (FR)281, (CR)362, (CR)521, (CS)526 DCS/CSP-CS/SB 1002
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2324 Dentists Day on the Hill (Bankhead) (FR)**287** Adopted
2326 Irby, Phoebe/Teacher Award (Grant) (FR)268, **269** Adopted
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2328 Public Lodging/Firesafety (Silver) (FR)363, (CR)583, (MO)664, (MO)724 DCS
2330 Transitional Living Facilities (Brown-Waite) (MO)324, (FR)363, (MO)535, (CR)584, (MO)604 DCS
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2332 Maranatha Academy Basketball Team (Thomas) (FR)**532** Adopted
2334 FSU Day/50th Anniversary (Williams and others) (FR)**452** Adopted
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2336 Vehicle Emissions/Safety Inspections (Latvala) (FR)364 DSC/CSP-CS/SB 1002
2338 Sales Tax Exemp./Advertising Agency (McKay and others) (FR)364 DSC
2340 Ethics Commission/Complaints (Executive Business, Ethics and Elections) (FR)364, (CR)585, (CS)596 DCS
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2344 Leepa, Dr. Allen (Latvala) (FR)**723** Adopted
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2346 Health Insurance Contracts/Coverage (Rossin) (FR)364, (MO)535, (CR)583, (CR)938, (CR)1096, (BA)1132, (CR)1294 LTS/CSP-HB 1785
2348 Public Education/Capital Outlay (Turner) (FR)364, (MO)509 WS
2350 Driver History Records/Fees (Turner) (FR)364, (MO)535 WS
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2356 Expressway Authorities/Membership (Gutman) (FR)365 DSC/CSP-CS/CS/SB 2060
2358 Newborns/Hospital Release/Car Seats (Campbell) (FR)365 DSC
2360 Ad Val Taxes/Just Valuation (Kurth) (FR)365 DSC
2362 Reoffender Punishment (Criminal Justice) (FR)365, (CR)521, (CS)527, (CR)709, (BA)1048, (CR)1096 LTS/CSP-CS/CS/HB 1371
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2376 Tri-County Commuter Rail Authority (Forman) (FR)366, (MO)535 WS

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2378 National Hurricane Center/Budget Cut (Silver) (FR)366 DSC
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2380 The Personal Responsibility Act (Gutman) (FR)366 DSC
2382 Ad Valorem Tax/School Districts (Forman) (FR)366 DSC
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2390 Veterinary Medicine (Regulated Industries) (FR)366, (MO)404, (MO)535, (CR)585, (CS)596 DCS
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2394 Sales Tax Exemption/Video Equipment (Crist) (FR)366 DSC
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2398 Teen Pregnancy Prevention Awareness (Turner and others) (FR)**533** Adopted
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2408 Workers' Compensation (Gutman) (FR)367 DSC
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2414 Unrecognized Academic Degrees (Grant) (FR)367 DSC
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2440 Kerr, George R. (Grant) (FR)**403** Adopted
2442 Peterson, Jr., Senator N. Curtis (Dantzler) (FR)**330** Adopted
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2484 Marco Island/Charter Established (Dudley) (FR)474 DSC/CSP-HB 1729
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2504 Institute on Black Life/USF (Hargrett) (FR)**534** Adopted
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2514 Gilchrist Co. Law Enforcement (Williams) (FR)501, (MO)535 WS
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2518 North Broward Hospital District (Forman) (FR)501 DSC/CSP-HB 1953
2520 N. Lauderdale Water Control District (Forman) (FR)501 DSC/CSP-HB 1875
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2522 Reynolds, Carl (Burt) (FR)1305, **1306** Adopted
2524 Woods, Eldrick (Tiger) (Crist) (FR)534, **535** Adopted
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2528 Governor Stone Day/July 4, 1997 (Thomas) (FR)**724** Adopted
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2530 Volusia Co./Health Care Organization (Burt and others) (FR)586, (MO)957, (BA)**1147**, (BA)1148, **1149**, (CR)1294 DM
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2532 National Day of Prayer (Harris) (FR)1104, **1105** Adopted
2534 Metro-Dade Police/Fred Taylor (Silver) (FR)**535** Adopted

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2542 Bradenton Christian HS Basketball (McKay) (FR)**1306**
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1641 Community Affairs/Local Comp. Plans (Livingston) 711, (FR)719, (BA)**1330** Ch. 97-253
1643 Physicians & Osteopathic Physicians (Health Care Standards & Regulatory Reform and others) 938, (FR)949 ASC/CCH/CSP-HB 1357, HB 1925, CS/SB 948
1649 Veterans' Homes (Gay) 1301, (FR)1303 ASC/CCH
1655 Broward Co./School Board Elections (Rayson) 938, (FR)949, (CR)1096, (BA)1145 ASC/CCH

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1659 Coconut Creek/Corporate Limits (Rayson) 938, (FR)941, (CR)1096, (BA)**1142** Ch. 97-365
1663 Home Education Students/Activities (Burroughs and others) 711, (FR)714, (BA)988, (BA)1045, (BA)**1241** Ch. 97-254
1679 Surface Waters/Wetlands Mitigation (Constantine) 938, (FR)950 ASC/CCH/CSP-HB 1073
1683 Local Governments/Special Districts (Community Affairs) (BA)822, 938, (FR)950, (BA)961, **962** Ch. 97-255 CSP-HB 685
1693 Public Lodging/Firesafety (Tourism and others) 1096, (FR)1097 ASC/CCH
1705 Elders/Access to Courts (Peaden and others) 938, (FR)950 ASC/CCH
1707 Florida ADA Implementation Act (Community Affairs and others) (BA)**629**, 655, (FR)659 Ch. 97-76
1709 Alachua Co./School Board Election (Casey and others) 711, (FR)720, (CR)1096, (BA)**1143** Ch. 97-366
1729 Marco Island/Charter Established (Saunders) 711, (FR)720, (CR)1096, (BA)**1143** Ch. 97-367
1741 Independent Fire Control Districts (Community Affairs and others) 599, (FR)602, (BA)1124, **1125** Ch. 97-256 CSP-HB 927
1753 Judiciary/Number of Judges Increased (Civil Justice & Claims) (BA)**737**, 938, (FR)950 Ch. 97-257
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1771 Miami Beach/Relief/Garcia (Villalobos) 711, (FR)720 ASC/CCH
1773 Rainbow River Management Area (Argenziano and others) 711, (FR)714, (CR)1096, (BA)**1143** Ch. 97-369
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1777 Everglades Restoration (Constantine and others) 711, (FR)720 ASC/CCH

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1943 Insurance/Risk Based Capital (Mackenzie and others) 1301, (FR)1303 ASC/CCH/CSP-SB 840, HB 743
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1953 North Broward Hospital District (Rayson) 711, (FR)715, (CR)1096, (BA)**1144** Ch. 97-372
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SENATE

VOLUME II

REGULAR SESSION
March 4
through
May 2, 1997

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Journal

of the

S E N A T E

State of Florida

VOLUME II

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S E N A T E

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TWENTY-NINTH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 4 THROUGH MAY 2, 1997

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senators Kirkpatrick and Sullivan, periodically for the purpose of conference committee meetings.

PRAYER

The following prayer was offered by Chaplain Dan Pabon, Florida Hospital Medical Center, Orlando:

Father in Heaven, once more we come to you as we celebrate another National Day of Prayer, to ask for guidance and wisdom from above. Many see elected officials as finger pointers and blame finders instead of problem solvers. Therefore, we pray that this session will be one that restores faith in our government and its elected officials. From every corner of this "The Sunshine State", the men and women in this chamber representing their constituents back home gather to discuss important issues. You've blessed the State of Florida with natural beauty, with variety, with noble people; and for that we thank you.

May your presence be felt here today. We pray that this session will renew a pride in where we live, who we are and what we are about. When this day draws to a close, may every person here today be able to look back with pride and satisfaction that the job today was done well, but more important, that it has your stamp of approval.

In thy name we pray. Amen.

PLEDGE

Senate Pages, Tracey Minton of Boca Raton and Michael Belitzky of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Harris—

By Senator Harris—

SR 2500—A resolution relating to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

WHEREAS, the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, and became an international treaty on September 3, 1981, and by 1996, 151 nations, including all of the industrialized world, except the United States, have agreed to be bound by the Convention's provisions, and

WHEREAS, the United States supports and has a position of leadership in the United Nations, and was an active participant in and a signatory to the Convention, and

WHEREAS, the spirit of the Convention is rooted in the goals of the United Nations and the United States—to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, and

WHEREAS, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex against half the world's population, and the nations in support of the present Convention have agreed to follow Convention prescriptions, and

WHEREAS, although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished, and through its support, leadership, and prestige, the United States can help create a world where women are no longer discriminated against and have achieved one of the most fundamental of human rights, equality, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate strongly supports the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and hereby pledges its support in the future for the achievement of the Convention's continuing goals.

—**SR 2500** was introduced, read and adopted by publication.

At the request of Senator Harris—

By Senator Harris—

SR 2532—A resolution acknowledging May 1, 1997, as National Day of Prayer in Florida.

WHEREAS, the Congress of the United States has proclaimed the first Thursday of each May as "National Day of Prayer," and

WHEREAS, May 1, 1997, is the first Thursday in May of 1997, and

WHEREAS, it is fitting and appropriate that the Florida Senate acknowledge May 1, 1997, as National Day of Prayer in Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate joyfully acknowledges May 1, 1997, as National Day of Prayer in Florida and joins Floridians of all faiths in celebrating this occasion. Let us express our faith with gladness, knowing that we are protected in our ability to worship devoutly. Let us be thankful and enjoy and exercise our religious beliefs, secure in the knowledge that we shall always be free to do so in this great country.

—**SR 2532** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2540—A resolution honoring the 75th Anniversary of the Reserve Officers Association of the United States and the men and women of Florida who are members.

WHEREAS, on October 2, 1922, the Reserve Officers Association of the United States (ROA) was organized in Washington, D.C., at the urging of General John J. Pershing, with the purpose of supporting and promoting an adequate national security, and

WHEREAS, on June 30, 1950, this objective was reaffirmed in a Charter granted to the ROA by the United States Congress, and

WHEREAS, since 1922, ROA has served as a catalyst among the Armed Forces, Reservists, and Congress to ensure that our nation's defense remains strong and visible through coordinated efforts on both the local and national levels, and

WHEREAS, both the Reserve Officers Association, Department of Florida, and the Reserve Officers Association, Ladies Department of Florida, were granted separate charters by ROA in recognition of their outstanding support and promotion of the foregoing objectives in Florida and in our country, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the men and women who are members of the Reserve Officers Association are commended for the accomplishments of this outstanding organization and for their 75 years of dedication to the development, support and promotion of a strong and adequate national defense of the United States of America.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Reserve Officers Association, Department of Florida and Ladies Department of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2540** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Turner, by two-thirds vote **SB 320**, **SB 734**, **SB 736**, **SB 738**, **SB 1354**, **SB 1460**, **SB 1554**, **SB 1560**, **SB 1724**, **SB 2238** and **SB 2302** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **HB 1835** was withdrawn from the Committees on Natural Resources; and Ways and Means; and by two-thirds vote placed on the Special Order Calendar; **HB 1837** was withdrawn from the Committees on Health Care; Children, Families and Seniors; and Ways and Means; and by two-thirds vote placed on the Special Order Calendar; and **HB 1839** was withdrawn from the Committees on Education; and Ways and Means; and by two-thirds vote placed on the Special Order Calendar.

MOTIONS

On motion by Senator Jones, **HB 255** was returned to the House as requested.

On motion by Senator Bankhead, a deadline of 7:00 a.m. Friday, May 2, was set for filing amendments to Bills on Third Reading to be considered that day.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2186** was placed on the Consent Calendar for Friday, May 2, to be considered in lieu of **SB 1914**.

CONSENT CALENDAR

MOTION

On motion by Senator Bankhead, by two-thirds vote **CS for SB 112** was placed on the Consent Calendar.

On motion by Senator Meadows, by two-thirds vote **HB 157** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Meadows—

HB 157—A bill to be entitled An act relating to ad valorem taxes; amending s. 196.081, F.S.; providing an exemption from taxation for the homestead of the surviving spouse of a veteran who was killed while on active duty; providing an effective date.

—a companion measure, was substituted for **SB 14** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **HB 157** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Lee

On motion by Senator Klein—

SB 162—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of the real property comprising a child care facility; providing penalties; amending s. 921.0012, F.S.; providing for classification of such offenses within the offense severity ranking chart; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, line 16 through page 2, line 10, delete those lines and insert:

Section 1. Paragraphs (b) and (c) of subsection (1), paragraph (a) of subsection (2), paragraph (c) of subsection (6), and subsections (8), (9), and (10) of section 893.13, Florida Statutes, 1996 Supplement, are amended to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of the real property comprising a *child care facility as defined in s. 402.302 or a* public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *The defendant* ~~and~~ must be sentenced to a minimum term of imprisonment of 3 calendar years *unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302.*

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof *or any mixture containing any such substance.* Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances;

Amendment 2 (with title amendment)—On page 2, between lines 10 and 11, insert:

Paragraph (c) as it relates to a child care facility does not apply unless the owner or operator of the facility posts a sign of not less than two square feet in size with a word legend that identifies the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

And the title is amended as follows:

On page 1, line 9, after the the first semicolon (;) insert: providing that the penalties do not apply unless a sign is posted that identifies the facility as a child care facility;

On motion by Senator Klein, by two-thirds vote **SB 162** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Dantzler
Diaz-Balart	Harris	Kurth	Rossin
Dudley	Holzendorf	Latvala	Silver
Dyer	Horne	McKay	Sullivan
Forman	Jenne	Meadows	Thomas
Gutman	Jones	Myers	Turner
Hargrett	Klein	Ostalkiewicz	Williams

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Lee

On motion by Senator Brown-Waite—

SB 172—A bill to be entitled An act relating to juries; amending s. 40.24, F.S., relating to compensation for juror service; authorizing donation of juror compensation to a program specified by a certified guardian ad litem program or to a domestic violence shelter; providing duties of the clerk of court and guidelines with respect to receipt or expenditures of such donated moneys; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 172** to **CS for HB 377**.

Pending further consideration of **SB 172** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 377** was withdrawn from the Committee on Judiciary.

On motion by Senator Brown-Waite—

CS for HB 377—A bill to be entitled An act relating to juries; amending s. 40.013, F.S.; providing for permanent excusal of certain persons from jury service; amending s. 40.24, F.S., relating to compensation for juror service; authorizing donation of juror compensation to a program specified by a certified guardian ad litem program or to a domestic violence shelter; providing duties of the clerk of court and guidelines with respect to receipt or expenditures of such donated moneys; providing an effective date.

—a companion measure, was substituted for **SB 172** as amended and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 377** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	McKay
Bankhead	Crist	Harris	Meadows
Bronson	Dantzler	Holzendorf	Myers
Brown-Waite	Diaz-Balart	Horne	Ostalkiewicz
Burt	Dudley	Jenne	Rossin
Campbell	Dyer	Jones	Silver
Casas	Forman	Klein	Sullivan
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Lee

On motion by Senator McKay—

SB 190—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; providing that counties and municipalities may impose additional penalties by ordinance on the owner of a place declared to be a public nuisance; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 190** to **CS for CS for HB 381**.

Pending further consideration of **SB 190** as amended, on motion by Senator McKay, by two-thirds vote **CS for CS for HB 381** was with-

drawn from the Committees on Community Affairs and Criminal Justice.

On motion by Senator McKay—

CS for CS for HB 381—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; providing legislative intent; providing that counties and municipalities may impose additional penalties by ordinance on the owner of a place declared to be a public nuisance; providing an effective date.

—a companion measure, was substituted for **SB 190** as amended and read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for CS for HB 381** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Lee

On motion by Senator Burt, by two-thirds vote **CS for HB 417** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Burt—

CS for HB 417—A bill to be entitled An act relating to sentencing; amending s. 921.0016, F.S.; providing that addiction, alcoholism, or substance abuse, or diminished capacity due to the influence of alcohol or controlled substances, shall not be the basis for mitigating a recommended guidelines sentence; reenacting s. 921.001(6), F.S., relating to Sentencing Commission and sentencing guidelines, generally, to incorporate a reference to said amendment; providing an effective date.

—a companion measure, was substituted for **SB 204** and read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 15, insert:

Section 1. Paragraph (j) of subsection (4) of section 775.084, Florida Statutes, 1996 Supplement, is amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(4)

(j)1. A defendant sentenced under this section as a habitual felony offender, a habitual violent felony offender, or a violent career criminal is eligible for gain-time granted by the Department of Corrections as provided in *s. 944.275(4)(b)* ~~s. 944.275(4)~~.

2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s. 947.149.

Section 2. Section 921.0017, Florida Statutes, is amended to read:

921.0017 Credit upon recommitment of offender serving split sentence.—Effective for offenses committed on or after January 1, 1994, if an offender's probation or community control is revoked and the offender is serving a split sentence pursuant to s. 948.01, upon recommitment to the Department of Corrections, the court shall order credit for time served *in state prison or county jail* only, without considering any type of gain-time earned before release to supervision, or any type of sentence reduction granted to avoid prison overcrowding, including, but not limited to, any sentence reduction resulting from administrative gain-time, provisional credits, or control release. The court shall determine the amount of jail-time credit to be awarded for time served between the date of arrest as a violator and the date of recommitment, and shall direct the Department of Corrections to compute and apply credit for all other time served previously on the prior sentence for the offense for which the offender is being recommitted. This section does not affect or limit the department's authority to forfeit gain-time under ss. 944.28(1) and 948.06(6).

Section 3. Section 944.279, Florida Statutes, 1996 Supplement, is amended to read:

944.279 *Disciplinary procedures applicable to prisoner* ~~Loss of gain-time~~ for filing frivolous or malicious actions *or bringing false information before court*.—

(1) At any time, and upon its own motion or on motion of a party, a court may conduct an inquiry into whether any action or appeal brought by a prisoner was brought in good faith. A prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal in any court of this state or in any federal court, which is filed after June 30, 1996, or who knowingly or with reckless disregard for the truth brought false information or evidence before the court, is subject to *disciplinary procedures pursuant to the rules of the Department of Corrections* ~~forfeiture of gain-time and the right to earn gain-time~~. The court shall issue a written finding and direct that a certified copy be forwarded to the appropriate institution or facility for disciplinary *procedures pursuant to the rules of the department* ~~action~~ as provided in s. *944.09* ~~944.28(2)~~.

(2) This section does not apply to a criminal proceeding or a collateral criminal proceeding.

(3) For purposes of this section, "prisoner" means a person who is convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing.

Section 4. Subsection (2) of section 944.35, Florida Statutes, 1996 Supplement, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(2) Each employee of the department who either applies physical force or was responsible for making the decision to apply physical force upon an inmate or an offender supervised by the department in the community pursuant to this subsection shall prepare, date, and sign an independent report within 5 working days of the incident. The report shall be delivered to the superintendent or the regional administrator, who shall have an investigation made and shall approve or disapprove the force used. The employee's report, together with the superintendent's or regional administrator's written approval or disapproval of the force used and the reasons therefor, shall be forwarded within 5 working days of the date of the completion of the investigation to the regional director. The regional director shall, in writing, concur in the superintendent's or regional administrator's evaluation or disapprove it. Copies of the employee's report, the superintendent's or regional administrator's evaluation, and the regional director's review shall be kept in the files of ~~both~~ the inmate or the offender supervised by the department in the community~~, and the employee~~. *A notation of each incident involving use of force and the outcome based on the superintendent's or regional director's evaluation and the regional administrator's review shall be kept in the employee's file.*

Section 5. Paragraph (c) of subsection (1) and subsection (2) of section 944.472, Florida Statutes, are amended to read:

944.472 Drug-free corrections; legislative findings and purposes.—

(1) FINDINGS.—The Legislature finds that:

(c) Certain substance abuse testing standards are necessary to ensure uniform and economical application of policy throughout the state's institutions and to protect both inmates and employers participating in random *and reasonable suspicion* substance abuse testing programs.

(2) PURPOSES.—The purposes of the Drug-Free Corrections Act of 1992 are to:

(a) Promote the goal of a drug-free correctional system through fair, economical, and reasonable methods of random *and reasonable suspicion* substance abuse testing of inmates for the protection of inmates, employees, employers, and the public.

(b) Establish an aggressive, routine random substance abuse testing program *and a reasonable suspicion substance abuse testing program* to identify substance-abusing inmates, determine appropriate treatment, and provide a strong deterrent to future substance abuse.

Section 6. Subsections (1) and (3) of section 944.473, Florida Statutes, are amended to read:

944.473 Inmate substance abuse testing program.—

(1) RULES AND PROCEDURES.—The department shall establish *programs* ~~a program~~ for random *and reasonable suspicion* drug and alcohol testing by urinalysis or other noninvasive procedure for inmates to effectively identify those inmates abusing drugs, alcohol, or both. The department shall also adopt rules relating to fair, economical, and accurate operations and procedures of a random inmate substance abuse testing program *and a reasonable suspicion substance abuse testing program* by urinalysis or other noninvasive procedure which enumerate penalties for positive test results, including but not limited to the forfeiture of both basic and incentive gain-time, and which do not limit the number of times an inmate may be tested in any one fiscal or calendar year.

(3) REPORTING REQUIREMENT.—The department shall, as part of its annual report, report the number of random *and reasonable suspicion* substance abuse tests administered in the fiscal year, the number of positive results obtained, the number of negative results obtained, the number of inmates requesting and participating in substance abuse treatment programs as the result of a positive random *or reasonable suspicion* substance abuse test, and the number of repeat substance abuse offenders.

Section 7. Effective upon this act becoming a law, subsection (4) is added to section 944.801, Florida Statutes, 1996 Supplement, to read:

944.801 Education for state prisoners.—

(4) Notwithstanding s. 120.81(3), all inmates under 22 years of age who qualify for special educational services and programs pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. ss. 1400 et seq., and who request a due process hearing as provided by that act shall be entitled to such hearing before the Division of Administrative Hearings. Administrative law judges shall not be required to travel to state or private correctional institutions and facilities in order to conduct these hearings.

Section 8. Subsection (11) of section 948.01, Florida Statutes, 1996 Supplement, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(11) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court *may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation of community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082* ~~shall impose a term of incarceration equal to the remaining portion of the order of probation or community control~~. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 9. Subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation and parole supervisors as directed.

(b) Permit such supervisors to visit him at his home or elsewhere.

(c) Work faithfully at suitable employment insofar as may be possible.

(d) Remain within a specified place.

(e) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

(f) Effective July 1, 1994, and applicable for offenses committed on or after that date, make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the felony probationer while in that detention facility. The court, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the felony probationer, the present and potential future financial needs and earning ability of the probationer, and dependents, and other appropriate factors.

(g) Support his legal dependents to the best of his ability.

(h) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.

(i) Pay any attorney's fees and costs assessed under s. 27.56, subject to modification based on change of circumstances.

(j) Not associate with persons engaged in criminal activities.

(k)1. Submit to random testing as directed by the correctional probation officer or the professional staff of the treatment center where he is receiving treatment to determine the presence or use of alcohol or controlled substances.

2. If the offense was a controlled substance violation and the period of probation immediately follows a period of incarceration in the state correction system, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(l) Be prohibited from possessing, carrying, or owning any firearm unless authorized by the court and consented to by the probation officer.

(m) Be prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician. The probationer or community controlee shall not knowingly visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(n) Attend an HIV/AIDS awareness program consisting of a class of not less than 2 hours or more than 4 hours in length, the cost for which shall be paid by the offender, *if such a program is available in the county of the offender's residence.*

(o) Pay not more than $1 per month during the term of probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections.

Section 10. Section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(1) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his probation or community control in a material respect, any parole or probation supervisor may arrest or request any county or municipal law enforcement officer to arrest such probationer or offender without warrant wherever found and forthwith return him to the court granting such probation or community control. Any committing magistrate may issue a warrant, upon the facts being made known to him by affidavit of one having knowledge of such facts, for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant. The court, upon the probationer or offender being brought before it, shall advise him of such charge of violation and, if such charge is admitted to be true, may forthwith revoke, modify, or continue the probation or community control or place the probationer into a community control program. If probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control. If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation. If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(2) *When the court imposes a subsequent term of supervision following a revocation of probation or community control, it shall not provide credit for time served while on probation or community control toward any subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses before the court for sentencing, would exceed the maximum penalty allowable as provided by s. 775.082.* No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he *or she* shall be sentenced to serve.

(3) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his probation or community control in a material respect may be taken before the court in the county or circuit in which he was arrested. That court shall advise him of such charge of a violation and, if such charge is admitted, shall cause him to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

(4) In any hearing in which the failure of a probationer or offender in community control to pay restitution or the cost of supervision as provided in s. 948.09, as directed, is established by the state, if the probationer or offender asserts his inability to pay restitution or the cost of supervision, it is incumbent upon him to prove by clear and convincing evidence that he does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so. If the probationer or offender cannot pay restitution or the cost of supervision despite sufficient bona fide efforts, the court shall consider alternate measures of punishment other than imprisonment. Only if alternate measures are not adequate to meet the state's interests in punishment and deterrence may the court imprison a probationer or offender in community control who has demonstrated sufficient bona fide efforts to pay restitution or the cost of supervision.

(5) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of ss. 947.22 and 947.23.

(6) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his release on probation, community control, or control release. This subsection does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his treatment program placement term.

Section 11. Section 947.04, Florida Statutes, 1996 Supplement, is amended to read:

947.04 Organization of commission; officers; offices.—

(1) Before July 1 of each even-numbered year, the Governor and Cabinet shall select a chairman who shall serve for a period of 2 years and until a successor is selected and qualified. The Governor and Cabinet shall, at the same time that a chairman is selected, select a vice chairman to serve during the same 2-year period as the chairman, in the absence of the chairman. The chairman may ~~not~~ succeed himself *or herself*. The chairman, as chief administrative officer of the commission, has the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the commission, except those of granting and revoking parole as provided for in this chapter. Subject to approval by the Governor and the Cabinet, the chairman may assign consenting retired commissioners or former commissioners to temporary duty when there is a workload need. Any such commissioner shall be paid $100 for each day or portion of a day spent on the work of the commission and shall be reimbursed for travel expenses as provided in s. 112.061. The chairman is authorized to provide or disseminate information relative to parole by means of documents, seminars, programs, or otherwise as he determines necessary. The chairman shall establish, execute, and be held accountable for all administrative policy decisions. However, decisions to grant or revoke parole shall be made in accordance with the provisions of ss. 947.172, 947.174, and 947.23. The commissioners shall be directly accountable to the

chairman in the execution of their duties as commissioners, and the chairman has authority to recommend to the Governor suspension of a commissioner who fails to perform the duties provided for by statute.

(2) Notwithstanding the provisions of s. 20.05(1)(g), the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

(a) Administration.
(b) Operations.
(c) Clemency.

(3) The commissioners shall select from their number a secretary who shall serve for a period of 1 year or until a successor is elected and qualified.

(4) The commission may establish and maintain offices in centrally and conveniently located places in Florida. Headquarters shall be located in Tallahassee. The business of the commission shall be transacted anywhere in the state as provided in s. 947.06. The commission shall keep its official records and papers at the headquarters, which it shall furnish and equip.

(5) Acts and decisions of the chairman may be modified as provided in s. 947.06.

Section 12. Section 947.1405, Florida Statutes, 1996 Supplement, is amended to read:

947.1405 Conditional release program.—

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender *or violent career criminal* pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. *Such supervision is applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided in this section.* Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the commission shall interview the inmate. The commission representative shall review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the impending release. A commission representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including his planned residence and employment. The results of the interview must be forwarded to the commission in writing.

(6) Upon receipt of notice as required under s. 947.175, the commission shall conduct a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the record. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7) Any inmate who is convicted of a crime committed on or after October 1, 1995, or has been previously convicted of a crime committed on or after October 1, 1995, and who meets the criteria of s. 775.21 or former s. 775.23(2)(a) or (b) shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

(a) A curfew, if appropriate, during hours set by the commission.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

(c) Active participation in and successful completion of a sex offender treatment program, at the releasee's own expense, unless one is not available within a 50-mile radius of the releasee's residence.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the commission.

(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually explicit material.

(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

Section 13. *Section 775.0121, Florida Statutes, as created by section 1 of chapter 96-388, Laws of Florida, is repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to criminal justice; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from giving credit for time served; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition; authorizing courts to impose such a condition if such a program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or more sentences that are eligible for conditional release supervision; repealing s. 775.0121, F.S., relating to a continuous revision cycle of criminal penalties; amending s.

On motion by Senator Burt, by two-thirds vote **CS for HB 417** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Scott
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Lee

Consideration of **CS for SB's 234 and 456** was deferred.

On motion by Senator Kurth, by two-thirds vote **CS for HB 1631** was withdrawn from the Committees on Transportation; Rules and Calendar; and Ways and Means.

On motions by Senator Kurth, by two-thirds vote—

CS for HB 1631—A bill to be entitled An act relating to Challenger license plates; amending s. 320.08058, F.S.; revising language with respect to the distribution of the Challenger license plate funds; providing for the use of such funds; providing for the expiration of authority for issuance of such license plates; amending s. 320.08056, F.S.; authorizing a reduction in the annual use fee for bulk purchasers of such license plates; providing an effective date.

—a companion measure, was substituted for **CS for SB 250** and by two-thirds vote read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for HB 1631** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Hargrett	Myers
Bankhead	Crist	Harris	Ostalkiewicz
Bronson	Dantzler	Holzendorf	Rossin
Brown-Waite	Diaz-Balart	Horne	Silver
Burt	Dudley	Jenne	Sullivan
Campbell	Dyer	Jones	Thomas
Casas	Forman	Klein	Turner
Childers	Grant	Kurth	Williams
Clary	Gutman	Latvala	

Nays—1

McKay

Vote after roll call:

Yea—Kirkpatrick, Lee

On motion by Senator Bronson, by two-thirds vote **HB 61** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Bronson—

HB 61—A bill to be entitled An act relating to battery; creating s. 784.041, F.S.; defining the offense of felony battery, and providing penalties therefor; amending s. 921.0012, F.S., relating to sentencing guidelines offense levels; providing for classification of felony battery offenses in the level 6 category of the offense severity ranking chart; providing an effective date.

—a companion measure, was substituted for **SB 252** and read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 61** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Gutman—

CS for SB's 234 and 456—A bill to be entitled An act relating to the funding for beach management; amending s. 161.091, F.S.; requiring the Department of Environmental Protection to identify a dedicated revenue source for the beach management plan; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB's 234 and 456** to **CS for HB 103**.

Pending further consideration of **CS for SB's 234 and 456** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 103** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Gutman, the rules were waived and—

CS for HB 103—A bill to be entitled An act relating to funding for beach management; amending s. 161.091, F.S.; requiring the Department of Environmental Protection to make a concerted effort to identify an additional dedicated revenue source to fund the beach nourishment plan; requiring the department, in concert with any increased funding, to develop a corresponding multiyear repair and maintenance strategy and providing the requirements thereof; providing an effective date.

—a companion measure, was substituted for **CS for SB's 234 and 456** as amended and read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for HB 103** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Sullivan—

SB 388—A bill to be entitled An act relating to funding for the rehabilitation of persons with brain or spinal cord injuries; amending s. 316.193, F.S.; assessing an additional fine for driving under the influence, to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; amending s. 327.35, F.S.; assessing an additional fine for boating while under the influence, to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1 (with title amendment)—On page 1, line 16 through page 4, line 31, delete those lines and insert:

Section 1. *The Legislature declares its intent to provide for the creation of a new chapter of the Florida Statutes consolidating and categorizing the provisions relating to court costs, in order to accomplish the purposes of assisting the judiciary and other court participants to identify and locate applicable law relating to court costs and thereby facilitating the uniform imposition and collection of court costs.*

Section 2. *Sections 938.01, 938.03, 938.04, and 938.05, Florida Statutes, are designated as part I of chapter 938, Florida Statutes, and entitled "Mandatory Costs in All Cases."*

Section 3. Subsection (3) of section 943.25, Florida Statutes, is renumbered as subsection (1) of section 938.01, Florida Statutes, and amended, and subsection (2) is created to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1)~~(3)~~ All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. However, such assessment shall not be imposed in addition to civil penalties provided in s. 318.18. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall be deposited, for redistribution, in the Additional Court Cost Clearing Trust Fund. However, revenues generated from officer certification examination fees shall not revert to the Additional Court Cost Clearing Trust Fund and shall remain in the Criminal Justice Standards and Training Trust Fund.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with *s. 943.25(9)* ~~subsection (10)~~.

(2) Except as provided by s. 938.15 and notwithstanding any other provision of law, no funds collected and deposited pursuant to this section or s. 943.25 shall be expended unless specifically appropriated by the Legislature.

Section 4. Section 960.20, Florida Statutes, is renumbered as section 938.03, Florida Statutes, and amended to read:

938.03 ~~960.20~~ *Crimes Compensation Trust Fund* ~~Additional costs.—~~

(1) When any person pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, there shall be imposed as an additional cost in the case, in addition and prior to any other cost required to be imposed by law, the sum of $50. Any person whose adjudication is withheld shall also be assessed such cost.

(2) These costs are considered assessed unless specifically waived by the court. If the court does not order these costs, it shall state on the record, in detail, the reasons therefor.

(3) In the event that the individual has been ordered to pay restitution in accordance with s. 775.089, costs referenced in this section shall be included in a judgment.

(4) The clerk of the court shall collect and forward $49 of each $50 collected to the Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining $1 of each $50 collected as a service charge of the clerk's office. Under no condition shall a political subdivision be held liable for the payment of this sum of $50.

Section 5. Section 960.25, Florida Statutes, is renumbered as section 938.04, Florida Statutes, and amended to read:

938.04 ~~960.25~~ *Additional cost with respect to criminal* ~~Surcharge on~~ fines and bail bonds.—In addition to any fine for any criminal offense prescribed by law, including a criminal traffic offense, and in addition to the cost imposed pursuant to the provisions of s. 318.14(10), there is hereby established and created *as a court cost* an additional 5-percent surcharge thereon which shall be imposed, levied, and collected together with such fine or cost *imposed pursuant to s. 318.14(10). The additional court cost created under this section shall be deposited in the Crimes Compensation Trust Fund created by s. 960.21.*

Section 6. Subsections (2) and (3) of section 775.0835, Florida Statutes, are amended to read:

775.0835 Fines; surcharges; Crimes Compensation Trust Fund.—

~~(2) In addition to any fine, civil penalty, or other penalty provided by statute, ordinance, or other law, there shall be imposed, levied, and collected by the courts of this state the 5-percent surcharge on all fines, civil penalties, and forfeitures, as established and created in s. 960.25, which surcharge shall be deposited in the Crimes Compensation Trust Fund created by s. 960.21.~~

(2)~~(3)~~ The additional $50 obligation created by s. *938.03* ~~960.20~~ shall be collected, and $49 of each $50 collected shall be credited to the Crimes Compensation Trust Fund, prior to any fine or surcharge authorized by this chapter. These costs are considered assessed unless specifically waived by the court. If the court does not order these costs, it shall state on the record, in detail, the reasons therefor.

Section 7. Subsections (1), (2), and (3) of section 27.3455, Florida Statutes, 1996 Supplement, are renumbered as section 938.05, Florida Statutes, and amended to read:

938.05 Local Government Criminal Justice Trust Fund.—

(1) When any person pleads nolo contendere to a misdemeanor or criminal traffic offense under s. 318.14(10)(a) or pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, there shall be imposed as a cost in the case, in addition to any other cost required to be imposed by law, a sum in accordance with the following schedule:

(a) Felonies $200

(b) Misdemeanors $50

(c) Criminal traffic offenses $50

(2) Payment of the additional court costs provided for in subsection (1) shall be made part of any plea agreement reached by the prosecuting attorney and defense counsel or the criminal defendant where the plea agreement provides for the defendant to plead guilty or nolo contendere to any felony, misdemeanor, or criminal traffic offense under the laws of this state or any municipal or county ordinance which adopts by reference any misdemeanor under state law.

(3) The clerk of the court shall collect such additional costs and shall notify the agency supervising a person upon whom costs have been imposed upon full payment of fees. The clerk shall deposit all but $3 for each misdemeanor or criminal traffic case and all but $5 for each felony case in a special trust fund of the county. Such funds shall be used exclusively for those purposes set forth in *s. 27.3455(3)* ~~subsection (6)~~. The clerk shall retain $3 for each misdemeanor or criminal traffic case and $5 for each felony case of each scheduled amount collected as a service charge of the clerk's office. A political subdivision shall not be held liable for the payment of the additional costs imposed by this section.

Section 8. *Sections 938.07, 938.09, 938.11, and 938.13, Florida Statutes, are designated as part II of chapter 938, Florida Statutes, and entitled "Mandatory Costs in Specific Types of Cases."*

Section 9. Section 938.07, Florida Statutes, is created to read:

938.07 Driving under the influence.—Notwithstanding any other provision of s. 316.193, a court cost of $135 shall be added to any fine imposed pursuant to s. 316.193, of which $25 shall be deposited in the Emergency Medical Services Trust Fund, $50 shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and $60 shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 413.613.

Section 10. Section 939.015, Florida Statutes, is renumbered as section 938.09, Florida Statutes, and amended to read:

938.09 ~~939.015~~ Cases in which victim is handicapped or elderly~~; additional costs.—~~

(1) When any person pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor under the laws of this state or any county or municipal ordinance violation in which any victim is handicapped or elderly, as defined in s. 426.002, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of $20. Under no condition shall a political subdivision be held liable for the payment of such sum of $20.

(2) The clerk of the court shall collect the $20 and forward $19 thereof to the Treasurer, to be deposited in the General Revenue Fund. The clerk shall retain the remaining $1 of each $20 collected as a service charge of the clerk's office.

(3) The costs imposed by this section apply only in counties containing housing projects ~~as defined in this chapter~~.

Section 11. Section 775.0836, Florida Statutes, is renumbered as section 938.11, Florida Statutes, and amended to read:

938.11 ~~775.0836 Surcharges in~~ Cases in which victim is handicapped or elderly.—

(1) In addition to any fine prescribed by law for any criminal offense or any county or municipal ordinance, when any victim of such criminal offense or any county or municipal ordinance violation is handicapped or elderly, as defined in s. 426.002, there is hereby assessed *as a court cost* an additional 10-percent surcharge on such fine, which *cost* ~~surcharge~~ shall be imposed by all county and circuit courts, and collected by the clerk of the court together with such fine. The *cost* ~~surcharge~~ shall be deposited in the General Revenue Fund.

(2) The *costs* ~~surcharges~~ imposed by this section apply only in counties containing housing projects ~~as defined in this chapter~~.

Section 12. Section 939.017, Florida Statutes, is renumbered as section 938.13, Florida Statutes, and amended to read:

938.13 ~~939.017~~ Misdemeanor convictions involving drugs or alcohol~~; additional costs.—~~

(1)(a) When any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of $15. Under no condition shall a political subdivision be held liable for the payment of such sum.

(b) The clerk of the court shall collect the $15 and forward $14 thereof to the Treasurer to be deposited to the credit of the Department of Health and Rehabilitative Services for allocation to local substance abuse treatment programs under s. 397.321. The clerk shall retain the remaining $1 of each $15 collected as a service charge of the clerk's office.

(2) The costs imposed by this section apply only in each county in which the board of county commissioners has adopted an ordinance which requires the collection of such costs.

Section 13. *Sections 938.15, 938.17, and 938.19, Florida Statutes, are designated as part III of chapter 938, Florida Statutes, and entitled "Mandatory Court Costs Authorized by Local Governmental Entities."*

Section 14. Subsection (13) of section 943.25, Florida Statutes, is renumbered as section 938.15, Florida Statutes, and amended to read:

938.15 Criminal justice education for local government.—

~~(13)~~ *In addition to the costs provided for in s. 938.01,* municipalities and counties may assess an additional $2 for expenditures for criminal justice education degree programs and training courses, including basic recruit training, for their respective officers and employing agency support personnel, provided such education degree programs and training courses are approved by the employing agency administrator, on a form provided by the commission, for local funding.

(1)~~(a)~~ Workshops, meetings, conferences, and conventions shall, on a form approved by the commission for use by the employing agency, be individually approved by the employing agency administrator prior to attendance. The form shall include, but not be limited to, a demonstration by the employing agency of the purpose of the workshop, meeting, conference, or convention; the direct relationship of the training to the officer's job; the direct benefits the officer and agency will receive; and all anticipated costs.

(2)~~(b)~~ The commission may inspect and copy the documentation of independent audits conducted of the municipalities and counties which make such assessments to ensure that such assessments have been made and that expenditures are in conformance with the requirements of this subsection and with other applicable procedures.

Section 15. Section 775.0833, Florida Statutes, 1996 Supplement, is renumbered as section 938.17, Florida Statutes, and amended to read:

938.17 ~~775.0833~~ County delinquency prevention ~~fines~~.—

(1) A county may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this section in a county ordinance. Prior to the adoption of the county ordinance, the sheriff's office of the county must be a partner in a written agreement with the Department of Juvenile Justice to participate in a juvenile assessment center or with the district school board to participate in a suspension program.

(2) In counties in which the sheriff's office is a partner in a juvenile justice assessment center pursuant to s. 39.0471, or a partner in a suspension program developed in conjunction with the district school board in the county of the sheriff's jurisdiction, the court shall assess court costs of $3 per case, in addition to any other authorized cost or fine, on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty, nolo contendere to, or is convicted of, or adjudicated delinquent for, or has an adjudication withheld for, a felony or misdemeanor, or a criminal traffic offense or handicapped parking violation under state law, or a violation of any municipal or county ordinance, if the violation constitutes a misdemeanor under state law.

(3)(a) The clerks of the county and circuit court, in a county where the sheriff's office is a partner in an assessment center or suspension program as specified in subsection (1), shall collect and deposit the assessments collected pursuant to this section in an appropriate, designated account established by the clerk of the court, for disbursement to the sheriff as needed for the implementation and operation of an assessment center or suspension program.

(b) The clerk of the circuit and county court shall withhold 5 percent of the assessments each court collects pursuant to this section, for the costs of administering the collection of assessments under this section.

(c) Assessments collected by clerks of the circuit courts comprised of more than one county shall remit the funds collected pursuant to this section to the county in which the offense at issue was committed for deposit and disbursement according to this section.

(d) Any other funds the sheriff's office obtains for the implementation or operation of an assessment center or suspension program may be deposited into the designated account for disbursement to the sheriff as needed.

(4) A sheriff's office that receives the cost assessments established in subsection (1) shall account for all funds that have been deposited into the designated account by August 1 annually in a written report to the county juvenile justice council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

Section 16. Section 39.019, Florida Statutes, 1996 Supplement, is renumbered as section 938.19, Florida Statutes, and amended to read:

938.19 ~~39.019~~ Teen courts; operation and administration.—In each county in which a teen court has been created, a county may adopt a mandatory cost to be assessed in specific cases as provided for in subsection (1) by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court pursuant to this section shall be deposited into an account specifically for the operation and administration of the teen court:

(1) A sum of $3, which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. The $3 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other court cost and shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The $3 assessment shall specifically be added to any civil penalty paid for a violation of chapter 316, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the $3 assessment shall not be made against a person for a violation of any state statutes, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws. The clerk of the circuit court shall collect the respective $3 assessments for court costs established in this subsection and shall remit the same to the teen court monthly, less 5 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

(2) Such other moneys as become available for establishing and operating teen courts under the provisions of Florida law.

Section 17. *Sections 938.21, 938.23, 938.25, 938.27, and 938.29, Florida Statutes, are designated as part IV of chapter 938, Florida Statutes, and entitled "Discretionary Costs in Specific Types of Cases."*

Section 18. Section 938.21, Florida Statutes, is created to read:

938.21 Alcohol and drug abuse programs.—Notwithstanding any provision to the contrary of the laws of this state, the court may assess for alcohol and other drug abuse programs as provided in s. 893.165 any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of chapter 893 or which involves a criminal violation of s. 316.193, s. 856.011, s. 856.015, or chapter 562, chapter 567, or chapter 568, in addition to any fine and other penalty provided by law, a court cost in an amount up to the amount of the fine authorized for the violation. The court is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.

Section 19. Section 893.16, Florida Statutes, is renumbered as section 938.23, Florida Statutes, and amended to read:

938.23 ~~893.16~~ *Assistance grants for* ~~Assessment for~~ alcohol and other drug abuse programs.—

(1) In addition to any fine imposed by law for any criminal offense under ~~this~~ chapter *893* or for any criminal violation of s. 316.193, s. 856.011, s. 856.015, or chapter 562, chapter 567, or chapter 568, the court shall be authorized, pursuant to the requirements of s. *938.21* ~~893.13(8)(a)~~, to impose an additional assessment in an amount up to the amount of the fine authorized for the offense. Such additional assessments shall be deposited for the purpose of providing assistance grants to drug abuse treatment or alcohol treatment or education programs as provided in s. 893.165.

(2) All assessments authorized by this section shall be collected by the clerk of court and remitted to the jurisdictional county as described in s. 893.165(2) for deposit into the County Alcohol and Other Drug Abuse Trust Fund or to the Department of Health and Rehabilitative Services for deposit into the department's Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund pursuant to guidelines and priorities developed by the department. If a County Alcohol and Other Drug Abuse Trust Fund has not been established for any jurisdictional county, assessments collected by the clerk of court shall be remitted to the Department of Health and Rehabilitative Services for deposit into the department's Community Alcohol and Other Drug Abuse Services Grants and Donations Trust Fund.

Section 20. Section 938.25, Florida Statutes, is created to read:

938.25 Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any provision to the contrary of the laws of this state, the court may assess any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of s. 893.13, without regard to whether adjudication was withheld, in addition to any fine and other penalty provided or authorized by law, an amount of $100, to be paid to the clerk of the court, who shall forward it to the Operating Trust Fund of the Department of Law Enforcement to be used by the statewide criminal analysis laboratory system for the purposes specified in s. 943.361. The court is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.

Section 21. Section 939.01, Florida Statutes, is renumbered as section 938.27, Florida Statutes, and amended to read:

938.27 ~~939.01~~ Judgment for costs on conviction.—

(1) In all criminal cases the costs of prosecution, including investigative costs incurred by law enforcement agencies, and by fire departments for arson investigations, if requested and documented by such agencies, shall be included and entered in the judgment rendered against the convicted person.

(2) If the court does not enter costs, or orders only partial costs under this section, it shall state on the record the reasons therefor.

(3)(a) The court may require that the defendant pay the costs within a specified period or in specified installments.

(b) The end of such period or the last such installment shall not be later than:

1. The end of the period of probation or community control, if probation or community control is ordered;

2. Five years after the end of the term of imprisonment imposed, if the court does not order probation or community control; or

3. Five years after the date of sentencing in any other case.

(c) If not otherwise provided by the court under this section, costs shall be paid immediately.

(4) If a defendant is placed on probation or community control, any costs ordered under this section shall be a condition of such probation or community control. The court may revoke probation or community control if the defendant fails to comply with such order.

(5) The court, in determining whether to order costs and the amount of such costs, shall consider the amount of the costs incurred, the financial resources of the defendant, the financial needs and earning ability of the defendant, and such other factors which it deems appropriate.

(6) Any dispute as to the proper amount or type of costs ordered shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of costs incurred is on the state attorney. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant is on the defendant. The burden of demonstrating such other matters as the court deems appropriate is upon the party designated by the court as justice requires.

(7) Any default in payment of costs ordered may be collected by any means authorized by law for enforcement of a judgment.

(8) The court may order the clerk of the court to collect and dispense cost payments in any case.

(9) Investigative costs which are recovered shall be returned to the appropriate investigative agency which incurred the expense. Costs shall include actual expenses incurred in conducting the investigation and prosecution of the criminal case; however, costs may also include the salaries of permanent employees.

(10) Costs that are collected by the state attorney under this section shall be deposited into the state attorney's grants and donations trust fund to be used during the fiscal year in which the funds are collected, or in any subsequent fiscal year, for actual expenses incurred in investigating and prosecuting criminal cases, which may include the salaries of permanent employees.

Section 22. Section 27.56, Florida Statutes, 1996 Supplement, is renumbered as section 938.29, Florida Statutes, and amended to read:

938.29 ~~27.56~~ *Legal* assistance; lien for payment of attorney's fees or costs.—

(1)(a) The court having jurisdiction over any defendant who has been determined to be guilty of a criminal act by a court or jury or through a plea of guilty or nolo contendere and who has received the assistance of the public defender's office or a special assistant public defender, or the services of a private attorney appointed pursuant to the Florida Statutes or the Florida Rules of Criminal Procedure, but is not indigent under s. 27.52(2), or has been determined indigent but able to contribute, may assess attorney's fees and costs against the defendant. At the sentencing hearing, the court shall assess attorney's fees and costs against the defendant and shall determine the appropriate amount and method of payment. Such costs may include the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the county for the defense of the defendant in criminal prosecutions within the county. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Any cost assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. *938.05* ~~27.3455~~.

(b) Upon entering a judgment of conviction, the trial court may order the defendant to pay the costs assessed by the court in full, or within a time certain as set by the court, after the judgment of conviction becomes final.

(c) After assessment of the attorney's fees and costs, the court may order the defendant to pay the attorney's fees in full or in installments, at the time or times specified. The court may order payment of the assessed attorney's fees as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence.

(2)(a) When payment of attorney's fees or costs has been ordered by the court, there is hereby created in the name of the county in which such assistance was rendered a lien, enforceable as hereinafter provided, upon all the property, both real and personal, of any person who:

1. Has received any assistance from any public defender of the state, from any special assistant public defender, or from any appointed private legal counsel; or

2. Is a parent of an accused minor or an accused adult tax-dependent person who is being, or has been, represented by any public defender of the state, by any special assistant public defender, or by any appointed private legal counsel.

Such lien shall constitute a claim against the defendant-recipient or parent and his or her estate, enforceable according to law, in an amount to be determined by the court in which such assistance was rendered.

(b) Immediately after the issuance of an order for the payment of attorney's fees or costs, a judgment showing the name and residence of the defendant-recipient or parent shall be filed for record in the office of the clerk of the circuit court in the county where the defendant-recipient

or parent resides and in each county in which such defendant-recipient or parent then owns or later acquires any property. Such judgments shall be enforced on behalf of the county by the board of county commissioners of the county in which assistance was rendered.

(3) In lieu of the procedure above described, the court is authorized to require that the defendant-recipient of the services of the public defender, special assistant public defender, or appointed private legal counsel, or that the parent of an accused minor or an accused adult tax-dependent person who has received such services, execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created hereby. Such lien shall be recorded in the public records of the county at no charge by the clerk of the circuit court and shall be enforceable in the same manner as a mortgage.

(4) The board of county commissioners of the county wherein the defendant-recipient was tried or received the services of a public defender, special assistant public defender, or appointed private legal counsel shall enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A defendant-recipient or parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on such person or his or her immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(5) The board of county commissioners of the county claiming such lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for such collection shall be on a contingent basis not to exceed 50 percent of the recovery. However, no fee shall be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

(6) No lien thus created shall be foreclosed upon the homestead of such defendant-recipient or parent, nor shall any defendant-recipient or parent who is ordered to pay attorney's fees or costs be denied any of the protections afforded any other civil judgment debtor.

(7) The court having jurisdiction of the defendant-recipient may, at such stage of the proceedings as the court may deem appropriate, determine the value of the services of the public defender, special assistant public defender, or appointed private legal counsel and costs, at which time the defendant-recipient or parent, after adequate notice thereof, shall have opportunity to be heard and offer objection to the determination, and to be represented by counsel, with due opportunity to exercise and be accorded the procedures and rights provided in the laws and court rules pertaining to civil cases at law.

Section 23. *Section 938.31, Florida Statutes, is designated as part V of chapter 938, Florida Statutes, and entitled "Miscellaneous Provisions."*

Section 24. Section 938.31, Florida Statutes, is created to read:

938.31 Incorporation by reference.—The purpose of this chapter is to facilitate uniform imposition and collection of court costs throughout the state and, to this end, a reference to this chapter, or to any section or subdivision within this chapter, constitutes a general reference under the doctrine of incorporation by reference.

Section 25. Subsection (6) of section 316.193, Florida Statutes, 1996 Supplement, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours; or the court may order instead, that any defendant pay an additional fine of $10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time public service or community work is required, payment of the fine is in the best interests of the state. However, the total period of probation and incarceration may not exceed 1 year.

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. At least 48 hours of confinement must be consecutive.

(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of the vehicle that was driven by, or in the actual physical control of, the offender, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to the registered owner of the vehicle if the registered owner is a person other than the offender and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle. The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vehicle, may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(e) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. ~~Notwithstanding any other provision of this section, $100 shall be added to any fine imposed pursuant to this section, of which one-quarter shall be deposited in the Emergency Medical Services Trust Fund, one-half shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and one-quarter shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 413.613.~~ However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the

unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

Section 26. Paragraph (c) of subsection (3) of section 11.45, Florida Statutes, 1996 Supplement, is amended to read:

11.45 Definitions; duties; audits; reports.—

(3)

(c) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means the reporting provisions of this subsection and subsection (4); s. *27.3455(1) and (2)* ~~27.3455(4) and (5)~~; part VII of chapter 112; s. 163.05; s. 166.241; chapter 189; parts III and V of chapter 218; and s. 925.037(5). The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and objectives and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. Such goals and objectives must include, but need not be limited to, the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials in order to:

1. Compare and contrast revenue sources and expenditures of local governmental entities;

2. Assess the fiscal impact of the formation, dissolution, and activity of special districts;

3. Evaluate the fiscal impact of state mandates on local governmental entities;

4. Assess financial or economic conditions of local governmental entities; and

5. Improve communication and coordination among state agencies and local governmental entities.

Section 27. Subsections (4) through (8) of section 27.3455, Florida Statutes, 1996 Supplement, are renumbered as subsections (1) through (5), respectively, and are amended to read:

27.3455 Additional court costs; collection, use, and distribution of funds.—

(1)~~(4)~~ Each county shall submit annually to the Comptroller and the Auditor General a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the Comptroller in consultation with the Legislative Committee on Intergovernmental Relations, provided that such statement identify total county expenditures on:

(a) Medical examiner services.

(b) County victim witness programs.

(c) Each of the services outlined in ss. 27.34(2) and 27.54(3).

(d) Appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court.

(e) Other court-related costs of the state attorney and public defender that were paid by the county where such costs were included in a judgment or order rendered by the trial court against the county.

Such statement also shall identify the revenues provided by *s. 938.05(1)* ~~subsection (1)~~ that were used to meet or reimburse the county for such expenditures.

(2)~~(5)~~(a) Within 6 months of the close of the local government fiscal year, each county shall submit to the Comptroller a statement of compliance from its independent certified public accountant, engaged pursuant to chapter 11, that the certified statement of expenditures was in accordance with ss. 27.34(2), 27.54(3), and this section. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the Comptroller.

(b) Should the Comptroller determine that additional auditing procedures are appropriate because:

1. The county failed to submit timely its annual statement;

2. Discrepancies were noted by the independent certified public accountant; or

3. The county failed to file before March 31 of each year the certified public accountant statement of compliance, the Comptroller is hereby authorized to send his or her personnel or to contract for services to bring the county into compliance. The costs incurred by the Comptroller shall be paid promptly by the county upon certification by the Comptroller.

(c) Where the Comptroller elects to utilize the services of an independent contractor, such certification by the Comptroller may require the county to make direct payment to a contractor. Any funds owed by a county in such matters shall be recovered pursuant to s. 17.04 or s. 17.041.

(3)~~(6)~~ The priority for the allocation of funds collected pursuant to *s. 938.05(1)* ~~subsection (1)~~ shall be as follows:

(a) Reimbursement to the county for actual county expenditures incurred in providing the state attorney and public defender the services outlined in ss. 27.34(2) and 27.54(3), with the exception of office space, utilities, and custodial services.

(b) At the close of the local government fiscal year, funds remaining on deposit in the special trust fund of the county after reimbursements have been made pursuant to paragraph (a) shall be reimbursed to the county for actual county expenditures made in support of the operations and services of medical examiners, including the costs associated with the investigation of state prison inmate deaths. Special county trust fund revenues used to reimburse the county for medical examiner expenditures in any year shall not exceed $1 per county resident.

(c) At the close of the local government fiscal year, counties establishing or having in existence a comprehensive victim-witness program which meets the standards set by the Crime Victims' Services Office shall be eligible to receive 50 percent matching moneys from the balance remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a) and (b). Special trust fund moneys used in any year to supplement such programs shall not exceed 25 cents per county resident.

(d) At the close of the local government fiscal year, funds remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a), (b), and (c) shall be used to reimburse the county for county costs incurred in the provision of office space, utilities, and custodial services to the state attorney and public defender, for county expenditures on appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court, and for county expenditures on court-related costs of the state attorney and public defender that were paid by the county, provided that such court-related costs were included in a judgment or order rendered by the trial court against the county. Where a state attorney or a public defender is provided space in a county-owned facility, responsibility for calculating county costs associated with the provision of such office space, utilities, and custodial services is hereby vested in the Comptroller in consultation with the Legislative Committee on Intergovernmental Relations.

(4)~~(7)~~ At the end of the local government fiscal year, all funds remaining on deposit in the special trust fund after all reimbursements have been made as provided for in subsection *(3)*~~(6)~~ shall be forwarded to the Treasurer for deposit in the General Revenue Fund of the state.

(5)~~(8)~~ The Comptroller shall adopt any rules necessary to implement his or her responsibilities pursuant to this section.

Section 28. Paragraph (d) of subsection (1) and paragraph (e) of subsection (2) of section 27.52, Florida Statutes, 1996 Supplement, are amended to read:

27.52 Determination of indigency.—

(1)

(d) If the court finds that the accused person applying for representation appears to be indigent based on the factual information provided, the court shall appoint the public defender to provide representation. If the fee is not paid prior to the disposition of the case, the sentencing judge shall be advised of this fact and may:

1. Assess the fee as part of the sentence or as a condition of probation; or

2. Assess the fee pursuant to s. *938.29* ~~27.56~~.

Notwithstanding any provision of law or local order to the contrary, the collecting entity shall assign the first $40 to the Indigent Criminal Defense Trust Fund, if created by law; otherwise it shall be deposited in the General Revenue Fund. In no event should a person who is found to be indigent be refused counsel for failure to pay the fee.

(2)

(e) A nonindigent parent or legal guardian of an accused minor or an accused adult tax-dependent person shall furnish the minor or dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to s. 39.052, a criminal prosecution, in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section shall not bar the appointment of legal counsel pursuant to s. 27.53. When the public defender, a special assistant public defender appointed pursuant to s. 27.53(2), or appointed private legal counsel is appointed to represent an accused minor or an accused adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for the fees and costs of such representation even if the person is a minor being tried as an adult. Liability for the costs of such representation may be imposed in the form of a lien against the property of the nonindigent or indigent but able to contribute parents or legal guardian of the accused minor or accused adult tax-dependent person, which lien shall be enforceable as provided in ~~s. 27.56 or~~ s. 27.561 *or s. 938.29*. The court shall determine the amount of the obligation; and, in determining the amount of the obligation, the court shall follow the procedure outlined by this section.

Section 29. Section 27.562, Florida Statutes, 1996 Supplement, is amended to read:

27.562 Disposition of funds.—All funds collected pursuant to s. *938.29* ~~27.56~~ shall be remitted to the board of county commissioners of the county wherein the defendant-recipient was tried. Such funds shall be placed in the fine and forfeiture fund of that county to be used to defray the expenses incurred by the county in defense of criminal prosecutions. All judgments entered pursuant to the provisions of this act shall be in the name of the county in which the judgment was rendered.

Section 30. Section 39.041, Florida Statutes, 1996 Supplement, is amended to read:

39.041 Right to counsel.—

(1) A child is entitled to representation by legal counsel at all stages of any proceedings under this part. If the child and the parents or other legal guardian are indigent and unable to employ counsel for the child, the court shall appoint counsel pursuant to s. 27.52. Determination of indigency and costs of representation shall be as provided by ss. 27.52 and *938.29* ~~27.56~~. Legal counsel representing a child who exercises the right to counsel shall be allowed to provide advice and counsel to the child at any time subsequent to the child's arrest, including prior to a detention hearing while in secure detention care. A child shall be represented by legal counsel at all stages of all court proceedings unless the right to counsel is freely, knowingly, and intelligently waived by the child. If the child appears without counsel, the court shall advise the child of his or her rights with respect to representation of court-appointed counsel.

(2) If the parents or legal guardian of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.52(2)(d) to represent the child at the detention hearing and until counsel is provided. Costs of representation shall be assessed as provided by ss. 27.52(2)(d) and *938.29* ~~27.56~~. Thereafter, the court shall not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel. A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(3) An indigent child with nonindigent parents or legal guardian may have counsel appointed pursuant to s. 27.52(2)(d) if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt and then still have willfully refused to obey the court order. Costs of representation shall be assessed as provided by ss. 27.52(2)(d) and *938.29* ~~27.56~~.

Section 31. Section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund contents.—There shall be in every county of this state a separate fund to be known as the fine and forfeiture fund. Said fund shall consist of all fines and forfeitures collected in the county under the penal laws of the state, except those fines imposed under s. 775.0835(1) and assessments imposed under ss. *938.21, 938.23, and 938.25* ~~893.13(8) and 893.16~~; all costs refunded to the county; all funds arising from the hire or other disposition of convicts; and the proceeds of any special tax that may be levied by the county commissioners for expenses of criminal prosecutions. Said funds shall be paid out only for criminal expenses, fees, and costs, where the crime was committed in the county and the fees and costs are a legal claim against the county, in accordance with the provisions of this chapter. Any surplus funds remaining in the fine and forfeiture fund at the end of a fiscal year may be transferred to the county general fund.

Section 32. Section 142.03, Florida Statutes, is amended to read:

142.03 Disposition of fines, forfeitures, and civil penalties.—Except as to fines, forfeitures, and civil penalties collected in cases involving violations of municipal ordinances, violations of chapter 316 committed within a municipality, or infractions under the provisions of chapter 318 committed within a municipality, in which cases such fines, forfeitures, and civil penalties shall be fully paid monthly to the appropriate municipality as provided in ss. 34.191, 316.660, and 318.21, and except as to fines imposed under s. 775.0835(1), and assessments imposed under ss. *938.21, 938.23, and 938.25* ~~893.13(8) and 893.16~~, all fines imposed under the penal laws of this state in all other cases, and the proceeds of all forfeited bail bonds or recognizances in all other cases, shall be paid into the fine and forfeiture fund of the county in which the indictment was found or the prosecution commenced, and judgment must be entered therefor in favor of the state for the use of the particular county.

Section 33. Paragraph (c) of subsection (2) and subsections (3) and (11) of section 318.21, Florida Statutes, 1996 Supplement, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of Health and Rehabilitative Services for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 404.40. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(c) Five and one-tenth percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s. *938.01* ~~943.25~~ for criminal justice purposes.

(3)(a) Moneys paid to a municipality or special improvement district under subparagraph (2)(g)1. must be used to fund local criminal justice training as provided in s. *938.15* ~~943.25(13)~~ when such a program is established by ordinance; to fund a municipal school crossing guard training program; and for any other lawful purpose.

(b) Moneys paid to a county under subparagraph (2)(g)2. shall be used to fund local criminal justice training as provided in s. *938.15*

~~943.25(13)~~ when such a program is established by ordinance, to fund a county school crossing guard training program, and for any other lawful purpose.

(11) The additional costs and surcharges on criminal traffic offenses provided for under ss. *938.03 and 938.04* ~~960.20 and 960.25 of the Florida Crimes Compensation Act~~ must be collected and distributed by the clerk of the court as provided in those sections. The additional costs and surcharges must also be collected for the violation of any ordinances adopting the criminal traffic offenses enumerated in s. 318.17.

Section 34. Subsection (20) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(20) Establish a program to disseminate funds collected pursuant to s. *938.13* ~~939.017~~ to the counties of origin for use in substance abuse programs, whereby the boards of county commissioners determine allocations to specific programs pursuant to department criteria and guidelines.

Section 35. Subsection (1) of section 401.113, Florida Statutes, is amended to read:

401.113 Department; powers and duties.—

(1) Funds deposited into the Emergency Medical Services Trust Fund as provided by ss. 316.061, 316.192, ~~316.193, and~~ 318.21, *and 938.07* must be used solely to improve and expand prehospital emergency medical services in the state.

Section 36. Subsection (2) of section 426.003, Florida Statutes, is amended to read:

426.003 Handicapped and elderly assistance program; administration; rules.—

(2) To the extent that the department receives completed applications from a county which collects surcharges and costs pursuant to ss. *938.09 and 938.11* ~~775.0836 and 939.015~~, and as consistent with the priorities for award of security assistance grants contained in s. 426.004, the department shall approve grants to a county in an amount equal to that county's contribution to the Handicapped and Elderly Security Assistance Program, less a pro rata portion of the department's administrative costs.

Section 37. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 893.165, Florida Statutes, are amended to read:

893.165 County alcohol and other drug abuse treatment or education trust funds.—

(1) Counties in which there is established or in existence a comprehensive alcohol and other drug abuse treatment or education program which meets the standards for qualification of such programs by the Department of Health and Rehabilitative Services are authorized to establish a County Alcohol and Other Drug Abuse Trust Fund for the purpose of receiving the assessments collected pursuant to s. *938.23* ~~893.16~~ and disbursing assistance grants on an annual basis to such alcohol and other drug abuse treatment or education program.

(2) Assessments collected by the clerks of court pursuant to s. *938.23* ~~893.16~~ shall be remitted to the board of county commissioners of the county in which the indictment was found or the prosecution commenced for payment into the County Alcohol and Other Drug Abuse Trust Fund. The county commissioners shall require a full report from all clerks of county courts and clerks of circuit courts once each month of the amount of assessments imposed by their courts.

(3)(a) No county shall receive assessments collected pursuant to s. *938.23* ~~893.16~~ in an amount exceeding that county's jurisdictional share as described in subsection (2).

Section 38. Subsection (1) of section 921.187, Florida Statutes, 1996 Supplement, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation.

(a) If the offender does not receive a state prison sentence, the court may:

1. Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which period may include a term of years or less.

2. Make any other disposition that is authorized by law.

3. Place the offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

4. Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

5. Place the offender into community control requiring intensive supervision and surveillance pursuant to chapter 948.

6. Impose, as a condition of probation or community control, a period of treatment which shall be restricted to a county facility, a Department of Corrections probation and restitution center, a probation program drug punishment treatment community, or a community residential or nonresidential facility, excluding a community correctional center as defined in s. 944.026, which is owned and operated by any qualified public or private entity providing such services. Before admission to such a facility, the court shall obtain an individual assessment and recommendations on the appropriate treatment needs, which shall be considered by the court in ordering such placements. Placement in such a facility, except for a county residential probation facility, may not exceed 364 days. Placement in a county residential probation facility may not exceed 3 years. Early termination of placement may be recommended to the court, when appropriate, by the center supervisor, the supervising probation officer, or the probation program manager.

7. Sentence the offender pursuant to s. 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same circuit or from separate circuits, is not more than 364 days.

8. Sentence the offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

9. Require the offender to participate in a work-release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail, if such a program is available.

10. Require the offender to perform a specified public service pursuant to s. 775.091.

11. Require the offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program.

12.a. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. *938.21 and 938.23* ~~893.13(8)(a) and 893.16~~.

b. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of $100, pursuant to ss. *938.25* ~~893.13(8)(b)~~ and 943.361.

13. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

14. Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.01 for the remainder of the term of supervision.

15. Require residence in a state probation and restitution center or private drug treatment program for offenders on community control or offenders who have violated conditions of probation.

16. Impose any other sanction which is provided within the community and approved as an intermediate sanction by the county public safety coordinating council as described in s. 951.26.

17. Impose, as a condition of community control, probation, or probation following incarceration, a requirement that an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in s. 229.814, in accordance with the assessed adult general education needs of the individual offender.

(b)1. Notwithstanding any provision of s. 921.001 to the contrary, on or after October 1, 1993, the court may require any defendant who violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and meets the criteria described in s. *893.13(9)* ~~893.13(10)~~, to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

2. Notwithstanding any provision of s. 921.001 to the contrary, on or after October 1, 1993, the court may require any defendant who violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in s. *893.13(10)* ~~893.13(11)~~, to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment.

Section 39. Paragraph (j) of subsection (2) of section 943.08, Florida Statutes, 1996 Supplement, is amended to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(2) The council shall review proposed rules and operating policies and procedures, and amendments thereto, of the Division of Criminal Justice Information Systems and make recommendations to the executive director which shall be represented in the meeting minutes of the council. In addition, the council shall review proposed policies, rules, and procedures relating to the information system of the Department of Juvenile Justice and make recommendations to the Secretary of Juvenile Justice or designated assistant who shall attend council meetings. Those recommendations shall relate to the following areas:

(j) The training, which may be provided pursuant to *s. 938.01, s. 938.15, or* s. 943.25, of employees of the department and other state and local criminal justice agencies in the proper use and control of criminal justice information.

Section 40. Paragraph (c) of subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(c) Design, implement, maintain, evaluate, and revise a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. *943.25(9)* ~~943.25(10)~~.

Section 41. Subsections (4) through (12) and subsection (14) of section 943.25, Florida Statutes, are renumbered as subsections (3) through (12), respectively, and amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3)~~(4)~~ The Auditor General is directed in his financial audit of courts to ascertain that such assessments have been collected and remitted and shall report to the Legislature annually. All such records of the courts shall be open for his inspection. The Auditor General is further directed to conduct financial audits of the expenditures of the trust funds and to report to the Legislature annually.

(4)~~(5)~~ The commission shall, by rule, establish, implement, supervise, and evaluate the expenditures of the Criminal Justice Standards and Training Trust Fund for approved advanced and specialized training program courses. Criminal justice training school enhancements may be authorized by the commission subject to the provisions of subsection *(7)*~~(8)~~. The commission may approve the training of appropriate support personnel when it can be demonstrated that these personnel directly support the criminal justice function.

(5)~~(6)~~ The commission shall authorize the establishment of regional training councils to advise and assist the commission in developing and maintaining a plan assessing regional criminal justice training needs and to act as an extension of the commission in the planning, programming, and budgeting for expenditures of the moneys in the Criminal Justice Standards and Training Trust Fund.

(a) The commission shall annually forward to each regional training council a list of its specific recommended priority issues or items to be funded. Each regional training council shall consider the recommendations of the commission in relation to the needs of the region and either include the recommendations in the region's budget plan or satisfactorily justify their exclusion.

(b) Criminal Justice Standards and Training Trust Fund moneys allocated to the regions shall be distributed to each region based upon a formula approved by the commission. The distribution shall be used by each region to implement the regional plan approved by the commission.

(c) By rule, the commission may establish criteria and procedures for use by the division and regions to amend the approved plan when an emergency exists. The division shall, with the consent of the chairman of the commission, initially grant, modify, or deny the requested amendment pending final approval by the commission. The commission's plan and amendments thereto must comply with the provisions of chapter 216.

(d) A public criminal justice training school must be designated by the commission to receive and distribute the disbursements authorized under subsection *(9)* ~~(10)~~.

(e) Commission members, regional training council members, division staff personnel, and other authorized persons who are performing duties directly related to the trust fund may be reimbursed for reasonable per diem and travel expenses as provided in s. 112.061.

(6)~~(7)~~ No training, room, or board cost may be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided he is required to pay to the criminal justice training school all training costs incurred for his attendance.

(7)~~(8)~~ No trust fund money may be expended for the planning or construction of any new school or expansion of any existing school without the specific prior approval of the Legislature, designating the location and the amount to be expended for the training school.

(8)~~(9)~~ All funds deposited in the Criminal Justice Standards and Training Trust Fund shall be made available to the department for implementation of training programs approved by the commission and the head of the department.

(9)~~(10)~~ The Executive Office of the Governor may approve, for disbursement from funds appropriated to the Department of Law Enforcement, Criminal Justice Standards and Training Trust Fund, those sums

necessary and required for the administration of the division and implementation of the training programs approved by the commission.

(10)~~(11)~~ Up to $250,000 per annum from the Criminal Justice Standards and Training Trust Fund may be used to develop, validate, update, and maintain test or assessment instruments relating to selection, employment, training, or evaluation of officers, instructors, or courses. Pursuant to s. 943.12(4), (5), and (8), the commission shall adopt those test or assessment instruments which are appropriate and job-related as minimum requirements.

(11)~~(12)~~ The commission, with the approval of the head of the department, either by contract or agreement, may authorize any university or community college in the state, or any other organization, to provide training for or facilities for training officers in the area of crime reduction, crime control, inmate control, or professional development.

(12)~~(14)~~ Except as provided by *s. 938.15* ~~subsection (13)~~ and notwithstanding any other provision of law, no funds collected and deposited pursuant to this section shall be expended unless specifically appropriated by the Legislature.

Section 42. Section 943.361, Florida Statutes, is amended to read:

943.361 Statewide criminal analysis laboratory system; funding through fine surcharges.—

(1) Funds deposited pursuant to ss. *938.07 and 938.25* ~~316.193(6) and 893.13(8)(b)~~ for the statewide criminal analysis laboratory system shall be used for state reimbursements to local county-operated crime laboratories enumerated in s. 943.35(1), and for the equipment, health, safety, and training of member crime laboratories of the statewide criminal analysis laboratory system.

(2) Moneys deposited pursuant to ss. *938.07 and 938.25* ~~316.193(6) and 893.13(8)(b)~~ for the statewide criminal analysis laboratory system shall be appropriated by the Legislature in accordance with the provisions of chapter 216 and with the purposes stated in subsection (1).

Section 43. Section 947.18, Florida Statutes, 1996 Supplement, is amended to read:

947.18 Conditions of parole.—No person shall be placed on parole merely as a reward for good conduct or efficient performance of duties assigned in prison. No person shall be placed on parole until and unless the commission finds that there is reasonable probability that, if he is placed on parole, he will live and conduct himself as a respectable and law-abiding person and that his release will be compatible with his own welfare and the welfare of society. No person shall be placed on parole unless and until the commission is satisfied that he will be suitably employed in self-sustaining employment or that he will not become a public charge. The commission shall determine the terms upon which such person shall be granted parole. If the person's conviction was for a controlled substance violation, one of the conditions must be that the person submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). In addition to any other lawful condition of parole, the commission may make the payment of the debt due and owing to the state under s. 960.17 or the payment of the attorney's fees and costs due and owing to a county under s. *938.29* ~~27.56~~ a condition of parole subject to modification based on change of circumstances.

Section 44. Paragraph (i) of subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including (n) do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including (n) and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(i) Pay any attorney's fees and costs assessed under s. *938.29* ~~27.56~~, subject to modification based on change of circumstances.

Section 45. Section 948.0345, Florida Statutes, is amended to read:

948.0345 Community service alternative to fine; fine disposal.—Fines imposed pursuant to s. 948.034(1) and (2) shall be disposed of pursuant to s. *938.23(2)* ~~893.16(2)~~. If the court finds that an offender is financially unable to pay all or part of the fine, the court may order the offender to perform community service for a specified additional period of time in lieu of payment of that portion of the fine which the court determines the offender is unable to pay. The court shall take into consideration the amount of the unpaid portion of the fine and the reasonable value of the services; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of placing the offender on probation.

Section 46. Subsection (2) of section 960.14, Florida Statutes, is amended to read:

960.14 Manner of payment; execution or attachment.—

(2) If a claimant owes money to the Crimes Compensation Trust Fund in connection with any other claim as provided for in ss. *938.03,* 960.16, *and* 960.17, ~~and 960.20,~~ the amount owed shall be reduced from any award.

Section 47. *Subsection (8) of section 893.13, Florida Statutes, is repealed.*

Section 48. *This act shall be liberally construed so as to facilitate the permanent statutory revision plan of this state created in section 11.241, Florida Statutes.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to court costs; providing legislative intent; creating chapter 938, F.S.; providing for certain mandatory costs in all cases; providing for certain mandatory costs in specific types of cases; providing for mandatory costs as authorized by local governmental entities; providing discretionary costs in specific types of cases; providing miscellaneous provisions; amending and renumbering s. 943.25(3), F.S., relating to certain additional costs deposited in Additional Court Cost Clearing Trust Fund; conforming terminology and references; amending and renumbering s. 960.20, F.S., relating to assessment of certain additional costs deposited in Crimes Compensation Trust Fund; conforming terminology; amending and renumbering s. 960.25, F.S., relating to surcharge on fines and bail bonds; conforming terminology; amending s. 775.0835, F.S.; removing provisions relating to deposit of certain surcharges in the Crimes Compensation Trust Fund; conforming a reference; amending and renumbering s. 27.3455(1), (2), (3), F.S., relating to certain additional court costs in special local government trust fund for criminal justice purposes; conforming terminology and references; providing for certain costs with respect to fines imposed under s. 316.193, F.S., relating to fines and other penalties for driving under the influence, and amending s. 316.193, F.S., to conform; renumbering and amending s. 939.015, F.S., relating to certain additional costs in cases in which victim is handicapped or elderly; conforming terminology; amending and renumbering s. 775.0836, F.S., relating to certain surcharges in cases in which victim is handicapped or elderly; conforming terminology; renumbering s. 939.017, F.S., relating to certain additional costs for misdemeanor convictions involving drugs or alcohol; amending and renumbering s. 943.25(13), F.S., relating to certain assessments for criminal justice education for local government; conforming terminology; amending and renumbering s. 775.0833, F.S., relating to certain costs for county delinquency prevention; conforming terminology; amending and renumbering s. 39.019, F.S., relating to certain costs for teen court operation and maintenance; conforming terminology; amending and renumbering s. 893.16, F.S., relating to certain additional assessments for alcohol and other drug abuse programs; conforming terminology and references; renumbering s. 939.01, F.S., relating to judgment for costs on conviction; amending and renumbering s. 27.56, F.S., relating to lien for payment of attorney's fees and costs in connection with certain legal assistance; conforming a reference; providing for incorporation of references to the new chapter or subdivisions thereof; amending ss. 11.45, 27.3455, 27.52, 27.562, 39.041, 142.01, 142.03, 318.21, 397.321, 401.113, 426.003, 893.165, 921.187, 943.08, 943.17, 943.25, 943.361, 947.18, 948.03, 948.0345, and 960.14, F.S., to conform; repealing s. 893.13(8), F.S., relating to additional assessments against certain violators for alcohol and other drug abuse programs; providing for construction; amending s. 327.35, F.S.; assessing an additional fine for boating while under the

influence, to be deposited in the Brain and Spinal Cord Rehabilitation Trust Fund; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **SB 388** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Grant, by two-thirds vote **HB 99** was withdrawn from the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

On motion by Senator Grant—

HB 99—A bill to be entitled An act relating to public records; creating s. 315.18, F.S.; providing an exemption from public records requirements for certain proposals and counterproposals exchanged between certain deepwater ports and nongovernmental entities for a specified period; providing an exemption from public records requirements for certain financial records submitted by such entities to such ports; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 450** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 99** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Harris, Kirkpatrick, Sullivan

On motion by Senator Silver, by two-thirds vote **HB 449** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Silver—

HB 449—A bill to be entitled An act relating to criminal actions committed through the use of simulated legal process or under false color of law; creating s. 843.0855, F.S.; providing definitions; defining the offense of deliberately impersonating or falsely acting as a public officer or tribunal or public employee or utility employee in connection with or relating to legal process, or taking action under color of law against persons or property, and providing penalties therefor; defining the offense of simulating legal process with knowledge or reason to know of fraud with respect to a legal document, proceeding, or basis for action, and providing penalties therefor; defining the offense of falsely under color of law attempting to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of official duties, and providing penalties therefor; providing for applicability; providing an effective date.

—a companion measure, was substituted for **SB 468** and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 449** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Gutman, by two-thirds vote **CS for HB 663** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Gutman—

CS for HB 663—A bill to be entitled An act relating to the Florida Retirement System, amending s. 121.021, F.S.; redefining the term "termination" for Deferred Retirement Option Program participants; defining the term "DROP participants"; amending s. 121.091, F.S.; specifying benefits that may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying health insurance subsidy payments are not payable; specifying Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S; providing for administration of the program; providing a declaration of important state interest; providing for an appropriation; providing an effective date dependent upon the Division of Retirement's receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service.

—a companion measure, was substituted for **CS for SB 748** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for HB 663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Dyer	Jenne
Bankhead	Clary	Forman	Jones
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Gutman	Kurth
Burt	Dantzler	Harris	Latvala
Campbell	Diaz-Balart	Holzendorf	Lee
Casas	Dudley	Horne	McKay

Meadows	Rossin	Sullivan	Turner
Myers	Scott	Thomas	Williams
Ostalkiewicz	Silver		

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Diaz-Balart, by two-thirds vote **HB 1077** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

On motion by Senator Diaz-Balart—

HB 1077—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that dates tied to the date of the second primary remain unchanged, with specified exceptions; providing an effective date.

—a companion measure, was substituted for **SB 1008** as amended and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 3 and 4, insert:

Section 2. Subsection (4) of section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts prohibited.—

(4) No person shall make and no person shall solicit or knowingly accept any *political* ~~campaign~~ contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 106.15, F.S.; prohibiting political contributions in government buildings;

On motion by Senator Diaz-Balart, by two-thirds vote **HB 1077** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Klein—

SB 1028—A bill to be entitled An act relating to felonies arising from the use of destructive devices; amending s. 775.15, F.S, relating to time limitations upon prosecution; providing that prosecution for such felonies arising from use of a destructive device and resulting in personal injury may be commenced at any time; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 21, delete "*at any time*" and insert: *within 10 years*

And the title is amended as follows:

On page 1, line 8, delete "at any time" and insert: within 10 years

On motion by Senator Klein, by two-thirds vote **SB 1028** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Campbell, Diaz-Balart, Kirkpatrick

On motion by Senator Klein—

CS for SB 1056—A bill to be entitled An act relating to health care; creating s. 381.0408, F.S.; creating the Public Health Partnership Council on Stroke; providing responsibility and duties; providing council membership; directing the Department of Health to contract for certain services; providing for administrative location of the council at the Institute of Public Health at Florida Agricultural and Mechanical University; providing for members' per diem and travel expenses; requiring a report; providing for legislative review of council accomplishments; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 4, lines 11-18, delete those lines and insert:

(3) The council shall be located for administrative purposes at the Institute for Public Health at Florida Agriculture and Mechanical University. The council shall not be subject to the control, supervision, or direction of the university. The council shall coordinate its activities with the Department of Health's health education and disease prevention programs.

And the title is amended as follows:

On page 1, lines 6 and 7, delete "directing the Department of Health to contract for certain services";

Amendment 2 (with title amendment)—On page 5, lines 4-6, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, line 14, delete "providing an appropriation;"

On motion by Senator Klein, by two-thirds vote **CS for SB 1056** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Burt	Clary	Diaz-Balart
Bankhead	Campbell	Cowin	Dudley
Bronson	Casas	Crist	Dyer
Brown-Waite	Childers	Dantzler	Forman

Grant	Jenne	McKay	Silver
Gutman	Jones	Meadows	Sullivan
Hargrett	Klein	Myers	Thomas
Harris	Kurth	Ostalkiewicz	Turner
Holzendorf	Latvala	Rossin	Williams
Horne	Lee	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Scott, by two-thirds vote **HB 201** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Scott—

HB 201—A bill to be entitled An act relating to educational finance; creating s. 236.08105, F.S.; requiring an advance distribution of Florida Education Finance Program funds under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1102** and read the second time by title. On motion by Senator Scott, by two-thirds vote **HB 201** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Dantzler	Horne	Scott
Bronson	Diaz-Balart	Jenne	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Kirkpatrick	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—McKay

On motion by Senator Forman, by two-thirds vote **CS for HB's 719, 1223 and 1439** was withdrawn from the Committee on Judiciary.

On motions by Senator Forman, by two-thirds vote—

CS for HB's 719, 1223 and 1439—A bill to be entitled An act relating to guardians; creating s. 744.1085, F.S.; providing for the regulation of professional guardians; providing for a bond; providing educational requirements; authorizing issuance of a blanket fiduciary bond; amending s. 744.3135, F.S.; requiring criminal history and credit check; providing for waiver; amending s. 744.3145, F.S.; excluding professional guardians from certain educational requirements; amending s. 744.3675, F.S.; revising language with respect to the annual guardianship plan; amending s. 744.454, F.S.; forbidding professional guardian from purchasing property or borrowing money from his ward; providing an effective date.

—a companion measure, was substituted for **CS for SB 1214** and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB's 719, 1223 and 1439** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris
Holzendorf	Kurth	Myers	Sullivan
Horne	Latvala	Ostalkiewicz	Thomas
Jenne	Lee	Rossin	Turner
Jones	McKay	Scott	Williams
Klein	Meadows	Silver	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Lee, by two-thirds vote **HB 1591** was withdrawn from the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

On motion by Senator Lee—

HB 1591—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising language with respect to inapplicability of ch. 493, F.S., to certain local, state, and federal officers; providing for inapplicability of the chapter to certain persons and firms conducting genealogical research; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising language with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1228** and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 1591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Harris	Meadows
Bankhead	Dantzler	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Rossin
Burt	Dyer	Jones	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Clary, Kirkpatrick, Kurth

On motion by Senator Dudley, by two-thirds vote **HB 1741** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dudley—

HB 1741—A bill to be entitled An act relating to firesafety; creating the Independent Special Fire Control District Act; prescribing uniform

criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for conformance by existing districts; authorizing certain exceptions; providing for officers of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing requirements and procedures for issuance of bonds; providing for referenda; providing for organization of county fire chiefs; providing requirements for creation, expansion, and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; providing notwithstanding the provisions of this paragraph, certified EMS providers or paramedics may provide response and treatment at the scene of emergencies and transport to patients in performance of their duties as an emergency medical services provider licensed under chapter 401 and in accordance with any local emergency medical response protocols; requiring existing fire control districts to submit draft codified charters to the Legislature for codification; providing an effective date.

—a companion measure, was substituted for **CS for SB 1248** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1741** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Thomas—

CS for SB 1362—A bill to be entitled An act relating to propane gas; creating ss. 527.20-527.23, F.S.; creating the Florida Propane Gas Education, Safety, and Research Act; providing a statement of legislative purpose; providing definitions; establishing the Florida Propane Gas Education, Safety, and Research Council; providing for membership, duties, and responsibilities; providing for marketing orders and requirements; providing referendum requirements; providing for industry assessments; providing for rules; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, line 19, delete "*517.20*" and insert: *527.20*

On motion by Senator Thomas, by two-thirds vote **CS for SB 1362** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Clary	Forman	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Brown-Waite	Crist	Harris	Kurth
Burt	Dantzler	Holzendorf	Latvala
Campbell	Diaz-Balart	Horne	Lee
Casas	Dudley	Jenne	McKay
Childers	Dyer	Jones	Meadows
Myers	Rossin	Sullivan	Turner
Ostalkiewicz	Silver	Thomas	Williams

Nays—None

Vote after roll call:

Yea—Bronson, Grant, Hargrett

On motion by Senator Childers—

CS for SB 1432—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for attempts at collection; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing ss. 538.06(5), 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; amending ss. 538.03, 538.16, F.S., relating to secondhand dealers, to remove provisions relating to title loan transactions; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment:

Amendment 1—On page 16, line 19 through page 17, line 15, delete those lines and insert: *charge may not exceed 15 percent simple interest per 30-day period.*

(2) Any extension must be done in writing and must clearly specify the new maturity date, the title loan finance charges paid for the extension, and the title loan finance charges owed on the new maturity date, and a copy must be supplied to the pledgor. In this event, the daily title loan finance charge for the extension shall be equal to the title loan finance charge for the original 30-day period divided by 30 days, one-thirtieth of the original total title loan finance charge. A title loan lender is not permitted to capitalize any unpaid finance charge as part of the amount financed in a subsequent title loan transaction.

(3) When a title loan agreement has not been satisfied within 30 days after its inception, the title loan lender shall be entitled to receive a finance charge on the outstanding principal balance at a rate not to exceed 31 percent per annum for that period of time the loan remains outstanding after the initial 30-day period. However, the title loan lender may collect a finance charge as set forth in subsection (1) for the first 30 days the title loan agreement is in effect.

On motion by Senator Childers, further consideration of **CS for SB 1432** with pending **Amendment 1** was deferred.

MOTION

On motion by Senator Childers, by two-thirds vote **CS for SB 1432** with pending **Amendment 1** by Senator Williams was removed from the Consent Calendar.

On motion by Senator Williams—

CS for SB 1456—A bill to be entitled An act relating to insurance; creating s. 624.22, F.S.; providing the purpose of ch. 624, F.S.; declaring legislative intent regarding adequate regulation of insurers and reinsurers; requiring that, upon the insolvency of a non-U.S. insurer or reinsurer certain security be maintained in the U.S. and that claims be filed with the state with regulatory oversight; providing a legislative declaration that the matters are fundamental to the business of insurance in accordance with federal law; amending s. 624.610, F.S.; providing an

additional form of approved reinsurance, subject to certain conditions; amending s. 624.424, F.S.; revising the length of time an insurer may engage the same accountant or partner of an accounting firm; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1456** to **HB 743**.

Pending further consideration of **CS for SB 1456** as amended, on motion by Senator Williams, by two-thirds vote **HB 743** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Williams—

HB 743—A bill to be entitled An act relating to insurance; amending s. 624.424, F.S.; increasing the time limit on an insurer's use of certain accountants; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life and disability insurance to sell credit property insurance; providing an effective date.

—a companion measure, was substituted for **CS for SB 1456** as amended and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 743** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—1

Campbell

Vote after roll call:

Yea—Diaz-Balart, Kirkpatrick

On motion by Senator Harris—

SB 1496—A bill to be entitled An act relating to museums; providing legislative intent; providing definitions; providing obligations of museums to lenders; providing for notice to lenders by museums; providing for termination of loans; providing conditions under which a museum gains title to property; providing for conservation or disposal of loaned property by a museum; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 1496** to **HB 1199**.

Pending further consideration of **SB 1496** as amended, on motion by Senator Harris, by two-thirds vote **HB 1199** was withdrawn from the Committees on Governmental Reform and Oversight; and Judiciary.

On motions by Senator Harris, by two-thirds vote—

HB 1199—A bill to be entitled An act relating to museums; providing legislative intent; providing definitions; providing obligations of museums to lenders; providing for notice to lenders by museums; providing for termination of loans; providing conditions under which a museum gains title to property; providing for conservation or disposal of loaned property by a museum; providing an effective date.

—a companion measure, was substituted for **SB 1496** as amended and by two-thirds vote read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 1199** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Holzendorf, by two-thirds vote **HB 1179** was withdrawn from the Committees on Regulated Industries; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Holzendorf—

HB 1179—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.111, F.S.; revising provisions relating to licensure by examination; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.1195, F.S.; specifying requirements for financially responsible officers; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating ss. 489.1455 and 489.5335, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for

a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1532** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 1179** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Kirkpatrick

SENATOR HORNE PRESIDING

On motion by Senator McKay—

CS for SB 1592—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority; amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1592** to **CS for HB 1243**.

Pending further consideration of **CS for SB 1592** as amended, on motion by Senator McKay, by two-thirds vote **CS for HB 1243** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator McKay—

CS for HB 1243—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority; amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 1592** as amended and read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 1243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President, Diaz-Balart

THE PRESIDENT PRESIDING

On motion by Senator Bankhead, by two-thirds vote **CS for HB 1263** was withdrawn from the Committee on Regulated Industries.

On motions by Senator Bankhead, by two-thirds vote—

CS for HB 1263—A bill to be entitled An act relating to underground facilities damage prevention and safety; amending s. 556.106, F.S.; specifying liability for damage occurring in certain excavations; amending s. 556.108, F.S.; revising certain exemptions from notification requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1598** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for HB 1263** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

On motion by Senator Cowin—

SB 1784—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; providing for certain persons to take the licensure examination without applying for a license; providing fees; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **SB 1784** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Childers	Grant	Klein
Bankhead	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dantzler	Harris	Lee
Burt	Dudley	Horne	McKay
Campbell	Dyer	Jenne	Meadows
Casas	Forman	Jones	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

Vote after roll call:

Yea—Crist, Diaz-Balart, Kirkpatrick

On motion by Senator Clary, by two-thirds vote **HB 1469** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Clary—

HB 1469—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

—a companion measure, was substituted for **CS for SB's 1846 and 1876** and read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 8 and 9, insert:

Section 1. Paragraph (nn) is added to subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(nn) There is exempt from the tax imposed by this chapter passenger rail service rolling stock specifically designed for, and intended for use in, providing substantial entertainment services to passengers. Such stock must be intended for use in inter-city transportation on routes approved by federal regulatory agencies. This exemption is available by refund only, and the total amount refunded shall not exceed $600,000. This paragraph is repealed on December 31, 1998.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete "An act relating to food and beverage vending machines;" and insert: An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain rolling stock used for passenger rail service;

Senator McKay moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 2, between lines 2 and 3, insert:

Section 2. Effective upon this act becoming a law and applicable retroactively to November 1, 1989, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1996 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the

condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, *or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant or licensee.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to taxation; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of a license in real property for property used at a port authority; providing for application when payment for use of the property is based on tonnage imported or exported; providing for retroactive application; providing an effective date.

Senator Ostalkiewicz moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 2, between lines 6 and 7, insert:

Section 2. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the primary activity of*

which is distribution of audio recordings of religious scriptures to blind or visually impaired persons at no charge.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 212.08, F.S.; including within the definition of "religious institutions" for exemption purposes certain radio stations, certain nonprofit corporations which distribute audio recordings to blind or visually impaired persons;

On motion by Senator Clary, by two-thirds vote **HB 1469** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Latvala—

CS for SB 2038—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 283.31, F.S., relating to records of executive agency publications; removing requirement for financial and performance audits of the corporation by the Auditor General; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts; defining the term "revenue-generating contracts";

amending s. 946.512, F.S., relating to inmate compensation plan; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S.; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; amending s. 946.516, F.S.; requiring a performance audit in 1999, and thereafter at the request of the Joint Legislative Auditing Committee, of the corporation by the Office of Program Policy Analysis and Government Accountability; authorizing the Auditor General to conduct a financial audit at least once every five years or upon request of the Joint Legislative Auditing Committee; amending s. 945.04, F.S., deleting certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; deleting the prohibition against the department removing inmates assigned to certain work programs with specified exceptions; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; creating s. 946.520, F.S.; requiring the department to assign certain inmates to specified work programs; requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs; providing an exclusion to the percentage requirement for certain institutions; prohibiting the department from removing inmates from specified work assignments except under certain circumstances; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 2038** to **CS for HB 1129**.

Pending further consideration of **CS for SB 2038** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 1129** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Latvala—

CS for HB 1129—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and "revenue-generating contracts," as defined; amending s. 946.512, F.S., relating to inmate compensation plan, and reenacting s. 946.513(1), F.S., relating to disposition of compensation received for private employment of inmates, to incorporate said amendment in a reference; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S., and reenacting s. 946.518, F.S., relating to prohibitions on sale of goods by prisoners, to incorporate said amendment in a reference; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; creating s. 946.520, F.S.; providing for assignment of certain inmates to specified work programs; requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs; providing an exclusion to the percentage requirement for certain institutions; prohibiting the department from removing inmates from specified work assignments except under certain circumstances; repealing s. 945.04(4) & (5), F.S., relating to certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2038** as amended and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1129** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Silver
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—McKay

SENATOR BANKHEAD PRESIDING

On motion by Senator Campbell—

SB 2058—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2058** to **HB 1601**.

Pending further consideration of **SB 2058** as amended, on motion by Senator Campbell, by two-thirds vote **HB 1601** was withdrawn from the Committee on Judiciary.

On motion by Senator Campbell—

HB 1601—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; creating s. 61.077, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—a companion measure, was substituted for **SB 2058** as amended and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Madam President

THE PRESIDENT PRESIDING

On motion by Senator Horne, by two-thirds vote **HB 1853** was withdrawn from the Committees on Education; Health Care; and Ways and Means.

On motion by Senator Horne—

HB 1853—A bill to be entitled An act relating to Medicaid; amending ss. 236.0812, 409.9071, 409.908, 409.9122, and 409.9126, F.S.; revising and conforming provisions relating to school-based services provided to children under the Medicaid certified school match program; expanding included services; providing limitations; deleting obsolete language; clarifying recipient eligibility requirements and providing for cooperation with the Department of Education; directing the Agency for Health Care Administration to submit a state plan amendment, and to seek federal waivers when necessary; authorizing the agency to conduct school district compliance reviews; revising budget and reimbursement provisions; directing the agency to develop a reimbursement schedule; authorizing certain retroactive reimbursements; providing an exemption from background screening requirements; providing for managed care plan agreements with school districts and county health departments; providing for procedures to ensure continuity of care; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2194** and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1853** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Dantzler	Horne	Meadows
Bronson	Dudley	Jenne	Myers
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Kirkpatrick	Scott
Campbell	Grant	Klein	Silver
Casas	Gutman	Kurth	Turner
Clary	Hargrett	Latvala	Williams
Cowin	Harris	Lee	
Crist	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Ostalkiewicz, Sullivan

On motion by Senator Hargrett—

CS for SB 2310—A bill to be entitled An act relating to the DUI Programs Coordination Trust Fund; amending s. 322.293, F.S.; providing for an offender security account; providing for assessments; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **CS for SB 2310** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Campbell

On motion by Senator Jones, by two-thirds vote **HB 1623** was withdrawn from the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

On motion by Senator Jones—

HB 1623—A bill to be entitled An act relating to enterprise zones; amending s. 290.0055, F.S.; authorizing certain charter counties to apply to enlarge the boundary lines of an enterprise zone within the county under certain conditions; providing for approval of the application under certain conditions; providing an effective date.

—a companion measure, was substituted for **SB 2342** and read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Campbell

On motion by Senator Rossin—

SB 2346—A bill to be entitled An act relating to health insurance contracts; amending ss. 627.6416, 627.6579, F.S.; amending the definition of the term "child health supervision services"; amending requirements for such services; providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies; amending s. 641.31, F.S.; providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto; requiring the continuing coverage, past the usual limiting age, of certain dependent children; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2346** to **HB 1785**.

Pending further consideration of **SB 2346** as amended, on motion by Senator Rossin, by two-thirds vote **HB 1785** was withdrawn from the Committees on Banking and Insurance; Health Care; and Ways and Means.

On motion by Senator Rossin—

HB 1785—A bill to be entitled An act relating to health insurance contracts; amending ss. 627.6416, 627.6579, F.S.; amending the definition of the term "child health supervision services"; amending requirements for such services; providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies; amending s. 627.6699, F.S.; authorizing certain small employer carriers to impose certain requirements in participating in, administering, or issuing certain health benefits under certain circumstances; amending s. 641.31, F.S.; providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto; requiring the continuing coverage, past the usual limiting age, of certain dependent children; requiring health maintenance contracts relating to family coverage to provide specified child health supervision services; providing an effective date.

—a companion measure, was substituted for **SB 2346** as amended and read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Dyer, by two-thirds vote **CS for HB 1803** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dyer—

CS for HB 1803—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; revising provisions relating to implementation of the State Housing Strategy; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0006, F.S.; directing the Secretary of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation; specifying its status as a public corporation; revising membership of its board of directors; providing liability of members; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing powers of the corporation; amending s. 420.508, F.S.; providing special powers of the corporation with respect to multifamily and single family projects; revising requirements relating to security for loans and bonds; establishing the Florida Housing Finance Corporation Fund and providing for deposit of funds in the Housing Finance Agency Trust Fund therein and for closure of the trust fund; amending s. 420.5087, F.S.; renaming and revising the status of the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming and revising the status of the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming and revising the status of the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091 and 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of low-income housing tax credits; providing considerations for assessment of tax credit developments; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a business plan and a strategic plan and make an annual report; requiring submission of a financial audit and compliance audit with the annual report; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending ss. 420.514 and 420.523, F.S.; conforming terminology; creating s. 420.517, F.S.; providing for affordable housing and job training coordination; amending s. 420.525, F.S.; renaming and revising the status of the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, and 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; revising definitions under the Affordable Housing Planning and Community Assistance Act; amending s. 420.606, F.S.; revising provisions relating to training and technical assistance; amending s. 420.9071, F.S.; revising definitions under the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiatives Partnership Program; amending s. 420.9073, F.S., relating to local housing distributions; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance plans; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078 and 420.9079, F.S.; providing for the administration of, and distributions from, the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; amending ss. 239.505 and 381.0081, F.S.; conforming terminology; amending s. 285.11, F.S.; providing that leases of Seminole Indian Reservation land entered into with a Florida Indian for housing development and residential purposes may be for a term not to exceed 50 years; providing for transition; providing an effective date.

—a companion measure, was substituted for **CS for SB 2436** and read the second time by title. On motion by Senator Dyer, by two-thirds vote **CS for HB 1803** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Madam President	Dantzler	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Casas	Forman	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Grant, Horne

On motion by Senator Dantzler, by two-thirds vote **HB 491** was withdrawn from the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dantzler—

HB 491—A bill to be entitled An act relating to citizen support organizations; amending s. 212.08, F.S.; clarifying a sales and use tax exemption for certain citizen support organizations; amending s. 370.0205, F.S.; providing for partnerships between the state and private entities for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 2054** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 491** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Grant

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1873** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Kirkpatrick, the rules were waived and—

HB 1873—A bill to be entitled An act relating to education; requiring the Department of Education to develop a student financial assistance

database; providing a definition; requiring a report; amending s. 228.502, F.S.; deleting requirement that the Education Success Incentive Council serve as the board of directors for a direct-support organization; amending s. 232.2465, F.S., relating to the Florida Academic Scholars' Certificate Program; changing an eligibility date; amending s. 239.117, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 239.217, F.S., relating to the Florida Gold Seal Vocational Endorsement Program; changing an eligibility date; amending s. 240.107, F.S.; conforming provisions; amending ss. 240.235 and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.404, F.S., relating to general requirements for eligibility for state financial aid; deleting a requirement for participation in a testing program; deleting a requirement regarding Selective Service System registration; creating s. 240.4041, F.S.; providing eligibility requirements for state financial aid for a student with a disability; amending s. 240.4069, F.S.; transferring administration of the Virgil Hawkins Fellows Assistance Program to the Board of Regents; revising program requirements; amending s. 240.408, F.S.; conforming provisions; amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising matching fund requirements; deleting a testing requirement; amending s. 240.437, F.S., relating to a state student financial aid program; deleting a testing requirement; amending s. 240.6045, F.S., relating to a limited access competitive grant program; revising eligibility requirements; amending s. 240.606, F.S., relating to the Florida Work Experience Program; changing eligibility requirements; deleting a requirement that a certain portion of funds be used for contracts with public schools; repealing ss. 240.4025, 240.4045, 240.407, 240.4085, and 240.4093, F.S., relating to the Florida Graduate Scholars' Fund, compliance with Selective Service System registration requirements, general scholarship loans, the Florida Student Tuition Scholarship Grant Program, and the Vocational Student Assistance Grant Program; providing an effective date.

—a companion measure, was substituted for **CS for SB 112** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 1873** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

LOCAL BILL CALENDAR

SENATOR CASAS PRESIDING

HB 295—A bill to be entitled An act relating to Lee and Charlotte Counties; amending chapter 96-507, Laws of Florida, the Gasparilla Island Bridge Authority Act; revising the powers and duties of the authority to eliminate the requirement that electors authorize the maximum toll and maximum ad valorem tax in a single vote of the electors; eliminating the requirement that the proceeds of tolls and ad valorem taxes may only be used for certain purposes; providing an effective date.

—was read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 295** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris
Holzendorf	Klein	Meadows	Silver
Horne	Kurth	Myers	Sullivan
Jenne	Latvala	Ostalkiewicz	Thomas
Jones	Lee	Rossin	Turner
Kirkpatrick	McKay	Scott	Williams

Nays—None

HB 421—A bill to be entitled An act relating to the North Fort Myers Fire Control and Rescue Service District, Lee County, amending ch. 30925, Laws of Florida, 1955, as amended; providing for emergency medical and rescue response services; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 423—A bill to be entitled An act relating to the Iona McGregor Fire Protection and Rescue Service District, Lee County; amending ch. 75-421, Laws of Florida, as amended; authorizing the board of the district to establish and maintain emergency and rescue response services; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 427—A bill to be entitled An act relating to Lee County; amending chapter 76-411, Laws of Florida, as amended; amending the Enabling Act of the San Carlos Park Fire Protection and Rescue Service District; excluding certain lands within the district and revising powers of the board of the district; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 427** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris

Holzendorf	Klein	Meadows	Silver
Horne	Kurth	Myers	Sullivan
Jenne	Latvala	Ostalkiewicz	Thomas
Jones	Lee	Rossin	Turner
Kirkpatrick	McKay	Scott	Williams

Nays—None

HB 429—A bill to be entitled An act relating to the Estero Fire Protection and Rescue Service District, Lee County; amending ch. 76-408, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical and rescue response services; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 429** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 515—A bill to be entitled An act relating to Pelican Lake Water Control District, Palm Beach County; amending chapter 77-625, Laws of Florida, as amended; providing that the Board of Supervisors shall be composed of three citizens of the United States who shall be resident freeholders of the State of Florida; repealing chapter 28417, Laws of Florida, 1953, which authorizes Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District; amending chapter 26739, Laws of Florida, 1951, as amended; deleting land from Pelican Lake Water Control District and annexing land into Pahokee Water Control District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 515** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 517—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 91-358, Laws of Florida; providing an alternate provision for runoff elections; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 517** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 519—A bill to be entitled An act relating to Indian River County; amending chapter 79-480, Laws of Florida; providing for certain restrictions on the harvesting of shellfish; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 519** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 521—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; amending chapter 25784, Laws of Florida, 1949, as amended, relating to the civil service act of the city; amending provisions relating to exclusion of certain employees; revising layoff and recall procedures; clarifying procedures relating to reductions in force due to a change in work; providing for return to a civil service position under certain circumstances; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 521** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 567—A bill to be entitled An act relating to the Sanibel Island Fire Control District, Lee County; amending ch. 30930, Laws of Florida, 1955, as amended; providing for the establishment and maintenance of emergency medical and advanced life support and rescue services; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 567** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 569—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; limiting benefits to employees beyond the rank of captain; deleting a provision which preserves current benefits when a new sheriff takes office; providing for construction; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 591—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firefighters' Pension Fund; providing for a Deferred Retirement Option Plan; providing additional exclusions from disability pensions; providing for retroactive effect; providing for Internal Revenue Code limits; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 593—A bill to be entitled An act relating to Palm Beach County; amending s. 1 of ch. 59-994, Laws of Florida; providing for the annexation of lands into the Northern Palm Beach County Improvement District; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 593** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 595—A bill to be entitled An act relating to Palm Beach County; abolishing the Town of Golfview subject to certain conditions and revoking the charter; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 595** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 597—A bill to be entitled An act relating to the Greater Boca Raton Beach Tax District, Palm Beach County; amending sections 1, 2, and 7 of chapter 74-423, Laws of Florida, as amended, providing for a redesignation of the Greater Boca Raton Beach Tax District, compensation of commissioners, and purchases of supplies, equipment, and material; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 597** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 619—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; repealing ss. 12, 13, 14, and 15 of ch. 63-1558, Laws of Florida, as amended, relating to emergency ambulance service, annual assessments therefor, adoption of fees or service charges, and requirement of a referendum election in order to dissolve the district; creating new ss. 12 and 13 of ch. 63-1558, Laws of

Florida, as amended; providing for emergency medical rescue response services; providing for the levying of taxes to support same; renumbering subsequent sections of ch. 63-1558, Laws of Florida, as amended; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 619** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 621—A bill to be entitled An act relating to Putnam County; repealing chapter 71-884, Laws of Florida, relating to the Putnam County Nursing Home Authority; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 621** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 623—A bill to be entitled An act relating to Lake County; repealing subsection I of section 4 of chapter 95-508, Laws of Florida, relating to alternative revenue raising capabilities of the Board of Trustees of the North Lake County Hospital District; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 635—A bill to be entitled An act relating to the Pinellas Police Standards Council, Pinellas County; amending ch. 72-666, Laws of Florida, as amended; prescribing purposes, membership, powers, and duties of the countywide police standards council; providing for screening applicants for public-safety positions; providing for continued funding of the council through a court cost; providing for fees from applicants for public-safety positions; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **HB 635** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 637—A bill to be entitled An act relating to the Orlando Utilities Commission; amending chapter 9861, Laws of Florida, 1923, as amended; authorizing the establishment, construction, maintenance, and operation of energy services, all grades of water, and plants, lines, and facilities within Orange and Osceola Counties; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 637** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 645—A bill to be entitled An act relating to Pahokee Water Control District, Palm Beach County; amending chapter 10002, Laws of Florida, 1923, as amended, to provide that the Board of Supervisors shall be composed of three citizens of the United States, who shall be resident freeholders of the State of Florida, and expanding the boundaries of said district to include land from Pelican Lake Water Control District; repealing chapter 28417, Laws of Florida, 1953, which authorizes the Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 645** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 655—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Police Pension and Relief Fund; providing definitions; providing for chapter 185 share accounts; providing for a Deferred Retirement Option Plan; providing for investments; providing for Internal Revenue Code limits; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 783—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 783** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 917—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the abolition or restructuring of certain community redevelopment agencies currently existing within the city and providing for the redistribution of their powers, functions, duties, liabilities, property and personnel; amending chapter 92-341, Laws of Florida, as amended; creating the Jacksonville Economic Development Commission to exist as an autonomous body within the executive branch of the consolidated government; providing for designation as an industrial development authority and as a community redevelopment agency; providing for powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority, the Jacksonville Downtown Development Authority, the Jacksonville International Airport Community Redevelopment Authority, the Cecil Field Development Commission and the Economic Development Division of the Planning and Development Department of the city; excluding officials and employees of the commission from civil service; transferring all existing powers, duties, responsibilities and authorities of the Jacksonville Downtown Development Authority to the commission and restructuring the authority as an advisory body to the commission; amending chapter 89-509, Laws of Florida, as amended; transferring to the commission all powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority; restructuring the authority as an advisory body to the commission; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 917** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 927—A bill to be entitled An act relating to Lee County independent fire control districts; prescribing uniform criteria for operation of independent special fire-control districts; providing definitions; preempting certain special acts and general acts of local application; providing for district boards of commissioners and for their election; providing for officers of boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion, merger, and dissolution of districts; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 927** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 951—A bill to be entitled An act relating to Hillsborough County; amending chapter 95-488, Laws of Florida; authorizing the Tampa Port Authority to delegate control and regulation of submerged lands; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 951** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Dyer	Horne
Bankhead	Clary	Forman	Jenne
Bronson	Cowin	Grant	Jones
Brown-Waite	Crist	Gutman	Kirkpatrick
Burt	Dantzler	Hargrett	Klein
Campbell	Diaz-Balart	Harris	Kurth
Casas	Dudley	Holzendorf	Latvala

Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

HB 959—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the powers and duties of the Hillsborough County Civil Service Board to include provisions relating to employee grievances; providing a definition; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 959** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 961—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; amending provisions relating to suspension or dismissal of employees under the Civil Service Act of Hillsborough County; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 961** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1103—A bill to be entitled An act relating to Monroe County; specifying rights of members of the classified service of the Monroe County Sheriff's Office; providing procedures for appeal of disciplinary actions against members; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing a procedure for transition upon the expiration of a sheriff's term; repealing chapters 89-410 and 89-461, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1103** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris
Holzendorf	Klein	Meadows	Silver
Horne	Kurth	Myers	Sullivan
Jenne	Latvala	Ostalkiewicz	Thomas
Jones	Lee	Rossin	Turner
Kirkpatrick	McKay	Scott	Williams

Nays—None

HB 1173—A bill to be entitled An act relating to Collier County; to extinguish, because of nonuse, certain perimeter and bisecting easements within the Golden Gate Estates subdivisions; exempting public easements, under certain circumstances; providing that all of such easements shall be extinguished and be void as of midnight, December 31, 1999, except to the extent that an easement, on or before December 31, 1999, is in actual use as a road, for drainage, or for utility facilities, and a proper notice of claim to the easement is recorded in the official records of Collier County, not later than December 31, 1999; providing that this act shall not modify any effect chapter 712, Florida Statutes, may have over easements; providing that this special act shall be published in a newspaper of general circulation prior to July 1, 1997, and prior to July 1 for the next 3 years; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1173** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1265—A bill to be entitled An act relating to Monroe County; creating the "Islamorada, Village of Islands"; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and Islamorada, Village of Islands; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1265** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1281—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida, relating to the Civil Service Act; amending and adding definitions; providing guidelines for the adoption of a salary schedule; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1283—A bill to be entitled An act relating to Hillsborough County; amending ch. 96-519, Laws of Florida, which created the civil service act; providing procedures relating to demotion of nontenured and tenured employees covered by the act; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1285—A bill to be entitled An act relating to the Hillsborough County City-County Planning Commission; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; conforming terminology and improving clarity; deleting provisions that have had their effect; deleting provisions duplicative of chapter 163, part II, F.S., relating to comprehensive planning; providing notice with respect to the effect of the Hillsborough County Charter; providing notice with respect to duties and responsibilities prescribed by chapter 163, part II, F.S.; amending special requirements for local governments and providing an exception; providing for review and recodification; repealing chapters 78-523, 81-392, and 82-303, Laws of Florida, relating to the Hillsborough County City-County Planning Commission, chapters 75-390, 77-564, 83-421, 84-442, and 86-407, Laws of Florida, relating to the Hillsborough County Local Government Comprehensive Planning Act of 1975, chapters 67-1507, 75-399, and 77-566, Laws of Florida, relating to review of the capital improvements budgets of local governments by the Hillsborough County City-County Planning Commission, and chapters 94-406 and 96-517, Laws of Florida, relating to the requirement for performance audits of the Hillsborough County City-County Planning Commission; providing a saving clause; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1285** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1293—A bill to be entitled An act relating to Volusia County; amending ch. 70-966, Laws of Florida, which establishes the charter government of the county; establishing nonpartisan election of school board members; ratifying the referendum election; providing for the provisions of this bill to control in the event of a conflict with other laws; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 1293** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

HB 1305—A bill to be entitled An act relating to the St. Lucie County Erosion District; amending ch. 67-2001, Laws of Florida; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of ch. 189, F.S.; providing definitions; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies and materials shall be entered into as provided by the act and general law; providing district board authorizations to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; repealing sections 25 and 26 of ch. 67-2001, Laws of Florida, relating to a required referendum for the creation of the district; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1315—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; establishing district boundaries; providing legislative intent; increasing the number of supervisors and changing the voting procedures by which members of the board of supervisors are elected; authorizing the levy of non-ad valorem assessments and specifying services which may be financed by said assessments; providing for a conditional limitation on liability; changing the method for approval of supervisors' compensation; providing a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **HB 1315** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1365—A bill to be entitled An act relating to the St. Lucie County Fire District; amending ch. 96-532, Laws of Florida, revising the responsibilities of the clerk-treasurer of the district; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1365** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1383—A bill to be entitled An act relating to the Bayshore Gardens Park and Recreation District; amending chapter 79-509, Laws of Florida; increasing the minimum cost price or consideration of contracts involving the acquisition of real or tangible personal property which would require a two-thirds vote of district trustees and a referendum election; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 1383** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1389—A bill to be entitled An act relating to the City of North Lauderdale, Broward County; extending and enlarging the corporate limits of the City of North Lauderdale to include specified unincorporated lands within said corporate limits; qualifying the effective date of the annexation upon specified conditions; requiring a report; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1389** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1401—A bill to be entitled An act relating to the City of Lauderdale-by-the-Sea, Broward County; extending and enlarging the corporate limits of the City of Lauderdale-by-the-Sea to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1401** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1431—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1459—A bill to be entitled An act relating to Escambia County; conveying an easement in sovereignty submerged lands to the county; permitting the maintenance and operation of the Old Pensacola Bay Bridge for public recreational use; providing for private entities to maintain and operate the bridge under contract with the county; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1459** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1473—A bill to be entitled An act relating to the municipality of Gulf Breeze, Santa Rosa County, and Escambia County; providing for law enforcement jurisdiction on the Bob Sikes Bridge; authorizing the municipality of Gulf Breeze, Santa Rosa County, and Escambia County to exercise law enforcement jurisdiction over the entire length of the bridge; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1473** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 1477—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; revising the charter of the city to provide that the city council may adopt its budget, and amendments thereto, by ordinance or resolution; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1477** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1517—A bill to be entitled An act relating to Escambia County; amending chapter 92-248, Laws of Florida; providing for partisan election of members of the Escambia County Utilities Authority; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1517** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1659—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1659** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 1709—A bill to be entitled An act relating to the Alachua County School Board; amending s. 1, ch. 95-466, Laws of Florida; specifying an alternative method of qualification for candidates for election to the board; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 1709** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1729—A bill to be entitled An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for participation in state-shared revenue programs and local option gas taxes; providing for a referendum; providing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1729** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1765—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for membership requirements; repealing section 3(b), (c), (d), (e), and (f), chapter 61-2655, Laws of Florida, as amended, relating to contributions to the fund by employees and the city; providing for a deferred retirement option plan; providing for buy back of prior service; providing for investment authority; permitting the board of trustees and City of Pensacola to contract with investment banks; providing for multiple plan participant; providing for exclusion of any officer or employee of the police department hired on or after October 1, 1979, who is eligible to participate in the Police Officer's Retirement Fund; providing for authority to allow additional members into the General Pension and Retirement Fund, credit for prior service, and allowing transfers to the General Pension and Retirement Fund from other qualified retirement plans; providing provisions for repeal of conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1765** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1773—A bill to be entitled An act relating to the Rainbow River Management Area; repealing chapter 88-469, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 1773** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1907—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for annexation of the unincorporated areas known as "Southwest Ranches" and "Sunshine Ranches" and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1907** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 1953—A bill to be entitled An act relating to the North Broward Hospital District, Broward County, amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the Board of Commissioners of the North Broward Hospital District to enter into interest rate swap agreements and certain other derivative instruments; to invest available funds of the pension plan in accordance with certain provisions of state law; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1953** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1987—A bill to be entitled An act relating to Gilchrist County; amending chapter 59-1308, Laws of Florida, as amended, relating to the Gilchrist County Development Authority; increasing the number of members of the authority from 5 to 9; providing that the membership of the Gilchrist County Development Authority be the same as the membership of the Gilchrist County Industrial Development Authority and that the Gilchrist County Development Authority and the Gilchrist County Industrial Development Authority operate as one authority; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 1987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 2003—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising provisions relating to the Civil Service System for certain employees of Santa Rosa County; providing for the appointment of the fifth member to the board; providing for transfers within the Civil Service System; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 2003** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 2021—A bill to be entitled An act relating to Rainbow Lake Estates, Marion and Levy Counties; amending chapter 69-1298, Laws of Florida; authorizing the levy and assessment of special assessments to fund municipal services; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 2021** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 2027—A bill to be entitled An act relating to the Civil Service System for the Seminole County Sheriff's Office; amending ch. 70-942, Laws of Florida, as amended; providing that any decision of the board must be made by a majority vote of the members; lowering the minimum age for members; providing for designation of positions within the unclassified service; providing for responsibilities of the board chairman; providing for annual submission of table of organization; clarifying authority and powers of the board; deleting certain provisions and adding correctional officers to the act; amending time validity of the list for initial appointment and promotions; amending the time period for challenging a test; amending notice procedures; amending provisions relating to probationary periods; revising provisions relating to return of demoted employees in the unclassified service; revising provisions relating to transfer; eliminating certain positions; providing for rules to be used in hearings; amending provisions relating to hearings for classified employees; revising provisions relating to suspension of classified employees; revising provisions relating to time period for and subject matter of hearings; requiring written requests for hearings; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 2027** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 2029—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing definitions; reorganizing, updating, and clarifying provisions; providing for the continuing existence of the authority and of its rights and obligations; providing that employees of the authority shall be considered employees of St. Lucie County; providing that authority meetings shall be held in accordance with chapter 189, Florida Statutes; amending and reorganizing provisions relating to powers and duties of the authority, and consultants, travel expense, taxation, and bonding; providing for the approval by the authority of privately owned airports within the district; deleting obsolete text relating to ad valorem taxation; authorizing the levy of non-ad valorem assessments and issuance of bonds secured thereby; clarifying purposes for which bonds may be issued; providing the authority to enter trust agreements to secure bonds; providing that the purchase of commodities and services by the authority shall be in accordance with the St. Lucie County purchasing policy; declaring legislative intent; repealing chapter 88-515, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 2029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1291—A bill to be entitled An act relating to Brevard County; creating the "City of Suntree Charter"; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a city council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of its membership, and a procedure for establishing their compensation and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the mayor and council; providing for a city manager, city clerk, and city attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions and for handling finances; establishing fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date of creation and establishment of the municipality, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the city to state-shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing a referendum.

—was read the second time by title.

Senator Kurth moved the following amendments which were adopted:

Amendment 1—On page 25, line 16, delete "*July 12,*" and insert: *July 15,*

Amendment 2—On page 31, lines 29 and 30, delete "sections 14.01 and 15.10" and insert: section 15.01

On motion by Senator Kurth, by two-thirds vote **HB 1291** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **HB 1655** was deferred.

HB 571—A bill to be entitled An act relating to Indian Trail Water Control District, Palm Beach County; changing the name of the district to Indian Trail Improvement District; clarifying the district's authority to provide, finance, construct, operate, and maintain and include as a component of roads, bridges, parkways, and other elements; providing for adoption by resolution of rules and procedures for the letting of contracts; providing alternative methods to amend, modify, and change the district's water management plans; authorizing the district to accept for maintenance additional facilities; ratifying all existing water management plans as amended and constructed; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, line 14 through page 3, line 31, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 11-16, delete those lines and insert: providing an effective date.

On motion by Senator Rossin, by two-thirds vote **HB 571** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 871—A bill to be entitled An act relating to Volusia County; providing for members of the Volusia County School Board to be elected on an nonpartisan basis; prescribing procedures for qualification for office and for conducting elections for members of the board; ratifying referendum election; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 871** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

HB 425—A bill to be entitled An act relating to Lee County; amending chapter 76-414, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical services and acquire and maintain rescue, medical, and other emergency equipment; amending the date the board elects its officers; increasing the minimum rate of ad valorem taxes that may be levied to provide funds for the district; providing for a referendum; reporting the actions of the board and accounting of its funds in accordance with chapter 189, Florida Statutes; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 4, delete "district" and insert: Bayshore Fire Protection and Rescue Service District

On motion by Senator Rossin, by two-thirds vote **HB 425** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1875—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; reducing the number of members of the Board of Supervisors of the North Lauderdale Water Control District from a board of seven members to a board of five members to be composed of sitting members of the City Council of the City of North Lauderdale within 30 days after this act becomes a law; providing intent with respect to the election of supervisors; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1875** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Dyer	Horne
Bankhead	Clary	Forman	Jenne
Bronson	Cowin	Grant	Jones
Brown-Waite	Crist	Gutman	Kirkpatrick
Burt	Dantzler	Hargrett	Klein
Campbell	Diaz-Balart	Harris	Kurth
Casas	Dudley	Holzendorf	Latvala
Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

HB 1175—A bill to be entitled An act applying to Collier County; amending ss. 1, 2, and 3, chapter 89-449, Laws of Florida, to empower county park enforcement officers to issue citations to enforce any county ordinance within the boundaries of any county park, county operated parking facilities, public beaches, beach access areas adjacent to any county park, and public areas immediately adjacent to county parks; revising list of prohibited offenses; amending s. 4, chapter 89-449, Laws of Florida, to permit the violator to pay the appropriate fines as prescribed by county ordinance without a mandatory court appearance; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1175** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2510—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for said district with respect to any failure of such water management structures; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **SB 2510** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 977—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for

said district with respect to any failure of such water management structures; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 977** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2530—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 2530** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1543—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 1543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

Consideration of **CS for CS for SB 214** was deferred.

MOTION

On motion by Senator Jenne, the rules were waived and consideration of **CS for SB 1398** was scheduled for 11:59 a.m.

CS for SB 1398—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1398** to **CS for HB 1227**.

Pending further consideration of **CS for SB 1398** as amended, on motion by Senator Cowin, by two-thirds vote **CS for HB 1227** was withdrawn from the Committees on Health Care; Judiciary; and Ways and Means.

On motion by Senator Cowin—

CS for HB 1227—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; revising provisions relating to consents required prior to a termination of pregnancy; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

—a companion measure, was substituted for **CS for SB 1398** as amended and read the second time by title.

Senator Klein moved the following amendment which failed:

Amendment 1—On page 3, line 31 through page 4, line 3, delete those lines and insert: *abortion that is necessary to save the life of a mother or avoid a severe physical threat to the health of a pregnant woman.*

The vote was:

Yeas—15

Brown-Waite	Hargrett	Klein	Rossin
Campbell	Holzendorf	Kurth	Silver
Dyer	Jenne	Latvala	Turner
Forman	Jones	Meadows	

Nays—20

Madam President	Cowin	Harris	Ostalkiewicz
Bankhead	Crist	Horne	Scott
Bronson	Dantzler	Lee	Sullivan
Childers	Dudley	McKay	Thomas
Clary	Grant	Myers	Williams

Vote after roll call:

Nay—Gutman

MOTION

On motion by Senator Jenne, the rules were waived and debate on amendments to **CS for HB 1227** was limited to one minute per side; and debate on **CS for HB 1227** was limited to two minutes per side.

Senator Klein moved the following amendments which failed:

Amendment 2—On page 5, lines 17-31, delete those lines

Amendment 3—On page 6, lines 20 and 21, delete those lines and insert: *pregnancy partially vaginally delivers a viable fetus before completing the procedure.*

On motion by Senator Cowin, by two-thirds vote **CS for HB 1227** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Madam President	Childers	Grant	Meadows
Bankhead	Clary	Harris	Myers
Bronson	Cowin	Horne	Ostalkiewicz
Brown-Waite	Crist	Jones	Scott
Burt	Dantzler	Latvala	Sullivan
Campbell	Dudley	Lee	Thomas
Casas	Dyer	McKay	Williams

Nays—9

Forman	Jenne	Kurth	Silver
Hargrett	Klein	Rossin	Turner
Holzendorf			

Vote after roll call:

Yea—Diaz-Balart, Gutman

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:00 noon to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:29 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

RECONSIDERATION OF BILL

On motion by Senator Bankhead, the Senate reconsidered the vote by which—

SB 2530—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

—passed this day.

On motion by Senator Bankhead, by two-thirds vote the Senate reconsidered the vote by which **SB 2530** was read the third time.

Senator Bankhead moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1)(a) There is created the Task Force on Health Care Organization in Volusia County.*

(b) The task force shall study the tax revenues generated from health care services provided within Volusia County and the county's health care resources and determine if the health care needs of the residents of the county are being met in the most efficient manner possible. The task force shall review how initiatives have been organized for funding health care services within other counties, including, but not limited to, the special health care taxing district in Palm Beach County and the sales tax initiative for funding health care for indigents in Hillsborough County. The task force shall also evaluate whether it is appropriate for a single governmental entity to be responsible for purchasing health care services as well as delivering health care services.

(c) The task force shall conduct a thorough review of all publicly funded health care services provided in Volusia County and recommend the most efficient system of administering a health care system and the most efficient method of providing health care services. The task force shall:

1. Review how various areas in the state provide health care, including areas that do not have a dedicated source of tax revenues. The review must compare the per-capita cost of health care services delivered in areas that have a dedicated source of tax revenues with the per-capita cost of health care services delivered in areas that do not have a dedicated source of tax revenues, and must identify the strengths and weaknesses of each method of funding.

2. Determine whether there is a need to provide public funds for health care services in Volusia County.

3. Recommend the extent to which a publicly funded health care delivery system is needed, the level of tax support needed, and a system of administration and service delivery, if the task force determines that a publicly funded health care delivery system is necessary for Volusia County.

4. Recommend how the existing publicly funded health care delivery system should be modified to complement the existing private-sector health care delivery system, if the task force determines that a publicly funded health care delivery system is not necessary in Volusia County.

(2) The task force shall be composed of 17 members, who shall serve until the task force expires by operation of law, and who shall be appointed as follows:

(a) One member appointed by the Florida League of Health Systems.

(b) One member appointed by the Florida Hospital Association.

(c) One member appointed by the Association of Community Hospitals and Health Systems of Florida.

(d) One member appointed by the Tax Cap Committee.

(e) One member appointed by Florida TaxWatch.

(f) Nine members, each appointed by a single member of the Volusia County Legislative Delegation.

(g) One member of the Volusia County Council, appointed by the chairperson of the council.

(h) One member appointed by the President of the Senate.

(i) One member appointed by the Speaker of the House of Representatives.

(3) Failure to appoint a member to the task force does not invalidate the task force. The first meeting of the task force must be held within 45 days after this act becomes a law.

(4)(a) The operation and activities of the task force shall be funded by a proportionate assessment on each hospital taxing district. A total of not more than $250,000 shall be assessed. The Southeast Volusia Hospital District shall be assessed not more than $45,000, the West Volusia Hospital Authority shall be assessed not more than $67,500, and the Halifax Hospital Medical Center shall be assessed not more than $137,500. Any funds that remain upon expiration of the task force shall be proportionally divided and returned to the respective hospital taxing district.

(b) The task force shall contract with a public institution of higher learning within the state for purposes of staffing and producing a final report of its findings and recommendations. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council shall each receive an official copy of the final report of the task force. The final report is due by January 15, 1998, with an interim report on the study presented to the delegation due by November 15, 1997.

(c) The Volusia County Council shall provide meeting facilities and administrative support, free of charge, including an equipped office that will accommodate the task force.

(5) The task force shall expire on June 1, 1998.

Section 2. *Notwithstanding any other law, the millage rate of the Southeast Volusia Hospital Taxing District and the millage rate of the Halifax Hospital Taxing District are capped at the rate in place as of January 1, 1997, for each respective district. The millage rate of the West Volusia Hospital Authority is capped at 1.52 mills. The millage rate of each hospital taxing district may be adjusted downward at any time by the governing authority of each respective district. The authority to set millage rates shall be restored to the governing authorities of the hospital taxing districts within Volusia County only after specific legislative action is taken based on the recommendations generated by the task force created by this act.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

On motion by Senator Bankhead, by two-thirds vote **SB 2530** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 690** and **CS for SB 584** was deferred.

On motion by Senator Clary—

CS for SB 746—A bill to be entitled An act relating to informed consent; creating the "Woman's Right-To-Know Act"; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary action; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date

—was read the second time by title.

POINT OF ORDER

Senator Silver raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Ways and Means.

RULING ON POINT OF ORDER

On recommendation of Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and referred **CS for SB 746** to the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **CS for HB 129** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dudley—

CS for HB 129—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 690** and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The purpose of this section is to provide a mechanism by which the business community in this state can directly participate in providing assistance to the growth and development of education enhancement in this state through contributions to special state-sponsored investment funds. The purpose of such funds is to provide funding for computers, computer technology, training in computer education, and scholarships for business-related careers for the education system, including kindergarten through twelfth grade, community colleges, and universities.*

(2) The Florida Education Technology Foundation is created as a nonprofit corporation for the purpose of establishing a series of state-sponsored investment funds to be known as Florida's Future Investment Funds. The purpose of such funds is to provide a source of revenue which shall be used by the foundation to provide funding for:

(a) Buying and maintaining computers and computer-related technology for all levels of the education system supported in whole or in part with public funds in this state.

(b) Training teachers and faculty to use computer equipment and technology and to teach the effective use of computer equipment and technology.

(c) Scholarships for business-related fields.

(3) The foundation shall be governed by a board of directors consisting of 11 members, one of whom shall be the Commissioner of Education or his or her designee, one of whom shall be the Treasurer or his or her designee, one of whom shall be appointed by the President of the Senate, one of whom shall be appointed by the Speaker of the House of Representatives, and the remaining 7 of whom shall initially be appointed by the Florida Council of 100 from membership of the council and thereafter shall be elected by the corporations and businesses that contribute moneys to a Florida's Future Investment Fund. Of the first members appointed by the Florida Council of 100, three shall be appointed for a term of 1 year and four shall be appointed for a term of 2 years. Thereafter, those members shall be elected and shall serve for terms of 4 years. Each corporation shall receive one vote for investing up to $25 million in a Florida's Future Investment Fund and shall receive an additional vote for each additional investment of $25 million. A chair shall be elected by the members of the board and the board shall meet at the call of the chair. In no event shall the state or its officers, employees, or agencies be liable for the actions of the foundation, its directors, or the fund managers.

(4) The foundation shall establish Florida's Future Investment Funds for the purpose of investing moneys placed in such funds by corporations and businesses in this state and receiving a portion of such interest to be used as provided in subsection (2). The board of directors shall provide for the administration and management of such funds to maximize the return on investment of moneys in such funds. The board of directors may hire outside managers to administer and invest the moneys in the Florida's Future Investment Funds. The board shall prescribe the level of prudence and ethical standards to be followed by the fund managers. Alternatively, moneys in the Florida's Future Investment Funds may be invested by the State Board of Administration in accordance with a trust agreement entered into between the board of directors and the State Board of Administration in accordance with sections 215.44-215.53, Florida Statutes. It is the intent of the Legislature that administrative fees be as low as possible. The staff of the Commissioner of Education shall serve as support staff for the board of directors.

(5) A corporation or business participating in a Florida's Future Investment Fund shall contribute a portion of the interest earned on investments of moneys in the fund to the Florida Education Technology Foundation to be used as provided in subsection (2). The portion of interest earned and donated may be determined by action of the board of directors of the foundation.

(6) The provisions of chapter 119, Florida Statutes, relating to public records and chapter 286, Florida Statutes, relating to public meetings apply to all records and meetings of the foundation. The financial records of the foundation must be made available to the Auditor General for post audit purposes.

(7) Within 90 days after its organization, the foundation shall develop a business plan for the conduct of its financial operations. Moneys realized from investment gains must be distributed to schools in a manner consistent with the business plan. Such moneys shall not be subject to appropriation by the Legislature, and no school shall have any other distribution of funds to which it is entitled reduced, compromised, or supplanted as a result of its receipt of moneys from the foundation.

Section 2. *(1) Notwithstanding the provisions of chapter 199, Florida Statutes, the tax imposed under section 199.032, Florida Statutes, on securities in a Florida's Future Investment Fund shall apply at the rate of 1.85 mills when the average daily balance in such funds exceeds $2 billion and at the rate of 1.70 mills when the average daily balance in such funds exceeds $5 billion.*

(2) This section shall not apply in any year in which the revenues of the foundation in the previous calendar year are less than the tax savings allowed by this section. "Tax savings" means the difference between the tax that would be imposed pursuant to section 199.032, Florida Statutes, and the tax rate specified in subsection (1).

Section 3. Section 212.0602, Florida Statutes, is created to read:

212.0602 Education; limited exemption.—To facilitate investment in education and job training, there is also exempt from the taxes levied under this chapter, subject to the provisions of this section, the purchase or lease of materials, equipment, and other items by any entity, institution, or organization that is primarily engaged in teaching students to perform any of the activities or services described in s. 212.031(1)(a)9., that conducts classes at a fixed location located in this state, that is licensed under chapter 246, and that has at least 500 enrolled students. Any entity, institution, or organization meeting the requirements of this section shall be deemed to qualify for the exemptions in ss. 212.031(1)(a)9., 212.08(5)(f), and 212.08(12), and to qualify for an exemption for its purchase or lease of materials, equipment, and other items used for education or demonstration of the school's curriculum. Nothing in this section shall preclude an entity described in this section from qualifying for any other exemption provided for in this chapter.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting the purchase or lease of certain items by

certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

On motion by Senator Dudley, by two-thirds vote **CS for HB 129** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 313** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Ways and Means.

On motions by Senator Latvala—

CS for CS for HB 313—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies, and under which the provision of telecommunications services constitutes a municipal or public purpose; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunication services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunication services provided to the public for hire by the state or political subdivision are not exempt from sales or use taxes; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 214** and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 6, line 6 and on page 7, line 4, delete "*s. 332.044*" and insert: *s. 332.004*

Senator Dantzler moved the following amendment which failed:

Amendment 2—On page 6, delete line 10 and insert: *public hospital, or unless the telecommunications services are provided by a municipality or other entity of local government to a municipality, county, other entity of local government, a school district, the federal government, or the state or any of its agencies in the same county as the municipality or other entity of local government. However, property that is being used to*

Senator Lee moved the following amendment which failed:

Amendment 3—On page 6, lines 12 and 13, delete those lines and insert: *1, 1997, shall remain exempt.*

Senator Latvala moved the following amendment which was adopted:

Amendment 4—On page 6, line 28 through page 7, line 1 delete those lines and insert: *when such service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible*

Senator Dudley moved the following amendment:

Amendment 5 (with title amendment)—On page 9, between lines 13 and 14, insert:

Section 7. Section 365.172, Florida Statutes, is created to read:

*365.172 Limitation of liability for wireless carrier provisions of "911" or "*FHP".—A wireless service provider involved in providing 911 or *FHP service, a manufacturer of equipment used in providing 911 or *FHP service, or an officer or employee of a wireless service provider involved in providing 911 or *FHP service is not liable for any claim, damage, or loss arising from the provision of 911 or *FHP service unless the act or omission causing the claim, damage, or loss was performed with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property in providing such services.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: creating s. 365.172, F.S.; limiting the liability of persons and entities involved in the wireless provisions of emergency "911" service;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 5** was not germane to the bill.

DISPOSITION OF POINT OF ORDER

On motion by Senator Dudley, **Amendment 5** was withdrawn and the point of order was therefore withdrawn.

Senator Dudley moved the following amendment:

Amendment 6 (with title amendment)—On page 9, between lines 13 and 14, insert:

Section 7. Subsections (3), (14), and (15) of section 365.171, Florida Statutes, 1996 Supplement, are amended to read:

365.171 Emergency telephone number "911."—

(3) DEFINITIONS.—As used in this section:

(a) *"Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).*

(b)~~(a)~~ "Department" means the Department of Management Services.

(c)~~(b)~~ "Division" means the Division of Communications of the department.

(d)~~(c)~~ "Local government" means any city, county, or political subdivision of the state and its agencies.

(e)~~(d)~~ "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services.

(f)~~(e)~~ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.

(14) INDEMNIFICATION AND LIMITATION OF LIABILITY.—All local governments are authorized to undertake to indemnify the telephone company against liability in accordance with the telephone company's lawfully filed tariffs *or to indemnify a commercial mobile radio service provider against liability pursuant to an indemnification agreement*. Regardless of any indemnification agreement, *a* ~~the~~ telephone

company *or a commercial mobile radio service provider* shall not be liable for damages resulting from or in connection with "911" service or identification of the telephone number, address, or name associated with any person accessing "911" service, unless the telephone company *or a commercial mobile radio service provider* acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property in providing such services.

(15) CONFIDENTIALITY OF RECORDS.—Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency telephone number "911" system is confidential and exempt from the provisions of s. 119.07(1), except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services. A telephone company *or a commercial mobile radio service provider* shall not be liable for damages to any person resulting from or in connection with such telephone company's *or commercial mobile radio service provider's* provision of any lawful assistance to any investigative or law enforcement officer of the State of Florida or political subdivisions thereof, of the United States, or of any other state or political subdivision thereof, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer unless the telephone company *or commercial mobile radio service provider* acted in a wanton and willful manner. The exemptions in this section are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 356.171, F.S.; defining commercial mobile radio service provider; providing for indemnification of commercial mobile radio service providers; limiting liability of commercial mobile radio service providers;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 6** was not germane to the bill.

DISPOSITION OF POINT OF ORDER

On motion by Senator Dudley, **Amendment 6** was withdrawn and the point of order was therefore withdrawn.

Senator Latvala moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 9, between lines 13 and 14, insert:

Section 7. *Under s. 18, Art. VII of the State Constitution, the Legislature determines and declares that the provisions of this act fulfill an important state interest.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 27, after the second semicolon (;) insert: providing a finding of an important state interest;

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 313** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Dantzler
Diaz-Balart	Holzendorf	Latvala	Silver
Dyer	Horne	McKay	Sullivan
Forman	Jenne	Meadows	Thomas
Grant	Jones	Myers	Turner
Gutman	Kirkpatrick	Ostalkiewicz	Williams
Hargrett	Klein	Rossin	
Harris	Kurth	Scott	

Nays—2

Dudley	Lee

CS for SB 584—A bill to be entitled An act relating to mining; amending s. 378.601, F.S.; providing that certain heavy mineral mining operations are not required to undergo development-of-regional-impact review; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 20 through page 5, line 2, delete those lines and insert: *s. 378.901, are issued. This subsection applies only in the following circumstances:*

(a) Mining is conducted in counties where the operator has conducted heavy mineral mining activities prior to March 1, 1997; and

(b) The operator of the heavy mineral mining operation has executed a developer agreement pursuant to s. 380.032 as of March 1, 1997. Lands mined pursuant to this section need not be the subject of the developer agreement.

Section 2. Subsections (5), (6), and (7) are added to section 378.035, Florida Statutes, to read:

378.035 Department responsibilities and duties with respect to Nonmandatory Land Reclamation Trust Fund.—

(5) On July 1, 1997, $30 million of the unencumbered funds within the Nonmandatory Land Reclamation Trust Fund are hereby reserved for use by the department. These reserved moneys are to be used to reclaim lands disturbed by the severance of phosphate rock on or after July 1, 1975, in the event that a mining company ceases mining, and the associated reclamation prior to all lands disturbed by the operation being reclaimed. Moneys expended by the department to accomplish reclamation pursuant to this subsection shall become a lien upon the property enforceable pursuant to chapter 85. The moneys received as a result of a lien foreclosure or as repayment shall be deposited into the trust fund. In the event the money received as a result of lien foreclosure or repayment is less than the amount expended for reclamation, the department shall use all means available to recover the difference from the affected parties for the use of the fund. Paragraph (3)(b) shall apply to lands acquired as a result of a lien foreclosure.

(6)(a) Up to one-half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the purpose of funding basic management or protection of reclaimed, restored, or preserved phosphate lands:

1. Which have wildlife habitat value as determined by the Bureau of Mine Reclamation;

2. Which have been transferred by the landowner to a public agency or a private, nonprofit land conservation and management entity in fee simple, or which have been made subject to a conservation easement pursuant to s. 704.06; and

3. For which other management funding options are not available.

These funds may, after the basic management or protection has been assured for all such lands, be combined with other available funds to provide a higher level of management for such lands.

(b) Up to one-half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the sole purpose of funding the department's implementation of:

1. The NPDES permitting program authorized by s. 403.0885, as it applies to phosphate mining and beneficiation facilities, phosphate fertilizer production facilities, and phosphate loading and handling facilities;

2. The regulation of dams in accordance with department Rule 62-672, Florida Administrative Code; and

3. The phosphogypsum management program pursuant to s. 403.4154 and department Rule 62-673, Florida Administrative Code.

On or before August 1 of each fiscal year, the department shall prepare a report presenting the expenditures using the interest income allocated by this section made by the department during the immediately preceding fiscal year, which report shall be available to the public upon request.

(7) Should the nonmandatory land reclamation program encumber all the funds in the Nonmandatory Land Reclamation Trust Fund except those reserved by subsection (5) prior to funding all the reclamation applications for eligible parcels, the funds reserved by subsection (5) shall be available to the program to the extent required to complete the reclamation of all eligible parcels for which the department has received applications.

Section 3. Present subsections (3) through (9) of section 378.901, Florida Statutes, 1996 Supplement, are renumbered as subsections (4) through (10), respectively, and a new subsection (3) is added to that section to read:

378.901 Life-of-the-mine permit.—

(3) The bureau may also issue life-of-the-mine permits to operators of sand mines as part of the consideration for conveyance to the Board of Trustees of the Internal Improvement Trust Fund of environmentally sensitive lands in an amount equal to or greater than the acreage included in the life-of-the-mine permit and provided such environmentally sensitive lands are contiguous with or within reasonable proximity to the lands included in the life-of-the-mine permit.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing for liens; requiring a report;

On motion by Senator Kirkpatrick, further consideration of **CS for SB 584** as amended was deferred.

CS for CS for SB 170—A bill to be entitled An act relating to offenses involving intent to defraud persons who hire or lease personal property or equipment; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; specifying circumstances under which failure upon demand to pay amounts due for the full rental period constitutes such fraudulent intent; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, line 27, insert:

Section 1. Section 812.15, Florida Statutes, is amended to read:

812.15 Unauthorized reception of cable television services; penalties.—

(1) As used in this section, the term:

(a) "Cable operator" means "cable operator" as defined in 47 U.S.C. s. 522(4) (1988).

(b) "Cable system" means "cable system" as defined in 47 U.S.C. s. 522(6) (1988).

(2)(a) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law.

(b) For the purpose of this section, the term "assist in intercepting or receiving" shall include the manufacture of or distribution of equipment intended by the manufacturer or distributor, as the case may be, for unauthorized reception of any communications service offered over a cable system in violation of this section.

(3)(a) Any person who willfully violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *Any person who has previously been convicted twice of willfully violating this section shall, upon any subsequent willful violation of this section, be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) Any person who willfully and for purposes of direct or indirect commercial advantage violates this section shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Any person aggrieved by any violation of this section may bring a civil action in a circuit court or in any other court of competent jurisdiction.

(b) The court may:

1. Grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of this section in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of special or irreparable damages to the person shall have to be made;

2. Award damages pursuant to paragraphs (c), (d), and (e); and

3. Direct the recovery of full costs, including awarding reasonable attorney's fees, to an aggrieved party who prevails.

(c) Damages awarded by any court under this section shall be computed in accordance with either of the following:

1. The party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator is required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

2. The party aggrieved may recover an award of statutory damages for all violations involved in the action, in a sum of not less than $250 or more than $10,000, as the court considers just.

(d) In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage, the court in its discretion may increase the award of damages, whether actual or statutory under this section, by an amount of not more than $50,000.

(e) In any case in which the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-4, delete those lines and insert: amending s. 812.15, F.S., relating to unauthorized reception of cable television ser-

vices; providing an enhanced penalty for a third or subsequent violation; amending s. 812.155,

Amendment 2 (with title amendment)—On page 1, line 27, insert:

Section 1. Subsection (1) of section 806.13, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(1)(a) A person commits the offense of criminal mischief if he willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is $200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that cities and counties not be preempted by state law from establishing ordinances prohibiting the marking of graffiti or other graffiti-related offenses. Furthermore, as related to graffiti, such cities and counties shall not be preempted by state law from establishing higher penalties than those state law provides and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines not to exceed those prescribed in ss. 125.69 and 162.21, community service, restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, no court acting under chapter 39 shall provide a disposition of the case that is less severe than any mandatory penalties prescribed by municipal or county ordinance for such violation.

Section 2. Paragraph (d) is added to subsection (7) of section 901.15, Florida Statutes, 1996 Supplement, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7) There is probable cause to believe that the person has committed:

(d) An act of criminal mischief or graffiti-related offense as defined in s. 806.13.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his action.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-4, delete those lines and insert: An act relating to criminal justice; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense;

Senator Gutman moved the following amendment:

Amendment 3—On page 3, lines 18-28, delete those lines and insert:

(b) In prosecutions under subsection (3), failure to redeliver the property or equipment upon demand made in person or by certified mail is prima facie evidence of such fraudulent intent.

(c) In prosecutions under subsection (3), failure to pay any amounts due for the full rental period, including reasonable costs for damage to the property or equipment, not to exceed the lesser of the cost of repair or replacement, upon demand made in person or by certified mail is prima facie evidence of such fraudulent intent.

(d) For purposes of this subsection, notice mailed by certified or registered mail, return receipt requested, to the address in the signed rental agreement, is sufficient and equivalent to notice having been received by the person renting the personal property or equipment.

On motion by Senator Gutman, further consideration of **CS for CS for SB 170** with pending **Amendment 3** was deferred.

CS for SB 2352—A bill to be entitled An act relating to nonresident public adjusters; creating s. 626.8591, F.S.; providing a definition; creating s. 626.8681, F.S.; providing qualifications for licensure as a nonresident public adjuster by the Department of Insurance; providing requirements for an applicant for licensure; requiring an applicant to file a bond with the department of a specified amount; providing requirements with respect to retaining records; requiring a nonresident public adjuster to submit an affidavit to the department; providing certain limitations on the license that may be issued by the department; providing rulemaking authority for the department; providing requirements for the period of time that a nonresident public adjuster may occupy an office in the state; providing for the department to extend such period; creating s. 626.8694, F.S.; providing for appointment of the Insurance Commissioner and Treasurer for the purpose of receiving service of process filed against a nonresident public adjuster; creating s. 626.8801, F.S.; providing a penalty; amending s. 626.869, F.S., relating to the licensing of adjusters; clarifying certain exceptions that apply to the issuance by the department of a limited license; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 2 and 3, insert:

Section 1. Paragraph (f) of subsection (2) of section 624.316, Florida Statutes, is amended to read:

624.316 Examination of insurers.—

(f)1.

a. An examination under this section must be conducted at least once every year with respect to a domestic insurer that has continuously held a certificate of authority for less than 3 years. The examination must cover the preceding fiscal year or the period since the last examination of the insurer. The department may limit the scope of the examination if the insurer has demonstrated sufficient compliance *with the provisions of this code and rules promulgated thereunder* ~~as determined under subparagraph 3~~.

b. The department may not accept an independent certified public accountant's audit report in lieu of an examination required by this subparagraph.

c. An insurer may not be required to pay more than $25,000 to cover the costs of any one examination under this subparagraph.

2. An examination under this section must be conducted not less frequently than once every 5 years with respect to an insurer that has continuously held a certificate of authority, without a change in ownership subject to s. 624.4245 or s. 628.461, for more than 15 years and has demonstrated sufficient compliance *with the provisions of this code and rules promulgated thereunder* ~~as determined under subparagraph 3~~. The examination must cover the preceding 5 fiscal years of the insurer or the period since the last examination of the insurer. This subparagraph does not limit the ability of the department to conduct more frequent examinations.

~~3. The department must, by rule, adopt procedures and criteria for determining if an insurer has demonstrated sufficient compliance with this code and cooperation with the department. The rules must include consideration of such factors as financial strength, timeliness, consumer service, economic and community contributions and support, responsiveness to department requests, and any other relevant factors. The department must annually publish and disseminate a listing of those insurers found to demonstrate sufficient compliance under the rules, including special recognition for community contributions and support.~~

Section 2. Subsection (7) of section 626.989, Florida Statutes, 1996 Supplement, is amended to read:

626.989 Division of Insurance Fraud; definition; investigative, subpoena powers; protection from civil liability; reports to division; division investigator's power to execute warrants and make arrests.—

(7) Division investigators shall have the power to make arrests for criminal violations established as a result of *division* investigations *and to escort and protect the non-law-enforcement employees or officers of the department in the exercises of their duties and responsibilities consistent with the Insurance Code and any corresponding rules of the Florida Administrative Code* ~~only~~. The general laws applicable to arrests by law enforcement officers of this state shall also be applicable to such investigators. Such investigators shall have the power to execute arrest warrants and search warrants for the same criminal violations; to serve subpoenas issued for the examination, investigation, and trial of all offenses determined by their investigations; and to arrest upon probable cause without warrant any person found in the act of violating any of the provisions of applicable laws. Investigators empowered to make arrests under this section shall be empowered to bear arms in the performance of their duties. In such a situation, the investigator must be certified in compliance with the provisions of s. 943.1395 or must meet the temporary employment or appointment exemption requirements of s. 943.131 until certified.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to insurance; amending s. 624.316, F.S.; deleting a requirement for rulemaking by the Department of Insurance relating to compliance by an insurer with provisions of the Florida Insurance Code; amending s. 626.989, F.S.; providing certain department investigators authority to protect and escort non-law-enforcement personnel;

On motion by Senator Burt, by two-thirds vote **CS for SB 2352** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Madam President	Crist	Holzendorf	Rossin
Bankhead	Dantzler	Horne	Silver
Bronson	Diaz-Balart	Jones	Sullivan
Brown-Waite	Dudley	Klein	Thomas
Burt	Dyer	Kurth	Turner
Campbell	Forman	McKay	Williams
Casas	Gutman	Meadows	
Childers	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Clary, Cowin, Kirkpatrick, Ostalkiewicz

SENATOR HOLZENDORF PRESIDING

CS for SB 1822—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.037, F.S.; providing for a law enforcement officer to take a juvenile into custody if the officer has probable cause to believe that the juvenile is in violation of community control, furlough, or aftercare supervision; amending s. 39.042, F.S.; revising requirements for detaining a juvenile in secure detention if the juvenile is charged with domestic violence; amending s. 39.044, F.S.; authorizing the detention of a juvenile who is charged with a felony offense of domestic violence; providing for detaining a juvenile in a consequence unit if the juvenile violates the conditions of community control or aftercare supervision; amending s. 39.052, F.S.; providing for the transfer of pending cases when a juvenile is prosecuted as an adult; amending s. 39.054, F.S.; providing for disposition of a juvenile who has violated conditions of community control or aftercare; providing for a juvenile to be taken into custody; requiring a hearing; providing circumstances under which the court may place the juvenile in a consequence unit; providing additional sanctions; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for the department to return a juvenile to the custody of the sentencing court if the department determines that the court has imposed sanctions that are unsuitable for the juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1822** to **HB 1369**.

Pending further consideration of **CS for SB 1822** as amended, on motion by Senator Cowin, by two-thirds vote **HB 1369** was withdrawn from the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

On motion by Senator Cowin, the rules were waived and—

HB 1369—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.042, F.S.; specifying the conditions under which a juvenile charged with domestic violence may be placed in detention if the juvenile does not meet the criteria for detention; requires a court order to hold the juvenile in detention beyond 48 hours; requires a court hearing upon the request of the state attorney or victim to determine whether continued detention is necessary; repealing s. 39.0445, F.S., relating to juvenile justice domestic violence offenders; amending s. 39.052, F.S.; requiring the court to transfer all pending juvenile court cases to adult court on a juvenile transferred to adult court; amending s. 39.054, F.S.; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be

prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

—a companion measure, was substituted for **CS for SB 1822** as amended and read the second time by title.

Senators Cowin and Bankhead offered the following amendment which was moved by Senator Bankhead:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 985.01, Florida Statutes, is created to read:

985.01 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures to assure due process through which children and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child, and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.

(d) To preserve and strengthen the child's family ties whenever possible, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.

(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.

(3) It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 2. Section 985.02, Florida Statutes, is created to read:

985.02 Legislative intent for the juvenile justice system.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate, when intervention is necessary, and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency and delinquency systems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency and delinquency systems, which will be fully implemented and utilized as resources permit.

(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) DETENTION.—

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention under part II should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and convincing evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.

(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile justice system.

(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.—The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. This state's juvenile justice system has an inadequate number of beds for serious or habitual juvenile offenders and an inadequate number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in this state's prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.

(6) SITING OF FACILITIES.—

(a) The Legislature finds that timely siting and development of needed residential facilities for juvenile offenders is critical to the public safety of the citizens of this state and to the effective rehabilitation of juvenile offenders.

(b) It is the purpose of the Legislature to guarantee that such facilities are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.

(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.

(d) It is the intent of the Legislature that all other departments and agencies of the state shall cooperate fully with the Department of Juvenile Justice to accomplish the siting of facilities for juvenile offenders.

The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. The Legislature finds that detention services should exceed the primary goal of providing safe and secure custody pending adjudication and disposition.

(7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.

Section 3. Section 985.03, Florida Statutes, is created to read:

985.03 Definitions.—When used in this chapter, the term:

(1) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(2) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition, as is provided for under s. 985.228 in delinquency cases.

(3) "Adult" means any natural person other than a child.

(4) "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(5) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(6) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(7) "Child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. *Arson;*
2. *Sexual battery;*
3. *Robbery;*
4. *Kidnapping;*
5. *Aggravated child abuse;*
6. *Aggravated assault;*
7. *Aggravated stalking;*
8. *Murder;*
9. *Manslaughter;*
10. *Unlawful throwing, placing, or discharging of a destructive device or bomb;*
11. *Armed burglary;*
12. *Aggravated battery;*
13. *Lewd or lascivious assault or act in the presence of a child; or*
14. *Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.*

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(8) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to s. 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(9) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to part III of this chapter.

(10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(11) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(12) "Community control" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the Department of Juvenile Justice.

(13) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(14) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(15)(a) "Delinquency program" means any intake, community control and furlough, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to part II.

(b) "Delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.

(c) "Delinquency prevention programs" means programs designed for the purpose of reducing the occurrence of delinquency, including youth and street gang activity, and juvenile arrests. The term excludes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act.

(16) "Department" means the Department of Juvenile Justice.

(17) "Designated facility" or "designated treatment facility" means any facility designated by the Department of Juvenile Justice to provide treatment to juvenile offenders.

(18) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.

(19) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(20) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under ss. 985.213 and 985.215 in delinquency cases.

(21) "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 985.231, in delinquency cases.

(22) "District" means a service district of the Department of Juvenile Justice.

(23) "District juvenile justice manager" means the person appointed by the Secretary of Juvenile Justice, responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice within the district.

(24) "Family" means a collective body of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(25) "Family in need of services" means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or

(c) Habitual truancy from school.

(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(27) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 days with or without the knowledge or justifiable consent of the child's parent or legal guardian and is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) In addition to the actions described in s. 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;

3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and

4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the state attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

(28) "Halfway house" means a community-based residential program for 10 or more committed delinquents at the moderate-risk restrictiveness level that is operated or contracted by the Department of Juvenile Justice.

(29) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the intake counselor or case manager of judicial handling when appropriate and warranted.

(30) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent.

(31) "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(32) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(33) "Juvenile sexual offender" means:

(a) A juvenile who has been found by the court pursuant to s. 985.228 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(34) "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(35) "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

(36) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458, or a dentist licensed under chapter 466.

(37) "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(38) "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(39) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(40) "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(41) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.4051(7) or s. 63.062(1)(b).

(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(43) "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(44) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(45) "Restrictiveness level" means the level of custody provided by programs that service the custody and care needs of committed children. There shall be five restrictiveness levels:

(a) Minimum-risk nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.

(b) Low-risk residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP). Section 944.401 applies to children placed in programs in this restrictiveness level.

(c) Moderate-risk residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure. The staff at a facility at this restrictiveness level may seclude a child who is a physical threat to himself or others. Mechanical restraint may also be used when necessary. Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 944.401 applies to children in moderate-risk residential programs.

(d) High-risk residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff-secure or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 944.401 applies to children placed in programs in this restrictiveness level.

(e) Maximum-risk residential.—Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral-modification services and include programs for serious and habitual juvenile offenders and other maximum-security program models authorized by the Legislature and established by rule.

(46) "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(47) "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;
2. Sexual battery;
3. Robbery;

4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary;
12. Aggravated battery;
13. Lewd or lascivious assault or act in the presence of a child; or
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(48) "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(49) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(50) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(51) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(52) "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(53) "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(54) "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(55) "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a reentry program or an aftercare program or a period during which the child is supervised by a case manager or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment community control program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

(56) "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(57) "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(58) "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 4. Section 39.045, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.04, Florida Statutes, and amended to read:

985.04 ~~39.045~~ Oaths; records; confidential information.—

(1) Authorized agents of the Department of Juvenile Justice may administer oaths and affirmations.

~~(2) The clerk of the court shall make and keep records of all cases brought before it pursuant to this part. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising pursuant to this part and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.~~

(2)~~(3)~~ Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 110.1127, 393.0655, 394.457, 397.451, 402.305(2), 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

~~(4) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in subsection (9) and s. 943.053, official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.~~

(3)~~(5)~~ Except as provided in subsections *(2), (4), (5), and (6)* ~~(3), (8), (9), and (10)~~, and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this *chapter* ~~part~~ to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of

police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

~~(6) All orders of the court entered pursuant to this part must be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.~~

~~(7) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:~~

~~(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he or she is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.~~

~~(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, are admissible in evidence in the court to which the adult is bound over.~~

~~(c) Records of proceedings under this part forming a part of the record on appeal must be used in the appellate court in the manner provided in s. 39.069(4).~~

~~(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.~~

~~(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to s. 415.1075.~~

(4)~~(8)~~(a) Records in the custody of the Department of Juvenile Justice regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the Department of Juvenile Justice who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the Department of Juvenile Justice; and, upon request, to the Juvenile Justice Advisory Board and the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(b) The destruction of records pertaining to children committed to or supervised by the Department of Juvenile Justice pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.

(5)~~(9)~~ Notwithstanding any other provisions of this part, the name, photograph, address, and crime or arrest report of a child:

(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony; or

(b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors

shall not be considered confidential and exempt from the provisions of s. 119.07(1) solely because of the child's age.

(6)~~(10)~~ This part does not prohibit the release of the juvenile offense report by a law enforcement agency to the victim of the offense. *However, information gained by the victim pursuant to this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.*

(7)~~(11)~~(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26.

(8)~~(12)~~ Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases.

Section 5. Section 985.05, Florida Statutes, is created to read:

985.05 Court records.—

(1) The clerk of the court shall make and keep records of all cases brought before it pursuant to this part. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising pursuant to this part and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(3) All orders of the court entered pursuant to this part must be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(4) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he or she is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, are admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this part forming a part of the record on appeal must be used in the appellate court in the manner provided in s. 985.234.

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.407, and for proof in a chapter 120 proceeding pursuant to s. 415.1075.

Section 6. Section 39.0573, Florida Statutes, is transferred, renumbered as section 985.06, Florida Statutes, and amended to read:

985.06 ~~39.0573~~ Statewide information sharing system; interagency workgroup.—

(1) The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall create an information-sharing workgroup for the purpose of developing and implementing a workable statewide system of sharing information among school districts, state and local law enforcement agencies, providers, the Department of Juvenile Justice, and the Department of Education. The system shall build on processes previously authorized in statute and on any revisions to federal statutes on confidentiality. The information to be shared shall focus on youth who are involved in the juvenile justice system, youth who have been tried as adults and found guilty of felonies, and students who have been serious discipline problems in schools. The participating agencies shall implement improvements that maximize the sharing of information within applicable state and federal statutes and rules and that utilize statewide databases and data delivery systems to streamline access to the information needed to provide joint services to disruptive, violent, and delinquent youth.

(2) The interagency workgroup shall be coordinated through the Department of Education and shall include representatives from the state agencies specified in subsection (1), school superintendents, school district information system directors, principals, teachers, juvenile court judges, police chiefs, county sheriffs, clerks of the circuit court, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, providers of juvenile services including a provider from a juvenile substance abuse program, and district juvenile justice managers.

(3) The interagency workgroup shall, at a minimum, address the following:

(a) The use of the Florida Information Resource Network and other statewide information access systems as means of delivering information to school personnel or providing an initial screening for purposes of determining whether further access to information is warranted.

(b) A statewide information delivery system that will provide local access by participating agencies and schools.

(c) The need for cooperative agreements among agencies which may access information.

(d) Legal considerations and the need for legislative action necessary for accessing information by participating agencies.

(e) Guidelines for how the information shall be accessed, used, and disseminated.

(f) The organizational level at which information may be accessed and shared.

(g) The specific information to be maintained and shared through the system.

(h) The cost implications of an improved system.

(4) The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall implement improvements leading to the statewide information access and delivery system, to the extent feasible, and shall develop a cooperative agreement specifying their roles in such a system.

(5) By December 31, 1995, the interagency workgroup shall make an interim report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Cabinet on its progress toward designing and implementing improvements in the access and delivery of information.

(6) Members of the interagency workgroup shall serve without added compensation and each participating agency shall support the travel, per diem, and other expenses of its representatives.

Section 7. Section 39.0574, Florida Statutes, is transferred and renumbered as section 985.07, Florida Statutes.

Section 8. Section 39.0585, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.08, Florida Statutes, and amended to read:

985.08 ~~39.0585~~ Information systems.—

(1)(a) For the purpose of assisting in law enforcement administration and decisionmaking, such as juvenile diversion from continued involvement with the law enforcement and judicial systems, the sheriff of the county in which juveniles are taken into custody is encouraged to maintain a central identification file on serious habitual juvenile offenders and on juveniles who are at risk of becoming serious habitual juvenile offenders by virtue of having an arrest record.

(b) The central identification file shall contain, but not be limited to, pertinent dependency record information maintained by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and delinquency record information maintained by the Department of Juvenile Justice; pertinent school records, including information on behavior, attendance, and achievement; pertinent information on delinquency and dependency maintained by law enforcement agencies and the state attorney; and pertinent information on delinquency and dependency maintained by those agencies charged with screening, assessment, planning, and treatment responsibilities. The information obtained shall be used to develop a multiagency information sheet on serious habitual juvenile offenders or juveniles who are at risk of becoming serious habitual juvenile offenders. The agencies and persons specified in this paragraph shall cooperate with the law enforcement agency or county in providing needed information and in developing the multiagency information sheet to the greatest extent possible.

(c) As used in this section, "a juvenile who is at risk of becoming a serious habitual juvenile offender" means a juvenile who has been adjudicated delinquent and who meets one or more of the following criteria:

1. Is arrested for a capital, life, or first degree felony offense or sexual battery.

2. Has five or more arrests, at least three of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

3. Has 10 or more arrests, at least 2 of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

4. Has four or more arrests, at least one of which is for a felony offense and occurred within the preceding 12-month period.

5. Has 10 or more arrests, at least 8 of which are for any of the following offenses:

a. Petit theft;
b. Misdemeanor assault;
c. Possession of a controlled substance;
d. Weapon or firearm violation; or
e. Substance abuse.

Four of such arrests must have occurred within the preceding 12-month period.

6. Meets at least one of the criteria for youth and street gang membership.

(2)(a) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have

been arrested for an offense that would be a crime if committed by an adult, regarding the sharing of the information on the juvenile with the law enforcement agency or county and any agency or person providing information for the development of the multiagency information sheet as well as the courts, the child, the parents or legal custodians of the child, their attorneys, or any other person authorized by the court to have access. A public or private educational agency shall provide pertinent records to and cooperate with the law enforcement agency or county in providing needed information and developing the multiagency information sheet to the greatest extent possible. Neither these records provided to the law enforcement agency or county nor the records developed from these records for serious habitual juvenile offenders nor the records provided or developed from records provided to the law enforcement agency or county on juveniles at risk of becoming serious habitual juvenile offenders shall be available for public disclosure and inspection under s. 119.07.

(b) The department shall notify the sheriffs of both the prior county of residence and the new county of residence immediately upon learning of the move or other relocation of a juvenile offender who has been adjudicated or had adjudication withheld for a violent misdemeanor or violent felony.

(3) In order to assist in the integration of the information to be shared, the sharing of information obtained, the joint planning on diversion and early intervention strategies for juveniles at risk of becoming serious habitual juvenile offenders, and the intervention strategies for serious habitual juvenile offenders, a multiagency task force should be organized and utilized by the law enforcement agency or county in conjunction with the initiation of the information system described in subsections (1) and (2). The multiagency task force shall be composed of representatives of those agencies and persons providing information for the central identification file and the multiagency information sheet.

(4) This multiagency task force shall develop a plan for the information system that includes measures which identify and address any disproportionate representation of ethnic or racial minorities in the information systems and shall develop strategies that address the protection of individual constitutional rights.

(5) Any law enforcement agency, or county which implements a juvenile offender information system and the multiagency task force which maintain the information system must annually provide any information gathered during the previous year to the delinquency and gang prevention council of the judicial circuit in which the county is located. This information shall include the number, types, and patterns of delinquency tracked by the juvenile offender information system.

Section 9. Section 39.022, Florida Statutes, is transferred, renumbered as section 985.201, Florida Statutes, and amended to read:

985.201 ~~39.022~~ Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law.

(2) During the prosecution of any violation of law against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed and that the person does not meet the criteria for prosecution and sentencing as an adult, the court shall immediately transfer the case, together with the physical custody of the person and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceedings under this chapter. The circuit court is exclusively authorized to assume jurisdiction over any juvenile offender who is arrested and charged with violating a federal law or a law of the District of Columbia, who is found or is living or domiciled in a county in which the circuit court is established, and who is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.

(3)(a) Petitions filed under this part shall be filed in the county where the delinquent act or violation of law occurred, but the circuit court for that county may transfer the case to the circuit court of the circuit in which the child resides or will reside at the time of detention or placement for dispositional purposes. A child who has been detained shall be transferred to the appropriate detention center or facility or other placement directed by the receiving court.

(b) The jurisdiction to be exercised by the court when a child is taken into custody before the filing of a petition under s. *985.219(7)* ~~39.049(7)~~ shall be exercised by the circuit court for the county in which the child is taken into custody, which court shall have personal jurisdiction of the child and the child's parent or legal guardian. Upon the filing of a petition in the appropriate circuit court, the court that is exercising initial jurisdiction of the person of the child shall, if the child has been detained, immediately order the child to be transferred to the detention center or facility or other placement as ordered by the court having subject matter jurisdiction of the case.

(4)(a) Notwithstanding ss. *985.229, 985.23, 985.231,* ~~39.054(4)~~ and 743.07, and except as provided in ss. *985.31 and 985.313* ~~39.058 and 39.0581~~, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

(b) The court may retain jurisdiction over a child committed to the department for placement in an intensive residential treatment program for 10-year-old to 13-year-old offenders or in a program for serious or habitual juvenile offenders as provided in *s. 985.311 or s. 985.31* ~~s. 39.0582 or s. 39.058~~ until the child reaches the age of 21. If the court exercises this jurisdiction retention, it shall do so solely for the purpose of the child completing the intensive residential treatment program for 10-year-old to 13-year-old offenders or the program for serious or habitual juvenile offenders. Such jurisdiction retention does not apply for other programs, other purposes, or new offenses.

(c) The court may retain jurisdiction over a child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise. If the court retains such jurisdiction after the date upon which the court's jurisdiction would cease under this section, it shall do so solely for the purpose of enforcing the restitution order. The terms of the restitution order are subject to the provisions of s. 775.089(6).

(d) This subsection does not prevent the exercise of jurisdiction by any court having jurisdiction of the child if the child, after becoming an adult, commits a violation of law.

Section 10. Section 39.014, Florida Statutes, is transferred, renumbered as section 985.202, Florida Statutes, and amended to read:

985.202 ~~39.014~~ Legal representation for *delinquency* cases ~~under this chapter.~~—For cases arising under ~~part II of~~ this chapter, the state attorney shall represent the state. ~~For cases arising under parts III, V, and VI of this chapter, an attorney for the Department of Health and Rehabilitative Services shall represent the state. For cases arising under part IV of this chapter, an attorney for the Department of Juvenile Justice shall represent the state. The Department of Health and Rehabilitative Services may contract with outside counsel or the state attorney, pursuant to s. 287.059, for legal representation for cases arising under parts III, V, and VI of this chapter, and the Department of Juvenile Justice may contract with outside counsel or the state attorney, pursuant to s. 287.059, for legal representation for cases arising under part IV of this chapter. The Attorney General shall exercise general oversight of legal services provided to the Department of Juvenile Justice and the Department of Health and Rehabilitative Services under this chapter. This oversight responsibility shall require the Attorney General to assess, on a periodic basis, the extent to which the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, is complying with the mandates of the Florida Supreme Court in cases arising under parts III, IV, V, and VI of this chapter. If at any time the Attorney General determines that the Department of Juvenile Justice or the Department of Health and Rehabilitative Services is not complying with the mandates of the Supreme Court, the Attorney General shall notify the Legislature. Notwithstanding the provisions of this chapter or chapter 415 to the contrary, the Attorney General shall have access to confidential information necessary to carry out the oversight responsibility. However, public disclosure of information by the Attorney General may not contain information that identifies a client of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.~~

Section 11. Section 39.041, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.203, Florida Statutes, and amended to read:

985.203 ~~39.041~~ Right to counsel.—

(1) A child is entitled to representation by legal counsel at all stages of any proceedings under this part. If the child and the parents or other legal guardian are indigent and unable to employ counsel for the child, the court shall appoint counsel pursuant to s. 27.52. Determination of indigency and costs of representation shall be as provided by ss. 27.52 and 27.56. Legal counsel representing a child who exercises the right to counsel shall be allowed to provide advice and counsel to the child at any time subsequent to the child's arrest, including prior to a detention hearing while in secure detention care. A child shall be represented by legal counsel at all stages of all court proceedings unless the right to counsel is freely, knowingly, and intelligently waived by the child. If the child appears without counsel, the court shall advise the child of his or her rights with respect to representation of court-appointed counsel.

(2) If the parents or legal guardian of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.52(2)*(e)*~~(d)~~ to represent the child at the detention hearing and until counsel is provided. Costs of representation shall be assessed as provided by ss. 27.52(2)*(e)*~~(d)~~ and 27.56. Thereafter, the court shall not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel. A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(3) An indigent child with nonindigent parents or legal guardian may have counsel appointed pursuant to s. 27.52(2)*(e)*~~(d)~~ if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt and then still have willfully refused to obey the court order. Costs of representation shall be assessed as provided by ss. 27.52(2)*(e)*~~(d)~~ and 27.56.

(4) Notwithstanding any provision of this section or any other law to the contrary, if a child is transferred for criminal prosecution pursuant to this chapter, a nonindigent or indigent-but-able-to-contribute parent or legal guardian of the child pursuant to s. 27.52 is liable for necessary legal fees and costs incident to the criminal prosecution of the child as an adult.

Section 12. Section 39.0476, Florida Statutes, is transferred and renumbered as section 985.204, Florida Statutes.

Section 13. Section 985.205, Florida Statutes, is created to read:

985.205 Opening hearings.—

(1) All hearings, except as provided in this section, must be open to the public, and no person may be excluded except on special order of the court. The court, in its discretion, may close any hearing to the public when the public interest and the welfare of the child are best served by so doing. Hearings involving more than one child may be held simultaneously when the children were involved in the same transactions.

(2) Except as provided in subsection (1), nothing in this section shall prohibit the publication of proceedings in a hearing.

Section 14. Section 39.0515, Florida Statutes, is transferred, renumbered as section 985.206, Florida Statutes, and amended to read:

985.206 ~~39.0515~~ Rights of victims; juvenile proceedings.—Nothing in this *chapter* ~~part~~ prohibits:

(1) The victim of the offense;

(2) The victim's parent or guardian if the victim is a minor;

(3) The lawful representative of the victim or of the victim's parent or guardian if the victim is a minor; or

(4) The next of kin if the victim is a homicide victim,

from the right to be informed of, to be present during, and to be heard when relevant at, all crucial stages of the proceedings involving the juvenile offender, to the extent that such rights do not interfere with the constitutional rights of the juvenile offender. A person enumerated in this section may not reveal to any outside party any confidential information obtained pursuant to this paragraph regarding a case involving a juvenile offense, except as is reasonably necessary to pursue legal remedies.

Section 15. Section 39.037, Florida Statutes, is transferred, renumbered as section 985.207, Florida Statutes, and amended to read:

985.207 ~~39.037~~ Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(a) Pursuant to an order of the circuit court issued under this part, based upon sworn testimony, either before or after a petition is filed.

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence, the arresting authority shall immediately notify the district school superintendent, or the superintendent's designee, of the school district with educational jurisdiction of the child. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the child's school, or as otherwise provided by law. The principal must immediately notify the child's immediate classroom teachers. Information provided by an arresting authority pursuant to this paragraph may not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.

(c) For failing to appear at a court hearing after being properly noticed.

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's community control, furlough, or aftercare supervision.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. *985.215* ~~39.044~~.

(2) When a child is taken into custody as provided in this section, the person taking the child into custody shall attempt to notify the parent, guardian, or legal custodian of the child. The person taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to an intake counselor pursuant to s. *985.21* ~~39.047~~, whichever occurs first. If the child is delivered to an intake counselor before the parent, guardian, or legal custodian is notified, the intake counselor or case manager shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified.

(3) Taking a child into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence in conjunction therewith is lawful.

Section 16. Section 39.064, Florida Statutes, is transferred, renumbered as section 985.208, Florida Statutes, and amended to read:

985.208 ~~39.064~~ Detention of furloughed child or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a facility of the department or from being lawfully transported thereto or therefrom, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. *985.215(2)* ~~39.044(2)~~. The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped or absconded from a department facility for committed delinquent children, or from being lawfully transported thereto

or therefrom, into custody and deliver the child to the appropriate intake counselor or case manager of the department.

Section 17. Section 39.0471, Florida Statutes, is transferred and renumbered as section 985.209, Florida Statutes.

Section 18. Section 39.047, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.21, Florida Statutes, and amended to read:

985.21 ~~39.047~~ Intake and case management.—

(1)(a) During the intake process, the intake counselor shall screen each child to determine:

1. Appropriateness for release, referral to a diversionary program including, but not limited to, a teen-court program, referral for community arbitration, or referral to some other program or agency for the purpose of nonofficial or nonjudicial handling.

2. The presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the intake counselor shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop a case management system whereby a child brought into intake is assigned a case manager if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide continuity of case management for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. *985.316* ~~39.067~~.

4. In addition to duties specified in other sections and through departmental rules, the assigned case manager shall be responsible for the following:

a. Ensuring that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

b. Inquiring as to whether the child understands his or her rights to counsel and against self-incrimination.

c. Performing the preliminary screening and making referrals for comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

d. Coordinating the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the case manager to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

e. Making recommendations for services and facilitating the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The delinquency case manager shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section.

The Department of Juvenile Justice shall annually advise the Legislature and the Executive Office of the Governor of the resources needed in order for the case management system to maintain a staff-to-client ratio that is consistent with accepted standards and allows the necessary supervision and services for each child. The intake process and case management system shall provide a comprehensive approach to assessing the child's needs, relative risks, and most appropriate handling, and shall be based on an individualized treatment plan.

(b) The intake and case management system shall facilitate consistency in the recommended placement of each child, and in the assessment, classification, and placement process, with the following purposes:

1. An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment and identifies any needs of the child's parents or guardians for services that would enhance their ability to provide adequate support, guidance, and supervision for the child. This process shall begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program pursuant to s. *985.31* ~~39.058~~. The completed multidisciplinary assessment process shall result in the predisposition report.

2. A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assessment results when available to classify the child's risk as it relates to placement and supervision alternatives.

3. An admissions process that facilitates for each child the utilization of the treatment plan and setting most appropriate to meet the child's programmatic needs and provide the minimum program security needed to ensure public safety.

(2) The intake process shall be performed by the department through a case management system. The purpose of the intake process is to assess the child's needs and risks and to determine the most appropriate treatment plan and setting for the child's programmatic needs and risks. The intake process shall result in choosing the most appropriate services through a balancing of the interests and needs of the child with those of the family and the public. The intake counselor or case manager is responsible for making informed decisions and recommendations to other agencies, the state attorney, and the courts so that the child and family may receive the least intrusive service alternative throughout the judicial process. The department shall establish uniform procedures for the intake counselor or case manager to provide, prior to the filing of a petition or as soon as possible thereafter and prior to a disposition hearing, a preliminary screening of the child and family for substance abuse and mental health services.

(3) A report, affidavit, or complaint alleging that a child has committed a delinquent act or violation of law shall be made to the intake office operating in the county in which the child is found or in which the delinquent act or violation of law occurred. Any person or agency having knowledge of the facts may make such a written report, affidavit, or complaint and shall furnish to the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child has committed a delinquent act or violation of law.

(4) The intake counselor or case manager shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the intake counselor or case manager or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the intake counselor or case manager or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly furnish, additional information in order to comply with the standards for a probable cause affidavit.

(a) The intake counselor or case manager, upon determining that the report, affidavit, or complaint is complete, may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, such a recom-

mendation is not a prerequisite for any action taken by the state attorney.

(b) The intake counselor or case manager, upon determining that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, shall:

1. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for substance abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of substance abuse problems.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for mental health problems, using community-based psychologists, psychiatrists, or other licensed mental health professionals with clinical expertise and experience in the assessment of mental health problems.

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the intake counselor or case manager in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the intake counselor or case manager, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and the child's parents or legal guardians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken under this paragraph. Whenever a child volunteers to participate in any work program under this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, the child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

(c) The intake counselor or case manager, upon determining that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and that the interest of the child and the public will be best served, may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake counselor or case manager shall advise in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that the person or agency may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the intake counselor or case manager who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a violation of law or delinquent act and is not detained, the intake counselor or case manager shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, including a copy of the child's prior juvenile record, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report must be submitted within 24 hours after the child is placed into detention. The intake office report must recommend either that a petition or information be filed or that no petition or information be filed, and must set forth reasons for the recommendation.

(e) The state attorney may in all cases take action independent of the action or lack of action of the intake counselor or case manager, and shall determine the action which is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult pursuant to s. *985.226* ~~39.052~~, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request. In all other cases, the state attorney may:

1. File a petition for dependency;
2. File a petition pursuant to *chapter 984* ~~part IV~~;
3. File a petition for delinquency;
4. File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;
5. File an information pursuant to s. *985.227* ~~39.052(3)~~;
6. Refer the case to a grand jury;
7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardians; or
8. Decline to file.

(f) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.

(5) Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the intake officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the intake officer shall request both parents or guardians to receive such parental assistance. The intake officer may, in determining whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request.

Section 19. Section 39.038, Florida Statutes, is transferred, renumbered as section 985.211, Florida Statutes, and amended to read:

985.211 ~~39.038~~ Release or delivery from custody.—

(1) A child taken into custody shall be released from custody as soon as is reasonably possible.

(2) Unless otherwise ordered by the court pursuant to s. *985.215* ~~39.044~~, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

(a) To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section. The person to whom the child is released shall agree to inform the department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.

(b) Contingent upon specific appropriation, to a shelter approved by the department or to *an authorized agent* ~~a protective investigator~~ pursuant to s. 39.401(2)(b).

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.

(d) If the child is believed to be mentally ill as defined in s. 394.463(1), to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455 for examination pursuant to the provisions of s. 394.463.

(e) If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.

(f) If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody. The center may then release or deliver the child pursuant to this section with a copy of the assessment.

(3) If the child is released, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager within 3 days, stating the facts and the reason for taking the child into custody. Such written report or probable cause affidavit shall:

(a) Identify the child, the parents, guardian, or legal custodian, and the person to whom the child was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or a delinquent act.

(4) A person taking a child into custody who determines, pursuant to s. *985.215* ~~39.044~~, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate intake counselor or case manager or, if the court has so ordered pursuant to s. *985.215* ~~39.044~~, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager. Such written report or probable cause affidavit must:

(a) Identify the child and, if known, the parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

(5) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in subsection (4), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

(6)(a) A copy of the probable cause affidavit or written report by a law enforcement agency shall be filed, by the law enforcement agency making such affidavit or written report, with the clerk of the circuit court for the county in which the child is taken into custody or in which the affidavit or report is made within 24 hours after the child is taken into custody and detained, within 1 week after the child is taken into custody and released, or within 1 week after the affidavit or report is made, excluding Saturdays, Sundays, and legal holidays. Such affidavit or report is a case for the purpose of assigning a uniform case number pursuant to this subsection.

(b) Upon the filing of a copy of a probable cause affidavit or written report by a law enforcement agency with the clerk of the circuit court, the clerk shall immediately assign a uniform case number to the affidavit or report, forward a copy to the state attorney, and forward a copy to the intake office of the department which serves the county in which the case arose.

(c) Each letter of recommendation, written notice, report, or other paper required by law pertaining to the case shall bear the uniform case number of the case, and a copy shall be filed with the clerk of the circuit court by the issuing agency. The issuing agency shall furnish copies to the intake counselor or case manager and the state attorney.

(d) Upon the filing of a petition based on the allegations of a previously filed probable cause affidavit or written report, the agency filing the petition shall include the appropriate uniform case number on the petition.

(7) Nothing in this section shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling. Such programs may be cooperative projects with local community service agencies.

Section 20. Section 39.039, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.212, Florida Statutes, and amended to read:

985.212 ~~39.039~~ Fingerprinting and photographing.—

(1)(a) A child who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted and the fingerprints must be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(a).

(b) A child who is charged with or found to have committed one of the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Negligent treatment of children, as defined in *former* s. 827.05.
6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014.
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records shall not be available for public disclosure and inspection under s. 119.07(1) except as provided in ss. ~~39.045(9) and~~ 943.053 *and 985.04(5),* but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

(c) The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.

(2) If the child is not referred to the court, or if the child is found not to have committed a violation of law, the court may, after notice to the law enforcement agency involved, order the originals and copies of the fingerprints and photographs destroyed. Unless otherwise ordered by the court, if the child is found to have committed an offense which would

be a felony if it had been committed by an adult, then the law enforcement agency having custody of the fingerprint and photograph records shall retain the originals and immediately thereafter forward adequate duplicate copies to the court along with the written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this subsection, the clerk of the court, after the disposition hearing on the case, shall forward duplicate copies of the fingerprints and photographs, together with the child's name, address, date of birth, age, and sex, to:

(a) The sheriff of the county in which the child was taken into custody, in order to maintain a central child identification file in that county.

(b) The law enforcement agency of each municipality having a population in excess of 50,000 persons and located in the county of arrest, if so requested specifically or by a general request by that agency.

(3) This section does not prohibit the fingerprinting or photographing of child traffic violators. All records of such traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations. This section does not apply to the photographing of children by the Department of Juvenile Justice or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

Section 21. Section 39.042, Florida Statutes, is transferred, renumbered as section 985.213, Florida Statutes, and amended to read:

985.213 ~~39.042~~ Use of detention.—

(1) All determinations and court orders regarding the use of secure, nonsecure, or home detention shall be based primarily upon findings that the child:

(a) Presents a substantial risk of not appearing at a subsequent hearing;

(b) Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;

(c) Presents a history of committing a property offense prior to adjudication, disposition, or placement;

(d) Has committed contempt of court by:

1. Intentionally disrupting the administration of the court;

2. Intentionally disobeying a court order; or

3. Engaging in a punishable act or speech in the court's presence which shows disrespect for the authority and dignity of the court; or

(e) Requests protection from imminent bodily harm.

(2)(a) All determinations and court orders regarding placement of a child into detention care shall comply with all requirements and criteria provided in this part and shall be based on a risk assessment of the child, unless the child is placed into detention care as provided in subparagraph (b)3.

(b)1. The risk assessment instrument for detention care placement determinations and orders shall be developed by the Department of Juvenile Justice in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, and the Public Defenders Association. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk assessment instrument shall take into consideration, but need not be limited to, prior history of failure to appear, prior offenses, offenses committed pending adjudication, any unlawful possession of a firearm, theft of a motor vehicle or possession of a stolen motor vehicle, and community control status at the time the child is taken into custody. The risk assessment instrument shall also take into consideration appropriate aggravating and mitigating circumstances, and shall be designed to target a narrower population of children than s. *985.215(2)* ~~39.044(2)~~. The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assessment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

2. If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

3. A child who is charged with committing an offense of domestic violence as defined in s. 741.28(1) and who does not meet detention criteria may be held in secure detention *if the court makes specific written findings that:*

a. The offense of domestic violence which the child is charged with committing caused physical injury to the victim;

b. Respite care for the child is not available; and

c. It is necessary to place the child in secure detention in order to protect the victim from further injury. ~~for up to 48 hours if a respite home or similar authorized residential facility is not available. The court may order that the child continue to be held in secure detention provided that a hearing is held at the end of each 48-hour period, excluding Saturdays, Sundays, and legal holidays, in which the state attorney and the department may recommend to the court that the child continue to be held in secure detention.~~

The child may not be held in secure detention under this subparagraph for more than 48 hours unless ordered by the court. After 48 hours, the court shall hold a hearing if the state attorney or victim requests that secure detention be continued. The child may continue to be held in secure detention if the court makes a specific, written finding that secure detention is necessary to protect the victim from further injury. However, the child may not be held in secure detention beyond the time limits set forth in s. 39.044.

(3)(a) While a child who is currently enrolled in school is in nonsecure or home detention care, the child shall continue to attend school unless otherwise ordered by the court.

(b) While a child is in secure detention care, the child shall receive education commensurate with his or her grade level and educational ability.

(4) The Department of Juvenile Justice shall continue to identify alternatives to secure detention care and shall develop such alternatives and annually submit them to the Legislature for authorization and appropriation.

Section 22. Section 39.043, Florida Statutes, is transferred and renumbered as section 985.214, Florida Statutes.

Section 23. Section 39.044, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.215, Florida Statutes, and amended to read:

985.215 ~~39.044~~ Detention.—

(1) The intake counselor or case manager shall receive custody of a child who has been taken into custody from the law enforcement agency and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is required.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into secure detention care, nonsecure detention care, or home detention care shall be made by the intake counselor or case manager pursuant to ss. *985.213 and 985.214* ~~39.042 and 39.043~~.

(b) The intake counselor or case manager shall base the decision whether or not to place the child into secure detention care, home detention care, or nonsecure detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the Department of Juvenile Justice under s. *985.213* ~~39.042~~.

(c) If the intake counselor or case manager determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the intake counselor or case manager shall contact the state attorney, who may authorize release. If

detention is not authorized, the child may be released by the intake counselor or case manager in accordance with s. *985.211* ~~39.038~~.

Under no circumstances shall the intake counselor or case manager or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a community control program, furlough, or aftercare supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision.~~;~~

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.~~;~~

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.~~;~~

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28(1) and is detained as provided in s. *985.213(2)(b)3.* ~~39.042(2)(b)3.;~~

(e) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.~~; or~~

(f) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(g) The child is alleged to have violated the conditions of the child's community control or aftercare supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention. Unless a child is detained under paragraph (d), the court shall utilize the results of the risk assessment performed by the intake counselor or case manager and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(d).

(3) Except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(4) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this part, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to *either s. 985.226 or s. 985.227* ~~s. 39.059~~ to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes. This paragraph does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

(5)(a) A child may not be placed into or held in secure, nonsecure, or home detention care for longer than 24 hours unless the court orders such detention care, and the order includes specific instructions that direct the release of the child from such detention care, in accordance with subsection (2). The order shall be a final order, reviewable by appeal pursuant to s. *985.234* ~~39.069~~ and the Florida Rules of Appellate Procedure. Appeals of such orders shall take precedence over other appeals and other pending matters.

(b) A child may not be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) A child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his or her counsel or of the state. Upon the issuance of an order granting a continuance for cause on a motion by either the child, the child's counsel, or the state, the court shall conduct a hearing at the end of each 72-hour period, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention of the child and the need for further continuance of proceedings for the child or the state.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child

from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(7) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with the Florida Rules of Juvenile Procedure within 48 hours after the filing of the petition for delinquency.

(8) If a child is detained pursuant to this section, the Department of Juvenile Justice may transfer the child from nonsecure or home detention care to secure detention care only if significantly changed circumstances warrant such transfer.

(9) If a child is on release status and not detained pursuant to this section, the child may be placed into secure, nonsecure, or home detention care only pursuant to a court hearing in which the original risk assessment instrument, rescored based on newly discovered evidence or changed circumstances with the results recommending detention, is introduced into evidence.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. If the child is committed to a low-risk residential program or a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a residential commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring. A child committed to a moderate-risk residential program may be held in a juvenile assignment center pursuant to s. *985.307* ~~39.0551~~ until placement or commitment is accomplished.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a low-risk or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care or in a juvenile assignment center pursuant to s. *985.307* ~~39.0551~~ until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care or in an assignment center pursuant to s. *985.307* ~~39.0551~~ until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(11)(a) When a juvenile sexual offender is placed in detention, detention staff shall provide appropriate monitoring and supervision to ensure the safety of other children in the facility.

(b) When a juvenile sexual offender, pursuant to this subsection, is released from detention or transferred to home detention or nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel.

Section 24. Section 39.0145, Florida Statutes, is transferred, renumbered as section 985.216, Florida Statutes, and amended to read:

985.216 ~~39.0145~~ Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.

(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. *985.203* ~~39.041~~.
4. Right to confront witnesses.
5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—Effective July 1, 1995, there is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 25. *Section 39.0445, Florida Statutes, is repealed.*

Section 26. Section 39.048, Florida Statutes, is transferred and renumbered as section 985.218, Florida Statutes.

Section 27. Section 39.049, Florida Statutes, is transferred, renumbered as section 985.219, Florida Statutes, and amended to read:

985.219 ~~39.049~~ Process and service.—

(1) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(2) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child committed a delinquent act or violation of law, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(3) The summons shall have a copy of the petition attached and shall require the person on whom it is served to appear for a hearing at a time and place specified. Except in cases of medical emergency, the time may not be less than 24 hours after service of the summons. If the child is not detained by an order of the court, the summons shall require the custodian of the child to produce the child at the said time and place.

(4) The summons shall be directed to, and shall be served upon, the following persons:

(a) The child, in the same manner as an adult;
(b) The parents of the child; and
(c) Any legal custodians, actual custodians, guardians, and guardians ad litem of the child.

(5) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable to do so, pursuant to the criteria of s. *985.215* ~~39.044~~, the judge may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the child to be taken into custody immediately, and in such case the person serving the summons shall immediately take the child into custody.

(6) If the identity or residence of the parents, custodians, or guardians of the child is unknown after a diligent search and inquiry, if the parents, custodians, or guardians are residents of a state other than Florida, or if the parents, custodians, or guardians evade service, the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate. If the parent, custodian, or guardian of the child fails to obey a summons, the court may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the parent, custodian, or guardian to be taken into custody immediately to show cause why the parent, guardian, or custodian should not be held in contempt for failing to obey the summons. The court may appoint a guardian ad litem for the child, if appropriate.

(7) The jurisdiction of the court shall attach to the child and the case when the summons is served upon the child and a parent or legal or actual custodian or guardian of the child, or when the child is taken into custody with or without service of summons and before or after the filing of a petition, whichever first occurs, and thereafter the court may control the child and the case in accordance with this part.

(8) Upon the application of the child or the state attorney, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing.

(9) All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the Department of Juvenile Justice at the department's discretion.

(10) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(11) No fee shall be paid for service of any process or other papers by an agent of the department. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

Section 28. Section 39.0495, Florida Statutes, is transferred, renumbered as section 985.22, Florida Statutes, and amended to read:

985.22 ~~39.0495~~ Threatening or dismissing an employee prohibited.—

(1) An employer, or the employer's agent, may not dismiss from employment an employee who is summoned to appear before the court under s. *985.219* ~~39.049~~ solely because of the nature of the summons or because the employee complies with the summons.

(2) If an employer, or the employer's agent, threatens an employee with dismissal, or dismisses an employee, who is summoned to appear under s. *985.219* ~~39.049~~, the court may hold the employer in contempt.

Section 29. Section 39.073, Florida Statutes, is transferred and renumbered as section 985.221, Florida Statutes.

Section 30. Section 39.051, Florida Statutes, is transferred and renumbered as section 985.222, Florida Statutes.

Section 31. Section 39.0517, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.223, Florida Statutes, and amended to read:

985.223 ~~39.0517~~ Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case involving a delinquent act or violation of law that would be a felony if committed by an adult, the court has reason to believe that the child named in the petition may be incompetent to proceed with the hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(a) All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child's mental condition by not less than two nor more than three experts appointed by the court. If the determination of incompetency is based on the presence of a mental illness or mental retardation, this must be stated in the evaluation. In addition, a recommendation as to whether residential or nonresidential treatment or training is required must be included in the evaluation. All court orders determining incompetency must include specific findings by the court as to the nature of the incompetency.

(b) For incompetency evaluations related to mental illness, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services

shall annually provide the courts with a list of mental health professionals who have completed a training program approved by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to perform the evaluations.

(c) For incompetency evaluations related to mental retardation, the court shall order the Developmental Services Program Office within the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to examine the child to determine if the child meets the definition of "retardation" in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.

(d) A child is competent to proceed if the child has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and the child has a rational and factual understanding of the present proceedings. The report must address the child's capacity to:

1. Appreciate the charges or allegations against the child.
2. Appreciate the range and nature of possible penalties that may be imposed in the proceedings against the child, if applicable.
3. Understand the adversarial nature of the legal process.
4. Disclose to counsel facts pertinent to the proceedings at issue.
5. Display appropriate courtroom behavior.
6. Testify relevantly.

(2) Every child who is adjudicated incompetent to proceed may be involuntarily committed to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services for treatment upon a finding by the court of clear and convincing evidence that:

(a) The child is mentally ill and because of the mental illness; or the child is mentally retarded and because of the mental retardation:

1. The child is manifestly incapable of surviving with the help of willing and responsible family or friends, including available alternative services, and without treatment the child is likely to either suffer from neglect or refuse to care for self, and such neglect or refusal poses a real and present threat of substantial harm to the child's well-being; or

2. There is a substantial likelihood that in the near future the child will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive alternatives, including treatment in community residential facilities or community inpatient or outpatient settings which would offer an opportunity for improvement of the child's condition, are inappropriate.

(3) Each child who has been adjudicated incompetent to proceed and who meets the criteria for commitment in subsection (2), must be committed to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, and that department may retain, and if it retains must treat, the child in the least restrictive alternative consistent with public safety. Any commitment of a child to a residential program must be separate from adult forensic programs. If the child attains competency, case management and supervision of the child will be transferred to the department in order to continue delinquency proceedings; however, the court retains authority to order the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to provide continued treatment to maintain competency.

(a) A child adjudicated incompetent due to mental retardation may be ordered into a program designated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services for retarded children.

(b) A child adjudicated incompetent due to mental illness may be ordered into a program designated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services for mentally ill children.

(c) Not later than 6 months after the date of commitment, or at the end of any period of extended treatment or training, or at any time the service provider determines the child has attained competency or no longer meets the criteria for commitment, the service provider must file a report with the court pursuant to the applicable Rules of Juvenile Procedure.

(4) If a child is determined to be incompetent to proceed, the court shall retain jurisdiction of the child for up to 2 years after the date of the order of incompetency, with reviews at least every 6 months to determine competency. If the court determines at any time that the child will never become competent to proceed, the court may dismiss the delinquency petition. If, at the end of the 2-year period following the date of the order of incompetency, the child has not attained competency and there is no evidence that the child will attain competency within a year, the court must dismiss the delinquency petition. If necessary, the court may order that proceedings under chapter 393 or chapter 394 be instituted. Such proceedings must be instituted not less than 60 days prior to the dismissal of the delinquency petition.

(5) If a child who is found to be incompetent does not meet the commitment criteria of subsection (2), the court may order the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to provide appropriate treatment and training in the community. All court-ordered treatment or training must be the least restrictive alternative that is consistent with public safety. Any commitment to a residential program must be separate from adult forensic programs. If a child is ordered to receive such services, the services shall be provided by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. The department shall continue to provide case management services to the child and receive notice of the competency status of the child. The competency determination must be reviewed at least every 6 months by the service provider, and a copy of a written report evaluating the child's competency must be filed by the provider with the court and with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the department.

(6) The provisions of this section shall be implemented only subject to specific appropriation.

~~(7) The Department of Health and Rehabilitative Services and the department must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 1996, on the issue of children who are incompetent for the purposes of juvenile delinquency proceedings. The report must contain the findings of a study group that includes five representatives, one each appointed by the President of the Senate, the Speaker of the House of Representatives, the Florida Conference of Circuit Court Judges, the Florida Prosecuting Attorneys Association, and the Florida Public Defenders Association. The report shall include recommendations concerning the implementation of this act and recommendations for changes to this act.~~

Section 32. Section 39.046, Florida Statutes, is transferred, renumbered as section 985.224, Florida Statutes, and amended to read:

985.224 ~~39.046~~ Medical, psychiatric, psychological, substance abuse, and educational examination and treatment.—

(1) After a detention petition or a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician. The court may also order the child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disabilities diagnostic and evaluation team of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. If it is necessary to place a child in a residential facility for such evaluation, the criteria and procedures established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used.

(2) Whenever a child has been found to have committed a delinquent act, or before such finding with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician. The court may also order the child to receive mental health, substance abuse, or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used. After a child has been adjudicated delinquent, if an educational needs assessment by the district school board or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services has been previously conducted, the court shall order the report of such needs assessment included in the child's court record in lieu of a new assessment. For purposes of this section, an educational needs assessment includes, but is not limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education.

(3) When any child is detained pending a hearing, the person in charge of the detention center or facility or his or her designated representative may authorize a triage examination as a preliminary screening device to determine if the child is in need of medical care or isolation or provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician.

(4) Whenever a child found to have committed a delinquent act is placed by order of the court within the care and custody or under the supervision of the Department of Juvenile Justice and it appears to the court that there is no parent, guardian, or person standing in loco parentis who is capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that a representative of the Department of Juvenile Justice may authorize such medical, surgical, dental, or other remedial care for the child by licensed practitioners as may from time to time appear necessary.

(5) A physician shall be immediately notified by the person taking the child into custody or the person having custody if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. A child may be provided mental health, substance abuse, or retardation services, in emergency situations, pursuant to chapter 393, chapter 394, or chapter 397, whichever is applicable. After a hearing, the court may order the custodial parent or parents, guardian, or other custodian, if found able to do so, to reimburse the county or state for the expense involved in such emergency treatment or care.

(6) Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child, except that consent of a parent shall not be required if the physician determines there is an injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing treatment.

(7) Nothing in this section shall be construed to authorize the permanent sterilization of any child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(8) Except as provided in this section, nothing in this section shall be deemed to preclude a court from ordering services or treatment to be provided to a child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when requested by the child.

Section 33. Section 985.225, Florida Statutes, is created to read:

985.225 Indictment of a juvenile.—

(1) A child of any age who is charged with a violation of state law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 985.219(7) unless and until an indictment on the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the child must be tried and handled in every respect as an adult:

(a) On the offense punishable by death or by life imprisonment; and

(b) On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

(2) An adjudicatory hearing may not be held until 21 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he or she does not intend to present the case to the grand jury, or has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this part.

(3) If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence pursuant to s. 985.233.

(4) Once a child has been indicted pursuant to this subsection and has been found to have committed any offense for which he or she was indicted as a part of the criminal episode, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.233.

Section 34. Section 985.226, Florida Statutes, is created to read:

985.226 Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—

(1) VOLUNTARY WAIVER.—The court shall transfer and certify a child's criminal case for trial as an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by the guardian or guardian ad litem, demands in writing to be tried as an adult. Once a child has been transferred for criminal prosecution pursuant to a voluntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.233(4)(b).

(2) INVOLUNTARY WAIVER.—

(a) Discretionary involuntary waiver.—The state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 years of age or older at the time the alleged delinquent act or violation of law was committed. If the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person, the state attorney shall file a motion requesting the court to transfer and certify the juvenile for prosecution as an adult, or proceed pursuant to s. 985.227(1).

(b) Mandatory involuntary waiver.—If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed pursuant to s. 985.227(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

(3) WAIVER HEARING.—

(a) Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, but before an adjudicatory hearing and after considering the recommendation of the intake counselor or case manager, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution.

(b) After the filing of the motion of the state attorney, summonses must be issued and served in conformity with s. 985.219. A copy of the motion and a copy of the delinquency petition, if not already served, must be attached to each summons.

(c) The court shall conduct a hearing on all transfer request motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The probable cause as found in the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;

b. Prior periods of probation or community control;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

(d) Prior to a hearing on the transfer request motion by the state attorney, a study and report to the court relevant to the factors in paragraph (c) must be made in writing by an authorized agent of the department. The child and the child's parents or legal guardians and counsel and the state attorney shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e) Any decision to transfer a child for criminal prosecution must be in writing and include consideration of, and findings of fact with respect to, all criteria in paragraph (c). The court shall render an order including a specific finding of fact and the reasons for a decision to impose adult sanctions. The order shall be reviewable on appeal under s. 985.234 and the Florida Rules of Appellate Procedure.

(4) EFFECT OF ORDER WAIVING JURISDICTION.—If the court finds, after a waiver hearing under subsection (3), that a juvenile who was 14 years of age or older at the time the alleged violation of state law was committed should be charged and tried as an adult, the court shall enter an order transferring the case and certifying the case for trial as if the child were an adult. The child shall thereafter be subject to prosecution, trial, and sentencing as if the child were an adult but subject to the provisions of s. 985.233. Once a child has been transferred for criminal prosecution pursuant to an involuntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall thereafter be handled in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.233.

Section 35. Section 985.227, Florida Statutes, is created to read:

985.227 Prosecution of juveniles as adults by the direct filing of an information in the criminal division of the circuit court; discretionary criteria; mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE; CRITERIA.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c);
12. Aggravated battery;
13. Lewd or lascivious assault or act in the presence of a child;
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony; or
15. Grand theft in violation of s. 812.014(2)(a).

(b) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

(2) MANDATORY DIRECT FILE.—

(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person.

(b) Notwithstanding subsection (1), regardless of the child's age at the time the alleged offense was committed, the state attorney must file an information with respect to any child who previously has been adjudicated for offenses which, if committed by an adult, would be felonies and such adjudications occurred at three or more separate delinquency adjudicatory hearings, and three of which resulted in residential commitments as defined in s. 985.03(45).

(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.

(3) EFFECT OF DIRECT FILE.—

(a) Once a child has been transferred for criminal prosecution pursuant to information and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.233.

(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the appropriate court all preadjudicatory cases that pertain to that child which are pending in juvenile court, including, but not limited to, all cases involving offenses that occur or are referred between the date of transfer and sentencing in adult court and all outstanding juvenile disposition orders. The juvenile court shall make every effort to dispose of all predispositional cases and transfer those cases to the adult court prior to adult sentencing. It is the intent of the Legislature to require all cases occurring prior to the sentencing hearing in adult court to be handled by the adult court for final resolution with the original transfer case.

(c) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may be made under s. 985.233 and may include the enforcement of any restitution ordered in any juvenile proceeding.

(4) DIRECT-FILE POLICIES AND GUIDELINES.—Each state attorney shall develop and annually update written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Juvenile Justice Advisory Board not later than January 1 of each year.

Section 36. Section 985.228, Florida Statutes, is created to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(1) The adjudicatory hearing must be held as soon as practicable after the petition alleging that a child has committed a delinquent act or violation of law is filed and in accordance with the Florida Rules of Juvenile Procedure; but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is being detained, the time limitations provided for in s. 985.215(5)(b) and (c) apply.

(2) Adjudicatory hearings shall be conducted without a jury by the court, applying in delinquency cases the rules of evidence in use in criminal cases; adjourning the hearings from time to time as necessary; and conducting a fundamentally fair hearing in language understandable, to the fullest extent practicable, to the child before the court.

(a) In a hearing on a petition alleging that a child has committed a delinquent act or violation of law, the evidence must establish the findings beyond a reasonable doubt.

(b) The child is entitled to the opportunity to introduce evidence and otherwise be heard in the child's own behalf and to cross-examine witnesses.

(c) A child charged with a delinquent act or violation of law must be afforded all rights against self-incrimination. Evidence illegally seized or obtained may not be received to establish the allegations against the child.

(3) If the court finds that the child named in a petition has not committed a delinquent act or violation of law, it shall enter an order so finding and dismissing the case.

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, urine monitoring, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance. If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(5) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(6) Except as the term "conviction" is used in chapter 322, and except for use in a subsequent proceeding under this chapter, an adjudication of delinquency by a court with respect to any child who has committed a delinquent act or violation of law shall not be deemed a conviction; nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or appointment, with the exception of the use of records of proceedings under this part as provided in s. 985.05(4).

Section 37. Section 985.229, Florida Statutes, is created to read:

985.229 Predisposition report; other evaluations.—

(1) At the disposition hearing, the court shall order a predisposition report regarding the eligibility of the child for disposition other than by adjudication and commitment to the department. The predisposition report shall be the result of the multidisciplinary assessment when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. The report shall be submitted to the court prior to the disposition hearing, but shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.

(2) The court shall consider the child's entire assessment and predisposition report and shall review the records of earlier judicial proceedings prior to making a final disposition of the case. The court may, by order, require additional evaluations and studies to be performed by the department, by the county school system, or by any social, psychological, or psychiatric agencies of the state. The court shall order the educational needs assessment completed pursuant to s. 985.224(2) to be included in the assessment and predisposition report.

(3) The predisposition report shall be made available to the child's legal counsel and the state attorney upon completion of the report and at a reasonable time prior to the disposition hearing.

Section 38. Section 985.23, Florida Statutes, is created to read:

985.23 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(1) Before the court determines and announces the disposition to be imposed, it shall:

(a) State clearly, using common terminology, the purpose of the hearing and the right of persons present as parties to comment at the appropriate time on the issues before the court;

(b) Discuss with the child his or her compliance with any home release plan or other plan imposed since the date of the offense;

(c) Discuss with the child his or her feelings about the offense committed, the harm caused to the victim or others, and what penalty he or she should be required to pay for such transgression; and

(d) Give all parties present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include the parents, legal custodians, or guardians of the child; the child's counsel; the state attorney; representatives of the department; the victim if any, or his or her representative; representatives of the school system; and the law enforcement officers involved in the case.

(2) The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall be based upon the predisposition report which shall include, whether as part of the child's multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

(a) The seriousness of the offense to the community. If the court determines that the child was a member of a criminal street gang at the time of the commission of the offense, which determination shall be made pursuant to chapter 874, the seriousness of the offense to the community shall be given great weight.

(b) Whether the protection of the community requires adjudication and commitment to the department.

(c) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

(d) Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

(e) The sophistication and maturity of the child.

(f) The record and previous criminal history of the child, including without limitations:

1. Previous contacts with the department, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, the Department of Corrections, other law enforcement agencies, and courts;

2. Prior periods of probation or community control;

3. Prior adjudications of delinquency; and

4. Prior commitments to institutions.

(g) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

(3)(a) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal street gang.

(b) If the court determines that commitment to the department is appropriate, the intake counselor or case manager shall recommend to the court the most appropriate placement and treatment plan, specifically identifying the restrictiveness level most appropriate for the child. If the court has determined that the child was a member of a criminal street gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child. The court shall consider the department's recommendation in making its commitment decision.

(c) The court shall commit the child to the department at the restrictiveness level identified or may order placement at a different restrictiveness level. The court shall state for the record the reasons which establish by a preponderance of the evidence why the court is disregarding the assessment of the child and the restrictiveness level recommended by the department. Any party may appeal the court's findings resulting in a modified level of restrictiveness pursuant to this paragraph.

(d) The court may also require that the child be placed in a community control program following the child's discharge from commitment. Community-based sanctions pursuant to subsection (4) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

(e) The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.

(4) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a community control program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(5) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of community control which will contain rules, requirements, conditions, and rehabilitative programs that are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

(6) The court may receive and consider any other relevant and material evidence, including other written or oral reports or statements, in its effort to determine the appropriate disposition to be made with regard to the child. The court may rely upon such evidence to the extent of its probative value, even though such evidence may not be technically competent in an adjudicatory hearing.

(7) The court shall notify any victim of the offense, if such person is known and within the jurisdiction of the court, of the hearing and shall notify and summon or subpoena, if necessary, the parents, legal custodians, or guardians of the child to attend the disposition hearing if they reside in the state.

It is the intent of the Legislature that the criteria set forth in subsection (2) are general guidelines to be followed at the discretion of the court and not mandatory requirements of procedure. It is not the intent of the Legislature to provide for the appeal of the disposition made pursuant to this subsection.

Section 39. Section 985.231, Florida Statutes, is created to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a community control program or an aftercare program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

a. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on community control for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of community control for a child who has substantially complied with the terms and conditions of community control.

c. If the conditions of the community control program or the aftercare program are violated, the agent supervising the program as it relates to the child involved, or the state attorney, may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of community control or aftercare must be brought before the court if sanctions are sought. A child taken into custody under s. 39.037 for violating the conditions of community control or aftercare shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of community control or aftercare. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating community control or aftercare, or who have been found by the court to have violated the conditions of community control or aftercare. If the violation involves a

new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of community control or aftercare, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of community control or aftercare, the court shall enter an order revoking, modifying, or continuing community control or aftercare. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of community control or aftercare, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a consequence unit is not available.

(III) Modify or continue the child's community control program or aftercare program.

(IV) Revoke community control or aftercare and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a community control program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the Department of Juvenile Justice at a restrictiveness level defined in s. 985.03(45). Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and furlough of the child into the community. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the community control program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or community control program.

8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good-faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(b) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the Department of Juvenile Justice equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(c) Any order made pursuant to paragraph (a) may thereafter be modified or set aside by the court.

(d) Any commitment of a delinquent child to the Department of Juvenile Justice must be for an indeterminate period of time, which may include periods of temporary release, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. Any temporary release for a period greater than 3 days must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. Notwithstanding s. 743.07 and this subsection, and except as provided in s. 985.31, a child may not be held under a commitment from a court pursuant to this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(e) In carrying out the provisions of this part, the court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also

order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. In addition, the court may use its contempt powers to enforce a court-imposed sanction.

(f) The court may at any time enter an order ending its jurisdiction over any child.

(g) Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the child is an employee of the state for the purposes of liability. In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

(h) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child on probation in a community control program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

(i) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(j) If the offense committed by the child was grand theft of a motor vehicle, the court:

1. Upon a first adjudication for a grand theft of a motor vehicle, may place the youth in a boot camp, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 50 hours of community service.

2. Upon a second adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudication, may place the youth in a boot camp, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 100 hours of community service.

3. Upon a third adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudications, shall place the youth in a boot camp or other treatment program, unless the child is ineligible pursuant to s. 985.309, and shall order the youth to complete a minimum of 250 hours of community service.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to section 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03(47) and 985.23(3).

(3) Following a delinquency adjudicatory hearing pursuant to s. 985.228, the court may on its own or upon request by the state or the department and subject to specific appropriation, determine whether a juvenile sexual offender placement is required for the protection of the public and what would be the best approach to address the treatment needs of the juvenile sexual offender. When the court determines that a juvenile has no history of a recent comprehensive assessment focused on sexually deviant behavior, the court may, subject to specific appropriation, order the department to conduct or arrange for an examination to determine whether the juvenile sexual offender is amenable to community-based treatment.

(a) The report of the examination shall include, at a minimum, the following:

1. The juvenile sexual offender's account of the incident and the official report of the investigation.

2. The juvenile sexual offender's offense history.

3. A multidisciplinary assessment of the sexually deviant behaviors, including an assessment by a certified psychologist, therapist, or psychiatrist.

4. An assessment of the juvenile sexual offender's family, social, educational, and employment situation. The report shall set forth the sources of the evaluator's information.

(b) The report shall assess the juvenile sexual offender's amenability to treatment and relative risk to the victim and the community.

(c) The department shall provide a proposed plan to the court that shall include, at a minimum:

1. The frequency and type of contact between the offender and therapist.

2. The specific issues and behaviors to be addressed in the treatment and description of planned treatment methods.

3. Monitoring plans, including any requirements regarding living conditions, school attendance and participation, lifestyle, and monitoring by family members, legal guardians, or others.

4. Anticipated length of treatment.

5. Recommended crime-related prohibitions and curfew.

6. Reasonable restrictions on the contact between the juvenile sexual offender and either the victim or alleged victim.

(d) After receipt of the report on the proposed plan of treatment, the court shall consider whether the community and the offender will benefit from use of juvenile sexual offender community-based treatment alternative disposition and consider the opinion of the victim or the victim's family as to whether the offender should receive a community-based treatment alternative disposition under this subsection.

(e) If the court determines that this juvenile sexual offender community-based treatment alternative is appropriate, the court may place the offender on community supervision for up to 3 years. As a condition of community treatment and supervision, the court may order the offender to:

1. Undergo available outpatient juvenile sexual offender treatment for up to 3 years. A program or provider may not be used for such treatment unless it has an appropriate program designed for sexual offender treatment. The department shall not change the treatment provider without first notifying the state attorney's office.

2. Remain within described geographical boundaries and notify the court or the department counselor prior to any change in the offender's address, educational program, or employment.

3. Comply with all requirements of the treatment plan.

(f) The juvenile sexual offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties to the proceedings. The juvenile sexual offender reports shall reference the treatment plan and include, at a minimum, the following:

1. Dates of attendance.

2. The juvenile sexual offender's compliance with the requirements of treatment.

3. A description of the treatment activities.

4. The sexual offender's relative progress in treatment.

5. The offender's family support of the treatment objectives.

6. Any other material specified by the court at the time of the disposition.

(g) At the disposition hearing, the court may set case review hearings as the court considers appropriate.

(h) If the juvenile sexual offender violates any condition of the disposition or the court finds that the juvenile sexual offender is failing to make satisfactory progress in treatment, the court may revoke the community-

based treatment alternative and order commitment to the department pursuant to subsection (1).

(i) If the court determines that the juvenile sexual offender is not amenable to community-based treatment, the court shall proceed with a juvenile sexual offender disposition hearing pursuant to subsection (1).

Section 40. Section 39.078, Florida Statutes, is transferred and renumbered as section 985.232, Florida Statutes.

Section 41. Section 985.233, Florida Statutes, is created to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(1) POWERS OF DISPOSITION.—

(a) A child who is found to have committed a violation of law may, as an alternative to adult dispositions, be committed to the department for treatment in an appropriate program for children outside the adult correctional system or be placed in a community control program for juveniles.

(b) In determining whether to impose juvenile sanctions instead of adult sanctions, the court shall consider the following criteria:

1. The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the offender.

5. The record and previous history of the offender, including:

a. Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, law enforcement agencies, and the courts.

b. Prior periods of probation or community control.

c. Prior adjudications that the offender committed a delinquent act or violation of law as a child.

d. Prior commitments to the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or other facilities or institutions.

6. The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice.

7. Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available.

8. Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

(2) PRESENTENCE INVESTIGATION REPORT.—

(a) Upon a plea of guilty, the court may refer the case to the department for investigation and recommendation as to the suitability of its programs for the child.

(b) Upon completion of the presentence investigation report, it must be made available to the child's counsel and the state attorney by the department prior to the disposition hearing.

(3) SENTENCING HEARING.—

(a) At the sentencing hearing the court shall receive and consider a presentence investigation report by the Department of Corrections regarding the suitability of the offender for disposition as an adult or as a juvenile. The presentence investigation report must include a comments section prepared by the Department of Juvenile Justice, with its recommendations as to disposition. This report requirement may be waived by the offender.

(b) After considering the presentence investigation report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case include the parent, guardian, or legal custodian of the offender; the offender's counsel; the state attorney; representatives of the Department of Corrections and the Department of Juvenile Justice; the victim or victim's representative; representatives of the school system; and the law enforcement officers involved in the case.

(c) The court may receive and consider any other relevant and material evidence, including other reports, written or oral, in its effort to determine the action to be taken with regard to the child, and may rely upon such evidence to the extent of its probative value even if the evidence would not be competent in an adjudicatory hearing.

(d) The court shall notify any victim of the offense of the hearing and shall notify, or subpoena if appropriate, the parents, guardians, or legal custodians of the child to attend the disposition hearing.

(4) SENTENCING ALTERNATIVES.—

(a) Sentencing to adult sanctions.—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

a. As an adult pursuant to this section;
b. Pursuant to chapter 958, notwithstanding any other provision of that chapter to the contrary; or
c. As a juvenile pursuant to this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

a. As an adult pursuant to this section;
b. Pursuant to chapter 958, notwithstanding any other provision of that chapter to the contrary; or
c. As a juvenile pursuant to this section.

3. Any decision to impose adult sanctions must be in writing, but is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

4. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) Sentencing to juvenile sanctions.—In order to use this paragraph, the court shall stay adjudication of guilt and instead shall adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or community control previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a community control program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for an indeterminate period of time until the child is 19 years of age, or 21 years of age if the child is committed to a maximum-risk program or a serious or habitual juvenile offender program, or until the child is discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition pursuant to s. 985.231 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

4. Develop, approve, and order a plan of community control after appropriate sanctions for the offense are determined. The community control plan shall contain rules, requirements, conditions, and programs designed to encourage responsible and acceptable behavior and to promote the rehabilitation of the child and the protection of the community.

(c) Imposition of adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable to a community control program or for a treatment program under the provisions of subparagraph (b)2., the court may revoke the previous adjudication, impose an adjudication of guilt, classify the child as a youthful offender when appropriate, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department.

(d) Recoupment of cost of care in juvenile justice facilities.—When the court orders commitment of a child to the Department of Juvenile Justice for treatment in any of the department's programs for children, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the department equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent or legal guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(e) Further proceedings heard in adult court.—When a child is sentenced to juvenile sanctions, further proceedings involving those sanctions shall continue to be heard in the adult court.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 42. Section 39.069, Florida Statutes, is transferred and renumbered as section 985.234, Florida Statutes.

Section 43. Section 39.0711, Florida Statutes, is transferred and renumbered as section 985.235, Florida Statutes.

Section 44. Section 39.072, Florida Statutes, is transferred and renumbered as section 985.236, Florida Statutes.

Section 45. Section 39.0255, Florida Statutes, is transferred, renumbered as section 985.301, Florida Statutes, and amended to read:

985.301 ~~39.0255~~ Civil citation.—

(1) There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice of children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The civil citation program may be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. Under such a juvenile civil citation program, any law enforcement officer upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and may require participation in intervention services appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.

(2) Upon issuing such citation, the law enforcement officer shall send a copy to the county sheriff, state attorney, the appropriate intake office of the department, the community service performance monitor designated by the department, the parent or guardian of the child, and the victim.

(3) The child shall report to the community service performance monitor within 7 working days after the date of issuance of the citation. The work assignment shall be accomplished at a rate of not less than 5 hours per week. The monitor shall advise the intake office immediately upon reporting by the child to the monitor, that the child has in fact reported and the expected date upon which completion of the work assignment will be accomplished.

(4) If the juvenile fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point an intake counselor or case manager shall perform a preliminary determination as provided under s. *985.21(4)* ~~39.047(4)~~.

(5) At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time prior to completion of the work assignment.

Section 46. Section 39.019, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 985.302, Florida Statutes.

Section 47. Section 39.0361, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.303, Florida Statutes, and amended to read:

985.303 ~~39.0361~~ Neighborhood Restorative Justice Act.—

~~(1) SHORT TITLE.—This section shall be known and may be cited as the "Neighborhood Restorative Justice Act."~~

(1)~~(2)~~ DEFINITIONS.—For purposes of this *section* ~~act~~, the term:

(a) "Board" means a Restorative Justice Board established by the state attorney pursuant to subsection *(3)* ~~(4)~~.

(b) "Center" means a Neighborhood Restorative Justice Center established by the state attorney pursuant to subsection *(2)* ~~(3)~~.

(c) "First-time, nonviolent juvenile offender" means a minor who allegedly has committed a delinquent act or violation of law that would not be a crime of violence providing grounds for detention or incarceration and who does not have a previous record of being found to have committed a criminal or delinquent act or other violation of law.

(2)~~(3)~~ NEIGHBORHOOD RESTORATIVE JUSTICE CENTER.—

(a) The state attorney may establish at least one Neighborhood Restorative Justice Center in designated geographical areas in the county for the purposes of operating a deferred prosecution program for first-time, nonviolent juvenile offenders.

(b) The state attorney may refer any first-time, nonviolent juvenile offender accused of committing a delinquent act to a Neighborhood Restorative Justice Center.

(3)~~(4)~~ RESTORATIVE JUSTICE BOARD.—

(a) The state attorney may establish Restorative Justice Boards consisting of five volunteer members, of which: two are appointed by the state attorney; two are appointed by the public defender; and one is

appointed by the chief judge of the circuit. The state attorney shall appoint a chairman for each board.

(b) The board has jurisdiction to hear all matters involving first-time, nonviolent juvenile offenders who are alleged to have committed a delinquent act within the geographical area covered by the board.

(4)~~(5)~~ DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(a) The participation by a juvenile in the deferred prosecution program through a Neighborhood Restorative Justice Center is voluntary. To participate in the deferred prosecution program, the juvenile who is referred to a Neighborhood Restorative Justice Center must take responsibility for the actions which led to the current accusation. The juvenile and the juvenile's parent or legal guardian must waive the juvenile's right to a speedy trial and the right to be represented by a public defender while in the Neighborhood Restorative Justice program. This waiver and acknowledgement of responsibility shall not be construed as an admission of guilt in future proceedings. The board or the board's representative must inform the juvenile and the parent or legal guardian of the juvenile's legal rights prior to the signing of the waiver.

(b) If the state attorney refers a juvenile matter to a Neighborhood Restorative Justice Center, the board shall convene a meeting within 15 days after receiving the referral.

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. 415.503(3), and the board may refer the matter to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services for investigation under the provisions of chapter 415.

(d) The board shall serve notice of a board meeting on the juvenile referred to the Neighborhood Restorative Justice Center, the juvenile's parent or guardian, and the victim or family of the victim of the alleged offense. These persons and their representatives have the right to appear and participate in any meeting conducted by the board relative to the alleged offense in which they were the alleged juvenile offender or parent or guardian of the alleged juvenile offender, or victim or family of the victim of the alleged juvenile offender. The victim or a person representing the victim may vote with the board.

(5)~~(6)~~ SANCTIONS.—After holding a meeting pursuant to paragraph *(4)(d)* ~~(5)(d)~~, the board may impose any of the following sanctions alone or in any combination:

(a) Require the juvenile to make restitution to the victim.
(b) Require the juvenile to perform work for the victim.
(c) Require the juvenile to make restitution to the community.
(d) Require the juvenile to perform work for the community.
(e) Recommend that the juvenile participate in counseling, education, or treatment services that are coordinated by the state attorney.
(f) Require the juvenile to surrender the juvenile's driver's license and forward a copy of the board's resolution to the Department of Highway Safety and Motor Vehicles. The department, upon receipt of the license, shall suspend the driving privileges of the juvenile, or the juvenile may be restricted to travel between the juvenile's home, school, and place of employment during specified periods of time according to the juvenile's school and employment schedule.
(g) Refer the matter to the state attorney for the filing of a petition with the juvenile court.
(h) Impose any other sanction except detention that the board determines is necessary to fully and fairly resolve the matter.

(6)~~(7)~~ WRITTEN CONTRACT.—

(a) The board, on behalf of the community, and the juvenile, the juvenile's parent or guardian, and the victim or representative of the victim, shall sign a written contract in which the parties agree to the board's resolution of the matter and in which the juvenile's parent or guardian agrees to ensure that the juvenile complies with the contract. The contract may provide that the parent or guardian shall post a bond payable to this state to secure the performance of any sanction imposed upon the juvenile pursuant to subsection *(5)* ~~(6)~~.

(b) A breach of the contract by any party may be sanctioned by the juvenile court as it deems appropriate upon motion by any party.

(c) If the juvenile disagrees with the resolution of the board, the juvenile may file a notice with the board within 3 working days after the board makes its resolution that the juvenile has rejected the board's resolution. After receiving notice of the juvenile's rejection, the state attorney shall file a petition in juvenile court.

(7)~~(8)~~ COMPLETION OF SANCTIONS.—

(a) If the juvenile accepts the resolution of the board and successfully completes the sanctions imposed by the board, the state attorney shall not file a petition in juvenile court and the board's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of delinquency. The resolution of the board is not a conviction of a crime, does not impose any civil disabilities ordinarily resulting from a conviction, and does not disqualify the juvenile in any civil service application or appointment.

(b) If the juvenile accepts the resolution reached by the board but fails to successfully complete the sanctions imposed by it, the state attorney may file the matter with the juvenile court.

(c) Upon successful completion of the sanctions imposed by the board, the juvenile shall submit to the board proof of completion. The board shall determine the form and manner in which a juvenile presents proof of completion.

(8)~~(9)~~ CONSTRUCTION.—This section shall not be construed to diminish, impair, or otherwise affect any rights conferred on victims of crimes under chapter 960, relating to victim assistance, or any other provisions of law.

(9)~~(10)~~ SEVERABILITY.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

Section 48. Section 39.026, Florida Statutes, is transferred, renumbered as section 985.304, Florida Statutes, and amended to read:

985.304 ~~39.026~~ Community arbitration~~; purpose.~~—

(1) PURPOSE.—The purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.

(2) PROGRAMS.—

(a) Each county may establish community arbitration programs designed to complement the department's intake process provided in this chapter. Community arbitration programs shall provide one or more community arbitrators or community arbitration panels to hear informally cases which involve alleged commissions of certain delinquent acts by children.

(b) Cases which may be referred to a community arbitrator or community arbitration panel are limited to those which involve violations of local ordinances, those which involve misdemeanors, and those which involve third degree felonies, exclusive of third degree felonies involving personal violence, grand theft auto, or the use of a weapon.

(c) A child who has been the subject of at least one prior adjudication or adjudication withheld for any first or second degree felony offense, any third degree felony offense involving personal violence, grand theft auto, or the use of a weapon, or any other offense not eligible for arbitration, shall not be eligible for resolution of any current offense through community arbitration.

(d) Cases resolved through community arbitration shall be limited pursuant to this subsection.

1. For each child referred to community arbitration, the primary offense shall be assigned a point value.

a. Misdemeanor offenses shall be assigned two points for a misdemeanor of the second degree, four points for a nonviolent misdemeanor of the first degree, and six points for a misdemeanor of the first degree involving violence.

b. Eligible third degree felony offenses shall be assigned eight points.

2. There is not a restriction on the limit of separate incidents for which a law enforcement officer may refer a child to community arbitration, but a child who has accrued a point value of 12 or more points through community arbitration prior to the current offense shall no longer be eligible for community arbitration.

3. The point values provided in this paragraph shall also be assigned to a child's prior adjudications or adjudications withheld on eligible offenses for cases not referred to community arbitration.

(3) COMMUNITY ARBITRATORS.—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this part. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1. Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2. A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him or her.

(4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any intake counselor or case manager or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate intake counselor or case manager and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and the parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process; the conditions, procedures, and timeframes under which it will be conducted; and the fact that it is not obligatory. The intake counselor shall contact the child and the parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or the parent or legal custodian or guardian shall inform the intake counselor of the decision to approve or reject the handling of the complaint through community arbitration.

(b) The intake counselor shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the intake counselor or case manager shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c) If the child or the parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the intake counselor shall consult with the state attorney for the filing of formal juvenile proceedings.

(d) If the child or the parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the intake counselor shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

(5) HEARINGS.—

(a) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, the officer shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c) The testimony of the complaining witness and any alleged victim may be received when available.

(d) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he or she was cited is privileged and may not be used as evidence against the child either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e) If a child fails to appear on the original hearing date, the matter shall be referred back to the intake counselor who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(6) DISPOSITION OF CASES.—

(a) Subsequent to any hearing held as provided in subsection (5), the community arbitrator or community arbitration panel may:

1. Recommend that the state attorney decline to prosecute the child.
2. Issue a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.
3. Refer the child for placement in a community-based nonresidential program.
4. Refer the child or the family to community counseling.
5. Refer the child to a safety and education program related to delinquent children.
6. Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.
7. Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.
8. Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.
9. Continue the case for further investigation.
10. Require the child to undergo urinalysis monitoring.
11. Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the intake counselor or case manager.

(b) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children

or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d) If a child consents to an informal resolution and, in the presence of the parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the intake counselor, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(7) REVIEW.—Any child or his or her parent or legal custodian or guardian who is dissatisfied with the disposition provided by the community arbitrator or the community arbitration panel may request a review of the disposition to the appropriate intake counselor within 15 days after the community arbitration hearing. Upon receipt of the request for review, the intake counselor shall consult with the state attorney who shall consider the request for review and may file formal juvenile proceedings or take such other action as may be warranted.

(8) FUNDING.—Funding for the provisions of community arbitration may be provided through appropriations from the state or from local governments, through federal or other public or private grants, through any appropriations as authorized by the county participating in the community arbitration program, and through donations.

Section 49. Section 39.055, Florida Statutes, is transferred, renumbered as section 985.305, Florida Statutes, and amended to read:

985.305 ~~39.055~~ Early delinquency intervention program*; criteria.*—

(1) The Department of Juvenile Justice shall, contingent upon specific appropriation and with the cooperation of local law enforcement agencies, the judiciary, district school board personnel, the office of the state attorney, the office of the public defender, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, and community service agencies that work with children, establish an early delinquency intervention program, the components of which shall include, but not be limited to:

(a) Case management services.
(b) Treatment modalities, including substance abuse treatment services, mental health services, and retardation services.
(c) Prevocational education and career education services.
(d) Diagnostic evaluation services.
(e) Educational services.
(f) Self-sufficiency planning.
(g) Independent living skills.
(h) Parenting skills.
(i) Recreational and leisure time activities.
(j) Program evaluation.
(k) Medical screening.

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 7 days to 6 weeks, followed by 6 to 9 months of aftercare. An early delinquency intervention program facility shall be designed to accommodate the placement of a maximum of 10 children, except that the facility may accommodate up to 2 children in excess of that maximum if the additional children have previously been released from the residential portion of the program and are later found to need additional residential treatment.

(3) A copy of the arrest report of any child 15 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local service district office of the Department of Juvenile Justice. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the Department of Juvenile Justice shall initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the Department of Juvenile Justice shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent or a child in need of services.

(b) The physical, emotional, and intellectual status and developmental level of the child.

(c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.

(d) The nature and quality of the child's peer group relationships.

(e) The child's history of substance abuse or behavioral problems.

(f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.

(g) The child's family history of substance abuse or criminal activity.

(h) The supervision that is available in the child's home.

(i) The nature of the relationship between the parents and the child and any siblings and the child.

(4) Upon determination that a child is likely to continue to exhibit significant delinquent behavior, the department may recommend to the court that the child be placed in an early delinquency intervention program, and the court may order the program as the dispositional placement for the child. At the discretion of the department or its designee, or upon order of the court, a child who is 11 years of age or younger may be excused from the residential portion of treatment.

(5) Not later than 18 months after the initiation of an early delinquency intervention program, the department shall prepare and submit a progress report to the chairs of the appropriate House and Senate fiscal committees and the appropriate House and Senate substantive committees on the development and implementation of the program, including:

(a) Factors determining placement of a child in the program.
(b) Services provided in each component of the program.
(c) Costs associated with each component of the program.
(d) Problems or difficulties encountered in the implementation and operation of the program.

Section 50. Section 39.0475, Florida Statutes, is transferred and renumbered as section 985.306, Florida Statutes.

Section 51. Section 39.0551, Florida Statutes, is transferred and renumbered as section 985.307, Florida Statutes.

Section 52. Section 39.0571, Florida Statutes, is transferred and renumbered as section 985.308, Florida Statutes.

Section 53. Section 39.057, Florida Statutes, is transferred, renumbered as section 985.309, Florida Statutes, and amended to read:

985.309 ~~39.057~~ Boot camp for children.—

(1) Contingent upon specific appropriation, the department shall implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate children.

(2) Contingent upon local funding, a county or municipal government may implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate children.

(3) A child may be placed in a boot camp program if he or she is at least 14 years of age but less than 18 years of age at the time of adjudication and has been committed to the department for any offense that, if committed by an adult, would be a felony, other than a capital felony, a life felony, or a violent felony of the first degree.

(4) The department, county, or municipality operating the boot camp program shall screen children sent to the boot camp program, so that only those children who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. The department shall

adopt rules for use by the department, county, or municipality operating the boot camp program for screening such admissions.

(5) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs and to receive additional training in techniques of appropriate decision-making, as well as in life skills and job skills. The program shall include counseling that is directed at replacing the criminal thinking, beliefs, and values of the child with moral thinking, beliefs, and values.

(6) A boot camp operated by the department, a county, or a municipality must provide for the following minimum periods of participation:

(a) A participant in a low-risk residential program must spend *at least* 2 months in the boot camp component of the program and 2 months in aftercare.

(b) A participant in a moderate-risk residential program ~~or a high-risk residential program~~ must spend *at least* 4 months in the boot camp component of the program and 4 months in aftercare.

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program.

(7) The department shall adopt rules for use by the department, county, or municipality operating the boot camp program which provide for disciplinary sanctions and restrictions on the privileges of the general population of children in the program.

(8) The department shall conduct quarterly inspections and evaluations of each county or municipal government boot camp program to determine whether the program complies with department rules for continued operation of the program. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the boot camp program. The operation of a boot camp program that fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if the deficiency is not corrected by the next quarterly inspection.

(9) The department shall keep records and monitor criminal activity, educational progress, and employment placement of all boot camp program participants in department, county, and municipal boot camp programs after their release from the program. The department must publish an outcome evaluation study of each boot camp program within 18 months after the *fourth platoon has graduated* ~~program becomes operational, which includes a comparison of criminal activity, educational progress, and employment placements of children completing the program with the criminal activity, educational progress, and employment records of children completing other types of programs~~.

(10) A child in any boot camp program who becomes unmanageable or medically or psychologically ineligible must be removed from the program.

(11)(a) The department may contract with private organizations for the operation of its boot camp program and aftercare.

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and aftercare.

(12)(a) The Juvenile Justice Standards and Training Commission shall either establish criteria for training all contract staff or provide a special training program for department, county, and municipal boot camp program staff, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

(b) Administrative staff must successfully complete a minimum of 120 contact hours of commission-approved training. Staff who have direct contact with children must successfully complete a minimum of 200 contact hours of commission-approved training, which must include training in the counseling techniques that are used in the boot camp program, basic cardiopulmonary resuscitation and choke-relief, and the control of aggression.

(c) All training courses must be taught by persons who are certified as instructors by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement and who have prior experience in a juvenile boot camp program. A training course in counseling techniques need not be taught by a certified instructor but must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology, or a related field.

(d) A person may not have direct contact with a child in the boot camp program until he or she has successfully completed the training requirements specified in paragraph (b), unless he or she is under the direct supervision of a certified drill instructor or camp commander.

(13)(a) The department may institute injunctive proceedings in a court of competent jurisdiction against a county or a municipality to:

1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or

2. Terminate the operation of a facility operated pursuant to this section.

(b) The department may institute proceedings against a county or a municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.

2. The facility fails to abide by any final order of the department once it has become effective and binding.

3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.

4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel pursuant to s. *985.01* ~~39.001~~ or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.

(c) Injunctive relief may include temporary and permanent injunctions.

Section 54. Section 39.058, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.31, Florida Statutes, and amended to read:

985.31 ~~39.058~~ Serious or habitual juvenile offender.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to

assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall combine 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Prevocational and vocational services.
4. Job training, job placement, and employability-skills training.
5. Case management services.
6. Educational services, including special education and pre-GED literacy.
7. Self-sufficiency planning.
8. Independent living skills.
9. Parenting skills.
10. Recreational and leisure time activities.
11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
12. Intensive aftercare.
13. Graduated reentry into the community.
14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for serious or habitual juvenile offenders.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of a serious or habitual juvenile offender under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. *985.228* ~~39.053(3)~~, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. *985.03(47)* ~~39.01(62)~~. If the court determines that the child does not meet such criteria, the provisions of s. *985.231(1)* ~~39.054~~ shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct an intake counselor or case manager to consult with designated staff from an appropriate serious or habitual juvenile offender program for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the intake counselor or case manager shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the intake counselor or case manager and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. *985.309* ~~39.057~~ or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the reentry component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of aftercare based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the aftercare component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. ~~39.054(4) and~~ 743.07 *and 985.231(1)(d)*, a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. *985.231* ~~39.054~~, or s. *985.233* ~~39.059~~ after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. *985.03(47)* ~~39.01(62)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.
3. Tendency toward gang involvement.
4. Substance abuse or addiction and the level thereof.
5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.
6. Number and type of previous adjudications, findings of guilt, and convictions.
7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider are appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. It is not unlawful for the person receiving the test results to divulge the test results to the relevant facility staff and department personnel. However, such information is exempt from the provisions of ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained pursuant to paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control.

(f) A record of the assessment and treatment of each serious or habitual juvenile offender shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any serious or habitual juvenile offender from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information pursuant to this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information pursuant to this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. *985.04* ~~39.045~~ shall apply to the assessment and treatment records of serious or habitual juvenile offenders.

(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on the serious or habitual juvenile offenders it treats.

(m) The file of each serious or habitual juvenile offender shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of serious or habitual juvenile offender programs and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for serious or habitual juvenile offenders.

(5) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for serious or habitual juvenile offenders shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for serious or habitual juvenile offenders shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of serious or habitual juvenile offenders under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in

good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed pursuant to subsection (1).

Section 55. Section 39.0582, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.311, Florida Statutes, and amended to read:

985.311 ~~39.0582~~ Intensive residential treatment program for offenders less than 13 years of age.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(2) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR OFFENDERS LESS THAN 13 YEARS OF AGE.—

(a) There is created the intensive residential treatment program for offenders less than 13 years of age. The program shall combine 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Life skills.
4. Values clarification.
5. Case management services.
6. Educational services, including special and remedial education.
7. Recreational and leisure time activities.
8. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
9. Intensive aftercare.
10. Graduated reentry into the community.
11. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
12. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(e) The department shall establish quality assurance standards to ensure the quality and substance of mental health services provided to children with mental, nervous, or emotional disorders who may be committed to intensive residential treatment programs. The quality assurance standards shall address the possession of credentials by the mental health service providers.

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age. The department must involve the following groups in the promulgation of rules for services for this population: local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles. When promulgating these rules, the department must consider program principles, components, standards, procedures for intake, diagnostic and assessment activities, treatment modalities, and case management.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of an intensive offender less than 13 years of age under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. *985.228(5)* ~~39.053(3)~~, the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. *985.03(7)* ~~39.01(11)~~. If the court determines that the child does not meet the criteria, the provisions of s. *985.231(1)* ~~39.054~~ shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct an intake counselor or case manager to consult with designated staff from an appropriate intensive residential treatment program for offenders less than 13 years of age for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in an intensive residential treatment program for offenders less than 13 years of age may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the intake counselor or case manager shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age, or placement in the adult correctional system.

If treatment provided by an intensive residential treatment program for offenders less than 13 years of age is determined to be appropriate and needed and placement is available, the intake counselor or case manager and the court shall identify the appropriate intensive residential treatment program for offenders less than 13 years of age best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is inappropriate, the court shall make an alternative disposition pursuant to s. *985.309* ~~39.057~~ or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for intensive residential treatment program for offenders less than 13 years of age.

(j) The following provisions shall apply to children in an intensive residential treatment program for offenders less than 13 years of age:

1. A child shall begin participation in the reentry component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of aftercare based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the aftercare component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(k) Any commitment of a child to the department for placement in an intensive residential treatment program for offenders less than 13 years of age shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Any child who has not completed the residential portion of the intensive residential treatment program for offenders less than 13 years of age by his or her fourteenth birthday may be transferred to another program for committed delinquent offenders.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age and for the assessment, which assessment shall include the criteria under s. *985.03(7)* ~~39.01(11)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.
3. Tendency toward gang involvement.
4. Substance abuse or addiction and the level thereof.
5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.
6. Number and type of previous adjudications, findings of guilt, and convictions.
7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider are appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. It is not unlawful for the person receiving the test results to divulge the test results to the relevant facility staff and department personnel. However, such information is exempt from the provisions of ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained pursuant to paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control.

(f) A record of the assessment and treatment of each child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any child who is eligible for an intensive residential treatment program for offenders less than 13 years of age from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives informa-

tion pursuant to this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information pursuant to this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. *985.05* ~~39.045~~ shall apply to the assessment and treatment records of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age.

(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on each child it treats in the intensive residential treatment program for offenders less than 13 years of age.

(m) The file of each child treated in the intensive residential treatment program for offenders less than 13 years of age shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of intensive residential treatment programs for offenders less than 13 years of age and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for children who are treated in an intensive residential treatment program for offenders less than 13 years of age.

(5) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for an intensive residential treatment program for offenders less than 13 years of age shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed pursuant to subsection (1).

Section 56. Section 39.0583, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.312, Florida Statutes, and amended to read:

985.312 ~~39.0583~~ Intensive residential treatment programs for offenders less than 13 years of age; prerequisite for commitment.—No child who is eligible for commitment to an intensive residential treatment program for offenders less than 13 years of age as established in s. *985.03(7)* ~~39.01(11)~~, may be committed to any intensive residential treatment program for offenders less than 13 years of age as established in s. *985.311* ~~39.0582~~, unless such program has been established by the department through existing resources or specific appropriation, for such program.

Section 57. Section 39.0581, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 985.313, Florida Statutes.

Section 58. Section 39.0584, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.314, Florida Statutes, and amended to read:

985.314 ~~39.0584~~ Commitment programs for juvenile felony offenders.—

(1) Notwithstanding any other law and regardless of the child's age, a child who is adjudicated delinquent, or for whom adjudication is withheld, for an act that would be a felony if committed by an adult, shall be committed to:

(a) A boot camp program under s. *985.309* ~~39.057~~ if the child has participated in an early delinquency intervention program as provided in s. *985.305* ~~39.055~~.

(b) A program for serious or habitual juvenile offenders under s. *985.31* ~~39.058~~ or an intensive residential treatment program for offenders less than 13 years of age under s. *985.311* ~~39.0582~~, if the child has participated in an early delinquency intervention program and has completed a boot camp program.

(c) A maximum-risk residential program, if the child has participated in an early delinquency intervention program, has completed a boot camp program, and has completed a program for serious or habitual juvenile offenders or an intensive residential treatment program for offenders less than 13 years of age. The commitment of a child to a maximum-risk residential program must be for an indeterminate period, but may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) In committing a child to the appropriate program, the court may consider an equivalent program of similar intensity as being comparable to a program required under subsection (1).

Section 59. Section 39.05841, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.315, Florida Statutes, and amended to read:

985.315 ~~39.05841 Findings of fact;~~ Vocational/work training programs.—

(1)*(a)* It is the finding of the Legislature that vocational work programs of the Department of Juvenile Justice are uniquely different from other programs operated or conducted by other departments in that it is essential to the state that the work programs provide juveniles with useful activities that can lead to meaningful employment after release in order to assist in reducing the return of juveniles to the system.

(b)~~(2)~~ It is further the finding of the Legislature that the mission of a juvenile vocational work program is, in order of priority:

1.~~(a)~~ To provide a joint effort between the department, the juvenile work programs, and other vocational training programs to reinforce relevant education, training, and postrelease job placement, and help reduce recommitment.

2.~~(b)~~ To serve the security goals of the state through the reduction of idleness of juveniles and the provision of an incentive for good behavior in residential commitment facilities.

(c)~~(3)~~ It is further the finding of the Legislature that a program which duplicates as closely as possible free-work production and service operations in order to aid juveniles in adjustment after release and to prepare juveniles for gainful employment is in the best interest of the state, juveniles, and the general public.

(2)(a) The department may require juveniles placed in a high-risk residential, maximum-risk residential, or a serious/habitual offender program to participate in a vocational work program. All policies developed by the department relating to this requirement must be consistent with applicable federal, state, and local labor laws and standards, including all laws relating to child labor.

(b) Nothing in this subsection is intended to restore, in whole or in part, the civil rights of any juvenile. No juvenile compensated under this subsection shall be considered as an employee of the state or the department, nor shall such juvenile come within any other provision of the Workers' Compensation Law.

(3) In adopting or modifying master plans for juvenile work programs, and in the administration of the Department of Juvenile Justice, it shall be the objective of the department to develop:

(a) Attitudes favorable to work, the work situation, and a law-abiding life in each juvenile employed in the juvenile work program.

(b) Training opportunities that are reasonably broad, but which develop specific work skills.

(c) Programs that motivate juveniles to use their abilities. Juveniles who do not adjust to these programs shall be reassigned.

(d) Training programs that will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all juveniles, but taking account of the different abilities of each juvenile.

(e) A logical sequence of vocational training, employment by the juvenile vocational work programs, and postrelease job placement for juveniles participating in juvenile work programs.

(4)(a) The Department of Juvenile Justice shall establish guidelines for the operation of juvenile vocational work programs, which shall include the following procedures:

1. The education, work experience, emotional and mental abilities, and physical capabilities of the juvenile and the duration of the term of placement imposed on the juvenile are to be analyzed before assignment of the inmate into the various processes best suited for training.

2. When feasible, the department shall attempt to obtain training credit for a juvenile seeking apprenticeship status or a high school diploma or its equivalent.

3. The juvenile may begin in a general work skills program and progress to a specific work skills training program, depending upon the ability, desire, and work record of the juvenile.

4. Modernization and upgrading of equipment and facilities should include greater automation and improved production techniques to expose juveniles to the latest technological procedures to facilitate their adjustment to real work situations.

(b) Evaluations of juvenile work programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with ss. 985.401(4) and 985.412(1), to determine whether the juvenile vocational work programs are related to successful postrelease adjustments.

2. Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

(c) The department shall seek the advice of private labor and management to:

1. Assist its work programs in the development of statewide policies aimed at innovation and organizational change.

2. Obtain technical and practical assistance, information, and guidance.

3. Encourage the cooperation and involvement of the private sector.

(5)(a) The Department of Juvenile Justice may adopt and put into effect an agricultural and industrial production and marketing program to provide training facilities for persons placed in serious/habitual offender, high-risk residential, and maximum-risk residential programs and facilities under the control and supervision of the department. The emphasis of this program shall be to provide juveniles with useful work experience and appropriate job skills that will facilitate their reentry into society and provide an economic benefit to the public and the department through effective utilization of juveniles.

(b) The department is authorized to contract with the private sector for substantial involvement in a juvenile industry program which includes the operation of a direct private sector business within a juvenile facility and the hiring of juvenile workers. The purposes and objectives of this program shall be to:

1. Increase benefits to the general public by reimbursement to the state for a portion of the costs of juvenile residential care.

2. Provide purposeful work for juveniles as a means of reducing tensions caused by confinement.

3. Increase job skills.

4. Provide additional opportunities for rehabilitation of juveniles who are otherwise ineligible to work outside the facilities, such as maximum security juveniles.

5. Develop and establish new models for juvenile facility-based businesses which create jobs approximating conditions of private sector employment.

6. Draw upon the economic base of operations for disposition to the Crimes Compensation Trust Fund.

7. Substantially involve the private sector with its capital, management skills, and expertise in the design, development, and operation of businesses.

(c) Notwithstanding any other law to the contrary, including s. 440.15(9), private sector employers shall provide juveniles participating in juvenile work programs under paragraph (b) with workers' compensation coverage, and juveniles shall be entitled to the benefits of such coverage. Nothing in this subsection shall be construed to allow juveniles to participate in unemployment compensation benefits.

Section 60. Section 39.067, Florida Statutes, is transferred and renumbered as section 985.316, Florida Statutes.

Section 61. Section 39.003, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.401, Florida Statutes, and amended to read:

985.401 ~~39.003~~ Juvenile Justice Advisory Board.—

(1) The Juvenile Justice Advisory Board shall be composed of nine members. Members of the board shall have direct experience and a strong interest in juvenile justice issues. The authority to appoint the board is allocated as follows:

(a) Three members appointed by the Governor.
(b) Three members appointed by the President of the Senate.
(c) Three members appointed by the Speaker of the House of Representatives.

(2)(a) A full term shall be 3 years, and the term for each seat on the board commences on October 1 and expires on September 30, without regard to the date of appointment. Each appointing authority shall appoint a member to fill one of the three vacancies that occurs with the expiration of terms on September 30 of each year. A member is not eligible for appointment to more than two full, consecutive terms. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs. The appointing authority that made the original appointment shall make the appointment to fill a vacancy that occurs for any reason other than the expiration of a term, and the appointment shall be for the remainder of the unexpired term.

(b) The board shall annually select a chairperson from among its members.

(c) The board shall meet at least once each quarter. A member may not authorize a designee to attend a meeting of the board in place of the member. A member who fails to attend two consecutive regularly scheduled meetings of the board, unless the member is excused by the chairperson, shall be deemed to have abandoned the position, and the position shall be declared vacant by the board.

(3)(a) The board members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(b) The board shall appoint an executive director and other personnel who are exempt from part II of chapter 110, relating to the Career Service System.

(c) The board is assigned, for the purpose of general oversight, to the Joint Legislative Auditing Committee. The board shall develop a budget pursuant to procedures established by the Joint Legislative Auditing Committee.

(d) The composition of the board shall be broadly reflective of the public and shall include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes African Americans, Hispanics, and American Indians. Members of the board shall have direct experience and a strong interest in juvenile justice issues.

(4) The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to ~~parts II and IV of~~ this chapter.

(d) Establish and operate a comprehensive system to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to ~~parts II and IV of~~ this chapter.

(f) Serve as a clearinghouse to provide information and assistance to the district juvenile justice boards and county juvenile justice councils.

(g) Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(h) Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(i) Contract for consultants as necessary and appropriate. The board may apply for and receive grants for the purposes of conducting research and evaluation activities.

(j) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under ~~parts II and IV of~~ this chapter.

(k) The board shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(5) Each state agency shall provide assistance when requested by the board. The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, and the department.

Section 62. Section 39.085, Florida Statutes, is transferred and renumbered as section 985.402, Florida Statutes.

Section 63. Section 39.0572, Florida Statutes, is transferred and renumbered as section 985.403, Florida Statutes.

Section 64. Section 39.021, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.404, Florida Statutes, and amended to read:

985.404 ~~39.021~~ Administering the juvenile justice continuum.—

(1) The Department of Juvenile Justice shall plan, develop, and coordinate comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.

(2) The department shall develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified community control, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and aftercare for all children in the program.

(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department. The department shall notify the court that committed the child to the department, in writing, of its transfer of the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

(5) The department shall maintain continuing cooperation with the Department of Education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the Department of Labor and Employment Security, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

(6) The department may provide consulting services and technical assistance to courts, law enforcement agencies, and other state agencies, local governments, and public and private organizations, and may develop or assist in developing community interest and action programs relating to intervention against, diversion from, and prevention and treatment of, delinquent behavior.

(7) In view of the importance of the basic values of work, responsibility, and self-reliance to a child's return to his or her community, the department may pay a child a reasonable sum of money for work performed while employed in any of the department's work programs. The work programs shall be designed so that the work benefits the department or the state, their properties, or the child's community. Funds for payments shall be provided specifically for salaries pursuant to this subsection, and payments shall be made pursuant to a plan approved or rules adopted by the department.

(8) The department shall administer programs and services for children in need of services and families in need of services and shall coordinate its efforts with those of the Federal Government, state agencies, county and municipal governments, private agencies, and child advocacy groups. The department shall establish standards for, providing technical assistance to, and exercising the requisite supervision of, services and programs for children in all state-supported facilities and programs.

(9) The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of children are appropriately apprised of the requirements of this part and trained in the specialized areas required to comply with standards established by rule.

~~(10)(a) It is the intent of the Legislature to:~~

~~1. Ensure that information be provided to decisionmakers so that resources are allocated to programs of the department which achieve desired performance levels.~~

~~2. Provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.~~

~~3. Provide information to aid in developing related policy issues and concerns.~~

~~4. Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.~~

~~5. Provide a basis for a system of accountability so that each client is afforded the best programs to meet his or her needs.~~

~~6. Improve service delivery to clients.~~

~~7. Modify or eliminate activities that are not effective.~~

~~(b) As used in this subsection, the term:~~

~~1. "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.~~

~~2. "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.~~

~~3. "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.~~

~~(c) The department shall:~~

~~1. Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.~~

~~2. Provide operational definitions of and criteria for quality assurance for each specific program component.~~

~~3. Establish quality assurance goals and objectives for each specific program component.~~

~~4. Establish the information and specific data elements required for the quality assurance program.~~

~~5. Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.~~

~~6. Evaluate each program operated by a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months.~~

~~The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's inspector general shall ensure the reliability and validity of the information contained in the report.~~

~~(11) The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.~~

(10)~~(12)~~ The department shall annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than February 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with the Department of Education and will use current data sources whenever possible.

(11)~~(13)~~ The Department of Juvenile Justice in consultation with the Juvenile Justice Advisory Board and providers shall develop a cost-benefit model and apply the model to each commitment program. Program recommitment rates shall be a component of the model. The cost-benefit model shall compare program costs to benefits ~~to produce a cost-benefit ratio~~. A report ranking commitment programs based on cost-benefit ~~ratios~~ shall be submitted to the appropriate substantive and appropriations committees of each house of the Legislature, no later than December 31 of each year. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-benefit model.

(12)~~(14)~~(a) The department shall operate a statewide, regionally administered system of detention services for children, in accordance with a comprehensive plan for the regional administration of all detention services in the state. The plan must provide for the maintenance of adequate availability of detention services for all counties. The plan must cover the department's 15 service districts, with each service district having a secure facility and nonsecure and home detention programs, and the plan may be altered or modified by the Department of Juvenile Justice as necessary.

(b) The department shall adopt rules prescribing standards and requirements with reference to:

1. The construction, equipping, maintenance, staffing, programming, and operation of detention facilities;

2. The treatment, training, and education of children confined in detention facilities;

3. The cleanliness and sanitation of detention facilities;
4. The number of children who may be housed in detention facilities per specified unit of floor space;
5. The quality, quantity, and supply of bedding furnished to children housed in detention facilities;
6. The quality, quantity, and diversity of food served in detention facilities and the manner in which it is served;
7. The furnishing of medical attention and health and comfort items in detention facilities; and
8. The disciplinary treatment administered in detention facilities.

(c) The rules must provide that the time spent by a child in a detention facility must be devoted to educational training and other types of self-motivation and development. The use of televisions, radios, and audioplayers shall be restricted to educational programming. However, the manager of a detention facility may allow noneducational programs to be used as a reward for good behavior. Exercise must be structured and calisthenic and aerobic in nature and may include weight lifting.

(d) Each programmatic, residential, and service contract or agreement entered into by the department must include a cooperation clause for purposes of complying with the department's quality assurance requirements, cost-accounting requirements, and the program outcome-evaluation requirements.

Section 65. Section 985.405, Florida Statutes, is created to read:

985.405 Rules for implementation.—The Department of Juvenile Justice shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing this chapter. Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.

Section 66. Section 39.024, Florida Statutes, is transferred and renumbered as section 985.406, Florida Statutes.

Section 67. Section 39.076, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 985.407, Florida Statutes.

Section 68. Section 39.075, Florida Statutes, is transferred and renumbered as section 985.408, Florida Statutes.

Section 69. Section 985.409, Florida Statutes, is created to read:

985.409 Participation of certain programs in the Florida Casualty Insurance Risk Management Trust Fund.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Insurance is authorized to insure a private agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

Section 70. Section 39.074, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 985.41, Florida Statutes.

Section 71. Section 39.0215, Florida Statutes, is transferred, renumbered as section 985.411, Florida Statutes, and amended to read:

985.411 ~~39.0215~~ Administering county and municipal delinquency programs and facilities.—

(1) A county or municipal government may plan, develop, and coordinate services and programs for the control and rehabilitative treatment of delinquent behavior.

(2) A county or municipal government may develop or contract for innovative programs which provide rehabilitative treatment with particular emphasis on reintegration and aftercare for all children in the program, including halfway houses and community-based substance abuse treatment services, mental health treatment services, residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders.

(3) A county or municipal government developing or contracting for a local program pursuant to this section is responsible for all costs associated with the establishment, operation, and maintenance of the program.

(4) In accordance with rules adopted by the department, a county or municipal government may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program operated, contracted, or subcontracted by the county or municipal government to another such facility or program.

(5) In view of the importance of the basic value of work, responsibility, and self-reliance to a child's rehabilitation within his or her community, a county or municipal government may provide work programs for delinquent children and may pay a child a reasonable sum of money for work performed while employed in any such work program. The work involved in such work programs must be designed to benefit the county or municipal government, the local community, or the state.

(6) A county or municipal government developing or contracting for a local program pursuant to this section is responsible for following state law and department rules relating to children's delinquency services and for the coordination of its efforts with those of the Federal Government, state agencies, private agencies, and child advocacy groups providing such services.

(7) The department is required to conduct quarterly inspections and evaluations of each county or municipal government juvenile delinquency program to determine whether the program complies with department rules for continued operation of the program. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the program. The operation of a program which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection.

(8) A county or municipal government providing a local program pursuant to this section shall ensure that personnel responsible for the care, supervision, and treatment of children in the program are apprised of the requirements of this section and appropriately trained to comply with department rules.

(9) A county or municipal government may establish and operate a juvenile detention facility in compliance with this section, if such facility is certified by the department.

(a) The department shall evaluate the county or municipal government detention facility to determine whether the facility complies with the department's rules prescribing the standards and requirements for the operation of a juvenile detention facility. The rules for certification of secure juvenile detention facilities operated by county or municipal governments must be consistent with the rules for certification of secure juvenile detention facilities operated by the department.

(b) The department is required to conduct quarterly inspections and evaluations of each county or municipal government juvenile detention facility to determine whether the facility complies with the department's rules for continued operation. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the program. The operation of a facility which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection.

(c) A county or municipal government operating a local juvenile detention facility pursuant to this section is responsible for all costs associated with the establishment, operation, and maintenance of the facility.

(d) Only children who reside within the jurisdictional boundaries of the county or municipal government operating the juvenile detention facility and children who are detained for committing an offense within the jurisdictional boundaries of the county or municipal government operating the facility may be held in the facility.

(e) A child may be placed in a county or municipal government juvenile detention facility only when:

1. The department's regional juvenile detention facility is filled to capacity;
2. The safety of the child dictates; or
3. Otherwise ordered by a court.

(f) A child who is placed in a county or municipal government juvenile detention facility must meet the detention criteria as established in this chapter.

(10)(a) The department may institute injunctive proceedings in a court of competent jurisdiction against a county or municipality to:

1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or

2. Terminate the operation of a facility operated pursuant to this section.

(b) The department may institute proceedings against a county or municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.

2. The facility fails to abide by any final order of the department once it has become effective and binding.

3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.

4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel pursuant to s. *985.01* ~~39.001~~ or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.

(c) Injunctive relief may include temporary and permanent injunctions.

Section 72. Section 985.412, Florida Statutes, is created to read:

985.412 Quality assurance.—

(1)(a) It is the intent of the Legislature to:

1. Ensure that information be provided to decisionmakers so that resources are allocated to programs of the department which achieve desired performance levels.

2. Provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.

3. Provide information to aid in developing related policy issues and concerns.

4. Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.

5. Provide a basis for a system of accountability so that each client is afforded the best programs to meet his or her needs.

6. Improve service delivery to clients.

7. Modify or eliminate activities that are not effective.

(b) As used in this subsection, the term:

1. "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.

2. "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

3. "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.

(c) The department shall:

1. Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.

2. Provide operational definitions of and criteria for quality assurance for each specific program component.

3. Establish quality assurance goals and objectives for each specific program component.

4. Establish the information and specific data elements required for the quality assurance program.

5. Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

6. Evaluate each program operated by a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's inspector general shall ensure the reliability and validity of the information contained in the report.

(2) The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.

Section 73. Section 39.025, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 985.413, Florida Statutes, and amended to read:

985.413 ~~39.025~~ District juvenile justice boards.—

~~(1) SHORT TITLE.—This section may be cited as the "Community Juvenile Justice System Act."~~

(1)~~(2)~~ FINDINGS.—The Legislature finds that the number of children suspended or expelled from school is growing at an alarming rate; that juvenile crime is growing at an alarming rate; and that there is a direct relationship between the increasing number of children suspended or expelled from school and the rising crime rate. The Legislature further finds that the problem of school safety cannot be solved solely by suspending or expelling students, nor can the public be protected from juvenile crime merely by incarcerating juvenile delinquents, but that school and law enforcement authorities must work in cooperation with the Department of Juvenile Justice, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, and other community representatives in a partnership that coordinates goals, strategies, resources, and evaluation of outcomes. The Legislature finds that where such partnerships exist the participants believe that such efforts are beneficial to the community and should be encouraged elsewhere.

(2)~~(3)~~ INTENT.—The Legislature recognizes that, despite the large investment of resources committed to address the needs of the criminal justice system of this state, the crime rate continues to increase, overcrowding the state's juvenile detention centers, jails, and prisons and placing the state in jeopardy of being unable to effectively manage these facilities. The economic cost of crime to the state continues to drain existing resources, and the cost to victims, both economic and psychological, is traumatic and tragic. The Legislature further recognizes that many adults in the criminal justice system were once delinquents in the juvenile justice system. The Legislature also recognizes that the most effective juvenile delinquency programs are programs that not only prevent children from entering the juvenile justice system, but also meet local community needs and have substantial community involvement and support. Therefore, it is the belief of the Legislature that one of the best investments of the scarce resources available to combat crime is in the prevention of delinquency, including prevention of criminal activity by youth gangs, with special emphasis on structured and well-supervised alternative education programs for children suspended or expelled from school. It is the intent of the Legislature to authorize and

encourage each of the counties of the state to establish a comprehensive juvenile justice plan based upon the input of representatives of every affected public or private entity, organization, or group. It is the further intent of the Legislature that representatives of school systems, the judiciary, law enforcement, and the Department of Juvenile Justice acquire a thorough understanding of the role and responsibility that each has in addressing juvenile crime in the community, that the county juvenile justice plan reflect an understanding of the legal and fiscal limits within which the plan must be implemented, and that willingness of the parties to cooperate and collaborate in implementing the plan be explicitly stated. It is the further intent of the Legislature that county juvenile justice plans form the basis of and be integrated into district juvenile justice plans and that the prevention and treatment resources at the county, district, and regional levels be utilized to the maximum extent possible to implement and further the goals of their respective plans.

~~(4) DEFINITIONS.—As used in this section:~~

~~(a) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.~~

~~(b) "Department" means the Department of Juvenile Justice.~~

~~(c) "District" means a service district of the Department of Juvenile Justice.~~

~~(d) "District administrator" means the chief operating officer of each service district of the Department of Health and Rehabilitative Services as defined in s. 20.19(6), and, where appropriate, includes each district administrator whose service district falls within the boundaries of a judicial circuit.~~

~~(e) "Circuit" means any of the twenty judicial circuits as set forth in s. 26.021.~~

~~(f) "Health and human services board" means the body created in each service district of the Department of Health and Rehabilitative Services pursuant to the provisions of s. 20.19(7).~~

~~(g) "District juvenile justice manager" means the person appointed by the Secretary of Juvenile Justice, responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice within the district.~~

~~(h) "Authority" means the Florida Motor Vehicle Theft Prevention Authority established in s. 860.154.~~

~~(5) COUNTY JUVENILE JUSTICE COUNCILS.—~~

~~(a) A county juvenile justice council is authorized in each county for the purpose of encouraging the initiation of, or supporting ongoing, interagency cooperation and collaboration in addressing juvenile crime. A county juvenile justice council must include:~~

~~1. The district school superintendent, or the superintendent's designee.~~

~~2. The chair of the board of county commissioners, or the chair's designee.~~

~~3. An elected official of the governing body of a municipality within the county.~~

~~4. Representatives of the local school system including administrators, teachers, school counselors, and parents.~~

~~5. The district juvenile justice manager and the district administrator of the Department of Health and Rehabilitative Services, or their respective designees.~~

~~6. Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.~~

~~7. Representatives of the judicial system, including, but not limited to, the chief judge of the circuit, the state attorney, the public defender, the clerk of the circuit court, or their respective designees.~~

~~8. Representatives of the business community.~~

~~9. Representatives of any other interested officials, groups, or entities including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, and advocates.~~

~~A juvenile delinquency and gang prevention council or any other group or organization that currently exists in any county, and that is composed of and open to representatives of the classes of members described in this section, may notify the district juvenile justice manager of its desire to be designated as the county juvenile justice council.~~

~~(b) The purpose of a county juvenile justice council is to provide a forum for the development of a community-based interagency assessment of the local juvenile justice system, to develop a county juvenile justice plan for more effectively preventing juvenile delinquency, and to make recommendations for more effectively utilizing existing community resources in dealing with juveniles who are truant or have been suspended or expelled from school, or who are found to be involved in crime. The county juvenile justice plan shall include relevant portions of local crime prevention and public safety plans, school improvement and school safety plans, and the plans or initiatives of other public and private entities within the county that are concerned with dropout prevention, school safety, the prevention of juvenile crime and criminal activity by youth gangs, and alternatives to suspension, expulsion, and detention for children found in contempt of court.~~

~~(c) The duties and responsibilities of a county juvenile justice council include, but are not limited to:~~

~~1. Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, the school system, the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime and develop meaningful alternatives to school suspensions and expulsions.~~

~~2. Entering into a written county interagency agreement specifying the nature and extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law.~~

~~3. Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.~~

~~4. Designating the county representatives to the district juvenile justice board pursuant to subsection (6).~~

~~5. Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.~~

~~6. Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.~~

~~7. Providing an annual report and recommendations to the district juvenile justice board, the Juvenile Justice Advisory Board, and the district juvenile justice manager.~~

(3)~~(6)~~ DISTRICT JUVENILE JUSTICE BOARDS.—

(a) There is created a district juvenile justice board within each district to be composed of representatives of county juvenile justice councils within the district.

(b)1.

a. The authority to appoint members to district juvenile justice boards, and the size of each board, is as follows:

(I) District 1 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

(II) District 2 is to have a board composed of 18 members, to be appointed by the juvenile justice councils in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

(III) District 3 is to have a board composed of 15 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

(IV) District 4 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

(V) District 5 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

(VI) District 6 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

(VII) District 7 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

(VIII) District 8 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

(IX) District 9 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Palm Beach County.

(X) District 10 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Broward County.

(XI) District 11 is to have a juvenile justice board composed of 12 members to be appointed by the juvenile justice council in the respective counties, as follows: Dade County, 6 members and Monroe County, 6 members.

(XII) District 12 is to have a board composed of 12 members, to be appointed by the juvenile justice council of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

(XIII) District 13 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

(XIV) District 14 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

(XV) District 15 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

The district health and human services board in each district may appoint one of its members to serve as an ex officio member of the district juvenile justice board established under this sub-subparagraph.

b. In any judicial circuit where a juvenile delinquency and gang prevention council exists on the date this act becomes law, and where the circuit and district or subdistrict boundaries are identical, such council shall become the district juvenile justice board, and shall thereafter have the purposes and exercise the authority and responsibilities provided in this section.

2. At any time after the adoption of initial bylaws pursuant to paragraph (c), a district juvenile justice board may adopt a bylaw to enlarge the size, by no more than three members, and composition of the board to adequately reflect the diversity of the population and community organizations in the district.

3. ~~In order to create staggered terms, the initial terms of members of the district juvenile justice board appointed by the county juvenile justice council in the most populous county of the district shall expire on June 30, 1995. The initial terms of members appointed by other county councils shall expire on June 30, 1996. Thereafter,~~ All appointments shall be for 2-year terms. Appointments to fill vacancies created by death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms; however, this limitation does not apply in any district in which a juvenile delinquency and gang prevention council that existed on May 7, 1993, became the district juvenile justice board.

4. A member who is absent for three meetings within any 12-month period, without having been excused by the chair, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

5. Members are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(c) Upon the completion of the appointment process, the district juvenile justice manager shall schedule an organizational meeting of the board. At the organizational meeting, or as soon thereafter as is practical, the board shall adopt bylaws and rules of procedure for the operation of the board, provided such bylaws and rules are not inconsistent with federal and state laws or county ordinances. The bylaws shall provide for such officers and committees as the board deems necessary, and shall specify the qualifications, method of selection, and term for each office created.

(d) A district juvenile justice board has the purpose, power, and duty to:

1. Advise the district juvenile justice manager and the district administrator on the need for and the availability of juvenile justice programs and services in the district.

2. Develop a district juvenile justice plan that is based upon the juvenile justice plans developed by each county within the district, and that addresses the needs of each county within the district.

3. Develop a district interagency cooperation and information-sharing agreement that supplements county agreements and expands the scope to include appropriate circuit and district officials and groups.

4. Coordinate the efforts of the district juvenile justice board with the activities of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee and other public and private entities.

5. Advise and assist the district juvenile justice manager in the provision of optional, innovative delinquency services in the district to meet the unique needs of delinquent children and their families.

6. Develop, in consultation with the district juvenile justice manager, funding sources external to the Department of Juvenile Justice for the provision and maintenance of additional delinquency programs and services. The board may, either independently or in partnership with

one or more county juvenile justice councils or other public or private entities, apply for and receive funds, under contract or other funding arrangement, from federal, state, county, city, and other public agencies, and from public and private foundations, agencies, and charities for the purpose of funding optional innovative prevention, diversion, or treatment services in the district for delinquent children and children at risk of delinquency, and their families. To aid in this process, the department shall provide fiscal agency services for the councils.

7. Educate the community about and assist in the community juvenile justice partnership grant program administered by the Department of Juvenile Justice.

8. Advise the district health and human services board, the district juvenile justice manager, and the Secretary of Juvenile Justice regarding the development of the legislative budget request for juvenile justice programs and services in the district and the commitment region, and, in coordination with the district health and human services board, make recommendations, develop programs, and provide funding for prevention and early intervention programs and services designed to serve children in need of services, families in need of services, and children who are at risk of delinquency within the district or region.

9. Assist the district juvenile justice manager in collecting information and statistical data useful in assessing the need for prevention programs and services within the juvenile justice continuum program in the district.

10. Make recommendations with respect to, and monitor the effectiveness of, the judicial administrative plan for each circuit pursuant to Rule 2.050, Florida Rules of Judicial Administration.

11. Provide periodic reports to the health and human services board in the appropriate district of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. These reports must contain, at a minimum, data about the clients served by the juvenile justice programs and services in the district, as well as data concerning the unmet needs of juveniles within the district.

12. Provide a written annual report on the activities of the board to the district administrator, the Secretary of Juvenile Justice, and the Juvenile Justice Advisory Board. The report should include an assessment of the effectiveness of juvenile justice continuum programs and services within the district, recommendations for elimination, modification, or expansion of existing programs, and suggestions for new programs or services in the juvenile justice continuum that would meet identified needs of children and families in the district.

(e) Contingent upon legislative appropriation, the department shall provide funding for a minimum of one full-time position for a staff person to work with the district juvenile justice boards.

(f) The secretary shall hold quarterly meetings with chairpersons of the district juvenile justice board in order to:

1. Advise juvenile justice board chairs of statewide juvenile justice issues and activities.
2. Provide feedback on district budget priorities.
3. Obtain input into the strategic planning process.
4. Discuss program development, program implementation, and quality assurance.

(4)~~(7)~~ DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.—

(a) A district juvenile justice plan is authorized in each district or any subdivision of the district authorized by the district juvenile justice board for the purpose of reducing delinquent acts, juvenile arrests, and gang activity. Juvenile justice programs under such plan may be administered by the Department of Juvenile Justice; the district school board; a local law enforcement agency; or any other public or private entity, in cooperation with appropriate state or local governmental entities and public and private agencies. A juvenile justice program under this section may be planned, implemented, and conducted in any district pursuant to a proposal developed and approved as specified in *s. 985.415* ~~subsection (8)~~.

(b) District juvenile justice plans shall be developed by district juvenile justice boards in close cooperation with the schools, the courts, the state attorney, law enforcement, state agencies, and community organizations and groups. It is the intent of the Legislature that representatives of all elements of the community acquire a thorough understanding of the role and responsibility that each has in addressing juvenile crime in the community, and that the district juvenile justice plan reflect an understanding of the legal and fiscal limits within which the plan must be implemented.

(c) The district juvenile justice board may use public hearings and other appropriate processes to solicit input regarding the development and updating of the district juvenile justice plan. Input may be provided by parties which include, but are not limited to:

1. Local level public and private service providers, advocacy organizations, and other organizations working with delinquent children.
2. County and municipal governments.
3. State agencies that provide services to children and their families.
4. University youth centers.
5. Judges, state attorneys, public defenders, and The Florida Bar.
6. Victims of crimes committed by children.
7. Law enforcement.
8. Delinquent children and their families and caregivers.

The district juvenile justice board must develop its district juvenile justice plan in close cooperation with the appropriate health and human services board of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, local school districts, local law enforcement agencies, and other community groups and must update the plan annually. To aid the planning process, the Department of Juvenile Justice shall provide to district juvenile justice boards routinely collected ethnicity data. The Department of Law Enforcement shall include ethnicity as a field in the Florida Intelligence Center database, and shall collect the data routinely and make it available to district juvenile justice boards.

~~(8) COMMUNITY JUVENILE JUSTICE PARTNERSHIP GRANTS; CRITERIA.—~~

~~(a) In order to encourage the development of county and district juvenile justice plans and the development and implementation of county and district interagency agreements among representatives of the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, law enforcement, and school authorities, the community juvenile justice partnership grant program is established, to be administered by the Department of Juvenile Justice.~~

~~(b) The department shall only consider applications which at a minimum provide for the following:~~

~~1. The participation of the local school authorities, local law enforcement, and local representatives of the Department of Juvenile Justice and the Department of Health and Rehabilitative Services pursuant to a written interagency partnership agreement. Such agreement must specify how community entities will cooperate, collaborate, and share information in furtherance of the goals of the district and county juvenile justice plan; and~~

~~2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, and the enhancement of school safety.~~

~~(c) In addition, the department may consider the following criteria in awarding grants:~~

~~1. The district juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the district plan, including a list of individuals, groups, and public and private entities that participated in the development of the plan.~~

~~2. The diversity of community entities participating in the development of the district juvenile justice plan.~~

~~3. The number of community partners who will be actively involved in the operation of the grant program.~~

~~4. The number of students or youth to be served by the grant and the criteria by which they will be selected.~~

~~5. The criteria by which the grant program will be evaluated and, if deemed successful, the feasibility of implementation in other communities.~~

~~(9) GRANT APPLICATION PROCEDURES.—~~

~~(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for a maximum of 2 additional years for the same provision of services, shall submit a grant proposal for funding or continued funding to the department by March 1 of each year. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:~~

~~1. A letter from the chair of the county juvenile justice council confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the council.~~

~~2. A rationale and description of the program and the services to be provided, including goals and objectives.~~

~~3. A method for identification of the juveniles at risk of involvement in the juvenile justice system who will be the focus of the program.~~

~~4. Provisions for the participation of parents and guardians in the program.~~

~~5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.~~

~~6. An evaluation component to measure the effectiveness of the program in accordance with the provisions of s. 39.021.~~

~~7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.~~

~~8. The necessary program staff.~~

~~(b) The department shall consider the following in awarding such grants:~~

~~1. The number of youths from 10 through 17 years of age within the geographical area to be served by the program. Those geographical areas with the highest number of youths from 10 through 17 years of age shall have priority for selection.~~

~~2. The extent to which the program targets high juvenile crime neighborhoods and those public schools serving juveniles from high crime neighborhoods.~~

~~3. The validity and cost-effectiveness of the program.~~

~~4. The degree to which the program is located in and managed by local leaders of the target neighborhoods and public schools serving the target neighborhoods.~~

~~5. The recommendations of the juvenile justice council as to the priority that should be given to proposals submitted by entities within a county.~~

~~6. The recommendations of the juvenile justice board as to the priority that should be given to proposals submitted by entities within a district.~~

~~(c) The department shall make available, to anyone wishing to apply for such a grant, information on all of the criteria to be used in the selection of the proposals for funding pursuant to the provisions of this subsection.~~

~~(d) The department shall review all program proposals submitted. Entities submitting proposals shall be notified of approval not later than June 30 of each year.~~

~~(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the district juvenile justice manager, the district juvenile justice board, and the county juvenile justice council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with the provisions of s. 39.021. Each entity is also subject to a financial audit and a performance audit.~~

~~(f) The department may establish rules and policy provisions necessary to implement this section.~~

~~(10) RESTRICTIONS.—This section does not prevent a program initiated under a community juvenile justice partnership grant established pursuant to this section from continuing to operate beyond the 3-year maximum funding period if it can find other funding sources. Likewise, this section does not restrict the number of programs an entity may apply for or operate.~~

~~(11) INNOVATION ZONES.—The department shall encourage each of the district juvenile justice boards to propose at least one innovation zone within the district for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.~~

~~(a)1. The district juvenile justice board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.~~

~~2. For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.~~

~~3. For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.~~

~~(b) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.~~

~~(c) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one service district may not be used to fund an innovation zone in another district.~~

~~(d) Program models for innovation zone projects include, but are not limited to:~~

~~1. Forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land restoration.~~

~~2. Collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.~~

~~3. Support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.~~

~~4. Juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders~~

~~skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.~~

~~5. Infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.~~

~~6. Regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.~~

~~7. Alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.~~

~~8. Drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.~~

~~9. Community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.~~

Section 74. Section 985.414, Florida Statutes, is created to read:

985.414 County juvenile justice councils.—

(1)(a) A county juvenile justice council is authorized in each county for the purpose of encouraging the initiation of, or supporting ongoing, interagency cooperation and collaboration in addressing juvenile crime.

(b) A county juvenile justice council must include:

1. The district school superintendent, or the superintendent's designee.
2. The chair of the board of county commissioners, or the chair's designee.
3. An elected official of the governing body of a municipality within the county.
4. Representatives of the local school system including administrators, teachers, school counselors, and parents.
5. The district juvenile justice manager and the district administrator of the Department of Children and Family Services, or their respective designees.
6. Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.
7. Representatives of the judicial system including, but not limited to, the chief judge of the circuit, the state attorney, the public defender, the clerk of the circuit court, or their respective designees.
8. Representatives of the business community.
9. Representatives of any other interested officials, groups, or entities including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, and advocates.

A juvenile delinquency and gang prevention council or any other group or organization that currently exists in any county, and that is composed of and open to representatives of the classes of members described in this section, may notify the district juvenile justice manager of its desire to be designated as the county juvenile justice council.

(2)(a) The purpose of a county juvenile justice council is to provide a forum for the development of a community-based interagency assessment of the local juvenile justice system, to develop a county juvenile justice plan for more effectively preventing juvenile delinquency, and to make recommendations for more effectively utilizing existing community resources in dealing with juveniles who are truant or have been suspended or expelled from school, or who are found to be involved in crime. The county juvenile justice plan shall include relevant portions of local crime prevention and public safety plans, school improvement and school safety plans, and the plans or initiatives of other public and private entities within the county that are concerned with dropout prevention, school safety, the prevention of juvenile crime and criminal activity by youth gangs, and alternatives to suspension, expulsion, and detention for children found in contempt of court.

(b) The duties and responsibilities of a county juvenile justice council include, but are not limited to:

1. Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, the school system, the Department of Juvenile Justice, the Department of Children and Family Services, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime and develop meaningful alternatives to school suspensions and expulsions.

2. Entering into a written county interagency agreement specifying the nature and extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law.

3. Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.

4. Designating the county representatives to the district juvenile justice board pursuant to s. 985.413.

5. Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.

6. Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.

7. Providing an annual report and recommendations to the district juvenile justice board, the Juvenile Justice Advisory Board, and the district juvenile justice manager.

Section 75. Section 985.415, Florida Statutes, is created to read:

985.415 Community Juvenile Justice Partnership Grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and district juvenile justice plans and the development and implementation of county and district interagency agreements among representatives of the Department of Juvenile Justice, the Department of Children and Family Services, law enforcement, and school authorities, the community juvenile justice partnership grant program is established, which program shall be administered by the Department of Juvenile Justice.

(b) The department shall only consider applications which at a minimum provide for the following:

1. The participation of the local school authorities, local law enforcement, and local representatives of the Department of Juvenile Justice and the Department of Children and Family Services pursuant to a written interagency partnership agreement. Such agreement must specify how community entities will cooperate, collaborate, and share information in furtherance of the goals of the district and county juvenile justice plan; and

2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, and the enhancement of school safety.

(c) In addition, the department may consider the following criteria in awarding grants:

1. The district juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the district plan, including a list of individuals, groups, and public and private entities that participated in the development of the plan.

2. The diversity of community entities participating in the development of the district juvenile justice plan.

3. The number of community partners who will be actively involved in the operation of the grant program.

4. The number of students or youths to be served by the grant and the criteria by which they will be selected.

5. The criteria by which the grant program will be evaluated and, if deemed successful, the feasibility of implementation in other communities.

(2) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for a maximum of 2 additional years for the same provision of services, shall submit a grant proposal for funding or continued funding to the department by March 1 of each year. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the county juvenile justice council confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the council.

2. A rationale and description of the program and the services to be provided, including goals and objectives.

3. A method for identification of the juveniles at risk of involvement in the juvenile justice system who will be the focus of the program.

4. Provisions for the participation of parents and guardians in the program.

5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.

6. An evaluation component to measure the effectiveness of the program in accordance with the provisions of s. 985.412.

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(b) The department shall consider the following in awarding such grants:

1. The number of youths from 10 through 17 years of age within the geographical area to be served by the program. Those geographical areas with the highest number of youths from 10 through 17 years of age shall have priority for selection.

2. The extent to which the program targets high juvenile crime neighborhoods and those public schools serving juveniles from high crime neighborhoods.

3. The validity and cost-effectiveness of the program.

4. The degree to which the program is located in and managed by local leaders of the target neighborhoods and public schools serving the target neighborhoods.

5. The recommendations of the juvenile justice council as to the priority that should be given to proposals submitted by entities within a county.

6. The recommendations of the juvenile justice board as to the priority that should be given to proposals submitted by entities within a district.

(c) The department shall make available, to anyone wishing to apply for such a grant, information on all of the criteria to be used in the selection of the proposals for funding pursuant to the provisions of this subsection.

(d) The department shall review all program proposals submitted. Entities submitting proposals shall be notified of approval not later than June 30 of each year.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the district juvenile justice manager, the district juvenile justice board, and the county juvenile justice council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with the provisions of s. 985.412. Each entity is also subject to a financial audit and a performance audit.

(f) The department may establish rules and policy provisions necessary to implement this section.

(3) RESTRICTIONS.—This section does not prevent a program initiated under a community juvenile justice partnership grant established pursuant to this section from continuing to operate beyond the 3-year maximum funding period if it can find other funding sources. Likewise, this section does not restrict the number of programs an entity may apply for or operate.

Section 76. Section 985.416, Florida Statutes, is created to read:

985.416 Innovation zones.—The department shall encourage each of the district juvenile justice boards to propose at least one innovation zone within the district for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(1)(a) The district juvenile justice board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

(b) For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

(c) For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one service district may not be used to fund an innovation zone in another district.

(4) Program models for innovation zone projects include, but are not limited to:

(a) A forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land restoration.

(b) A collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard

learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

(c) A support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

(d) A juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

(e) An infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

(f) A regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

(g) An alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

(h) A drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

(i) A community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

Section 77. Section 39.062, Florida Statutes, is transferred and renumbered as section 985.417, Florida Statutes.

Section 78. Section 39.063, Florida Statutes, is transferred and renumbered as section 985.418, Florida Statutes.

Section 79. Section 39.065, Florida Statutes, is transferred and renumbered as section 985.419, Florida Statutes.

Section 80. Section 39.51, Florida Statutes, is transferred and renumbered as section 985.501, Florida Statutes.

Section 81. Section 39.511, Florida Statutes, is transferred and renumbered as section 985.502, Florida Statutes.

Section 82. Section 39.512, Florida Statutes, is transferred and renumbered as section 985.503, Florida Statutes.

Section 83. Section 39.513, Florida Statutes, is transferred and renumbered as section 985.504, Florida Statutes.

Section 84. Section 39.514, Florida Statutes, is transferred and renumbered as section 985.505, Florida Statutes.

Section 85. Section 39.515, Florida Statutes, is transferred and renumbered as section 985.506, Florida Statutes.

Section 86. Section 39.516, Florida Statutes, is transferred and renumbered as section 985.507, Florida Statutes.

Section 87. Section 984.01, Florida Statutes, is created to read:

984.01 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures to assure due process through which children and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child, and the specific rehabilitation needs of the child, while also providing restitution, whenever possible, to the victim of the offense.

(d) To preserve and strengthen the child's family ties whenever possible, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.

(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.

(3) It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 88. Section 984.02, Florida Statutes, is created to read:

984.02 Legislative intent for the juvenile justice system.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate when intervention is necessary and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency and delinquency systems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency and delinquency systems, which will be fully implemented and utilized as resources permit.

(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.

Section 89. Section 984.03, Florida Statutes, is created to read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (27). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 415.503.

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child-in-need-of-services cases.

(5) "Adult" means any natural person other than a child.

(6) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(7) "Caretaker/homemaker" means an authorized agent of the Department of Children and Family Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.

(8) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(9) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to s. 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.

(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.

(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or a licensed child-placing agency for purpose of adoption.

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Family Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.

(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.

(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.

(13) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(15) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(16) "Delinquency program" means any intake, community control and furlough, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 985.

(17) "Department" means the Department of Juvenile Justice.

(18) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.

(19) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(20) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.

(21) "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.

(22) "Diligent search" means the efforts of a social service agency in accordance with the requirements of s. 39.4051(6) to locate a parent or prospective parent whose identity or location is unknown, initiated as soon as the agency is made aware of the existence of such a parent, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.

(23) "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child-in-need-of-services cases.

(24) "District" means a service district of the Department of Juvenile Justice.

(25) "District juvenile justice manager" means the person appointed by the Secretary of Juvenile Justice, responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice within the district.

(26) "Family" means a collective body of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(27) "Family in need of services" means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians and being beyond their control; or

(c) Habitual truancy from school.

(28) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(29) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 days with or without the knowledge or justifiable consent of the child's parent or legal guardian and is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) In addition to the actions described in s. 232.17(2), the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;

3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and

4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

(30) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the intake counselor or case manager of judicial handling when appropriate and warranted.

(31) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.

(32) "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(33) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(34) "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(35) "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

(36) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458, or a dentist licensed under chapter 466.

(37) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(38) "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(39) "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(40) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.4051(7) or s. 63.062(1)(b).

(41) "Participant," for purposes of a shelter proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(42) "Party," for purposes of a shelter proceeding, means the parent of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(43) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(44) "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable, living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(45) "Protective supervision" means a legal status in child-in-need-of-services cases or family-in-need-of-services cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to the court during the period of supervision.

(46) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(47) "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable; the child; and, where appropriate, the foster parents of the child for the purpose of enabling a child who has been placed in foster care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable, living environment and shall promote family autonomy and strengthen family life as a first priority whenever possible.

(48) "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49) "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(50) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.

(51) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(52) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(53) "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(54) "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(55) "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(56) "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

Section 90. Section 39.42, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.04, Florida Statutes, and amended to read:

984.04 ~~39.42~~ Families in need of services and children in need of services; procedures and jurisdiction.—

(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this part, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.

(2) The Department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving a family in need of services.

(3) All nonjudicial procedures in family-in-need-of-services cases shall be according to rules established by the Department of Juvenile Justice under chapter 120.

(4) The circuit court shall have exclusive original jurisdiction of judicial proceedings involving continued placement of a child from a family in need of services in shelter.

(5) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. *984.03* ~~39.01(12)~~, until the child reaches 18 years of age. This subsection shall not be construed to prevent the exercise of jurisdiction by any other court having jurisdiction of the child if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment.

(6) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in family-in-need-of-services cases and child-in-need-of-services cases shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services.

Section 91. Section 39.015, Florida Statutes, is transferred, renumbered as section 984.05, Florida Statutes, and amended to read:

984.05 ~~39.015~~ Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules for the implementation of ss. ~~39.01(73), 39.403(2),~~ 232.19(3) and (6)(a) and *984.03(29)*.

Section 92. Section 39.4451, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.06, Florida Statutes, and amended to read:

984.06 ~~39.4451~~ Oaths, records, and confidential information.—

(1) The judge, clerks or deputy clerks, or authorized agents of the department shall each have the power to administer oaths and affirmations ~~pursuant to s. 39.411~~.

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a child in need of services until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this *chapter* ~~part~~ and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(3) The clerk shall keep all court records required by this *chapter* ~~part~~ separate from other records of the circuit court. Court records required by this *chapter* ~~part~~ are not open to inspection by the public. All such records may be inspected only upon order of the court by a person deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, and the department and its designees may inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court deems proper, and may punish by contempt proceedings any violation of those conditions.

(4) Except as provided in subsection (3), all information obtained pursuant to this *chapter* ~~part~~ in the discharge of official duty by any judge, employee of the court, authorized agent of the department, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter must be in writing and signed by the judge, except that the clerk or a deputy clerk may sign a summons or notice to appear.

(6) A court record of proceedings under this chapter is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Records of proceedings under this *chapter* ~~part~~ forming a part of the record on appeal shall be used in the appellate court.

(b) Records that are necessary in any case in which a person is being tried upon a charge of having committed perjury are admissible in evidence in that case.

Section 93. Section 39.447, Florida Statutes, is transferred and renumbered as section 984.07, Florida Statutes.

Section 94. Section 39.017, Florida Statutes, is transferred, renumbered as section 984.08, Florida Statutes, and amended to read:

984.08 ~~39.017~~ Attorney's fees.—

(1) The court may appoint an attorney to represent a parent or legal guardian under *this chapter* ~~part III, part IV, part V, or part VI~~ only upon a finding that the parent or legal guardian is indigent.

(a) The finding of indigency of any parent or legal guardian may be made by the court at any stage of the proceedings. Any parent or legal guardian claiming indigency shall file with the court an affidavit containing the factual information required in paragraphs (c) and (d).

(b) A parent or legal guardian who is unable to pay for the services of an attorney without substantial hardship to self or family is indigent for the purposes of this *chapter* ~~part~~.

(c) Before finding that a parent or legal guardian is indigent, the court shall determine whether any of the following facts exist, and the existence of any such fact creates a presumption that the parent or legal guardian is not indigent:

1. The parent or legal guardian has no dependents and has a gross income exceeding $250 per week; or, the parent or legal guardian has dependents and has a gross income exceeding $250 per week plus $100 per week for each dependent.

2. The parent or legal guardian owns cash in excess of $1,000.

3. The parent or legal guardian has an interest exceeding $1,000 in value in a single motor vehicle as defined in s. 320.01.

(d) The court shall also consider the following circumstances before finding that a parent or legal guardian is indigent:

1. The probable expense of being represented in the case.

2. The parent's or legal guardian's ownership of, or equity in, any intangible or tangible personal property or real property or expectancy of an interest in any such property.

3. The amount of debts the parent or legal guardian owes or might incur because of illness or other misfortunes within the family.

(2) If, after the appointment of counsel for an indigent parent or legal guardian, it is determined that the parent or legal guardian is not indigent, the court has continuing jurisdiction to assess attorney's fees and costs against the parent or legal guardian, and order the payment thereof. When payment of attorney's fees or costs has been assessed and ordered by the court, there is hereby created a lien in the name of the county in which the legal assistance was rendered, enforceable as provided in subsection (3), upon all the property, both real and personal, of the parent or legal guardian who received the court-ordered appointed counsel under *this chapter* ~~part III, part IV, part V, or part VI~~. The lien constitutes a claim against the parent or legal guardian and the parent's or legal guardian's estate in an amount to be determined by the court in which the legal assistance was rendered.

(3)(a) The lien created for court-ordered payment of attorney's fees or costs under subsection (2) is enforceable upon all the property, both real and personal, of the parent or legal guardian who is being, or has been, represented by legal counsel appointed by the court in proceedings

under *this chapter* ~~part III, part IV, part V, or part VI~~. The lien constitutes a claim against the person and the estate of the parent or legal guardian, enforceable according to law, in an amount to be determined by the court in which the legal assistance was rendered.

(b) Immediately after the issuance of an order for the payment of attorney's fees or costs, a judgment showing the name, the residential address, the date of birth, and either a physical description or the social security number of the parent or legal guardian must be filed for record in the office of the clerk of the circuit court in the county where the parent or legal guardian resides and in each county in which the parent or legal guardian then owns or later acquires any property. The judgment is enforceable on behalf of the county by the board of county commissioners of the county in which the legal assistance was rendered.

(c) Instead of the procedure described in paragraphs (a) and (b), the court is authorized to require that the parent or legal guardian who has been represented by legal counsel appointed by the court in proceedings under *this chapter* ~~part III, part IV, part V, or part VI~~ execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created by the court's order requiring payment of attorney's fees or costs. The lien must be recorded in the public records of the county at no charge by the clerk of the circuit court and is enforceable in the same manner as a mortgage.

(d) The board of county commissioners of the county where the parent received the services of an appointed private legal counsel is authorized to enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If the court determines that payment of the amount due will impose manifest hardship on the parent or immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(e) The board of county commissioners of the county claiming the lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for collection is on a contingent basis not to exceed 50 percent of the recovery. However, no fee may be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

Section 95. Section 984.09, Florida Statutes, is created to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.

(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 985.203.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 96. Section 39.423, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.10, Florida Statutes, and amended to read:

984.10 ~~39.423~~ Intake.—

(1) Intake shall be performed by the department. A report or complaint alleging that a child is from a family in need of services shall be

made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the local school district, law enforcement agency, or Department of *Children and Family* ~~Health and Rehabilitative~~ Services, having knowledge of the facts may make a report or complaint.

(2) A representative of the department shall make a preliminary determination as to whether the report or complaint is complete. The criteria for the completeness of a report or complaint with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. *984.03(29)* ~~39.01(73)~~. In any case in which the representative of the department finds that the report or complaint is incomplete, the representative of the department shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents or legal custodians, the departmental representative may refer the family or child to an appropriate service and treatment provider.

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of s. 415.505 and ~~part III of this~~ chapter *39*.

Section 97. Section 39.424, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.11, Florida Statutes, and amended to read:

984.11 ~~39.424~~ Services to families in need of services.—

(1) Services and treatment to families in need of services shall be by voluntary agreement of the parent or legal guardian and the child or as directed by a court order pursuant to s. *984.22* ~~39.442~~.

(2) These services may include, but need not be limited to:

(a) Homemaker or parent aide services.
(b) Intensive crisis counseling.
(c) Parent training.
(d) Individual, group, or family counseling.
(e) Community mental health services.
(f) Prevention and diversion services.
(g) Services provided by voluntary or community agencies.
(h) Runaway center services.
(i) Housekeeper services.
(j) Special educational, tutorial, or remedial services.
(k) Vocational, job training, or employment services.
(l) Recreational services.
(m) Assessment.

(3) The department shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The department shall set and charge fees for services and treatment provided to clients.

(4) The department may file a petition with the circuit court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.

Section 98. Section 39.426, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.12, Florida Statutes.

Section 99. Section 39.421, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.13, Florida Statutes, and amended to read:

984.13 ~~39.421~~ Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.—

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, guardian, or other legal custodian.

(b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization, for the purpose of delivering the child without unreasonable delay to the school system. For the purpose of this paragraph, "school system" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system.

(c) Pursuant to an order of the circuit court based upon sworn testimony before or after a petition is filed under s. *984.15* ~~39.436~~.

(d) By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this *chapter* ~~part~~ or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, guardian, legal custodian, or responsible adult relative or to a department-approved family-in-need-of-services and child-in-need-of-services provider if the person taking the child into custody has reasonable grounds to believe the child has run away from a parent, guardian, or legal custodian; is truant; or is beyond the control of the parent, guardian, or legal custodian; following such release, the person taking the child into custody shall make a full written report to the intake office of the department within 3 days; or

(b) Deliver the child to the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is from a family in need of services.

(3) If the child is taken into custody by, or is delivered to, the department, the appropriate representative of the department shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in custody or be released. Unless shelter is required as provided in s. *984.14(1)* ~~39.422(1)~~, the department shall:

(a) Release the child to his or her parent, guardian, or legal custodian, to a responsible adult relative, to a responsible adult approved by the department, or to a department-approved family-in-need-of-services and child-in-need-of-services provider; or

(b) Authorize temporary services and treatment that would allow the child alleged to be from a family in need of services to remain at home.

Section 100. Section 39.422, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.14, Florida Statutes, and amended to read:

984.14 ~~39.422~~ *Shelter* placement*; hearing* ~~of a child from a family in need of services or a child in need of services in a shelter.—~~

(1) Unless ordered by the court pursuant to the provisions of this *chapter* ~~part~~, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required:

(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or

(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.

(2) If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.

(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed

with the court shall address each condition required to be determined in subsection (1).

(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.

(5) Under the provisions of this *chapter* ~~part~~, placement in a shelter of a child in need of services or a child from a family in need of services shall be for no longer than 35 days.

(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.

(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.

Section 101. Section 39.436, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.15, Florida Statutes, and amended to read:

984.15 ~~39.436~~ Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department. If a child in need of services has been placed in a shelter pursuant to s. *984.14* ~~39.422~~, the petition shall be filed immediately and contain notice of arraignment pursuant to s. *984.20* ~~39.44~~.

(2) The department shall file a petition for a child in need of services if the case manager or staffing committee requests that a petition be filed and:

(a) The family and child have in good faith, but unsuccessfully, used the services and process described in ss. *984.11 and 984.12* ~~39.424 and 39.426~~; or

(b) The family or child have refused all services described in ss. *984.11 and 984.12* ~~39.424 and 39.426~~ after reasonable efforts by the department to involve the family and child in services and treatment.

(3) Effective January 1, 1997, once the requirements in subsection (2) have been met, the department shall file a petition for a child in need of services within 45 days.

(4) The petition shall be in writing, shall state the specific grounds under s. *984.03(9)* ~~39.01(12)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in subsection (2) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(5) The form of the petition and its contents shall be determined by rules of procedure adopted by the Supreme Court.

(6) The department may withdraw a petition at any time prior to the child being adjudicated a child in need of services.

Section 102. Section 39.437, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.16, Florida Statutes.

Section 103. Section 39.438, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.17, Florida Statutes.

Section 104. Section 39.4431, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.18, Florida Statutes.

Section 105. Section 39.446, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.19, Florida Statutes, and amended to read:

984.19 ~~39.446~~ Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent, guardian, or person requesting custody of child.—

(1) When any child is to be placed in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or guardian. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or guardian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or guardian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or guardian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department has the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 230.2316.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately called or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, a guardian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child alleged to be or found to be a child from a family in need of services or a child in need of services shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or guardian of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the guardian did not consent to the medical treatment. After a hearing, the court may order the parents or guardian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. *984.22(3) and (4)* ~~39.442(3) and (4)~~ and of whom the department has become the legal custodian.

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 106. Section 39.44, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.20, Florida Statutes.

Section 107. Section 39.441, Florida Statutes, is transferred and renumbered as section 984.21, Florida Statutes.

Section 108. Section 39.442, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 984.22, Florida Statutes, and amended to read:

984.22 ~~39.442~~ Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or utilized by a child or family, the court having jurisdiction of the child shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's contracted provider of programs and services for children in need of services and families in need of services. "Supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, guardian, or custodian of the child, to render community service in a public service program.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, a licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order.

(4) All payments of fees made to the department pursuant to this *chapter* ~~part~~, or child support payments made to the department pursuant to subsection *(3)* ~~(5)~~, shall be deposited in the General Revenue Fund. In cases in which the child is placed in foster care with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, such child support payments shall be deposited in the Foster Care, Group Home, Developmental Training, and Supported Employment Programs Trust Fund.

(5) In carrying out the provisions of this *chapter* ~~part~~, the court shall order the child, family, parent, guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary for the rehabilitation of the child.

(6) The participation and cooperation of the family, parent, guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its order.

Section 109. Section 39.4375, Florida Statutes, is transferred and renumbered as section 984.23, Florida Statutes.

Section 110. Section 39.4441, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 984.24, Florida Statutes.

Section 111. Section 39.01, Florida Statutes, 1996 Supplement, is amended to read:

39.01 Definitions.—When used in this chapter:

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in *chapter 984* ~~subsection (12)~~ or a "family in need of services" as defined in *chapter 984* ~~subsection (30)~~. The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does

not in itself constitute abuse when it does not result in harm to the child as defined in s. 415.503.

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under ~~s. 39.052(1), in delinquency cases;~~ s. 39.408(2), in dependency cases,~~; s. 39.44(2), in child-in-need-of-services cases;~~ or s. 39.467, in termination of parental rights cases.

(5) "Adult" means any natural person other than a child.

(6) "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(7) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(8) "Caretaker/homemaker" means an authorized agent of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.

(9) "Case plan" or "plan" means a document, as described in s. 39.4031, prepared by the department, that follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process ~~under part III, part V, or part VI~~.

(10) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

~~(11) "Child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:~~

~~(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:~~

~~1. Arson;~~
~~2. Sexual battery;~~
~~3. Robbery;~~
~~4. Kidnapping;~~
~~5. Aggravated child abuse;~~
~~6. Aggravated assault;~~
~~7. Aggravated stalking;~~
~~8. Murder;~~
~~9. Manslaughter;~~
~~10. Unlawful throwing, placing, or discharging of a destructive device or bomb;~~
~~11. Armed burglary;~~
~~12. Aggravated battery;~~
~~13. Lewd or lascivious assault or act in the presence of a child; or~~
~~14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.~~

~~(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.~~

~~(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.~~

~~(12) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:~~

~~(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services;~~

~~(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to s. 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services; or~~

~~(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.~~

~~(13) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to part IV of this chapter.~~

(11)~~(14)~~ "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.

(b) To have been surrendered to the *Department of Children and Family Services, the former* Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption.

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, *the Department of Children and Family Services,* or the *former* Department of Health and Rehabilitative Services, after which placement, under the requirements of part *II* ~~V~~ of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.

(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.

(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.

(12)~~(15)~~ "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

~~(16) "Community control" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home~~

~~in lieu of commitment to the custody of the Department of Juvenile Justice.~~

(13) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(14)~~(17)~~ "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(15)~~(18)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

~~(19)(a) "Delinquency program" means any intake, community control and furlough, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to part II.~~

~~(b) "Delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.~~

~~(c) "Delinquency prevention programs" means programs designed for the purpose of reducing the occurrence of delinquency, including youth and street gang activity, and juvenile arrests. The term excludes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act.~~

(16)~~(20)~~ "Department," as used in *this chapter* ~~parts III, V, and VI~~, means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. ~~As used in parts II and IV, the term means the Department of Juvenile Justice.~~

~~(21) "Designated facility" or "designated treatment facility" means any facility designated by the Department of Juvenile Justice to provide treatment to juvenile offenders.~~

~~(22) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:~~

~~(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.~~

~~(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.~~

~~(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.~~

~~(23) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.~~

~~(24) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under ss. 39.042 and 39.044, in delinquency cases, or s. 39.402, in dependency cases.~~

(17)~~(25)~~ "Diligent efforts by a parent" means a course of conduct which results in a reduction in risk to the child in the child's home that would allow the child to be safely placed permanently back in the home as set forth in the case plan.

(18)~~(26)~~ "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.

(19)~~(27)~~ "Diligent search" means the efforts of a social service agency in accordance with the requirements of s. 39.4051(6) to locate a parent or prospective parent whose identity or location is unknown, initiated as soon as the agency is made aware of the existence of such a parent, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.

(20)~~(28)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under ~~s. 39.052(4), in delinquency cases;~~ s. 39.408(3), in dependency cases,~~; s. 39.44(3), in child-in-need-of-services cases;~~ or s. 39.469, in termination of parental rights cases.

(21) "District administrator" means the chief operating officer of each service district of the Department of Children and Family Services as defined in s. 20.19(6) and, where appropriate, includes each district administrator whose service district falls within the boundaries of a judicial circuit.

(22)~~(29)~~ "Family" means a collective body of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

~~(30) "Family in need of services" means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:~~

~~(a) Running away from parents or legal custodians;~~

~~(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or~~

~~(c) Habitual truancy from school.~~

(23)~~(31)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

~~(32) "Halfway house" means a community-based residential program for 10 or more committed delinquents at the moderate-risk restrictiveness level that is operated or contracted by the Department of Juvenile Justice.~~

~~(33) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:~~

~~(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.~~

~~(b) The referral of the child to another public or private agency when appropriate.~~

~~(c) The recommendation by the intake counselor or case manager of judicial handling when appropriate and warranted.~~

~~(34) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.~~

(24) "Health and human services board" means the body created in each service district of the Department of Children and Family Services pursuant to the provisions of s. 20.19(7).

(25)~~(35)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(36) "Juvenile sexual offender" means:~~

~~(a) A juvenile who has been found by the court pursuant to s. 39.053 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;~~

~~(b) A juvenile found to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:~~

~~1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.~~

~~2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.~~

~~3. "Consent" means an agreement including all of the following:~~

~~a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.~~
~~b. Knowledge of societal standards for what is being proposed.~~
~~c. Awareness of potential consequences and alternatives.~~
~~d. Assumption that agreement or disagreement will be accepted equally.~~
~~e. Voluntary decision.~~
~~f. Mental competence.~~

~~Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.~~

(26)~~(37)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(27)~~(38)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to care for, receive, and board children.

(28)~~(39)~~ "Licensed child-placing agency" means a person, society, association, or institution licensed by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

(29)~~(40)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458, or a dentist licensed under chapter 466.

(30)~~(41)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(31)~~(42)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(32)~~(43)~~ "Long-term relative custodian" means an adult who is a party to a long-term custodial relationship created by a court order pursuant to s. *39.41(2)(a)5.* ~~39.41(1)(a)3.a.~~

(33)~~(44)~~ "Long-term relative custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or an adult nonrelative approved by the court when the child cannot be placed in the custody of a natural parent and termination of parental rights is not deemed to be in the best interest of the child. Long-term relative custody confers upon the long-term relative or nonrelative custodian the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the custodian or upon a showing that a material change in circumstances necessitates a change of custody for the best interest of the child. A long-term relative or nonrelative custodian shall have all of the rights of a natural parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(34)~~(45)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(35)~~(46)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(36)~~(47)~~ "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(37)~~(48)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.4051(7) or s. 63.062(1)(b).

(38)~~(49)~~ "Participant," for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(39)~~(50)~~ "Party," for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means the parent of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(40)~~(51)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(41)~~(52)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable, living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(42)~~(53)~~ "Prospective parent" means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

(43)~~(54)~~ "Protective investigation" means the acceptance of a report alleging child abuse or neglect, as defined in s. 415.503, by the central abuse *hotline* ~~registry and tracking system~~ or the acceptance of a report of other dependency by the local children, youth, and families office of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services; the investigation and classification of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; the referral of a child to another public or private agency when appropriate; and the recommendation by the protective investigator of court action when appropriate.

(44)~~(55)~~ "Protective investigator" means an authorized agent of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services who receives, investigates, and classifies reports of child abuse or neglect as defined in s. 415.503; who, as a result of the investigation, may recommend that a dependency petition be filed for the child under the criteria of paragraph *(11)(a)* ~~(14)(a)~~; and who performs other duties necessary to carry out the required actions of the protective investigation function.

(45)~~(56)~~ "Protective supervision" means a legal status in dependency cases, child-in-need-of-services cases, or family-in-need-of-services cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, subject to being returned to the court during the period of supervision.

(46)~~(57)~~ "Protective supervision case plan" means a document that is prepared by the protective supervision counselor of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. *39.41(2)(a)3.* ~~39.41(1)(a)1.~~, and that:

(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.

(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.

(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:

1. All services and activities ordered by the court.

2. Goals and specific activities to be achieved by all parties to the plan.

3. Anticipated dates for achieving each goal and activity.

4. Signatures of all parties to the plan.

(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. *39.41(2)(a)3.* ~~39.41(1)(a)1.~~

(47)~~(58)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

~~(59) "Restrictiveness level" means the level of custody provided by programs that service the custody and care needs of committed children. There shall be five restrictiveness levels:~~

~~(a) Minimum-risk nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.~~

~~(b) Low-risk residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP).~~

~~(c) Moderate-risk residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure. The staff at a facility at this restrictiveness level may seclude a child who is a physical threat to himself or others. Mechanical restraint may also be used when necessary. Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 39.061 applies to children in moderate-risk residential programs.~~

~~(d) High-risk residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 39.061 applies to children placed in programs in this restrictiveness level.~~

~~(e) Maximum-risk residential.—Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral-modification services. Section 39.061 applies to children placed in programs in this restrictiveness level.~~

(48)~~(60)~~ "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child,

the legal guardian of the child, or the custodian of the child, whichever is applicable, the child, and where appropriate the foster parents of the child for the purpose of enabling a child who has been placed in foster care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable, living environment and shall promote family autonomy and strengthen family life as a first priority whenever possible.

~~(61) "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.~~

~~(62) "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:~~

~~(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:~~

~~1. Arson;~~
~~2. Sexual battery;~~
~~3. Robbery;~~
~~4. Kidnapping;~~
~~5. Aggravated child abuse;~~
~~6. Aggravated assault;~~
~~7. Aggravated stalking;~~
~~8. Murder;~~
~~9. Manslaughter;~~
~~10. Unlawful throwing, placing, or discharging of a destructive device or bomb;~~
~~11. Armed burglary;~~
~~12. Aggravated battery;~~
~~13. Lewd or lascivious assault or act in the presence of a child; or~~
~~14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.~~

~~(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.~~

~~(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.~~

~~(63) "Serious or habitual juvenile offender program" means the program established in s. 39.058.~~

(49)~~(64)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. *984.14* ~~39.422~~.

(50)~~(65)~~ "Shelter hearing" means a hearing provided for under s. *984.14* ~~39.422~~ in family-in-need-of-services cases or child-in-need-of-services cases.

(51)~~(66)~~ "Social service agency" means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, a licensed child-caring agency, or a licensed child-placing agency.

(52)~~(67)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of *Children and Family* ~~Health and Rehabilitative~~ Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(53)~~(68)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(54)~~(69)~~ "Substantial compliance" means that the circumstances which caused the placement in foster care have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's being returned to the child's parent or guardian.

(55)~~(70)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(71)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

~~(72) "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a reentry program or an aftercare program or a period during which the child is supervised by a case manager or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment community control program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.~~

~~(73) "To be habitually truant" means that:~~

~~(a) The child has 15 unexcused absences within 90 days with or without the knowledge or justifiable consent of the child's parent or legal guardian and is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;~~

~~(b) In addition to the actions described in s. 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:~~

~~1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;~~

~~2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;~~

~~3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and~~

~~4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing~~

~~committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.~~

~~If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.~~

~~(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and~~

~~(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.~~

~~(74) "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.~~

~~(75) "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.~~

~~(76) "Waiver hearing" means a hearing provided for under s. 39.052(2).~~

Section 112. *Sections 39.0205 and 39.0206, Florida Statutes, are repealed.*

Section 113. Section 39.061, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 944.401, Florida Statutes.

Section 114. *Section 39.419, Florida Statutes, is repealed.*

Section 115. *Sections 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, and 39.036, Florida Statutes, are repealed.*

Section 116. *Section 39.052, Florida Statutes, as amended by section 3 of chapter 96-232, Laws of Florida, section 1 of chapter 96-234, Laws of Florida, section 11 of chapter 96-260, Laws of Florida, section 33 of chapter 96-388, Laws of Florida, and sections 3 and 7 of chapter 96-398, Laws of Florida; and sections 39.053, 39.054, and 39.059, Florida Statutes, are repealed.*

Section 117. *Section 39.05842, Florida Statutes, as created by section 36 of chapter 96-398, Laws of Florida; section 39.05843, Florida Statutes, as created by section 37 of chapter 96-398, Laws of Florida; section 39.05844, Florida Statutes, as created by section 38 of chapter 96-398, Laws of Florida; and section 39.05845, Florida Statutes, as created by section 39 of chapter 96-398, Laws of Florida, are repealed.*

Section 118. *Section 39.056, Florida Statutes, is repealed.*

Section 119. Section 39.002, Florida Statutes, is amended to read:

39.002 Legislative intent for the juvenile justice system.—

(1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate, when intervention is necessary and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency and delinquency systems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency and delinquency systems, which will be fully implemented and utilized as resources permit.

~~(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:~~

~~(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.~~

~~(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.~~

~~(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.~~

~~(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.~~

~~The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.~~

~~(4) DETENTION.—~~

~~(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention under part II should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk~~

~~and be limited to situations where there is clear and convincing evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.~~

~~(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile system.~~

~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.—The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. Florida's juvenile justice system has an inadequate number of beds for serious or habitual juvenile offenders and an inadequate number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in Florida's prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.~~

~~(6) SITING OF FACILITIES.—~~

~~(a) The Legislature finds that timely siting and development of needed residential facilities for juvenile offenders is critical to the public safety of the citizens of this state and to the effective rehabilitation of juvenile offenders.~~

~~(b) It is the purpose of the Legislature to guarantee that such facilities are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.~~

~~(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.~~

~~(d) It is the intent of the Legislature that all other departments and agencies of the state shall cooperate fully with the Department of Juvenile Justice to accomplish the siting of facilities for juvenile offenders.~~

~~The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. The Legislature finds that detention services should exceed the primary goal of providing safe and secure custody pending adjudication and disposition.~~

(3)~~(7)~~ PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.

Section 120. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—The ~~Department of Juvenile Justice shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing parts II and IV of this chapter, and the~~ Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing ~~parts III, V, and VI of~~ this chapter. ~~Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.~~

Section 121. *Sections 985.01-985.08, Florida Statutes, are designated as part I of chapter 985, Florida Statutes, and entitled "General Provisions." Sections 985.201-985.236, Florida Statutes, are designated as part II of chapter 985, Florida Statutes, and entitled "Delinquency Case Processing." Sections 985.301-985.316, Florida Statutes, are designated as part III of chapter 985, Florida Statutes, and entitled "Juvenile Justice Continuum." Sections 985.401-985.419, Florida Statutes, are designated as part IV of chapter 985, Florida Statutes, and entitled "Juvenile Justice System Administration." Sections 985.501-985.507, Florida Statutes, are designated as part V of chapter 985, Florida Statutes, and entitled "Interstate Compact on Juveniles."*

Section 122. *(1) It is the intent of the Legislature that chapter 39, Florida Statutes, be reserved for sections of statute relating to dependency, children in foster care, and termination of parental rights; that chapter 985, Florida Statutes, be reserved for sections of statute relating to delinquency and the interstate compact on juveniles; and that chapter 984, Florida Statutes, be reserved for sections of statute relating to children in need of services and families in need of services.*

(2) It is further the intent of the Legislature that any legislation enacted during the 1997 Regular Session affecting chapter 39, Florida Statutes, either before or after the passage of this legislation, shall, upon becoming law either before or after this act becomes law, be given full force and effect substantively, but such new substantive provisions of law shall be integrated into the new statutory framework created in this act, and shall be assigned to the appropriate chapter of statute, as follows:

(a) Laws amending any provision of part I of chapter 39, Florida Statutes, shall receive duplicate assignment to appropriate parallel provisions in chapters 39, 984, and 985, Florida Statutes, unless a contrary intention is expressed;

(b) Laws amending any provision of part II of chapter 39, Florida Statutes, shall be deemed to amend appropriate parallel provisions in chapter 985, Florida Statutes, unless a contrary intention is expressed. Any statutes sections created within part II of chapter 39 in the 1997 Regular Session, shall be renumbered and placed in chapter 985, as appropriate, unless a contrary intention is expressed;

(c) Laws amending any provision of part III of chapter 39, Florida Statutes, shall be unaffected by this legislation unless a contrary intention is expressed;

(d) Laws amending any provision of part IV of chapter 39, Florida Statutes, shall be deemed to amend appropriate parallel provisions in chapter 984, Florida Statutes, unless a contrary intention is expressed. Any statutes sections created within part IV of chapter 39 in the 1997 Regular Session, shall be renumbered and placed in chapter 984, as appropriate, unless a contrary intention is expressed;

(e) Laws amending any provision of part V of chapter 39, Florida Statutes, shall be unaffected by this legislation unless a contrary intention is expressed;

(f) Laws amending any provision of part VI of chapter 39, Florida Statutes, shall be unaffected by this legislation unless a contrary intention is expressed; and

(g) Laws amending any provision of part VII of chapter 39, Florida Statutes, shall receive duplicate assignment to appropriate parallel provisions in chapters 39, 984, and 985, Florida Statutes, unless a contrary intention is expressed.

(3) In the preparation of the 1997 Florida Statutes, pursuant to section 11.242, Florida Statutes, the Division of Statutory Revision is directed to incorporate the reorganization of the content of chapter 39, Florida Statutes, into the three separate chapters of statute as provided in this act and in accordance with the legislative intent expressed in this section.

Section 123. *(1) The Juvenile Justice Advisory Board and the Department of Juvenile Justice shall develop, in cooperation with contract providers of aftercare services, an agreement for the purpose of conduct-*

ing research to determine which aftercare program models are most effective. The agreement shall, at a minimum, include:

(a) Which questions will be answered by the research;

(b) Which aftercare models will be tested;

(c) The research design;

(d) Responsibilities for carrying out the research, including data collection, among the board, the department, contract providers of aftercare services, and third party consultants;

(e) Procedures for selecting consultants; and

(f) The timetable for completing the project and reporting results to the Legislature.

(2) From funds allocated to the Department of Juvenile Justice for aftercare services for fiscal year 1997-1998, the sum of $125,000 is appropriated to the Juvenile Justice Advisory Board to support the aftercare research project described in this section, from which the cost of third-party consultants may be paid. From funds allocated to the Department of Juvenile Justice for aftercare service for fiscal year 1997-1998, an amount not to exceed $250,000 may be used by the department to support the aftercare research project described in this section.

(3) The Juvenile Justice Advisory Board and the Department of Juvenile Justice shall submit an interim report on the development of an agreement on an aftercare research project to the Legislature on or before November 1, 1997. The Juvenile Justice Advisory Board and the Department of Juvenile Justice shall submit a final report on the aftercare research project to the Legislature on or before December 31, 1998.

Section 124. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; creating chapter 985, F.S., relating to certain juvenile proceedings; creating s. 985.01, F.S.; providing purposes and intent; providing certain contracting authority of the Department of Juvenile Justice or Department of Children and Family Services; providing for both departments to require employment screening of personnel in programs for children or youths, including certain volunteers and other personnel of contracted-for programs; providing for both departments to grant exemptions from disqualification for working with children; creating s. 985.02, F.S.; providing legislative intent and findings for the juvenile justice system; creating s. 985.03, F.S.; providing definitions; renumbering and amending s. 39.045, F.S., relating to oaths, records, and confidential information; removing specified provisions; prohibiting release to outside party of certain information gained by victim regarding juvenile court case, except under specified circumstances; creating s. 985.05, F.S.; providing for court records; renumbering and amending s. 39.0573, F.S., relating to statewide information sharing; renumbering s. 39.0574, F.S., relating to school district and law enforcement information sharing; renumbering and amending s. 39.0585, F.S., relating to information systems; substituting reference to the Department of Children and Family Services for reference to the Department of Health and Rehabilitative Services to conform to departmental reorganization and renaming; renumbering and amending s. 39.022, F.S., relating to court jurisdiction; conforming references; renumbering and amending s. 39.014, F.S.; providing for legal representation for delinquency cases; renumbering and amending s. 39.041, F.S., relating to the right to counsel; providing for liability of nonindigent or indigent-but-able-to-contribute parent or legal guardian for certain legal fees and costs under specified circumstances when child is transferred for criminal prosecution; renumbering s. 39.0476, F.S., relating to powers with respect to certain children; creating s. 985.205, F.S.; providing that hearings are open to the public; providing for the court to close hearings under specified circumstances; renumbering and amending s. 39.0515, F.S., relating to rights of victims; conforming reference; renumbering and amending s. 39.037, F.S., relating to taking a child into custody; conforming references; renumbering and amending s. 39.064, F.S., relating to detention of furloughed children or escapees; conforming references; renumbering s. 39.0471, F.S., relating to juvenile justice assessment centers; renumbering and amending s. 39.047, F.S., relating to intake and case management; conforming references and departmental name; renumbering and amending s. 39.038, F.S., relating to release or delivery from custody; conforming references; renumbering and amending s. 39.039, F.S., relating to fingerprinting and photographing a minor; conforming departmental name; renumbering and amending s. 39.042, F.S., relating to the use of detention; conforming reference; renumbering s. 39.043, F.S., relating to prohibited uses of detention; renumbering and amending s. 39.044, F.S., relating to detention; conforming references; transferring and renumbering s. 39.0145, F.S., relating to punishment for contempt of court; conforming reference; repealing s. 39.0445, F.S., relating to juvenile domestic violence offender; conforming reference; renumbering s. 39.048, F.S., relating to petitions for delinquency; renumbering and amending s. 39.049, F.S., relating to process and service; conforming reference; renumbering and amending s. 39.0495, F.S., relating to threatening or dismissing employees; conforming references; renumbering s. 39.073, F.S., relating to court and witness fees; renumbering s. 39.051, F.S., relating to answers to petitions; renumbering and amending s. 39.0517, F.S., relating to incompetency in juvenile delinquency cases; conforming departmental name; renumbering and amending s. 39.046, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examinations and treatment; conforming departmental name; creating s. 985.225, F.S.; providing for indictment of a juvenile, including indictment of child of any age who is charged with a violation of state law punishable by death or life imprisonment; providing for adjudicatory hearing; providing for sentencing of child as adult under certain circumstances; providing for sentencing; creating s. 985.226, F.S.; providing criteria for waiver of juvenile court jurisdiction; providing guidelines and time limits with respect to waiver hearing; specifying effect of order waiving jurisdiction; creating s. 985.227, F.S.; providing for prosecution of juveniles as adults; requiring the state attorney to develop policies and guidelines with respect to determination for filing information on juvenile, and requiring annual report of same by the state attorney to the Legislature and Juvenile Justice Advisory Board; creating s. 985.228, F.S.; providing for adjudicatory hearings, withheld adjudications, and orders of adjudication; creating s. 985.229, F.S.; providing for predisposition reports and additional evaluations; providing for imposition of sanctions; providing for certain notification of victims; providing legislative intent; creating s. 985.23, F.S.; providing for disposition hearings in delinquency cases; creating s. 985.231, F.S.; providing powers of disposition in delinquency cases; providing for court-ordered payment of certain fees by parent or guardian, or participation in counseling by parent, custodian, or guardian, under specified circumstances; providing for enforcement through contempt powers; renumbering s. 39.078, F.S., relating to commitment forms; creating s. 985.233, F.S.; providing dispositional powers and procedures and alternatives for juveniles prosecuted as adults; providing for court-ordered payment of certain fees by parent or guardian for cost of care in juvenile justice facilities; providing legislative intent; renumbering s. 39.069, F.S., relating to appeals; renumbering s. 39.0711, F.S., relating to additional grounds for appeals by the state; renumbering s. 39.072, F.S., relating to orders or decisions when the state appeals; renumbering and amending s. 39.0255, F.S., relating to civil citations; conforming a reference; renumbering s. 39.019, F.S., relating to teen courts; renumbering and amending s. 39.0361, F.S., relating to the Neighborhood Restorative Justice Act; removing short title designation; conforming reference and departmental name; renumbering and amending s. 39.026, F.S., relating to community arbitration; providing for establishment of programs; selection of community arbitrators, procedures, hearings, disposition, review, and funding; renumbering and amending s. 39.055, F.S., relating to early delinquency intervention; conforming departmental name; providing procedures and criteria for determination by Department of Juvenile Justice of whether certain children are likely to exhibit further significant delinquent behavior, under specified circumstances; providing for program placement; providing for certain reports to the Legislature by the department on program development and implementation; renumbering s. 39.0475, F.S., relating to delinquency pretrial intervention; renumbering s. 39.0551, F.S., relating to juvenile assignment centers; renumbering s. 39.0571, F.S., relating to juvenile sexual offender commitment programs; renumbering and amending s. 39.057, F.S., relating to boot camps for children; conforming a reference; renumbering and amending s. 39.058, F.S., relating to serious or habitual juvenile offenders; conforming references; renumbering and amending s. 39.0582, F.S., relating to intensive residential treatment; conforming references; renumbering and amending s. 39.0583, F.S., relating to intensive residential treatment programs; conforming references; renumbering s. 39.0581, F.S., relating to maximum-risk residential programs; renumbering and amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; conforming references; renumbering and amending s. 39.05841, F.S., relating to vocational work training programs; providing that Department of Juvenile Justice may require participation by certain juveniles in vocational work programs; providing for establishment of guidelines and specifying procedures; providing for an agricultural and industrial production and marketing program; providing for contracts with respect to a juvenile

industry program including the operation of a direct private sector business within a juvenile facility; providing for workers' compensation coverage; renumbering s. 39.067, F.S., relating to furlough and intensive aftercare; renumbering and amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; conforming references and departmental name; renumbering s. 39.085, F.S., relating to the Alternative Education Institute; renumbering s. 39.0572, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering and amending s. 39.021, F.S., relating to administering the juvenile justice continuum; conforming departmental name; removing specified provisions; creating s. 985.405, F.S.; requiring the Department of Juvenile Justice to adopt certain rules relating to program management; renumbering s. 39.024, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Training Trust Fund; renumbering s. 39.076, F.S., relating to contracting and personnel; renumbering s. 39.075, F.S., relating to consultants; creating s. 985.409, F.S.; providing for participation in the Florida Casualty Insurance Risk Management Trust Fund; renumbering s. 39.074, F.S., relating to facilities siting; renumbering and amending s. 39.0215, F.S., relating to county and municipal delinquency programs and facilities; creating s. 985.412, F.S.; providing for quality assurance; providing for an annual report to the Legislature and Governor with respect to program quality; renumbering and amending s. 39.025, F.S., relating to district juvenile justice boards; removing short title designation; conforming references and departmental name; removing specified provisions; creating s. 985.414, F.S.; providing for county juvenile justice councils; providing purpose, duties, and responsibilities; providing for an annual report; creating s. 985.415, F.S.; providing for county juvenile justice partnership grants; creating s. 985.416, F.S.; providing for innovation zones; renumbering s. 39.062, F.S., relating to transferring children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 39.063, F.S., relating to transferring children to other treatment services; renumbering s. 39.065, F.S., relating to contracts for the transfer of children under federal custody; renumbering s. 39.51, F.S., relating to the Interstate Compact on Juveniles; renumbering s. 39.511, F.S., relating to execution of the compact; renumbering s. 39.512, F.S., relating to the juvenile compact administrator; renumbering s. 39.513, F.S., relating to supplementary agreements; renumbering s. 39.514, F.S., relating to financial arrangements; renumbering s. 39.515, F.S., relating to responsibility of state departments, agencies, and officers; renumbering s. 39.516, F.S., relating to additional procedures with respect to the compact; creating s. 984.01, F.S.; providing purposes and intent with respect to children and families in need of services; providing certain contracting authority of the Department of Juvenile Justice or Department of Children and Family Services; providing for both departments to require employment screening of personnel in programs for children or youths, including certain volunteers or other personnel of contracted-for programs; providing for both departments to grant exemptions from disqualification for working with children; creating s. 984.02, F.S.; providing legislative intent; creating s. 984.03, F.S.; providing definitions; renumbering and amending s. 39.42, F.S., relating to children in need of services and families in need of services; conforming reference; renumbering and amending s. 39.015, F.S., relating to rules relating to habitual truants; conforming references; renumbering and amending s. 39.4451, F.S., relating to oaths, records, and confidential information; removing a reference; renumbering s. 39.447, F.S., relating to appointed counsel; renumbering and amending s. 39.017, F.S., relating to attorney's fees; conforming references; creating s. 984.09, F.S.; providing for punishment for contempt of court; providing for an alternative sanctions coordinator position within each judicial circuit; renumbering and amending s. 39.423, F.S., relating to intake of children; conforming reference and departmental name; renumbering and amending s. 39.424, F.S., relating to services to families in need of services; conforming reference; renumbering s. 39.426, F.S., relating to staffing for treatment and services to families in need of services; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; conforming references; renumbering and amending s. 39.422, F.S., relating to shelter placement of certain children; revising catchline; renumbering and amending s. 39.436, F.S., relating to petitions for children in need of services; conforming references; renumbering s. 39.437, F.S., relating to process and service; renumbering s. 39.438, F.S., relating to response to petition and representation of parties; renumbering s. 39.4431, F.S., relating to referral of children-in-need-of-services cases to mediation; renumbering and amending s. 39.446, F.S., relating to examination and treatment of certain children; conforming references and departmental name; renumbering s. 39.44, F.S., relating to hearings for children-in-need-of-services cases; renumbering s. 39.441, F.S., relating to orders of adjudication; renumbering and amending s. 39.442, F.S., relating to powers of disposition; conforming departmental name; renumbering s. 39.4375, F.S., relating to court and witness fees; renumbering s. 39.4441, F.S., relating to appeals; amending s. 39.01, F.S.; conforming references, departmental name; removing specified provisions; defining "district administrator," "circuit," and "health and human services board"; revising definitions applicable to ch. 39, F.S.; repealing ss. 39.0205, 39.0206, F.S., relating to a short title and a definition; renumbering s. 39.061, F.S., relating to escapes from detention or residential commitment facilities; repealing s. 39.419, F.S., relating to a definition; repealing ss. 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, 39.036, F.S., relating to community arbitration, which provisions are otherwise incorporated into this act; repealing ss. 39.052, 39.053, 39.054, 39.059, F.S., relating to adjudicatory hearings, adjudication, powers of disposition, and community control or commitment of children prosecuted as adults, which provisions are otherwise incorporated into this act; repealing ss. 39.05842, 39.05843, 39.05844, 39.05845, F.S., relating to vocational/work programs, which provisions are otherwise incorporated into this act; repealing s. 39.056, F.S., relating to early delinquency intervention, which provision is otherwise incorporated into this act; amending s. 39.002, F.S.; providing legislative intent for the juvenile justice system; removing specified provisions; amending s. 39.012, F.S.; providing for the Department of Children and Family Services to adopt certain rules relating to program management; removing specified provisions; designating and naming parts of ch. 985, F.S.; providing legislative intent with respect to reservation of certain statutory chapters for sections of statute relating to specified subjects and with respect to construction and statutory assignment of certain other acts; providing a directive to the Division of Statutory Revision; requiring the Juvenile Justice Advisory Board and the Department of Juvenile Justice to conduct research to determine effective aftercare program models; providing an appropriation; requiring reports to the Legislature; providing an effective date.

Senator Bankhead moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 321, line 26 through page 322, line 5, delete those lines and insert:

(2) The Juvenile Justice Advisory Board and the

Amendment 1 as amended was adopted.

On motion by Senator Cowin, by two-thirds vote **HB 1369** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Kirkpatrick	Scott
Campbell	Grant	Klein	Silver
Casas	Gutman	Kurth	Sullivan
Childers	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President

Consideration of **CS for SB 1920**, **CS for SB 564** and **SB 840** was deferred.

On motion by Senator Gutman, by two-thirds vote **HJR 969** was withdrawn from the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

On motion by Senator Gutman—

HJR 969—A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State

Constitution relating to local option ad valorem tax exemption for, and assessment of, certain historic properties.

Be It Resolved by the Legislature of the State of Florida:

That the amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1998:

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties ~~engaging in the rehabilitation or renovation of these properties in accordance with approved historic preservation guidelines~~. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax *purposes* ~~pusposes~~, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

1. Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

(A) three percent (3%) of the assessment for the prior year.

(B) the percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

2. No assessment shall exceed just value.

3. After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

4. New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.

5. Changes, additions, reductions or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction or improvement, the property shall be assessed as provided herein.

6. In the event of a termination of homestead status, the property shall be assessed as provided by general law.

7. The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

ARTICLE XII
SCHEDULE

SECTION 22. Historic property exemption and assessment.—The amendments to Sections 3 and 4 of Article VII relating to ad valorem tax exemption for, and assessment of, historic property shall take effect January 1, 1999.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

HISTORIC PROPERTY TAX EXEMPTION AND ASSESSMENT

With respect to historic property granted ad valorem tax exemption by a county or municipality, removes a requirement that the owner be engaged in renovating the property.

Authorizes the Legislature to allow counties or municipalities, by ordinance, to assess historic properties solely on the basis of character or use for ad valorem tax purposes, subject to eligibility requirements specified by general law.

—a companion measure, was substituted for **SJR 844** and read the second time in full. On motion by Senator Gutman, by two-thirds vote **HJR 969** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dantzler	Horne	Meadows
Bronson	Diaz-Balart	Jenne	Myers
Brown-Waite	Dudley	Jones	Ostalkiewicz
Burt	Dyer	Kirkpatrick	Rossin
Campbell	Forman	Klein	Scott
Casas	Grant	Kurth	Silver
Childers	Gutman	Latvala	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Clary, Sullivan

Consideration of **CS for SB 2086**, **CS for SB 1760** and **CS for CS for SB 1412** was deferred.

On motion by Senator Jones—

CS for CS for SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing for contributions to be made through an intermediary organization; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 546** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Holzendorf—

SB 840—A bill to be entitled An act relating to workers' compensation and employer's liability insurance; amending s. 627.072, F.S.; prescribing a minimum value that may be placed on margin for profit and contingencies when determining and fixing rates for such insurance; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Holzendorf:

Amendment 1 (with title amendment)—On page 1, line 12 through page 2, line 3, delete those lines and insert:

Section 1. Subsection (8) of section 627.215, Florida Statutes, is amended to read:

627.215 Excessive profits for workers' compensation, employer's liability, commercial property, and commercial casualty insurance prohibited.—

(8) As used in this section with respect to any 3-year period, or with respect to any 10-year period in the case of commercial umbrella liability insurance, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business, *except that the anticipated underwriting profit for the purposes of this section shall be calculated using a profit and contingencies factor that is not less than zero.* Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

Section 2. Subsection (14) of section 627.215, Florida Statutes, is amended to read:

627.215 Excessive profits for workers' compensation, employer's liability, commercial property, and commercial casualty insurance prohibited.—

(14) The application of this law to commercial property and commercial casualty insurance, *which includes commercial umbrella liability insurance,* ceases on January 1, 1997. The Department of Insurance shall, no later than October 1, 1995, provide a report on this law to the President of the Senate and the Speaker of the House of Representatives, which report includes a history of the excess profits law and a year-by-year listing of excess profits returned to policyholders as refunds or credits.

Section 3. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: 627.215, F.S.; prescribing a minimum value for profit and contingencies factor for the purpose of calculating the anticipated underwriting profit; providing clarification on the application of excess profits; providing an effective date.

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, delete line 23 and insert:

Section 3. *Risk based capital requirements for insurers.—*

(1) As used in this section, the term:

(a) "Adjusted risk based capital report" means a risk based capital report that has been adjusted by the department in accordance with this section.

(b) "Authorized control level risk based capital" means the number determined under the risk based capital formula in the risk based capital instructions.

(c) "Company action level risk based capital" means the product of 2.0 and an insurer's authorized control level risk based capital.

(d) "Corrective order" means an order issued by the department specifying corrective actions that the department has determined are required.

(e) "Department" means the Department of Insurance.

(f) "Domestic insurer" means any insurer domiciled in this state.

(g) "Foreign insurer" means any insurer that is authorized or eligible to do business in this state but that is not domiciled in this state.

(h) "Life and health insurer" means any insurer authorized or eligible under the Florida Insurance Code to underwrite life or health insurance. The term includes a property and casualty insurer that writes accident and health insurance only.

(i) "Mandatory control level risk based capital" means the product of 0.70 and the authorized control level risk based capital.

(j) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the trend test calculation included in the risk based capital instructions.

(k) "Property and casualty insurer" means any insurer licensed under the Florida Insurance Code, but does not include a single-line mortgage guaranty insurer, financial guaranty insurer, or title insurer or a life and health insurer.

(l) "Regulatory action level risk based capital" means the product of 1.5 and an insurer's authorized control level risk based capital.

(m) "Revised risk based capital plan" means the revision of the risk based capital plan which is prepared by an insurer after the department rejects the original plan.

(n) "Risk based capital instructions" means the instructions for preparing a risk based capital report as adopted by the National Association of Insurance Commissioners.

(o) "Risk based capital level" means an insurer's company action level risk based capital, regulatory action level risk based capital, authorized control level risk based capital, or mandatory control level risk based capital.

(p) "Risk based capital plan" means a comprehensive financial plan specified in paragraph (4)(b).

(q) "Risk based capital report" means the report required in subsection (2).

(r) "Total adjusted capital" means the sum of:

1. An insurer's statutory capital and surplus; and

2. Any other item required by the risk based capital instructions.

(2)(a) Each domestic insurer that is subject to this section shall, on or before March 1 of each year, prepare and file with the National Association of Insurance Commissioners a report of its risk based capital levels as of the end of the calendar year just ended, in a form and containing the information required in the risk based capital instructions. In addition, each domestic insurer shall file a printed copy of its risk based capital report:

1. With the department on or before March 1 of each year.

2. With the insurance department in any other state in which the insurer is authorized to do business, if that department has notified the insurer of its request in writing, in which case the insurer shall file its risk based capital report not later than the later of:

a. Fifteen days after the receipt of notice to file its risk based capital report with that state; or

b. March 1.

(b) The comparison of an insurer's total adjusted capital to any of its risk based capital levels is a regulatory tool that may indicate the need for possible corrective action with respect to the insurer, and may not be used as a means to rank insurers generally. Therefore, except as otherwise required under this section, the making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing an assertion, representation, or statement with regard to the risk based capital levels of any insurer, or of any component derived in the calculation, by any insurer, agent, broker, or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited; however, if any materially false statement with respect to the comparison regarding an insurer's total adjusted capital to its risk based capital levels (or any of them) or an inappropriate comparison of any other amount to the insurer's risk based capital levels is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity or inappropriateness of the statement, the insurer may publish in a written publication an announcement the sole purpose of which is to rebut the materially false statement.

(c) The department shall use the risk based capital instructions, risk based capital reports, adjusted risk based capital reports, risk based capital plans, and revised risk based capital plans solely for monitoring the solvency of insurers and assessing the need for corrective action with respect to insurers. The department may not use that information for ratemaking, as evidence in any rate proceeding, or for calculating or deriving any elements of an appropriate premium level or rate of return for any line of insurance which an insurer or an affiliate of such insurer is authorized to write.

(d) A life and health insurer's risk based capital is determined in accordance with the formula set forth in the risk based capital instructions. The formula takes into account and may adjust for the covariance between:

1. The risk with respect to the insurer's assets;

2. The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

3. The interest rate risk with respect to the insurer's business; and

4. Any other business or other relevant risk set out in the risk based capital instructions,

determined in each case by applying the factors in the manner set forth in the risk based capital instructions.

(e) A property and casualty insurer's risk based capital is determined in accordance with the formula set forth in the risk based capital instructions. The formula takes into account and may adjust for the covariance between:

1. The asset risk;
2. The credit risk;
3. The underwriting risk; and
4. Any other business or other relevant risk set out in the risk based capital instructions,

determined in each case by applying the factors in the manner set forth in the risk based capital instructions.

(f) The Legislature finds that an excess of capital over the amount produced by the risk based capital requirements and the formulas, schedules, and instructions specified in this section is a desirable goal with respect to the business of insurance. Accordingly, insurers should seek to maintain capital above the risk based capital levels required by this section. Additional capital is used and useful in the insurance business and helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk based capital requirements contained in this section.

(g) If a domestic insurer files a risk based capital report that the department finds is inaccurate, the department shall adjust the risk based capital report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice must state the reason for the adjustment. A risk based capital report that is so adjusted is referred to as the adjusted risk based capital report. The adjusted risk based capital report must also be filed by the insurer with the National Association of Insurance Commissioners.

(3)(a) A company action level event includes:

1. The filing of a risk based capital report by an insurer which indicates that:

a. The insurer's total adjusted capital is greater than or equal to its regulatory action level risk based capital but less than its company action level risk based capital; or

b. If a life and health insurer, the insurer has total adjusted capital that is greater than or equal to its company action level risk based capital, but is less than the product of its authorized control level risk based capital and 2.5, and has a negative trend;

2. The notification by the department to the insurer of an adjusted risk based capital report that indicates an event in subparagraph 1., unless the insurer challenges the adjusted risk based capital report under subsection (7); or

3. If, under subsection (7), an insurer challenges an adjusted risk based capital report that indicates an event in subparagraph 1., the notification by the department to the insurer that the department has, after a hearing, rejected the insurer's challenge.

(b) If a company action level event occurs, the insurer shall prepare and submit to the department a risk based capital plan, which must:

1. Identify the conditions that contribute to the company action level event;

2. Contain proposals of corrective actions that the insurer intends to take and that are reasonably expected to result in the elimination of the company action level event;

3. Provide projections of the insurer's financial results in the current year and at least the 4 succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business may include separate projections for each major line of business and, if separate projections are provided, must separately identify each significant income, expense, and benefit component;

4. Identify the key assumptions affecting the insurer's projections and the sensitivity of the projections to the assumptions; and

5. Identify the quality of, and problems associated with, the insurer's business, including, but not limited to, its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and any use of reinsurance.

(c) The risk based capital plan must be submitted:

1. Within 45 days after the company action level event; or

2. If the insurer challenges an adjusted risk based capital report under subsection (7), within 45 days after notification to the insurer that the department has, after a hearing, rejected the insurer's challenge.

(d) Within 60 days after the submission by an insurer of a risk based capital plan to the department, the department shall notify the insurer whether the risk based capital plan must be implemented or is, in the judgment of the department, unsatisfactory. If the department determines that the risk based capital plan is unsatisfactory, the notification to the insurer must set forth the reasons for the determination and may set forth proposed revisions. Upon notification from the department, the insurer shall prepare a revised risk based capital plan, which may incorporate by reference any revisions proposed by the department, and shall submit the revised risk based capital plan to the department:

1. Within 45 days after the notification from the department; or

2. If the insurer challenges the notification from the department under subsection (7), within 45 days after a notification to the insurer that the department has, after a hearing, rejected the insurer's challenge.

(e) If the department notifies an insurer that the insurer's risk based capital plan or revised risk based capital plan is unsatisfactory, the department may, at its discretion and subject to the insurer's right to a hearing under subsection (7), specify in the notification that the notification is a regulatory action level event.

(f) Each domestic insurer that files a risk based capital plan or a revised risk based capital plan with the department shall file a copy of the risk based capital plan or the revised risk based capital plan with the insurance department in any other state in which the insurer is authorized to do business if:

1. That state has a risk based capital law that is substantially similar to paragraph (8)(a); and

2. The insurance department of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the risk based capital plan or the revised risk based capital plan in that state no later than the later of:

a. Fifteen days after the receipt of notice to file a copy of its risk based capital plan or revised risk based capital plan with the state; or

b. The date on which the risk based capital plan or the revised risk based capital plan is filed under paragraph (c) or paragraph (d).

(4)(a) A regulatory action level event includes:

1. The filing of a risk based capital report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its authorized control level risk based capital but is less than its regulatory action level risk based capital;

2. The notification by the department to the insurer of an adjusted risk based capital report that indicates the event described in subparagraph 1., unless the insurer challenges the adjusted risk based capital report under subsection (7);

3. If, under subsection (7), the insurer challenges an adjusted risk based capital report that indicates the event described in subparagraph 1., the notification by the department to the insurer that the department has, after a hearing, rejected the insurer's challenge;

4. The failure of the insurer to file a risk based capital report by the filing date, unless the insurer provides an explanation for such failure which is satisfactory to the department and cures the failure within 10 days after the filing date;

5. The failure of the insurer to submit a risk based capital plan to the department within the time period set forth in paragraph (3)(c);

6. Notification by the department to the insurer that:

a. The risk based capital plan or the revised risk based capital plan submitted by the insurer is, in the judgment of the department, unsatisfactory; and

b. This notification constitutes a regulatory action level event with respect to the insurer, unless the insurer challenges the determination under subsection (7);

7. If, under subsection (7), the insurer challenges a determination by the department under subparagraph 6., the notification by the department to the insurer that the department has, after a hearing, rejected the challenge;

8. Notification by the department to the insurer that the insurer has failed to adhere to its risk based capital plan or revised risk based capital plan, but only if this failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event in accordance with its risk based capital plan or revised risk based capital plan and the department has so stated in the notification, unless the insurer challenges the determination under subsection (7); or

9. If, under subsection (7), the insurer challenges a determination by the department under subparagraph 8., the notification by the department to the insurer that the department has, after a hearing, rejected the challenge.

(b) If a regulatory action level event occurs, the department shall:

1. Require the insurer to prepare and submit a risk based capital plan or, if applicable, a revised risk based capital plan;

2. Perform an examination pursuant to section 624.316, Florida Statutes, or an analysis, as the department considers necessary, of the assets, liabilities, and operations of the insurer, including a review of the risk based capital plan or the revised risk based capital plan; and

3. After the examination or analysis, issue a corrective order specifying such corrective actions as the department determines are required.

(c) In determining corrective actions, the department shall consider any factor relevant to the insurer based upon the department's examination or analysis of the assets, liabilities, and operations of the insurer, including, but not limited to, the results of any sensitivity tests undertaken as provided in the risk based capital instructions. The risk based capital plan or the revised risk based capital plan must be submitted:

1. Within 45 days after the occurrence of the regulatory action level event;

2. If the insurer challenges an adjusted risk based capital report under subsection (7), within 45 days after the notification to the insurer that the department has, after a hearing, rejected the insurer's challenge; or

3. If the insurer challenges a revised risk based capital plan under subsection (7), within 45 days after the notification to the insurer that the department has, after a hearing, rejected the insurer's challenge.

(d) The department may retain actuaries, investment experts, and other consultants to review an insurer's risk based capital plan or revised risk based capital plan, examine or analyze the assets, liabilities, and operations of an insurer, and formulate the corrective order with respect to the insurer. The fees, costs, and expenses relating to consultants must

be borne by the affected insurer or by any other party as directed by the department.

(5)(a) An authorized control level event includes:

1. The filing of a risk based capital report by the insurer which indicates that the insurer's total adjusted capital is greater than or equal to its mandatory control level risk based capital but is less than its authorized control level risk based capital;

2. The notification by the department to the insurer of an adjusted risk based capital report that indicates the event in subparagraph 1., unless the insurer challenges the adjusted risk based capital report under subsection (7);

3. If, under subsection (7), the insurer challenges an adjusted risk based capital report that indicates the event in subparagraph 1., notification by the department to the insurer that the department has, after a hearing, rejected the insurer's challenge;

4. The failure of the insurer to respond, in a manner satisfactory to the department, to a corrective order, unless the insurer challenges the corrective order under subsection (7); or

5. If the insurer challenges a corrective order under subsection (7) and the department has, after a hearing, rejected the challenge or modified the corrective order, the failure of the insurer to respond, in a manner satisfactory to the department, to the corrective order after rejection or modification by the department.

(b) If an authorized control level event occurs, the department shall:

1. Take any action required under subsection (4) regarding the insurer with respect to which a regulatory action level event has occurred; or

2. If the department considers it to be in the best interests of the policyholders and creditors of the insurer and of the public, take any action as necessary to cause the insurer to be placed under regulatory control under chapter 631, Florida Statutes. An authorized control level event is sufficient ground for the department to be appointed as receiver as provided in chapter 631, Florida Statutes.

(6)(a) A mandatory control level event includes:

1. The filing of a risk based capital report that indicates that the insurer's total adjusted capital is less than its mandatory control level risk based capital;

2. Notification by the department to the insurer of an adjusted risk based capital report that indicates the event in subparagraph 1., unless the insurer challenges the adjusted risk based capital report under subsection (7); or

3. If, under subsection (7), the insurer challenges an adjusted risk based capital report that indicates the event in subparagraph 1., notification by the department to the insurer that the department has, after a hearing, rejected the insurer's challenge.

(b) If a mandatory control level event occurs:

1. With respect to a life and health insurer, the department shall, after due consideration of s. 624.408, Florida Statutes, take any action necessary to place the insurer under regulatory control, including any remedy available under chapter 631, Florida Statutes. A mandatory control level event is sufficient ground for the department to be appointed as receiver as provided in chapter 631, Florida Statutes. The department may forego taking action for up to 90 days after the mandatory control level event if the department finds there is a reasonable expectation that the mandatory control level event may be eliminated within the 90-day period.

2. With respect to a property and casualty insurer, the department shall, after due consideration of s. 624.408, Florida Statutes, take any action necessary to place the insurer under regulatory control, including any remedy available under chapter 631, Florida Statutes, or, in the case of an insurer that is not writing new business, may allow the insurer to continue to operate under the supervision of the department. In either case, the mandatory control level event is sufficient ground for the department to be appointed as receiver as provided in chapter 631, Florida Statutes. The department may forego taking action for up to 90 days after the mandatory control level event if the department finds there is a reasonable expectation that the mandatory control level event will be eliminated within the 90-day period.

(7)(a) An insurer has a right to a hearing before the department upon:

1. Notification to an insurer by the department of an adjusted risk based capital report;

2. Notification to an insurer by the department that the insurer's risk based capital plan or revised risk based capital plan is unsatisfactory, and that the notification constitutes a regulatory action level event with respect to such insurer;

3. Notification to any insurer by the department that the insurer has failed to adhere to its risk based capital plan or revised risk based capital plan and that the failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event in accordance with its risk based capital plan or its revised risk based capital plan; or

4. Notification to an insurer by the department of a corrective order with respect to the insurer.

(b) At such hearing the insurer may challenge any determination or action by the department. The insurer shall notify the department of its request for a hearing within 5 days after receipt of the notification by the department under this subsection. Upon receipt of the request for a hearing, the department shall set a date for the hearing, which date must be no fewer than 10 nor more than 30 days after the date the department receives the insurer's request. The hearing must be conducted as provided in section 624.324, Florida Statutes, with the right to appellate review under section 120.68, Florida Statutes.

(8)(a) Any foreign insurer shall, upon the written request of the department, submit to the department a risk based capital report, as of the end of the calendar year just ended, no later than the later of:

1. The date a risk based capital report is required to be filed by a domestic insurer under this section; or

2. Fifteen days after the request is received by the foreign insurer.

(b) Any foreign insurer shall, upon the written request of the department, promptly submit to the department a copy of any risk based capital plan that is filed with the insurance department of another state.

(c) The department may require a foreign insurer to file a risk based capital plan if:

1. A company action level event, regulatory action level event, or authorized control level event occurs with respect to any foreign insurer as determined under the risk based capital law of the state of domicile of the insurer, or, if there is no risk based capital law in that state, under this section.

2. The insurance department of the state of domicile of the foreign insurer fails to require the foreign insurer to file a risk based capital plan in the manner specified under the risk based capital law of that state, or, if there is no risk based capital law in that state, under subsection (3).

The failure of the foreign insurer to file a risk based capital plan with the department when required under this paragraph is a ground for the department to take any action under section 624.418, Florida Statutes, which it determines is necessary.

(d) If a mandatory control level event occurs with respect to any foreign insurer and a domiciliary receiver has not been appointed with respect to the foreign insurer under the rehabilitation and liquidation law of the state of domicile of the foreign insurer, the department may apply to the Circuit Court of Leon County and such event constitutes grounds for the department to be appointed as receiver as provided in chapter 631, Florida Statutes, with respect to the liquidation of property of foreign insurers found in this state. The occurrence of a mandatory control level event is a ground for such application.

(9) There shall be no liability on the part of, and no cause of action shall arise against, the commissioner, the department, or its employees or agents for any action taken by them in the performance of their powers and duties under this section.

(10) The department shall transmit any notice that may result in regulatory action by registered mail, certified mail, or any other method of transmission. Notice is effective when the insurer receives it.

(11) For the purposes of the risk based capital reports required to be filed by life and health insurers with respect to their 1997 annual statement data and the risk based capital reports required to be filed by property and casualty insurers with respect to their 1997 annual statement data, the following requirements apply in lieu of the provisions of subsections (3), (4), (5), and (6):

(a) If a company action level event occurs with respect to a domestic insurer, the department may not take any regulatory action.

(b) If a regulatory action level event occurs under subparagraph 1., subparagraph 2., or subparagraph 3. of paragraph (4)(a), the department shall take the actions required under subsection (3).

(c) If a regulatory action level event occurs under subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., subparagraph 8., or subparagraph 9. of paragraph (4)(a), or an authorized control level event occurs, the department shall take the actions required under subsection (4).

(d) If a mandatory control level event occurs with respect to an insurer, the department shall take the actions required under subsection (5).

(12) This section is supplemental to the other laws of this state and does not preclude or limit any power or duty of the department under those laws or under the rules adopted under those laws.

(13) This section does not apply to a domestic property and casualty insurer that meets all of the following conditions:

(a) Writes direct business only in this state;

(b) Writes direct annual premiums of $2 million or less; and

(c) Assumes no reinsurance in excess of 5 percent of direct premiums written.

(14) The department may adopt rules to administer this section, including, but not limited to, those regarding risk based capital reports, adjusted risk based capital reports, risk based capital plans, corrective orders and procedures to be followed in the event of a triggering of a company action level event, a regulatory action level event, an authorized control level event, or a mandatory control level event.

Section 4. *Assets of insurers; reporting requirements.—*

(1) As used in this section, the term:

(a) "Material acquisition of assets" or "material disposition of assets" means one or more transactions occurring during any 30-day period which are nonrecurring and not in the ordinary course of business and involve more than 5 percent of the reporting insurer's total admitted assets as reported in its most recent statutory statement filed with the insurance department of the insurer's state of domicile.

(b) "Material nonrenewal, cancellation, or revision of a ceded reinsurance agreement" is one that affects:

1. With respect to property and casualty business, including accident and health business written by a property and casualty insurer:

a. More than 50 percent of the insurer's total ceded written premium; or

b. More than 50 percent of the insurer's total ceded indemnity and loss-adjustment reserves.

2. With respect to life, annuity, and accident and health business, more than 50 percent of the total reserve credit taken for business ceded, on an annualized basis, as indicated in the insurer's most recent annual statement.

3. With respect to property and casualty business or life, annuity, and accident and health business, a material revision includes:

a. The replacement of an authorized reinsurer representing more than 10 percent of a total cession by one or more unauthorized reinsurers; or

b. The reduction or waiver, with respect to one or more unauthorized insurers, of previously established collateral requirements representing more than 10 percent of a total cession.

(2) Each domestic insurer shall file a report with the Department of Insurance disclosing a material acquisition of assets, a material disposition of assets, or a material nonrenewal, cancellation, or revision of a ceded reinsurance agreement, unless the material acquisition or disposition of assets or the material nonrenewal, cancellation, or revision of a ceded reinsurance agreement has been submitted to the department for review, approval, or informational purposes under another section of the Florida Insurance Code or a rule adopted thereunder. A copy of the report and each exhibit or other attachment must be filed by the insurer with the National Association of Insurance Commissioners. The report required in this section is due within 15 days after the end of the calendar month in which the transaction occurs.

(3) An immaterial acquisition or disposition of assets need not be reported under this section.

(4)(a) Acquisitions of assets which are subject to this section include each purchase, lease, exchange, merger, consolidation, succession, or other acquisition of assets. Asset acquisitions for the construction or development of real property by or for the reporting insurer and the acquisition of construction materials for this purpose are not subject to this section.

(b) Dispositions of assets which are subject to this section include each sale, lease, exchange, merger, consolidation, mortgage, hypothecation, assignment for the benefit of a creditor or otherwise, abandonment, destruction, or other disposition of assets.

(5)(a) The following information must be disclosed in any report of a material acquisition or disposition of assets:

1. The date of the transaction;
2. The manner of acquisition or disposition;
3. The description of the assets involved;
4. The nature and amount of the consideration given or received;
5. The purpose of, or reason for, the transaction;
6. The manner by which the amount of consideration was determined;
7. The gain or loss recognized or realized as a result of the transaction; and
8. The name of the person from whom the assets were acquired or to whom they were disposed.

(b) Insurers must report material acquisitions or dispositions on a nonconsolidated basis unless the insurer is part of a consolidated group of insurers which uses a pooling arrangement or a 100-percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and the insurer has ceded substantially all of its direct and assumed business to the pool. An insurer is deemed to have ceded substantially all of its direct and assumed business to a pool if the insurer has less than $1 million in total direct and assumed written premiums during a calendar year which are not subject to a pooling arrangement and if the net income of the business which is not subject to the pooling arrangement represents less than 5 percent of the insurer's capital and surplus.

(6) The nonrenewal, cancellation, or revision of a ceded reinsurance agreement need not be reported if the renewal or the revision is not material or if:

(a) With respect to property and casualty business, including accident and health business written by a property and casualty insurer, the insurer's total ceded written premium represents, on an annualized basis, less than 10 percent of its total written premium for direct and assumed business; or

(b) With respect to life, annuity, and accident and health business, the total reserve credit taken for business ceded represents, on an annualized basis, less than 10 percent of the statutory reserve requirement before the cession.

(7)(a) The following information must be disclosed in any report of a material nonrenewal, cancellation, or revision of a ceded reinsurance agreement:

1. The effective date of the nonrenewal, cancellation, or revision;

2. The description of the transaction and the identification of the initiator of the transaction;

3. The purpose of, or reason for, the transaction; and

4. If applicable, the identity of each replacement reinsurer.

(b) Insurers shall report the material nonrenewal, cancellation, or revision of a ceded reinsurance agreement on a nonconsolidated basis unless the insurer is part of a consolidated group of insurers which uses a pooling arrangement or a 100-percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and the insurer has ceded substantially all of its direct and assumed business to the pool. An insurer is deemed to have ceded substantially all of its direct and assumed business to a pool if the insurer has less than $1 million in total direct and assumed written premiums during a calendar year which are not subject to a pooling arrangement and if the net income of the business not subject to the pooling arrangement represents less than 5 percent of the insurer's capital and surplus.

Section 5. Section 624.3161, Florida Statutes, is amended to read:

624.3161 Market conduct examinations.—

(1) As often as it deems necessary, ~~and not less frequently than each 5 years,~~ the department shall examine each licensed rating organization, each advisory organization, each group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of ~~part I of~~ chapter 627 are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of chapters 624, 626, 627, and 635.

(2) In lieu of any such examination, the department may accept the report of a similar examination made by the insurance supervisory official of another state.

(3) ~~Upon agreement between the department and the insurer, such~~ *The* examination may be conducted by an independent professional examiner under contract to the department, in which case payment shall be made directly to the contracted examiner by the insurer examined in accordance with the rates and terms agreed to by the department~~, the insurer,~~ and the examiner.

(4) The reasonable cost of the examination shall be paid by the person examined, and such person shall be subject, as though an insurer, to the provisions of s. 624.320.

(5) Such examinations shall also be subject to the applicable provisions of ss. 624.318, 624.319, 624.321, and 624.322.

Section 6. Paragraph (d) of subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)

(d) An insurer may not use the same accountant or partner of an accounting firm responsible for preparing the report required by this subsection for more than *7* ~~5~~ consecutive years. Following this period, the insurer may not use such accountant or partner for a period of 2 years, but may use another accountant or partner of the same firm. An insurer may request the department to waive this prohibition based upon an unusual hardship to the insurer and a determination that the accountant is exercising independent judgment that is not unduly influenced by the insurer considering such factors as the number of partners, expertise of the partners or the number of insurance clients of the accounting firm; the premium volume of the insurer; and the number of jurisdictions in which the insurer transacts business.

Section 7. Section 624.5094, Florida Statutes, is created to read:

624.5094 Casualty insurance premiums.—Notwithstanding any statutory provision to the contrary, for the purposes of calculating the annual assessments for the Special Disability Trust Fund under s. 440.49 and expenses of administration under s. 440.51, any amount paid or credited as dividends or premium refunds in the same calendar year by the insurer to its policyholders must be deducted from "net premium," "net premiums written," "direct premium," and "net premium collected" for the calendar year. Such offset for dividends or premium refunds paid or credited for the current year must be applied against the current year's net premium for that year's assessment regardless of the policy year for which the dividends or premium refunds are being reimbursed.

Section 8. Paragraph (i) is added to subsection (5) of section 625.121, Florida Statutes, 1996 Supplement, to read:

625.121 Standard Valuation Law; life insurance.—

(5) MINIMUM STANDARD FOR VALUATION OF POLICIES AND CONTRACTS ISSUED ON OR AFTER OPERATIVE DATE OF STANDARD NONFORFEITURE LAW.—Except as otherwise provided in paragraph (h) and subsections (6), (11), and (14), the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of s. 627.476 (Standard Nonforfeiture Law for Life Insurance) shall be the commissioners' reserve valuation method defined in subsections (7), (11), and (14); 5 percent interest for group annuity and pure endowment contracts and 3.5 percent interest for all other such policies and contracts, or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after July 1, 1973, 4 percent interest for such policies issued prior to October 1, 1979, and 4.5 percent interest for such policies issued on or after October 1, 1979; and the following tables:

(i) In lieu of the mortality tables specified in this subsection, and subject to rules adopted by the department, the insurance company may, at its option:

1. Substitute the applicable 1958 CSO or CET Smoker and Nonsmoker Mortality Tables, in lieu of the 1980 CSO or CET mortality table standard, for policies issued on or after the operative date of s. 627.476(9) and before January 1, 1989.

2. Substitute the applicable 1980 CSO or CET Smoker and Nonsmoker Mortality Tables in lieu of the 1980 CSO or CET mortality table standard;

3. Use the Annuity 2000 Mortality Table for determining the minimum standard of valuation for individual annuity and pure endowment contracts issued on or after the operative date of this section until the department, on a date certain that is on or after January 1, 1998, adopts by rule that table for determining the minimum standard for valuation purposes.

4. Use the 1994 GAR Table for determining the minimum standard of valuation for annuities and pure endowments purchased on or after the operative date of this section under group annuity and pure endowment contracts until the department, on a date certain that is on or after January 1, 1998, adopts by rule that table for determining the minimum standard for valuation purposes.

Section 9. Paragraph (e) of subsection (1) of section 626.321, Florida Statutes, is amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (d) and (e), a license as agent authorized to transact a limited class of business in any of the following categories:

(e) Credit life or disability insurance.—License covering only credit life or disability insurance. The license may be issued only to an individual employed by a life or health insurer as an officer or other salaried or commissioned representative, or to an individual employed by or associated with a lending or financing institution or creditor, and may authorize the sale of such insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. No individual

while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or class of life or health insurance coverage. *An entity other than a lending or financial institution defined in s. 626.988 holding a limited license under this subsection (1)(e) shall also be authorized to sell credit property insurance.*

Section 10. Paragraph (h) of subsection (9) of section 627.476, Florida Statutes, is amended to read:

627.476 Standard Nonforfeiture Law for Life Insurance.—

(9) CALCULATION OF ADJUSTED PREMIUMS AND PRESENT VALUES FOR POLICIES ISSUED AFTER OPERATIVE DATE OF THIS SUBSECTION.—

(h) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners' 1980 Standard Ordinary Mortality Table or, at the election of the insurer for any one or more specified plans of life insurance, the Commissioners' 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; shall for all policies of industrial insurance be calculated on the basis of the Commissioners' 1961 Standard Industrial Mortality Table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subsection for policies issued in that calendar year. However:

1. At the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subsection, for policies issued in the immediately preceding calendar year.

2. Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subsection (2), shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any.

3. An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit, including any paid-up additions under the policy, on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

4. In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners' 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners' 1961 Industrial Extended Term Insurance Table for policies of industrial insurance.

5. In lieu of the mortality tables specified in this section, at the option of the insurance company and subject to rules adopted by the department, the insurance company may substitute:

a. The 1958 CSO or CET Smoker and Nonsmoker Mortality Tables, whichever is applicable, for policies issued on or after the operative date of this subsection and before January 1, 1989;

b. The 1980 CSO or CET Smoker and Nonsmoker Mortality Tables, whichever is applicable, for policies issued on or after the operative date of this subsection;

c. A mortality table that is a blend of the sex-distinct 1980 CSO or CET mortality table standard, whichever is applicable, or a mortality table that is a blend of the sex-distinct 1980 CSO or CET smoker and nonsmoker mortality table standards, whichever is applicable, for policies that are subject to the United States Supreme Court decision in Arizona Governing Committee v. Norris to prevent unfair discrimination in employment situations.

6.~~5.~~ For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

Section 11. Effective October 1, 1997, section 627.4555, Florida Statutes, is amended to read:

627.4555 Secondary notice.—*Except as provided in this section, a* ~~no~~ contract for life insurance *issued or issued for delivery in this state on or after October 1, 1997,* covering a natural person 64 years of age or older ~~or owned by a natural person 64 years of age or older~~, which has been in force for at least 1 year, *may not* ~~shall~~ be *lapsed* ~~canceled~~ for nonpayment of premium unless, after expiration of the grace period, and at least 21 days *before* ~~prior to~~ the effective date of *any* such *lapse* ~~cancellation~~, the insurer has mailed a notification of *the impending* ~~possible~~ lapse in coverage to the *policyowner* ~~owner of the policy~~ and to a specified secondary addressee if such addressee has been designated in writing by name and address by the policyowner. An insurer issuing a life insurance contract on or after October 1, *1997* ~~1995~~, shall notify the applicant of the right to designate a secondary addressee *at the time of application for the policy, on a form provided by the insurer, and at any time the policy is in force, by submitting a written notice to the insurer containing the name and address of the secondary addressee. For purposes of any life insurance policy that provides a grace period of more than 51 days for nonpayment of premiums, the notice of impending lapse in coverage required by this section must be mailed to the policyowner and the secondary addressee at least 21 days before the expiration of the grace period provided in the policy. This section does not apply to any life insurance contract under which premiums are payable monthly or more frequently and are regularly collected by a licensed agent or are paid by credit card or any preauthorized check processing or automatic debit service of a financial institution.* ~~For policies of life insurance issued or renewed on or after October 1, 1995, the insurer shall notify the owner, at least annually, of the right to designate a secondary addressee.~~

Section 12. Effective October 1, 1997, section 627.5045, Florida Statutes, is amended to read:

627.5045 Secondary notice.—*Except as provided in this section, a* ~~no~~ contract for an industrial life insurance policy *issued or issued for delivery in this state on or after October 1, 1997,* for which premiums are paid monthly, covering a natural person 64 years of age or older or owned by a natural person 64 years of age or older, which has been in force for at least 1 year, *may not* ~~shall~~ be *lapsed* ~~canceled~~ for nonpayment of premium unless, after expiration of the grace period, and at least 21 days *before* ~~prior to~~ the effective date of such *lapse* ~~cancellation~~, the insurer has mailed a notification of *the impending* ~~possible~~ lapse in coverage to the *policyowner* ~~owner of the policy~~ and to a specified secondary addressee if such addressee has been designated in writing by name and address by the policyowner. An insurer issuing an industrial life insurance contract on or after October 1, *1997* ~~1995~~, shall notify the applicant of the right to designate a secondary addressee *at the time of application for the policy on a form provided by the insurer and at any time the policy is in force by submitting a written notice to the insurer containing the name and address of the secondary addressee. This section does not apply to any life insurance contract under which premiums are payable monthly or more frequently and are regularly collected by a licensed agent.* ~~For policies of industrial life insurance issued or renewed on or after October 1, 1995, the insurer shall notify the owner, at least annually, of the right to designate a secondary addressee.~~

Section 13. Effective October 1, 1997, section 628.801, Florida Statutes, is amended to read:

628.801 Insurance holding companies; registration; regulation.—Every insurer which is authorized to do business in this state and which is a member of an insurance holding company shall register with the department and be subject to regulation with respect to its relationship to such holding company as provided by rule or statute. The department shall adopt rules establishing the information and form required for registration and the manner in which registered insurers and their affiliates shall be regulated. The rules shall apply to domestic insurers, foreign insurers, and commercially domiciled insurers, except a foreign insurer domiciled in states that are accredited by the National Association of Insurance Commissioners by December 31, 1995. Except to the extent of any conflict with this code, the rules must include all requirements and standards of ss. 4 and 5 of the Insurance Holding Company System Regulatory Act and the Insurance Holding Company System Model Regulation of the National Association of Insurance Commissioners, as the Regulatory Act and the Model Regulation existed on January 1, *1997* ~~1993~~, and may include a prohibition on oral contracts between affiliated entities. Upon request, the department may waive filing requirements under this section for a domestic insurer that is the subsidiary of an insurer that is in full compliance with the insurance holding company registration laws of its state of domicile, which state is accredited by the National Association of Insurance Commissioners.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 2, line 28 through page 3, line 5, delete those lines from the amendment and insert: On page 1, lines 2-8, delete those lines from the bill and insert: A bill to be entitled An act relating to insurance; amending s. 627.215, F.S.; prescribing a minimum value for profit and contingencies factor for the purpose of calculating the anticipated underwriting profit; providing clarification on the application of excess profits; requiring certain insurers to file reports concerning their risk based capital; requiring the Department of Insurance to request such reports under certain circumstances; providing for hearings; providing definitions and reporting requirements; requiring certain insurers to file reports of material transactions concerning their assets or their ceded reinsurance agreements; providing definitions and reporting requirements; prescribing authority of the Department of Insurance with respect to such reports; amending s. 624.3161, F.S.; deleting a limitation on frequency of certain market conduct examinations; deleting requirement for mutual agreement by department and insurer for an independent examination; amending s. 626.321, F.S.; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 624.424, F.S.; increasing the time limitation on insurers using certain accounting services for certain purposes; creating s. 624.5094, F.S.; providing for offset of dividends or premium refunds in calculating the annual assessment for the Special Disability Trust Fund and expenses of administration; amending s. 625.121, F.S.; providing for the use of additional mortality tables; amending s. 627.476, F.S.; providing for the use of additional mortality tables; amending ss. 627.4555 and 627.5045, F.S.; revising provisions requiring notice to policyowners and secondary addressees of impending lapse of certain insurance policies under certain circumstances; providing procedures; providing application; amending s. 628.801, F.S.; updating a reference to the Insurance Holding Company System Regulatory Act; providing effective dates.

Amendment 1 as amended was adopted.

On motion by Senator Holzendorf, by two-thirds vote **SB 840** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Kirkpatrick	Silver
Campbell	Grant	Klein	Sullivan
Casas	Gutman	Kurth	Thomas
Childers	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Crist

The Senate resumed consideration of—

CS for SB 584—A bill to be entitled An act relating to mining; amending s. 378.601, F.S.; providing that certain heavy mineral mining operations are not required to undergo development-of-regional-impact review; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 584** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **HB 1073** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Kirkpatrick—

HB 1073—A bill to be entitled An act relating to land reclamation; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

—a companion measure, was substituted for **CS for SB 584** as amended and read the second time by title.

Senator Kirkpatrick moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 378.601, Florida Statutes, to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less shall not be required to undergo development of regional impact review pursuant to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued. This subsection applies only in the following circumstances:

(a) Mining is conducted in counties where the operator has conducted heavy mineral mining activities prior to March 1, 1997; and

(b) The operator of the heavy mineral mining operation has executed a developer agreement pursuant to s. 380.032 as of March 1, 1997. Lands mined pursuant to this section need not be the subject of the developer agreement.

Section 2. Paragraph (b) of subsection (1) of section 373.414, Florida Statutes, 1996 Supplement, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(1) As part of an applicant's demonstration that an activity regulated under this part will not be harmful to the water resources or will not be inconsistent with the overall objectives of the district, the governing board or the department shall require the applicant to provide reasonable assurance that state water quality standards applicable to waters as defined in s. 403.031(13) will not be violated and reasonable assurance that such activity in, on, or over surface waters or wetlands, as delineated in s. 373.421(1), is not contrary to the public interest. However, if such an activity significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It shall be the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity.

1. The department or water management districts may accept the donation of money as mitigation only where the donation is specified for use in a *duly noticed* ~~department-or-water-management-district-endorsed~~ environmental creation, preservation, enhancement, or restoration project, *endorsed by the department or the governing board of the water management district, which* ~~that~~ offsets the impacts of the activity permitted under this part. However, the provisions of this subsection shall not apply to projects undertaken pursuant to s. 373.4137 *or chapter*

378. Where a permit is required under this part to implement any project endorsed by the department or a water management district, all necessary permits must have been issued prior to the acceptance of any cash donation. After the effective date of this act, when money is donated to either the department or a water management district to offset impacts authorized by a permit under this part, the department or the water management district shall accept only a donation that represents the full cost to the department or water management district of undertaking the project that is intended to mitigate the adverse impacts. The full cost shall include all direct and indirect costs, as applicable, such as those for land acquisition, land restoration or enhancement, perpetual land management, and general overhead consisting of costs such as staff time, building, and vehicles. The department or the water management district may use a multiplier or percentage to add to other direct or indirect costs to estimate general overhead. Mitigation credit for such a donation shall be given only to the extent that the donation covers the full cost to the agency of undertaking the project that is intended to mitigate the adverse impacts. However, nothing herein shall be construed to prevent the department or a water management district from accepting a donation representing a portion of a larger project, provided that the donation covers the full cost of that portion and mitigation credit is given only for that portion. The department or water management district may deviate from the full cost requirements of this subparagraph to resolve a proceeding brought pursuant to chapter 70 or a claim for inverse condemnation. Nothing in this section shall be construed to require the owner of a private mitigation bank, permitted under s. 373.4136, to include the full cost of a mitigation credit in the price of the credit to a purchaser of said credit.

2. The department and each water management district shall report to the Executive Office of the Governor by January 31 and July 31 of each year all cash donations accepted during the preceding 6 months for wetland mitigation purposes, which shall include a description of the endorsed mitigation projects.

3.~~2.~~ If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the governing board or the department shall consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards.

4.~~3.~~ If mitigation requirements imposed by a local government for surface water and wetland impacts of an activity regulated under this part cannot be reconciled with mitigation requirements approved under a permit for the same activity issued under this part, the mitigation requirements for surface water and wetland impacts shall be controlled by the permit issued under this part.

Section 3. Section 373.4415, Florida Statutes, is created to read:

373.4415 Role of Dade County in processing permits for limerock mining in Dade County Lake Belt.—The department and Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental delegation to the Dade County Department of Environmental Resource Management of authority to implement the permitting program under ss. 373.403-373.439 for limerock mining activities within the geographic area of the Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the Dade County Lake Belt Plan Implementation Committee under s. 373.4149. The delegation of authority must be consistent with s. 373.441 and chapter 62-344, Florida Administrative Code. To further streamline permitting within the Dade County Lake Belt, the department and Dade County are encouraged to work with the United States Army Corps of Engineers to establish a general permit under s. 404 of the Clean Water Act for limerock mining activities within the geographic area of the Dade County Lake Belt consistent with the report submitted in February 1997. Dade County is further encouraged to seek delegation from the United States Army Corps of Engineers for the implementation of any such general permit. This section does not limit the authority of the department to delegate other responsibilities to Dade County under this part.

Section 4. Section 378.4115, Florida Statutes, is created to read:

378.4115 County certification for limerock mining in the Dade County Lake Belt.—The department and Dade County shall cooperate to establish and fulfill reasonable requirements for the departmental certification of the Dade County Department of Environmental Resource Management to implement the reclamation program under ss. 378.401-378.503 for limerock mining activities within the geographic area of the Dade County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the Dade County Lake Belt Plan Implementation Committee under s. 373.4149. The delegation of implementing authority must be consistent with s. 378.411 and chapter 62C-36, Florida Administrative Code. Further, the reclamation program shall maximize the efficient mining of limestone and the littoral area surrounding the lake excavations shall not be required to be greater than 100 feet average in width.

Section 5. Subsections (15) and (16) of section 373.414, Florida Statutes, 1996 Supplement, are amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(15) Activities associated with mining operations as defined by and subject to ss. 378.201-378.212 and 378.701-378.703 *and included in a conceptual reclamation plan or modification application submitted prior to July 1, 1996,* shall continue to be reviewed under the rules of the department adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, the rules of the water management districts under this part, and interagency agreements, in effect on January 1, 1993. Such activities shall be exempt from rules adopted pursuant to subsection (9) and the statewide methodology ratified pursuant to s. 373.4211. As of January 1, 1994, such activities may be issued permits authorizing construction for the life of the mine. ~~This subsection shall be in effect until January 1, 1998, and shall not apply to new mines. For purposes of this subsection, a "new mine" means a mine on which the owner or operator has neither commenced construction nor initiated the permitting process prior to June 1, 1994.~~

(16) Until October 1, *2000* ~~1997~~, regulation under rules adopted pursuant to this part of any sand, limerock, or limestone mining activity which is located in Township 52 South, Range 39 East, sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; in Township 52 South, Range 40 East, sections 6, 7, 8, 18, and 19; in Township 53 South, Range 39 East, sections 1, 2, 13, 21, 22, 23, 24, 25, 26, 33, 34, 35, and 36; and in Township 54 South, Range 38 East, sections 24, and 25, and 36, shall not include the rules adopted pursuant to subsection (9). In addition, until October 1, *2000* ~~1997~~, such activities shall continue to be regulated under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, as such rules existed prior to the effective date of the rules adopted pursuant to subsection (9) and such dredge and fill jurisdiction shall be that which existed prior to January 24, 1984. In addition, any such sand, limerock, or limestone mining activity shall be approved by Dade County and the United States Army Corps of Engineers. This section shall only apply to mining activities which are continuous and carried out on land contiguous to mining operations that were in existence on or before October 1, 1984.

Section 6. Subsections (5), (6), and (7) are added to section 378.035, Florida Statutes, to read:

378.035 Department responsibilities and duties with respect to Nonmandatory Land Reclamation Trust Fund.—

(5) On July 1, 1997, $30 million of the unencumbered funds within the Nonmandatory Land Reclamation Trust Fund are hereby reserved for use by the department. These reserved moneys are to be used to reclaim lands disturbed by the severance of phosphate rock on or after July 1, 1975, in the event that a mining company ceases mining and the associated reclamation prior to all lands disturbed by the operation being reclaimed. Moneys expended by the department to accomplish reclamation pursuant to this subsection shall become a lien upon the property enforceable pursuant to chapter 85. The moneys received as a result of a lien foreclosure or as repayment shall be deposited into the trust fund. In the event the money received as a result of lien foreclosure or repayment is less than the amount expended for reclamation, the department shall use all means available to recover, for the use of the fund, the difference from the affected parties. Paragraph (3)(b) shall apply to lands acquired as a result of a lien foreclosure.

(6)(a) Up to one-half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the purpose of funding basic management or protection of reclaimed, restored, or preserved phosphate lands:

1. Which have wildlife habitat value as determined by the Bureau of Mine Reclamation;

2. Which have been transferred by the landowner to a public agency or a private, nonprofit land conservation and management entity in fee simple, or which have been made subject to a conservation easement pursuant to s. 704.06; and

3. For which other management funding options are not available.

These funds may, after the basic management or protection has been assured for all such lands, be combined with other available funds to provide a higher level of management for such lands.

(b) Up to one-half of the interest income accruing to the funds reserved by subsection (5) shall be available to the department annually for the sole purpose of funding the department's implementation of:

1. The NPDES permitting program authorized by s. 403.0885, as it applies to phosphate mining and beneficiation facilities, phosphate fertilizer production facilities, and phosphate loading and handling facilities;

2. The regulation of dams in accordance with department Rule 62-672, Florida Administrative Code; and

3. The phosphogypsum management program pursuant to s. 403.4154 and department Rule 62-673, Florida Administrative Code.

On or before August 1 of each fiscal year, the department shall prepare a report presenting the expenditures using the interest income allocated by this section made by the department during the immediately preceding fiscal year, which report shall be available to the public upon request.

(7) Should the nonmandatory land reclamation program encumber all the funds in the Nonmandatory Land Reclamation Trust Fund except those reserved by subsection (5) prior to funding all the reclamation applications for eligible parcels, the funds reserved by subsection (5) shall be available to the program to the extent required to complete the reclamation of all eligible parcels for which the department has received applications.

Section 7. Subsections (3) through (9) of section 378.901, Florida Statutes, 1996 Supplement, are renumbered as subsections (4) through (10), respectively, and a new subsection (3) is added to said section to read:

378.901 Life-of-the-mine permit.—

(3) The bureau may also issue life-of-the-mine permits to operators of sand mines as part of the consideration for conveyance to the Board of Trustees of the Internal Improvement Trust Fund of environmentally sensitive lands in an amount equal to or greater than the acreage included in the life-of-the-mine permit and provided such environmentally sensitive lands are contiguous to or within reasonable proximity to the lands included in the life-of-the-mine permit.

Section 8. Paragraph (a) of subsection (11) of section 403.0872, Florida Statutes, 1996 Supplement, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section, which is the only department operation permit for a major source of air pollution required for such source. Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail:

(11) Commencing in 1993, each major source of air pollution permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

1. For 1993 and 1994, the license fee factor is $10. For 1995, the license fee factor is $25. In succeeding years, the license fee factor is $25 or another amount determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond $25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed $35. The department shall retain a nationally recognized accounting firm to conduct a study to determine the reasonable revenue requirements necessary to support the development and administration of the major source air-operation permit program as prescribed in paragraph (b). The results of that determination must be considered in assessing whether a $25-per-ton fee factor is sufficient to adequately fund the major source air-operation permit program. The results of the study must be presented to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Public Service Commission, including the Public Counsel's Office, by no later than October 31, 1994.

2. For any source that operates for fewer hours during the calendar year than allowed under its permit, the annual fee calculation must be based upon actual hours of operation rather than allowable hours if the owner or operator of the source documents the source's actual hours of operation for the calendar year. For any source that has an emissions limit that is dependent upon the type of fuel burned, the annual fee calculation must be based on the emissions limit applicable during actual hours of operation.

3. For any source whose allowable emission limitation is specified by permit per units of material input or heat input or product output, the applicable input or production amount may be used to calculate the allowable emissions if the owner or operator of the source documents the actual input or production amount. If the input or production amount is not documented, the maximum allowable input or production amount specified in the permit must be used to calculate the allowable emissions.

4. For any new source that does not receive its first operation permit until after the beginning of a calendar year, the annual fee for the year must be reduced pro rata to reflect the period during which the source was not allowed to operate.

5. For any source that emits less of any regulated air pollutant than allowed by permit condition, the annual fee calculation for such pollutant must be based upon actual emissions rather than allowable emissions if the owner or operator documents the source's actual emissions by means of data from a department-approved certified continuous emissions monitor or from an emissions monitoring method which has been approved by the United States Environmental Protection Agency under the regulations implementing 42 U.S.C. ss. 7651 et seq., or from a method approved by the department for purposes of this section.

6. The amount of each regulated air pollutant in excess of 4,000 tons per year allowed to be emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

7. If the department has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If ~~the department has not received~~ the fee *is not postmarked* by March 1 of the calendar year *commencing with calendar year 1997*, the department shall impose, in

addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to $50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

8. During the years 1993 through 1999, inclusive, no fee shall be required to be paid under this section with respect to emissions from any unit which is an affected unit under 42 U.S.C. s. 7651c.

9. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section shall not be less than $250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814 shall not exceed $50 per year.

10. Notwithstanding the provisions of s. 403.087(5)(a)4.a., authorizing air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873. The department shall, however, require fees pursuant to the provisions of s. 403.087(5)(a)4.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Section 9. Subsection (7) of section 403.182, Florida Statutes, is amended to read:

403.182 Local pollution control programs.—

(7) It shall be a violation of this chapter to violate, or fail to comply with, a rule, regulation, or order of a stricter or more stringent nature adopted by a local pollution control program, and the same shall be punishable as provided by s. 403.161. If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source *permitted, under construction, or* operating at the time of such change in conformance with a currently valid permit issued by the department.

Section 10. Section 373.4149, Florida Statutes, is amended to read:

373.4149 ~~Northwest~~ Dade County ~~Freshwater~~ Lake *Belt* Plan.—

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, known as the "Dade County Lake Plan," dated February 1997 and submitted by the Dade County Lake Belt Plan Implementation Committee.

(2)(a)~~(1)~~ The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.

(b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.

(3)~~(2)~~ The *Dade County Lake Belt Area is that area* ~~Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west, and that the area generally~~ bounded by the Florida Turnpike to the east, the Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south *together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, and in sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38 East* ~~is one of the few remaining high-quality deposits in the state available for recovery of limestone, and that the Dade County 1985 Northwest Wellfield Protection Plan encourages limestone quarrying activity in lieu of urban development in this area~~.

(4)~~(3)~~ The ~~Northwest~~ Dade County ~~Freshwater~~ Lake *Belt* Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the ~~Northwest~~ Dade County ~~Freshwater~~ Lake *Belt* Plan. The committee shall *consist* ~~be comprised of 13 members and 2 ex officio members, consisting~~ of the chair of the governing board ~~or his or her designee~~ of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the Office of the Governor, the secretary ~~or the secretary's designee~~ of the Department of Environmental Protection, the director of the Division of Resource Management or its successor division within the Department of Environmental Protection, *the director of the Office of Tourism, Trade, and Economic Development within the Office of the Governor,* ~~the secretary or the secretary's designee of the Department of Commerce,~~ the secretary ~~or the secretary's designee~~ of the Department of Community Affairs, *the executive director of the Game and Freshwater Fish Commission,* the director of the Department of Environmental Resource Management of Dade County, *the director of the Dade County Water and Sewer Department,* the Director of Planning in Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, *a representative of the nonmining private landowners within the Dade County Lake Belt area* and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. ~~The~~ Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection *(3)* ~~(2)~~, and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection *(3)* ~~(2)~~. *The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.*

(5)~~(4)~~ The committee shall develop *Phase II of the Lake Belt* ~~a~~ Plan which *shall*:

(a) Include a detailed master plan to further implementation;

(b) Further address compatible land uses, opportunities, and potential conflicts;

(c) Provide for additional wellfield protection;

(d) Provide measures to prevent the reclassification of the Northwest Dade County wells as groundwater under the direct influence of surface water.

(e) Secure additional funding sources; and

(f) Consider the need to establish a land authority.

~~(a) Enhances the water supply for Dade County and the Everglades;~~

~~(b) Maximizes efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment; and~~

~~(c) Educates various groups and the general public of the benefits of the plan.~~

(6)~~(5)~~ The committee shall remain in effect until January 1, *2001* ~~1999~~, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 *of each year*~~, 1994, and by December 31, 1995~~. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a *Phase II*

~~final~~ report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, *2000, to supplement the Phase I report submitted on February 28, 1997* ~~1996~~. *The Phase II* ~~This~~ report *must* ~~shall~~ include *the detailed master plan for the Dade County Lake Belt area together with* the final reports on all studies, the final recommendations of the committee, *the status of implementation of Phase I recommendations* and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

(7)~~(6)~~ ~~After completion of the plan,~~ The committee ~~shall continue to assist in its implementation and~~ shall report to the governing board of the South Florida Water Management District semiannually.

(8)~~(7)~~ In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.

(9)~~(8)~~ The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.

~~(9) The study area shall be extended to include land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, and to section 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38 East, all of which are located outside of Metro-Dade County's Current 2010 Urban Development Boundary Line. No additional biological studies will be required; however, computer hydrologic modeling, land use, and water quality studies may be necessary in the extended study area.~~

(10) *The Department of Environmental Protection, in conjunction with the South Florida Water Management District and the Dade County Department of Environmental Resources Management, is directed to develop a comprehensive mitigation plan for the Dade County Lake Belt Plan, subject to approval by the Legislature, which offsets the loss of wetland functions and values resulting from rock mining in mining-supported and allowable areas.* ~~The Legislature directs the committee and the Department of Environmental Protection to work with the United States Environmental Protection Agency and the Miami-Dade Water and Sewer Authority Department to ensure that the Northwest Wellfield will retain its groundwater source classification for drinking water treatment standards. This determination shall be made utilizing hydrologic modeling and water quality studies. The committee shall seek funding for this study.~~

~~(11) The Legislature directs the South Florida Water Management District to oversee or carry out studies to determine evapotranspiration rates for melaleuca forest and prairie in the lakebelt area. Upon completion of the evapotranspiration study, the South Florida Water Management District shall incorporate study results as part of its overall water supply planning process. The committee shall seek funding for this study.~~

(11)~~(12)~~ *The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.* ~~The Legislature directs the Department of Commerce to oversee or carry out studies of the economic impact associated with the implementation of the lakebelt plan or any of its alternatives.~~

(12)~~(13)~~*(a) All agencies of the state shall review the status of their land holdings within the boundaries of the Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the committee for its use in carrying out the objectives of this act.*

(b) It is the intent of the Legislature that lands provided to the committee be used for land exchanges to further the objectives of this act. ~~This section is repealed January 1, 1999.~~

Section 11. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pollution control; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 373.414, F.S.; providing requirements for the Department of Environmental Protection and the water management districts with respect to the acceptance of donations for mitigation purposes; creating s. 373.4415, F.S.; providing for delegation by the Department of Environmental Protection to Dade County certain permit program functions and responsibilities for limerock mining in the Dade County Lake Belt Area; creating s. 378.4115, F.S.; providing for certification by the department for Dade County to implement certain reclamation program functions and responsibilities for the Dade County Lake Belt Area; amending s. 373.414, F.S.; revising certain criteria for activities associated with mining operations in surface waters and wetlands; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; amending s. 403.0872, F.S.; revising certain requirements for permits for major sources of air pollution; amending s. 403.182, F.S.; providing that a change in a program rule is not applicable to an installation or source permitted or under construction at the time of the change; amending s. 373.4149, F.S.; revising provisions relating to the Northwest Dade County Freshwater Lake Plan to apply to the Dade County Lake Belt Plan; providing legislative findings; defining the Dade County Lake Belt Area; providing for a Dade County Lake Belt Plan Implementation Committee; providing for membership; providing duties of the committee; requiring reports; requiring the Department of Environmental Protection, in conjunction with certain agencies, develop a comprehensive mitigation plan for certain areas for certain purposes; authorizing certain state agencies to enter into agreements to accomplish certain purposes; requiring state agencies to review certain land holdings for certain purposes; deleting a future repeal; providing an effective date.

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 15, line 29, after "permitted," insert: *and*

Amendment 1 as amended was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1073** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea to Nay—McKay

On motion by Senator Gutman, the Senate resumed consideration of—

CS for CS for SB 170—A bill to be entitled An act relating to offenses involving intent to defraud persons who hire or lease personal property or equipment; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting

to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; specifying circumstances under which failure upon demand to pay amounts due for the full rental period constitutes such fraudulent intent; providing an effective date.

—with pending **Amendment 3** by Senator Gutman.

Senator Dudley moved the following substitute amendment which was adopted:

Amendment 4—On page 3, lines 18-28, delete those lines and insert:

(b) In prosecutions under subsection (3), failure to redeliver the property or equipment upon demand made in person or by certified mail with signed return receipt is prima facie evidence of such fraudulent intent.

(c) In prosecutions under subsection (3), failure to pay any amounts due for the full rental period, including reasonable costs for damage to the property or equipment, not to exceed the lesser of the cost of repair or replacement, upon demand made in person or by certified mail is prima facie evidence of such fraudulent intent.

Senator Meadows moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 4, between lines 7 and 8, insert:

Section 2. Subsection (1) of section 68.065, Florida Statutes, 1996 Supplement, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(1) In any civil action brought for the purpose of collecting a check, draft, or order of payment, the payment of which was refused by the drawee because of the lack of funds, credit, or an account, *or where the maker or drawer stops payment on the check, draft, or order of payment with intent to defraud,* and where the maker or drawer fails to pay the amount owing, in cash, to the payee within 30 days following a written demand therefor, as provided in subsection (3), the maker or drawer shall be liable to the payee, in addition to the amount owing upon such check, draft, or order, for damages of triple the amount so owing. However, in no case shall the liability for damages be less than $50. The maker or drawer shall also be liable for any court costs and reasonable attorney fees incurred by the payee in taking the action. Criminal sanctions, as provided in s. 832.07, may be applicable.

Section 3. Section 166.251, Florida Statutes, is amended to read:

166.251 Service fee for dishonored check.—The governing body of a municipality may adopt a service fee *not to exceed the service fees authorized under s. 832.08(5)* ~~$20~~ or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a municipal official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

Section 4. Paragraph (b) of subsection (2) of section 832.07, Florida Statutes, 1996 Supplement, is amended to read:

832.07 Prima facie evidence of intent; identity.—

(2) IDENTITY.—

(a) In any prosecution or action under the provisions of this chapter, a check, draft, or order for which the information required in paragraph (b), paragraph (d), paragraph (e), or paragraph (f) is available at the time of issuance constitutes prima facie evidence of the identity of the person issuing the check, draft, or order and that such person is authorized to draw upon the named account.

(b) To establish this prima facie evidence:

1. The driver's license number or state identification number, specifying the state of issuance of the person presenting the check must be written on the check; or

2. The following information regarding the identity of the person presenting the check must be obtained by the person accepting such check: The presenter's full name, residence address, home phone number, business phone number, place of employment, sex, date of birth, *and* height~~, and race~~.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check;

Senator Gutman moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 4, between lines 7 and 8, insert:

Section 2. Subsection (4) is added to section 316.1945, Florida Statutes, to read:

316.1945 Stopping, standing, or parking prohibited in specified places.—

(4) A parking enforcement specialist or other employee of a public parking authority which is contracted or otherwise engaged by a local government to enforce parking ordinances in downtown areas are not authorized to tow, impound or immobilize any motor vehicle. However, such employee may notify a law enforcement officer of the parking violation and the vehicle may be towed, impounded, or immobilized at the discretion of the law enforcement officer.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 316.1945, F.S.; providing that employees of a parking authority are not authorized to have a vehicle towed, impounded or immobilized;

Pursuant to Rule 4.19, **CS for CS for SB 170** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 258, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (c), (g), and (h) of subsection (4) of section 947.16, Florida Statutes, are amended to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission.—

(4) A person who has become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commis-

sion, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, burglary of a dwelling or burglary of a structure or conveyance in which a human being is present, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first one-third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.

(c) In such a case of retained jurisdiction, the commission, within 30 days after the entry of its release order, shall send notice of its release order to the original sentencing judge and to the appropriate state attorney. The release order shall be made contingent upon entry of an order by the appropriate circuit judge relinquishing jurisdiction as provided for in *paragraphs (d) and (f)* ~~paragraph 5(d) and (f)~~. If the original sentencing judge is no longer in service, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the original sentencing judge. Such notice shall stay the time requirements of s. 947.1745.

(g) The decision of the original sentencing judge or, in his absence, the chief judge of the circuit to vacate any parole release order as provided in this *section* ~~act~~ is not appealable. Each inmate whose parole release order has been vacated by the court shall be reinterviewed within 2 years after the date of receipt of the vacated release order and every 2 years thereafter, or earlier by order of the court retaining jurisdiction. *However, each inmate whose parole release order has been vacated by the court and who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

shall be reinterviewed once within 5 years after the date of receipt of the vacated release order and once every 5 years thereafter, if the commission finds that it is not reasonable to expect that parole would be granted during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish a reinterview date prior to the 5-year schedule.

(h) An inmate whose parole release order has been vacated by the court may not be given a presumptive parole release date during the period of retention of jurisdiction by the court. During such period, a new effective parole release date may be authorized at the discretion of the commission without further interview unless an interview is requested by no fewer than two commissioners. Any such new effective parole release date *must* ~~shall~~ be reviewed in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g).

Section 2. Subsection (1) of section 947.174, Florida Statutes, is amended to read:

947.174 Subsequent interviews.—

(1)*(a)* For any inmate, *except an inmate convicted of an offense enumerated in paragraph (b),* whose presumptive parole release date falls more than 2 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place within 2 years after the initial interview and every 2 years thereafter.

(b) For any inmate convicted of murder, attempted murder, sexual battery, attempted sexual battery, or who has been sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082, and whose presumptive parole release date is more than 5 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place once within 5 years after the initial interview and once every 5 years thereafter if the commission finds that it is not reasonable to expect that parole will be granted at a hearing during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish an interview date prior to the 5-year schedule.

(c) Such interviews shall be limited to determining whether or not information has been gathered which might affect the presumptive parole release date. The provisions of this subsection shall not apply to an inmate serving a concurrent sentence in another jurisdiction pursuant to s. 921.16(2).

Section 3. Subsection (6) of section 947.1745, Florida Statutes, is amended to read:

947.1745 Establishment of effective parole release date.—If the inmate's institutional conduct has been satisfactory, the presumptive parole release date shall become the effective parole release date as follows:

(6) Within 90 days before the effective parole release date interview, the commission shall send written notice to the sentencing judge of any inmate who has been scheduled for an effective parole release date interview. If the sentencing judge is no longer serving, the notice must be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the sentencing judge. Within 30 days after receipt of the commission's notice, the sentencing judge, or the designee, shall send to the commission notice of objection to parole release, if the judge objects to such release. If there is objection by the judge, such objection may constitute good cause in exceptional circumstances as described in s. 947.173, and the commission may schedule a subsequent review within 2 years, extending the presumptive parole release date beyond that time. *However, for an inmate who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

the commission may schedule a subsequent review under this subsection once every 5 years, extending the presumptive parole release date beyond that time if the commission finds that it is not reasonable to expect that parole would be granted at a review during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her release date, the commission may schedule a subsequent review prior to the 5 year schedule. With any subsequent review the same procedure outlined above will be followed. If the judge remains silent with respect to parole release, the commission may authorize an effective parole release date. This subsection applies if the commission desires to consider the establishment of an effective release date without delivery of the effective parole release date interview. Notice of the effective release date must be sent to the sentencing judge, and either the judge's response to the notice must be received or the time period allowed for such response must elapse before the commission may authorize an effective release date.

Section 4. Section 947.1748, Florida Statutes, is created to read:

947.1748 Establishing parole interview dates; exceptions.—For any inmate serving a parole-eligible sentence whose reinterview date, as authorized under s. 947.16, interview date, as authorized under s. 947.174, or subsequent review date, as authorized under s. 947.1745, is scheduled once every 5 years, the commission may establish a reinterview, interview or subsequent review date prior to the 5-year schedule if:

(1) the inmate is permanently or irreversibly physically incapacitated or terminally ill due to injury, disease, or illness;

(2) the inmate performs an outstanding deed; or

(3) the inmate's circumstances are exceptional and significant.

Section 5. This act shall take effect October 1, 1997, and shall apply to the setting of subsequent interview dates as authorized by section 947.16(4)(g), Florida Statutes, and section 947.174(1), Florida Statutes, and the setting of subsequent review dates as authorized by section 947.1745(6), Florida Statutes, on or after such effective date.

And the title is amended as follows:

On page 1, lines 1-8, remove the entire title of the bill: and insert in lieu thereof: A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review the presumptive release dates of certain inmates less frequently; requiring the commission to make certain written findings; allowing the commission to establish earlier review dates for certain inmates who are within a designated time of their tentative release dates; creating s. 947.1748, F.S.; allowing the commission to establish earlier review dates for certain inmates under certain circumstances; providing an effective date.

On motion by Senator Crist, the Senate refused to concur in the House amendment to **SB 258** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 764 and 474, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 764 and 474—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Hugh O'Connor Memorial Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *Sections 1-15 may be cited as the Drug Dealer Liability Act.*

Section 2. *Purpose.—The purpose of this act is to provide a civil remedy for damages to a person injured as a result of illegal drug use. These persons include parents, employers, insurers, governmental entities, and others who pay for drug treatment or employee assistance programs, as well as infants injured as a result of exposure to drugs in utero. The act will enable a person to recover damages from those persons who participate in the illegal drug market. Further purposes of the act are to shift the cost of the damage caused by the existence of the illegal drug market to those who illegally profit from that market, and to establish the prospect of substantial monetary loss as a deterrent to those who have not yet entered into the illegal drug market. An additional purpose is to establish an incentive for illegal drug users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past.*

Section 3. *Definitions.—As used in this act, the term:*

(1) "Illegal drug" means cocaine, heroin, methamphetamine, and any other drug whose distribution is prohibited by law.

(2) "Illegal drug market" means the support system of illegal drug-related operations, from production to retail sales, through which an illegal drug reaches the user.

(3) "Individual drug user" means an individual who uses illegal drugs.

(4) "Level 1 offense" means possession of 1/4 ounce or more but less than 4 ounces, or distribution of less than 1 ounce of an illegal drug, or possession of 1 pound or more than 25 plants or more but less than 4 pounds or 50 plants, or distribution of less than 1 pound of marijuana.

(5) "Level 2 offense" means possession of 4 ounces or more but less than 8 ounces, or distribution of 1 ounce or more but less than 2 ounces, of an illegal drug, or possession of 4 pounds or more or 50 plants or more, but less than 8 pounds or 75 plants, or distribution of more than 1 pound but less than 5 pounds, of marijuana.

(6) "Level 3 offense" means possession of 8 ounces or more but less than 16 ounces, or distribution of 2 ounces or more but less than 4 ounces, of an illegal drug, or possession of 8 pounds or more or 75 plants or more but less than 16 pounds or 100 plants, or distribution of more than 5 pounds, but less than 10 pounds, of marijuana.

(7) "Level 4 offense" means possession of 16 ounces or more or distribution of 4 ounces or more of an illegal drug, or possession of 16 pounds or more or 100 plants or more, or distribution of 10 pounds or more of marijuana.

(8) "Participate in the illegal drug market" means to distribute, possess with an intent to distribute, facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or facilitate the marketing or distribution of an illegal drug. Participation in the illegal drug market does not include the purchase or receipt of an illegal drug for personal use only.

(9) "Period of illegal drug use" means the time period that begins with an individual's first use of an illegal drug to the time of the accrual of a cause of action. The period of illegal drug use is presumed to commence 2 years before the cause of action accrues unless the defendant proves otherwise by clear and convincing evidence.

(10) "Person" means an individual, governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association authorized by the laws of this state, another state, or a foreign country.

Section 4. *Liability for participation in the illegal drug market.—*

(1) A person who knowingly participates in the illegal drug market is liable for civil damages as provided in this act. A person may recover damages for injury resulting from an individual's use of an illegal drug.

(2) A state or local agency, a state or local law enforcement officer, or a person acting at the direction of a law enforcement officer or agency is not liable for participating in the illegal drug market if the participation is in furtherance of an official investigation.

Section 5. *Recovery of damages.—*

(1) The following persons may bring an action for damages caused by an individual's use of an illegal drug:

(a) A parent, legal guardian, child, spouse, or sibling of the individual drug user.

(b) An individual who was exposed to an illegal drug in utero.

(c) An employer of the individual drug user.

(d) A medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise has expended money on behalf of the individual drug user.

(e) A person injured as a result of the willful, reckless, or negligent actions of an individual drug user.

(2) A person entitled to bring an action under this section may seek damages from:

(a) A person who knowingly distributed, or knowingly participated in the chain of distribution of, an illegal drug that was actually used by the individual drug user.

(b) A person who knowingly participated in the illegal drug market if:

1. The place of illegal drug activity by the individual drug user is within the illegal drug market target community of the defendant;

2. The defendant's participation in the illegal drug market was connected with the same type of illegal drug used by the individual drug user; and

3. The defendant participated in the illegal drug market at any time during the individual drug user's period of illegal drug use.

(3) A person entitled to bring an action under this section may recover the following damages and costs:

(a) Economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug user.

(b) Noneconomic damages, including, but not limited to, physical and emotional pain; suffering; physical impairment; emotional distress; mental anguish; disfigurement; loss of enjoyment; loss of companionship, services, and consortium; and other nonpecuniary losses proximately caused by the illegal drug user.

(c) Exemplary damages.

(d) Reasonable attorney's fees.

(e) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

Section 6. *Limited recovery of damages; individual drug user.—*

(1) An individual drug user may bring an action for damages caused by the use of an illegal drug if:

(a) The individual drug user personally discloses to narcotics enforcement authorities, more than 6 months before filing the action, all of the information known to the individual drug user regarding that individual's sources of illegal drugs;

(b) The individual drug user has not used an illegal drug within the 6 months before filing the action; and

(c) The individual drug user continues to remain free of the use of an illegal drug throughout the pendency of the action.

(2) An individual drug user may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.

(3) An individual drug user may recover the following damages:

(a) Economic damages, including, but not limited to, the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the person's illegal drug use.

(b) Reasonable attorney's fees.

(c) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

Section 7. *Third party liability.—A third party is not liable for damages awarded under this act and may not provide a defense or money for a defense on behalf of an insured under a contract of insurance or indemnification.*

Section 8. *Joinder of parties.—*

(1) Two or more persons may join in one action under this act as plaintiffs if their respective actions have at least one place of illegal drug activity in common and if any portion of the period of illegal drug use overlaps with the period of illegal drug use for every other plaintiff.

(2) Two or more persons may be joined in one action under this act as defendants if those persons are liable to at least one plaintiff.

(3) A plaintiff need not be interested in obtaining and a defendant need not be interested in defending against all the relief demanded. Judgment may be given for one or more plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.

Section 9. *Comparative responsibility; individual drug user.—*

(1) An action by an individual drug user is governed by the principles of comparative responsibility. Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.

(2) The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.

(3) Comparative responsibility may not be attributed to a plaintiff who is not an individual drug user.

Section 10. *Contribution among and recovery from multiple defendants.—A person subject to liability under this act has a right of action for contribution against another person subject to liability under this act. Contribution may be enforced either in the original action or by a separate action brought for that purpose. A plaintiff may seek recovery in accordance with this act and existing law against a person whom a defendant has asserted a right of contribution.*

Section 11. *Standard of proof; effect of criminal drug conviction.—*

(1) A plaintiff must show by clear and convincing evidence that a defendant has participated in the illegal drug market in an action brought under this act. Except as otherwise provided, other elements of the cause of action must be shown by a preponderance of the evidence.

(2) A person against whom recovery is sought who has a criminal conviction pursuant to state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, 84 Stat. 1236, codified at 21 U.S.C., 801 et. seq., is estopped from denying participation in the illegal drug market. Such a conviction is also prima facie evidence of the person's participation in the illegal drug market during the 2 years preceding the date of an act giving rise to a conviction.

(3) The absence of a criminal drug conviction of a person against whom recovery is sought does not bar an action against that person.

Section 12. *Prejudgment attachment and execution on judgments.—*

(1) A plaintiff may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award or if the defendant posts a bond sufficient to cover a potential award.

(2) The property of a person against whom a judgment has been rendered is not exempt from process to levy or process to execute on the judgment.

(3) Any assets sought to satisfy a judgment that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Section 13. *Statute of limitations.—*

(1) Except as otherwise provided in this section, a claim may not be brought more than 2 years after the cause of action accrues. A cause of action accrues when a person who may recover has reason to know of the harm from illegal drug use that is the basis for the cause of action and has reason to know that the illegal drug use is the cause of the harm.

(2) For a plaintiff, the statute of limitations under this section is tolled while the individual potential plaintiff is incapacitated by the use of an illegal drug to the extent that the individual cannot reasonably be expected to seek recovery. For a defendant, the statute of limitations under this section is tolled until 6 months after the individual potential defendant is convicted of a criminal drug offense.

(3) The statute of limitations for a claim based on a defendant's participation in the illegal drug market that occurred prior to the effective date of this act does not begin to run until the effective date of this act.

Section 14. *Representation of governmental entities; stay of action.—*

(1) The attorney general may represent the state, and a state attorney may represent a political subdivision of the state in an action brought under this act.

(2) On motion by a governmental agency involved in a drug investigation or prosecution, an action brought under this act must be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action.

Section 15. *Effect on existing laws.—The provisions of sections 1-14 are not intended to alter the law regarding intrafamily tort immunity.*

Section 16. Subsection (22) of section 90.803, Florida Statutes, 1996 Supplement, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(22) FORMER TESTIMONY.—Former testimony given by the declarant*:*

(a) At a civil trial, when used in a retrial of *such* ~~said~~ trial involving identical parties and the same facts*; or*~~.~~

(b) As a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or a different proceeding, if:

1. The testimony is the statement of a person whose fault is an issue in the action, in either an individual or a representative capacity; a statement of which he or she has manifested his or her adoption or belief in its truth; a statement by a person specifically authorized by him or her to make a statement concerning the subject; a statement by his or her agent or servant concerning a matter within the scope of the agency or employment thereof, made during the existence of the relationship; or a statement by a co-conspirator made during the course, and in furtherance, of the conspiracy;

2. The testimony is used in a civil trial to establish the degree of fault of such person, or to establish the authenticity of documentary evidence relevant to the degree of fault of such person;

3. The testimony is not inadmissible pursuant to the court's discretion under s. 90.402 or s. 90.403; and

4.a. The party against whom the testimony is now offered, or another person, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination; or

b. The testimony, when given, was a statement against interest.

Section 17. This act shall take effect October 1, 1997.

And the title is amended as follows:

On page 1, lines 2-14, remove from the title of the bill all of said lines and insert in lieu thereof: An act relating to civil damages and procedures; creating the Drug Dealer Liability Act; providing a purpose; providing definitions; providing liability for participation in the illegal drug market; providing for recovery of damages; limiting recovery of damages under certain circumstances; providing third-party liability; providing for joinder of parties; providing for comparative responsibility of individual drug users; providing for contribution among defendants; providing a standard of proof; providing for prejudgment attachment and execution on judgments; providing a statute of limitations; providing for the representation of governmental agencies and for stays of actions; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

WHEREAS, every community in the country is impacted by the marketing and distribution of illegal drugs. A vast amount of state and local resources are expended in coping with the financial, physical, and emotional toll that results from the existence of the illegal drug market. Families, employers, insurers, and society in general bear the substantial costs of coping with the marketing of illegal drugs. Drug babies and their parents, and particularly the offspring of adolescent illegal drug users, suffer significant noneconomic injury as well, and

WHEREAS, although the criminal justice system is an important weapon against the illegal drug market, the civil justice system must also be used. The civil justice system can provide an avenue of compensation for those who have suffered harm as a result of the marketing and distribution of illegal drugs. The persons who have joined the illegal drug market should bear the cost of the harm caused by that market in the community, and

WHEREAS, the threat of civil liability serves as an additional deterrent to a recognizable segment of the illegal drug network. A person who has non-drug-related assets, who markets illegal drugs at the workplace, who encourages friends to become users, among others, is likely to decide that the added cost of entering the market is not worth the benefit. This is particularly true for a first-time casual dealer who has not yet made substantial profits. There is a state interest in placing the cost of the injury caused by illegal drug use on those who benefit from illegal drug dealing, and

WHEREAS, this act imposes liability against all participants in the illegal drug market, including small dealers, particularly those in the workplace, who are not usually the focus of criminal investigations. The small dealers increase the number of users and are the people who become large dealers. These small dealers are most likely to be deterred by the threat of liability, and

WHEREAS, a parent of an adolescent illegal drug user often expends considerable financial resources for the child's drug treatment. Local and state governments provide drug treatment and related medical services made necessary by the distribution of illegal drugs. The treatment of drug babies is a considerable cost to local and state governments. Insurers pay large sums for medical treatment relating to drug addiction and use. Employers suffer losses as a result of illegal drug use by employees due to lost productivity, employee drug-related workplace accidents, employer contributions to medical plans, and the need to establish and maintain employee assistance programs. Large employers, insurers, and local and state governments have existing legal staffs that can bring civil suits against those involved in the illegal drug market, in appropriate cases, if a clear legal mechanism for liability and recovery is established, and

WHEREAS, drug babies, who are clearly the most innocent and vulnerable of those affected by illegal drug use, are often the most physically and mentally damaged due to the existence of an illegal drug market in a community. For many of these babies, the only possible hope is extensive medical and psychological treatment, physical therapy, and special education. All of these potential remedies are expensive. These babies, through their legal guardians and through court-appointed guardians ad litem, should be able to recover damages from those in the community who have entered and participated in the marketing of the types of illegal drugs that have caused their injuries, and

WHEREAS, in theory, civil actions for damages for distribution of illegal drugs may be brought under existing law, but, in reality, they are not brought. Several barriers account for this. Under existing tort law, only those dealers in the actual chain of distribution to a particular user could be sued. Drug babies, parents of adolescent illegal drug users, and insurers are not likely to be able to identify the chain of distribution to a particular user. Furthermore, drug treatment experts largely agree that users are unlikely to identify and bring suit against their own dealers, even after they have recovered, given the present requirements for a civil action, and recovered users are similarly unlikely to bring suit against others in the chain of distribution, even if they are known to the user, and

WHEREAS, a user is unlikely to know other dealers in the chain of distribution. Unlike the chain of distribution for legal products, in which records identifying the parties to each transaction in the chain are made and shared among the parties, the distribution of illegal drugs is clandestine. Its participants expend considerable effort to keep the chain of distribution secret, and

WHEREAS, those involved in the illegal drug market in a community are necessarily interrelated and interdependent, even if their identities are unknown to one another. Each new dealer obtains the benefit of the existing illegal drug distribution system to make illegal drugs available to him or her. In addition, the existing market aids a new entrant by the

prior development of people as users. Many experts on the illegal drug market agree that each participant in a given community is likely to be indirectly related to the others. That is, beginning with any one dealer, given the theoretical ability to identify every person known by that dealer to be involved in illegal drug trafficking, and in turn each of such others known to them, and so on, the illegal drug market in a community could ultimately be fully revealed, and

WHEREAS, market liability has been created with respect to legitimate products by judicial decision in some states. Such liability provides for civil recovery by plaintiffs who are unable to identify the particular manufacturer of the product that is claimed to have caused them harm, allowing recovery from all manufacturers of the product who participated in that particular market. The market liability theory has been shown to be destructive of market initiative and product development when applied to legitimate markets. Because of its potential for undermining markets, this act expressly adopts a form of liability for those who intentionally join the illegal drug market. The liability established by this act grows out of but is distinct from existing judicially crafted market liability, and

WHEREAS, the prospect of a future suit for the costs of drug treatment may drive a wedge between prospective dealers and their customers by encouraging users to turn on their dealers. Therefore, liability for those costs, even to the user, is imposed under this act as long as the user identifies and brings suit against his or her own dealers, and

WHEREAS, allowing dealers who face a civil judgment for their illegal drug marketing to bring suit against their own sources for contribution may also drive a wedge into the relationships among some participants in the illegal drug distribution network, and

WHEREAS, while not all persons who have suffered losses as a result of the marketing of illegal drugs will pursue an action for damages, at least some individuals, guardians of drug babies, government agencies that provide treatment, insurance companies, and employers will find such an action worthwhile. These persons deserve the opportunity to recover their losses. And some new entrants to retail illegal drug dealing are likely to be deterred even if only a few of these suits are actually brought, NOW, THEREFORE,

On motion by Senator Crist, the Senate refused to concur in the House amendment to **CS for SB's 764 and 474** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to CS for CS for HB 907 and requests the Senate to recede.

John B. Phelps, Clerk

CS for CS for HB 907—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; clarifying the scope of the Regulated Plant Index; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 589.012, F.S.; creating the Friends of Florida State Forests Program; providing purpose; creating s. 589.013, F.S.; authorizing a direct-support organization for the Friends of Florida State Forests Program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; amending s. 500.121, F.S., relating to disciplinary procedures; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; authorizing a food safety inspection pilot program; providing criteria for the program; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying compilation of a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 253.68, F.S.; modifying a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; repealing ss. 500.453, 500.455, 500.457, and 500.509, F.S., relating to bottled water and packaged ice regulation; providing for a state facility designation; providing an effective date.

On motion by Senator Bronson, the Senate receded from the Senate amendment.

CS for CS for HB 907 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 164, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution

of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, lines 1-14, remove from the bill all of said lines and insert in lieu thereof:

Section 1. Subsections (1), (5), and (6) of section 775.15, Florida Statutes, 1996 Supplement, are amended to to read:

775.15 Time limitations.—

(1)*(a)* A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

(b) A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.

(5)*(a) Prosecution on a charge on which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.*

(b) A prosecution *on a charge on which the defendant has not previously been arrested or served with a summons* is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. *The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state shall not constitute an unreasonable delay.*

(c) If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended 3 months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state.~~, but in no case shall~~ This provision *shall not* extend the period of limitation otherwise applicable by more than 3 years, *but shall not be construed to limit the prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.*

Section 2. For the purpose of incorporating the amendment to section 775.15, Florida Statutes, 1996 Supplement, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

119.011 Definitions.—For the purpose of this chapter:

(3)(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

517.302 Criminal penalties; alternative fine; Anti-Fraud Trust Fund; time limitation for criminal prosecution.—

(4) Criminal prosecution for offenses under this chapter is subject to the time limitations of s. 775.15.

(Renumber subsequent section[s]).

And the title is amended as follows:

On page 1, line 7, after "felony;" insert: providing that prosecution is commenced upon filing of the charging document when the defendant has previously been arrested or served with summons on the charge; providing that, when the defendant charged by information or indictment with a crime in this state has not been so arrested or served, the failure to execute process or extradite the defendant in another state does not constitute unreasonable delay; providing for inapplicability of a limitation upon prosecution of a defendant who has been timely charged but not arrested due to absence from the state or not extradited, under specified circumstances; reenacting s. 119.011(3) and 517.302(4), F.S., relating to the definition of "criminal intelligence information" for purposes of public records, and criminal prosecution for offenses under chapter 517, the Florida Securities and Investor Protection Act, to incorporate said amendment in references;

On motion by Senator Gutman, the Senate refused to concur in the House amendment to **SB 164** and the House was requested to recede. The action of the Senate was certified to the House.

MOTION

On motion by Senator Sullivan, by two-thirds vote **CS for SB 746** was withdrawn from the Committee on Ways and Means and by two-thirds

vote returned to the original position on the Special Order Calendar.

On motion by Senator Horne, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

HB 2121—A bill to be entitled An act relating to educational facilities and funding; providing for a review over a 4-year period of the Florida Statutes that govern agency operations; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; authorizing the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 236.25, F.S., relating to district school tax; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; authorizing a waiver of the expenditure restrictions; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising requirements and providing additional criteria for funding from the Special Facility Construction Account; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities; providing additional survey requirements; requiring validation of use of standardized measures by the Department of Education; amending s. 236.083, F.S.; providing for a guaranteed allocation from student transportation funding for new schools meeting certain requirements; providing for calculation; authorizing transfer of such amount to the district capital improvement account for construction, financing, or lease-purchase of new schools; requiring the Department of Education to recommend certain incentives; authorizing the adoption of rules; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Dyer moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 19, line 16, after the period (.) insert: *Upon request by a district school board the Commissioner of Education may waive for a specific project the provisions of this paragraph which limit total contract cost and the provisions of subparagraph (c)2. which limit construction cost per student station if the commissioner is satisfied that the requested waiver is justified.*

And the title is amended as follows:

On page 29, line 13, after the semicolon (;) insert: providing for waivers;

Senator Lee moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 2 (with title amendment)—On page 27, between lines 23 and 24, insert:

Section 13. *In order to implement proviso language in Specific Appropriation 1628 of the 1997-1998 General Appropriations Act, which created the Public Schools Construction Study Commission to study school planning, siting and school concurrency, the Legislature deems it desirable to temporarily suspend the imposition of school concurrency pending the study of the issues arising thereunder. In furtherance thereof, the concurrency requirements of Chapter 163, Florida Statutes, shall not be applied by a local government to evaluate school concurrency before July 1, 1998, unless the county in which concurrency is to be applied has adopted, prior to May 1, 1997, a plan amendment establishing concurrency requirements for public schools, including any subsequent amendments to such public school element. Adoption by the county of the aforesaid shall further entitle any municipality located therein to implement school concurrency without regard to whether such adoption by the municipality occurs before or after May 1, 1997. Nothing herein shall prevent local governments that have not adopted a public school element prior to May 1, 1997, from continuing to work on agreements under Chapter 163, Florida Statutes.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 30, line 14, after the semicolon (;) insert: suspending certain concurrency requirements of chapter 163, F.S.; providing exceptions;

On motion by Senator Horne, **HB 2121** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick

Consideration of **HB 1545** was deferred.

HB 1663—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **HB 1663** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—1

Dantzler

Vote after roll call:

Yea—Sullivan

CS for CS for SB 1660—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms

"self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; exempting the sale of steam energy used in manufacturing; providing an exception to the exemption for aircraft repair and maintenance labor charges; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Ostalkiewicz moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (with title amendment)—On page 40, lines 18-24, delete those lines and redesignate subsequent paragraphs.

And the title is amended as follows:

On page 3, lines 2-4, delete those lines and insert: commercial aircraft; providing an

On motion by Senator Ostalkiewicz, **CS for CS for SB 1660** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Burt

CS for HB 1597—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Horne, **CS for HB 1597** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Silver
Brown-Waite	Dyer	Kirkpatrick	Sullivan
Burt	Forman	Klein	Thomas
Campbell	Grant	Kurth	Turner
Casas	Gutman	Latvala	Williams
Childers	Hargrett	Lee	
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

Consideration of **CS for HB 703** was deferred.

On motion by Senator Horne, by two-thirds vote **CS for HB 241** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motions by Senator Horne, by two-thirds vote—

CS for HB 241—A bill to be entitled An act relating to sentencing; repealing ss. 921.001, Florida Statutes, subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of section 921.0001, Florida Statutes, and sections 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; authorizing a court to impose a sentence above 75 percent of the statutory maximum or 75 percent higher than the code; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; amending a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose maximum recommended sentence is under a specified period to be eligible for incarceration up to a specified period; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addition or the use of alcohol or drugs as a mitigating circumstance for purposes of sentencing; providing that capital felonies are excluded from the punishment code; providing clarification for application of future code revisions; providing a directive to the Division of Statutory Revision to maintain certain repealed provisions in the Florida Statutes for 10 years; providing effective dates.

—a companion measure, was substituted for **CS for SB 716** as amended and read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Sections 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, and 921.005, Florida Statutes, as amended by this act, are repealed effective October 1, 1998, except that those sections shall remain in effect with respect to any crime committed before October 1, 1998.*

Section 2. *The Florida Criminal Punishment Code, consisting of sections 921.002-921.0026, Florida Statutes, is established effective October 1, 1998, and applies to any felony committed on or after that date.*

Section 3. Section 921.002, Florida Statutes, is created to read:

921.002 The Criminal Punishment Code.—

(1) The provision of criminal penalties and of limitations upon the application of such penalties is a matter of predominantly substantive law and, as such, is a matter properly addressed by the Legislature. The Legislature, in the exercise of its authority and responsibility to establish sentencing criteria, to provide for the imposition of criminal penalties, and to make the best use of state prisons so that violent criminal offenders are appropriately incarcerated, has determined that it is in the best interest of the state to develop, implement, and revise a sentencing policy.

(a) The Criminal Punishment Code embodies the principles that:

1. Sentencing is neutral with respect to race, gender, and social and economic status.

2. The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment.

3. The penalty imposed is commensurate with the severity of the primary offense and the circumstances surrounding the primary offense.

4. The severity of the sentence increases with the length and nature of the offender's prior record.

5. The sentence imposed by the sentencing judge reflects the length of actual time to be served, shortened only by the application of incentive and meritorious gain-time. The provisions of chapter 947, relating to parole, shall not apply to persons sentenced under the Criminal Punishment Code.

6. Departures below the permissible sentencing range established in the code must be articulated in writing and made only when circumstances or factors reasonably justify the aggravation or mitigation of the sentence. The level of proof necessary to establish facts that support a departure from the permissible sentencing range is a preponderance of the evidence.

7. The trial judge may impose a sentence up to and including the statutory maximum for any offense, including an offense that is before the court due to a violation of probation.

8. A sentence may be appealed only if the sentence is below the permissible sentencing range.

9. Use of incarcerative sanctions is prioritized toward offenders convicted of serious offenses and certain offenders who have long prior records, in order to maximize the finite capacities of state and local correctional facilities.

(2) When a defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or the code, each felony shall be sentenced under the guidelines or the code in effect at the time the particular felony was committed. This subsection does not apply to sentencing for any capital felony.

(3) A court may impose a departure below the permissible sentencing range based upon circumstances or factors that reasonably justify the mitigation of the sentence in accordance with s. 921.0026. The level of proof necessary to establish facts supporting the mitigation of a sentence is a preponderance of the evidence. When multiple reasons exist to support the mitigation, the mitigation shall be upheld when at least one circumstance or factor justifies the mitigation regardless of the presence of other circumstances or factors found not to justify mitigation. Any sentence imposed below the permissible sentencing range must be explained in writing by the trial court judge.

Section 4. Section 921.0021, Florida Statutes, is created to read:

921.0021 Definitions.—As used in this chapter, the term:

(1) "Additional offense" means any offense other than the primary offense for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense.

(2) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(3) "Legal status" means an offender's status if the offender:

(a) Escapes from incarceration;
(b) Flees to avoid prosecution;
(c) Fails to appear for a criminal proceeding;
(d) Violates any condition of a supersedeas bond;
(e) Is incarcerated;
(f) Is under any form of a pretrial intervention or diversion program; or
(g) Is under any form of court-imposed or post-prison release community supervision.

(4) "Primary offense" means the offense at conviction pending before the court for sentencing for which the total sentence points recommend a sanction that is as severe as, or more severe than, the sanction recommended for any other offense committed by the offender and pending before the court at sentencing. Only one count of one offense before the court for sentencing shall be classified as the primary offense.

(5) "Prior record" means a conviction for a crime committed by the offender, as an adult or a juvenile, prior to the time of the primary offense. Convictions by federal, out-of-state, military, or foreign courts, and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law, are included in the offender's prior record. Convictions for offenses committed by the offender more than 10 years before the primary offense are not included in the offender's prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense. Juvenile dispositions of offenses committed by the offender within 3 years before the primary offense are included in the offender's prior record when the offense would have been a crime had the offender been an adult rather than a juvenile. Juvenile dispositions of sexual offenses committed by the offender which were committed 3 years or more before the primary offense are included in the offender's prior record if the offender has not maintained a conviction-free record, either as an adult or a juvenile, for a period of 3 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

(6) "Community sanction" includes:

(a) Probation.
(b) Community control.
(c) Pretrial intervention or diversion.

(7)(a) "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any additional offense, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense.

(b) Except as provided in paragraph (c) or paragraph (d),

1. If the conviction is for an offense involving sexual contact that includes sexual penetration, the sexual penetration must be scored in accordance with the sentence points provided under s. 921.0024 for sexual penetration, regardless of whether there is evidence of any physical injury.

2. If the conviction is for an offense involving sexual contact that does not include sexual penetration, the sexual contact must be scored in accordance with the sentence points provided under s. 921.0024 for sexual contact, regardless of whether there is evidence of any physical injury.

If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any additional offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

(c) The sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed for a violation of s. 944.35(3)(b)2.

(d) If the conviction is for the offense described in s. 872.06, the sentence points provided under s. 921.0024 for sexual contact or sexual penetration may not be assessed.

Section 5. Section 921.0022, Florida Statutes, is created to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(1) The offense severity ranking chart must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender.

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe to most severe, and each felony offense is assigned to a level according to the severity of the offense. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.087, s. 775.0875, or s. 794.023, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0023.

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license.

Florida Statute	Felony Degree	Description
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license.
322.212(5)	3rd	False application for driver's license.
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than $200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05 (2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(b) LEVEL 2

Florida Statute	Felony Degree	Description
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commerical horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $300 or more but less than $5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills or promissory note.
831.08	3rd	Possession of 10 or more forged notes.
831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c), (3), or (4) drugs other than cannabis.

Florida Statute	Felony Degree	Description
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
		(c) LEVEL 3
39.061	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
		(d) LEVEL 4
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

Florida Statute	Felony Degree	Description
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(3)	3rd	Aggravated fleeing or eluding.
322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163	2nd	False report of deadly explosive.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at $100 or more, but less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

Florida Statute	Felony Degree	Description
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

Florida Statute	Felony Degree	Description
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
782.07(3)	1st	Aggravated manslaughter of a child.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
		(j) LEVEL 10
782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
876.32	1st	Treason against the state.

Section 6. Section 921.0023, Florida Statutes, is created to read:

921.0023 Criminal Punishment Code; ranking unlisted felony offenses.—A felony offense not listed in s. 921.0022 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. Until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

(1) A felony of the third degree within offense level 1.

(2) A felony of the second degree within offense level 4.

(3) A felony of the first degree within offense level 7.

(4) A felony of the first degree punishable by life within offense level 9.

(5) A life felony within offense level 10.

For purposes of determining whether a felony offense has been specifically listed in the offense ranking chart provided in s. 921.0022(3), and the severity level that has been assigned to an offense listed in the chart, the numerical statutory reference in the left column of the chart, and the felony degree designation in the middle column of the chart, are controlling; the language in the right column of the chart is provided solely for descriptive purposes.

Section 7. Section 921.0024, Florida Statutes, is created to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(a) The Criminal Punishment Code worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA CRIMINAL PUNISHMENT CODE WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	....
9	92	=	....
8	74	=	....
7	56	=	....
6	36	=	....
5	28	=	....
4	22	=	....
3	16	=	....
2	10	=	....
1	4	=	....
		Total	

Additional Offenses

Level	Sentence Points		Counts		Total
10	58	x	....	=	....
9	46	x	....	=	....
8	37	x	....	=	....
7	28	x	....	=	....
6	18	x	....	=	....
5	5.4	x	....	=	....
4	3.6	x	....	=	....
3	2.4	x	....	=	....
2	1.2	x	....	=	....
1	0.7	x	....	=	....
M	0.2	x	....	=	....
				Total	

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	....	=	....
Death	120	x	....	=	....
Severe	40	x	....	=	....
Sexual penetration	80	x	....	=	....
Moderate	18	x	....	=	....
Sexual contact	40	x	....	=	....

Victim Injury

Level	Sentence Points		Number		Total
Slight	4	x	....	=	....
				Total	

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....
9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....
3	1.6	x	....	=	....
2	0.8	x	....	=	....
1	0.5	x	....	=	....
M	0.2	x	....	=	....
				Total	

TOTAL OFFENSE SCORE .....
TOTAL PRIOR RECORD SCORE .....

LEGAL STATUS .....
COMMUNITY SANCTION VIOLATION .....
PRIOR SERIOUS FELONY .....
PRIOR CAPITAL FELONY .....
FIREARM OR SEMIAUTOMATIC WEAPON .....

SUBTOTAL .....

VIOLENT CAREER CRIMINAL (no)(yes) .....
VIOLENT HABITUAL OFFENDER (no)(yes) .....
HABITUAL OFFENDER (no)(yes) .....
DRUG TRAFFICKER (no)(yes) (x multiplier) .....
LAW ENF. PROTECT. (no)(yes) (x multiplier) .....
MOTOR VEHICLE THEFT (no)(yes) (x multiplier) .....
CRIMINAL STREET GANG MEMBER (no)(yes) (x multiplier) ...

TOTAL SENTENCE POINTS .....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation, and each successive community sanction violation; however, if the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for such violation, and for each successive community sanction violation involving a new felony conviction. Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of 30 points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony is a capital felony offense for which the offender has been found guilty; or a

felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his possession: a firearm as defined in s. 790.001(6), an additional 18 sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional 25 sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(3), (4), (5), (6), (7), or (8), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(9) or (10), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Criminal street gang member: If the offender is convicted of the primary offense and is found to have been a member of a criminal street gang at the time of the commission of the primary offense pursuant to s. 874.04, the subtotal sentence points are multiplied by 1.5.

(2) *The lowest permissible sentence in prison months that may be imposed by the court, absent a valid reason to depart, shall be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. If the lowest permissible sentence in prison months is less than or equal to 12, a nonstate prison sanction may be imposed. The total sentence points shall be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing shall be the lowest permissible sentence up to and including the statutory maximum, as defined in s. 775.082, for the primary offense.*

(3) A single scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or the code, separate scoresheets must be prepared. The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. Either the office of the state attorney or the Department of Corrections, or both where appropriate, shall prepare the scoresheet or scoresheets, which must be presented to the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

(4) The clerks of the circuit courts for the individual counties shall distribute sufficient copies of the Criminal Punishment Code scoresheets to those persons charged with the responsibility for preparing scoresheets, either the office of the state attorney or the Department of Corrections, or both where appropriate.

(5) The clerk of the circuit court shall transmit a complete, accurate, and legible copy of the Criminal Punishment Code scoresheet used in each guidelines sentencing proceeding to the Department of Corrections. Scoresheets must be transmitted no less frequently than monthly, by the first of each month, and may be sent collectively.

(6) A copy of the individual offender's Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Florida Rules of Criminal Procedure, must be attached to the copy of the uniform judgment and sentence form provided to the Department of Corrections.

Section 8. Section 921.0026, Florida Statutes, is created to read:

921.0026 Mitigating circumstances.—

(1) A downward departure from the permissible sentence is discouraged unless there are circumstances or factors that reasonably justify the downward departure. Mitigating factors to be considered include, but are not limited to, those listed in subsection (2). The imposition of a sentence below the permissible sentencing range is subject to appellate review under chapter 924, but the extent of downward departure is not subject to appellate review.

(2) Mitigating circumstances under which a departure from the permissible sentencing range is reasonably justified include, but are not limited to:

(a) The departure results from a legitimate, uncoerced plea bargain.

(b) The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.

(c) The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.

(d) The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment.

(e) The need for payment of restitution to the victim outweighs the need for a prison sentence.

(f) The victim was an initiator, willing participant, aggressor, or provoker of the incident.

(g) The defendant acted under extreme duress or under the domination of another person.

(h) Before the identity of the defendant was determined, the victim was substantially compensated.

(i) The defendant cooperated with the state to resolve the current offense or any other offense.

(j) The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.

(k) At the time of the offense the defendant was too young to appreciate the consequences of the offense.

(l) The defendant is to be sentenced as a youthful offender.

(3) The defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (2) and does not, under any circumstances, justify a downward departure from the permissible sentencing range.

Section 9. Paragraph (b) of subsection (6) of section 20.315, Florida Statutes, 1996 Supplement, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(6) FLORIDA CORRECTIONS COMMISSION.—

(b) The primary functions of the commission are to:

1. Recommend major correctional policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state correctional system and recommend improvements therein to the Governor and the Legislature.

~~3. Perform an in-depth review of the recommendations of the Sentencing Guidelines Commission on the need for changes in the guidelines and of any alternative proposals submitted by the Division of Economic and Demographic Research of the Joint Legislative Management Committee to revise statewide sentencing guidelines.~~

3.~~4.~~ Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches through the Community Corrections

Partnership Act for planning and implementing such sanctions and programs.

4.~~5.~~ Perform an in-depth evaluation of the annual budget request of the Department of Corrections, the comprehensive correctional master plan, and the tentative construction program for compliance with all applicable laws and established departmental policies. The commission may not consider individual construction projects, but shall consider methods of accomplishing the department's goals in the most effective, efficient, and businesslike manner.

5.~~6.~~ Routinely monitor the financial status of the Department of Corrections to assure that the department is managing revenue and any applicable bond proceeds responsibly and in accordance with law and established policy.

6.~~7.~~ Evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections, using performance and production standards developed by the department under subsection (18).

7.~~8.~~ Provide public education on corrections and criminal justice issues.

8.~~9.~~ Report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by November 1 of each year. ~~The first annual report of the commission shall be made by November 1, 1995.~~

Section 10. Subsection (4) of section 39.0581, Florida Statutes, 1996 Supplement, is amended to read:

39.0581 Maximum-risk residential program.—A maximum-risk residential program is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 13 years of age to 19 years of age, or until the jurisdiction of the court expires. The court may retain jurisdiction over the child until the child reaches the age of 21, specifically for the purpose of the child completing the program. Each child committed to this level must meet one of the following criteria:

(4) The youth is at least 13 years of age at the time of the disposition for the current offense, the youth is eligible for prosecution as an adult for the current offense, and the current offense is ranked at level 7 or higher on the *Criminal Punishment Code* ~~sentencing guidelines~~ offense severity ranking chart pursuant to *s. 921.0022* ~~s. 921.0012~~.

Section 11. Section 775.0823, Florida Statutes, is amended to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—Any provision of law to the contrary notwithstanding, the Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(3) For murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(4) For attempted murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(5) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(6) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(7) For manslaughter as described in s. 782.07 during the commission of a crime, a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(8) For kidnapping as described in s. 787.01, a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(9) For aggravated battery as described in s. 784.045, a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

(10) For aggravated assault as described in s. 784.021, a sentence pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 12. Paragraphs (a) and (b) of subsection (3) and paragraph (g) of subsection (4) of section 775.084, Florida Statutes, 1996 Supplement, are amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(3)(a) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

2. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

3. Except as provided in subparagraph 1., all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

6. For an offense committed on or after October 1, 1995, if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a habitual felony offender or a habitual violent felony offender, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a habitual felony offender or a habitual violent felony offender, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. ~~Each month, the court shall submit to the Sentencing Commission the written reasons or transcripts in each case in which the court determines not to impose a habitual felony offender sanction or a habitual violent felony offender sanction.~~

(b) In a separate proceeding, the court shall determine whether the defendant is a violent career criminal with respect to a primary offense committed on or after October 1, 1995. The procedure shall be as follows:

1. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

2. All evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

3. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable only as provided in paragraph (c).

4. For the purpose of identification, the court shall fingerprint the defendant pursuant to s. 921.241.

5. For an offense committed on or after October 1, 1995, if the state attorney pursues a violent career criminal sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a violent career criminal, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a violent career criminal, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. ~~Each month, the court shall submit to the Sentencing Commission the written reasons or transcripts in each case in which the court determines not to impose a violent career criminal sanction.~~

(4)

(g) A sentence imposed under this section is not subject to *s. 921.002* ~~s. 921.001~~.

Section 13. Section 775.0845, Florida Statutes, is amended to read:

775.0845 Wearing mask while committing offense; *reclassification* ~~enhanced penalties.~~—The *felony or misdemeanor degree of* ~~penalty for~~ any criminal offense, other than a violation of ss. 876.12-876.15, shall be *reclassified to the next higher degree* ~~increased~~ as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his *or her* identity.

(1)(a) *In the case of* a misdemeanor of the second degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a misdemeanor of the first degree.

(b) *In the case of* a misdemeanor of the first degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 2 of the offense severity ranking chart.

(2)(a) *In the case of* a felony of the third degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the second degree.

(b) *In the case of* a felony of the second degree, *the offense is reclassified to* ~~shall be punishable as if it were~~ a felony of the first degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense *that* ~~which~~ is reclassified under this subsection is ranked one level above the ranking under s. 921.0012, ~~or~~ s. 921.0013*, s. 921.0022, or s. 921.0023* of the offense committed.

Section 14. Subsection (1) of section 775.087, Florida Statutes, 1996 Supplement, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony.

(b) In the case of a felony of the second degree, to a felony of the first degree.

(c) In the case of a felony of the third degree, to a felony of the second degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense which is reclassified under this section is ranked one level above the ranking under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~ of the felony offense committed.

Section 15. Section 775.0875, Florida Statutes, 1996 Supplement, is amended to read:

775.0875 Unlawful taking, possession, or use of law enforcement officer's firearm; crime reclassification; penalties.—

(1) A person who, without authorization, takes a firearm from a law enforcement officer lawfully engaged in law enforcement duties commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) If a person violates subsection (1) and commits any other crime involving the firearm taken from the law enforcement officer, such crime shall be reclassified as follows:

(a)1. In the case of a felony of the first degree, to a life felony.

2. In the case of a felony of the second degree, to a felony of the first degree.

3. In the case of a felony of the third degree, to a felony of the second degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~ of the felony offense committed.

(b) In the case of a misdemeanor, to a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 2 of the offense severity ranking chart.

(3) A person who possesses a firearm that he or she knows was unlawfully taken from a law enforcement officer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Section 777.03, Florida Statutes, is amended to read:

777.03 Accessory after the fact.—

(1) Any person not standing in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity to the offender, who maintains or assists the principal or accessory before the fact, or gives the offender any other aid, knowing that the offender had committed a felony or been accessory thereto before the fact, with intent that the offender avoids or escapes detection, arrest, trial or punishment, is an accessory after the fact.

(2)(a) If the felony offense committed is a capital felony, the offense of accessory after the fact is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the felony offense committed is a life felony or a felony of the first degree, the offense of accessory after the fact is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the felony offense committed is a felony of the second degree or a felony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~, the offense of acces-

sory after the fact is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the felony offense committed is a felony of the third degree ranked in level 1 or level 2 under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~, the offense of accessory after the fact is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Except as otherwise provided in *s. 921.0022* ~~s. 921.0012~~, for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, the offense of accessory after the fact is ranked two levels below the ranking under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~ of the felony offense committed.

Section 17. Section 777.04, Florida Statutes, is amended to read:

777.04 Attempts, solicitation, and conspiracy.—

(1) A person who attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof, commits the offense of criminal attempt, ranked for purposes of sentencing as provided in subsection (4). Criminal attempt includes the act of an adult who, with intent to commit an offense prohibited by law, allures, seduces, coaxes, or induces a child under the age of 12 to engage in an offense prohibited by law.

(2) A person who solicits another to commit an offense prohibited by law and in the course of such solicitation commands, encourages, hires, or requests another person to engage in specific conduct which would constitute such offense or an attempt to commit such offense commits the offense of criminal solicitation, ranked for purposes of sentencing as provided in subsection (4).

(3) A person who agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy, ranked for purposes of sentencing as provided in subsection (4).

(4)(a) Except as otherwise provided in ss. 828.125(2), 849.25(4), 893.135(5), and *921.0022* ~~921.0012~~, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is ranked for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944 one level below the ranking under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~ of the offense attempted, solicited, or conspired to. If the criminal attempt, criminal solicitation, or criminal conspiracy is of an offense ranked in level 1 or level 2 under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~, such offense is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offense attempted, solicited, or conspired to is a capital felony, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as otherwise provided in s. 893.135(5), if the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Except as otherwise provided in s. 828.125(2) or s. 849.25(4), if the offense attempted, solicited, or conspired to is a:

1. Felony of the second degree;

2. Burglary that is a felony of the third degree; or

3. Felony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~,

the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Except as otherwise provided in s. 849.25(4) or paragraph (d), if the offense attempted, solicited, or conspired to is a felony of the third degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) If the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) It is a defense to a charge of criminal attempt, criminal solicitation, or criminal conspiracy that, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose, the defendant:

(a) Abandoned his attempt to commit the offense or otherwise prevented its commission;

(b) After soliciting another person to commit an offense, persuaded such other person not to do so or otherwise prevented commission of the offense; or

(c) After conspiring with one or more persons to commit an offense, persuaded such persons not to do so or otherwise prevented commission of the offense.

Section 18. Section 782.051, Florida Statutes, 1996 Supplement, is amended to read:

782.051 Felony causing bodily injury.—

(1) Any person who perpetrates or attempts to perpetrate any felony enumerated in s. 782.04(3) and who commits, aids, or abets an act that causes bodily injury to another commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 9 of the *Criminal Punishment Code* ~~sentencing guidelines~~. Victim injury points shall be scored under this subsection.

(2) Any person who perpetrates or attempts to perpetrate any felony other than a felony enumerated in s. 782.04(3) and who commits, aids, or abets an act that causes bodily injury to another commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 8 of the *Criminal Punishment Code* ~~sentencing guidelines~~. Victim injury points shall be scored under this subsection.

(3) When a person is injured during the perpetration of or the attempt to perpetrate any felony enumerated in s. 782.04(3) by a person other than the person engaged in the perpetration of or the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 7 of the *Criminal Punishment Code* ~~sentencing guidelines~~. Victim injury points shall be scored under this subsection.

Section 19. Subsection (1) of section 784.08, Florida Statutes, is amended to read:

784.08 Assault or battery on persons 65 years of age or older; reclassification of offenses; minimum sentence.—

(1) A person who is convicted of an aggravated assault or aggravated battery upon a person 65 years of age or older shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and fined not more than $10,000 and shall also be ordered by the sentencing judge to make restitution to the victim of such offense and to perform up to 500 hours of community service work. Restitution and community service work shall be in addition to any fine or sentence which may be imposed and shall not be in lieu thereof.

Section 20. Subsection (2) of section 794.023, Florida Statutes, is amended to read:

794.023 Sexual battery by multiple perpetrators; enhanced penalties.—

(2) The penalty for a violation of s. 794.011 shall be increased as provided in this subsection if it is charged and proven by the prosecution that, during the same criminal transaction or episode, more than one person committed an act of sexual battery on the same victim.

(a) A felony of the second degree shall be punishable as if it were a felony of the first degree.

(b) A felony of the first degree shall be punishable as if it were a life felony.

This subsection does not apply to life felonies or capital felonies. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense *that* ~~which~~ is reclassified under this subsection is ranked one level above the ranking under *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~ of the offense committed.

Section 21. Section 874.04, Florida Statutes, 1996 Supplement, is amended to read:

874.04 Criminal street gang activity; enhanced penalties.—Upon a finding by the court at sentencing that the defendant is a member of a criminal street gang, the penalty for any felony or misdemeanor, or any delinquent act or violation of law which would be a felony or misdemeanor if committed by an adult, may be enhanced if the offender was a member of a criminal street gang at the time of the commission of such offense. Each of the findings required as a basis for such sentence shall be found by a preponderance of the evidence. The enhancement will be as follows:

(1)(a) A misdemeanor of the second degree may be punished as if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree may be punished as if it were a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 1 of the offense severity ranking chart. The criminal street gang multiplier in *s. 921.0024* ~~s. 921.0014~~ does not apply to misdemeanors enhanced under this paragraph.

(2)(a) A felony of the third degree may be punished as if it were a felony of the second degree.

(b) A felony of the second degree may be punished as if it were a felony of the first degree.

(c) A felony of the first degree may be punished as if it were a life felony.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such felony offense is ranked as provided in *s. 921.0022* ~~s. 921.0012~~ or *s. 921.0023* ~~s. 921.0013~~, and without regard to the penalty enhancement in this subsection. For purposes of this section, penalty enhancement affects the applicable statutory maximum penalty only.

Section 22. Subsections (10) and (11) of section 893.13, Florida Statutes, 1996 Supplement, are amended to read:

893.13 Prohibited acts; penalties.—

(10) Notwithstanding any provision of the sentencing guidelines *or the Criminal Punishment Code* to the contrary, on or after October 1, 1993, any defendant who:

(a) Violates subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

(11) Notwithstanding any provision of the sentencing guidelines *or the Criminal Punishment Code* to the contrary, on or after January 1, 1994, any defendant who:

(a) Violates subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment.

Section 23. Subsection (1) of section 893.135, Florida Statutes, 1996 Supplement, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 50 pounds of cannabis commits a felony of the first degree, which felony shall be known as "trafficking in cannabis." If the quantity of cannabis involved:

1. Is in excess of 50 pounds, but less than 2,000 pounds, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $25,000.

2. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

3. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $200,000.

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine." If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more, but less than 300 kilograms, of cocaine, as described in s. 893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(c)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of $500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more, but less than 60 kilograms, of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 30 kilograms or more, but less than 60 kilograms, of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of any person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(d)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in s. 893.03(2)(b), commits a felony of the first degree, which felony shall be known as "trafficking in phencyclidine." If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $100,000.

c. Is 400 grams or more, but less than 800 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 800 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in s. 893.03(2)(b), and who knows that the probable result of such importation would be the death of any person commits capital importation of phencyclidine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(e)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), commits a felony of the first degree, which felony shall be known as "trafficking in methaqualone." If the quantity involved:

a. Is 200 grams or more, but less than 5 kilograms, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

b. Is 5 kilograms or more, but less than 25 kilograms, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $100,000.

c. Is 25 kilograms or more, but less than 50 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 50 kilograms or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), and who knows that the probable result of such importation would be the death of any person commits capital importation of methaqualone, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(f)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine." If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $50,000.

b. Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and pay a fine of $100,000.

c. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 400 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such importation would be the death of any person commits capital importation of amphetamine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

Section 24. Subsection (2) of section 893.20, Florida Statutes, is amended to read:

893.20 Continuing criminal enterprise.—

(2) A person who commits the offense of engaging in a continuing criminal enterprise is guilty of a life felony, punishable pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~ and by a fine of $500,000.

Section 25. Paragraph (b) of subsection (1) of section 921.187, Florida Statutes, 1996 Supplement, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation.

(b)1. Notwithstanding any provision of *former* s. 921.001 *or s. 921.002* to the contrary, on or after October 1, 1993, the court may require any defendant who violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and meets the criteria described in s. 893.13(10), to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

2. Notwithstanding any provision of *former* s. 921.001 *or s. 921.002* to the contrary, on or after October 1, 1993, the court may require any defendant who violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in s. 893.13(11), to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment.

Section 26. Section 921.188, Florida Statutes, is amended to read:

921.188 Placement of certain state inmates in local detention facilities.—Effective June 17, 1993, notwithstanding the provisions of ss. 775.08, *former* 921.001, *921.002,* 921.187, 944.02, and 951.23, or any other law to the contrary, a person whose presumptive sentence is 1 year and 1 day up to 22 months in a state correctional institution may be placed by the court into the custody of a local detention facility as a condition of probation or community control for a felony offense contained in sentencing guidelines categories five through nine contained in Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, or similar levels described in *s. 921.0022* ~~s. 921.0012~~, except for such person whose total sentence points are greater than 52 or less than 40. The court may place such person for the duration of the presumptive sentence. The court may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The contract may include all operational functions, or only housing wherein the department would provide staffing and medical costs. The agreement must provide for a per diem or partial per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. The full per diem reimbursement may not exceed the per diem published in the Department of Corrections' most recent annual report for total department facilities. This section does not limit the court's ability to place a person in a local detention facility for less than 1 year.

Section 27. Subsection (1) of section 924.06, Florida Statutes, 1996 Supplement, is amended to read:

924.06 Appeal by defendant.—

(1) A defendant may appeal from:

(a) A final judgment of conviction when probation has not been granted under chapter 948, except as provided in subsection (3);

(b) An order granting probation under chapter 948;

(c) An order revoking probation under chapter 948; *or*

(d) A sentence, on the ground that it is illegal.~~; or~~

~~(e) A sentence imposed outside the range permitted by the guidelines authorized by chapter 921.~~

Section 28. Paragraph (i) of subsection (1) of section 924.07, Florida Statutes, 1996 Supplement, is amended to read:

924.07 Appeal by state.—

(1) The state may appeal from:

(i) A sentence imposed *below* ~~outside~~ the range permitted by the *Criminal Punishment Code under* ~~guidelines authorized by~~ chapter 921.

Section 29. Paragraph (e) of subsection (5) of section 944.17, Florida Statutes, is amended to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or chief correctional officer, or a designated representative, to the officer in charge of the reception process:

(e) A copy of the *Criminal Punishment Code* ~~sentencing guidelines~~ scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Florida Rules of Criminal Procedure.

Section 30. Subsection (5) of section 947.141, Florida Statutes, is amended to read:

947.141 Violations of conditional release, control release, or conditional medical release.—

(5) Effective for inmates whose offenses were committed on or after July 1, 1995, notwithstanding the provisions of ss. 775.08, *former* 921.001, *921.002,* 921.187, 921.188, 944.02, and 951.23, or any other law to the contrary, by such order as provided in subsection (4), the panel, upon a finding of guilt, may, as a condition of continued supervision, place the releasee in a local detention facility for a period of incarceration not to exceed 22 months. Prior to the expiration of the term of incarceration, or upon recommendation of the chief correctional officer of that county, the commission shall cause inquiry into the inmate's release plan and custody status in the detention facility and consider whether to restore the inmate to supervision, modify the conditions of supervision, or enter an order of revocation, thereby causing the return of the inmate to prison to serve the sentence imposed. The provisions of this section do not prohibit the panel from entering such other order or conducting any investigation that it deems proper. The commission may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The agreement must provide for a per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. This section does not limit the commission's ability to place a person in a local detention facility for less than 1 year.

Section 31. Subsection (3) of section 947.146, Florida Statutes, 1996 Supplement, is amended to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(a) Are serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and have not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) Are convicted, or have been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) Are convicted, or have been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) Are convicted, or have been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(g) Are sentenced, have previously been sentenced, or have been sentenced at any time under s. 775.084, or have been sentenced at any time in another jurisdiction as a habitual offender;

(h) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction;

(i) Are convicted, or have been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or have ever been convicted of any degree of murder or attempted murder in another jurisdiction;

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. Are serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), or (5), and the subtotal of the offender's sentence points is multiplied pursuant to *former* s. 921.0014 *or s. 921.0024*;

2. Are serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7), or (8), and the subtotal of the offender's sentence points is multiplied pursuant to *former* s. 921.0014 *or s. 921.0024*;

(l) Are serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the offender's sentence points pursuant to *former* s. 921.0014 *or s. 921.0024*; or

(m) Are convicted, or have been previously convicted, of committing or attempting to commit manslaughter, kidnapping, robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 32. Subsection (1) of section 947.168, Florida Statutes, is amended to read:

947.168 Consideration for persons serving parole-eligible and parole-ineligible sentences.—

(1) A person serving a parole-eligible sentence who subsequently receives a parole-ineligible sentence ~~pursuant to s. 921.001(10)~~ shall be considered for parole on the parole-eligible sentence.

Section 33. Section 948.015, Florida Statutes, is amended to read:

948.015 Presentence investigation reports.—The circuit court, when the defendant in a criminal case has been found guilty or has entered a plea of nolo contendere or guilty and has a recommended sentence under the *Criminal Punishment Code* ~~sentencing guidelines~~ of any nonstate prison sanction, may refer the case to the department for investigation or recommendation. Upon such referral, the department shall make the following report in writing at a time specified by the court prior to sentencing. The full report shall include:

(1) A complete description of the situation surrounding the criminal activity with which the offender has been charged, including a synopsis of the trial transcript, if one has been made; nature of the plea agreement, including the number of counts waived, the pleas agreed upon, the sentence agreed upon, and any additional terms of agreement; and, at the offender's discretion, his version and explanation of the criminal activity.

(2) The offender's sentencing status, including whether the offender is a first offender, a habitual or violent offender, a youthful offender, or is currently on probation.

(3) The offender's prior record of arrests and convictions.

(4) The offender's educational background.

(5) The offender's employment background, including any military record, his present employment status, and his occupational capabilities.

(6) The offender's financial status, including total monthly income and estimated total debts.

(7) The social history of the offender, including his family relationships, marital status, interests, and activities.

(8) The residence history of the offender.

(9) The offender's medical history and, as appropriate, a psychological or psychiatric evaluation.

(10) Information about the environments to which the offender might return or to which he could be sent should a sentence of nonincarceration or community supervision be imposed by the court, and consideration of the offender's plan concerning employment supervision and treatment.

(11) Information about any resources available to assist the offender, such as:

(a) Treatment centers.
(b) Residential facilities.
(c) Vocational training programs.
(d) Special education programs.
(e) Services that may preclude or supplement commitment to the department.

(12) The views of the person preparing the report as to the offender's motivations and ambitions and an assessment of the offender's explanations for his criminal activity.

(13) An explanation of the offender's criminal record, if any, including his version and explanation of any previous offenses.

(14) A statement regarding the extent of any victim's loss or injury.

(15) A recommendation as to disposition by the court. The department shall make a written determination as to the reasons for its recommendation, and shall include an evaluation of the following factors:

(a) The appropriateness or inappropriateness of community facilities, programs, or services for treatment or supervision for the offender.

(b) The ability or inability of the department to provide an adequate level of supervision for the offender in the community and a statement of what constitutes an adequate level of supervision.

(c) The existence of other treatment modalities which the offender could use but which do not exist at present in the community.

Section 34. Subsections (1) and (2) of section 948.034, Florida Statutes, are amended to read:

948.034 Terms and conditions of probation; community residential drug punishment centers.—

(1) On or after October 1, 1993, any person who violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a) may, in the discretion of the trial court, be required to successfully complete a term of probation in lieu of serving a term of imprisonment as required or authorized by s. 775.084*, former* ~~or~~ s. 921.001, *or s. 921.002,* as follows:

(a) If the person has not previously been convicted of violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), adjudication may be withheld and the offender may be placed on probation for not less than 18 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 90 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $500 nor more than $10,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a substance abuse education program of at least 40 hours or a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 100 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(b) If the person has been previously convicted of one felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 24 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 180 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $1,000 nor more than $10,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a substance abuse education program of at least 40 hours or a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 200 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(c) If the person has been previously convicted of two felony violations of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 36 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 360 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $1,500 nor more than $10,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a substance abuse education program of at least 40 hours or a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 300 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(d) An offender who violates probation imposed pursuant to this section shall be sentenced in accordance with *s. 921.002* ~~s. 921.001~~.

(2) On or after October 1, 1993, any person who violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a) may, in the discretion of the trial court, be required to successfully complete a term of probation in lieu of serving a term of imprisonment as required or authorized by s. 775.084, *former* ~~or~~ s. 921.001, *or s. 921.002,* as follows:

(a) If the person has not previously been convicted of violating s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may be withheld and the offender shall be placed on probation for not less than 12 months, as a condition of which the court may require the offender to comply with one or more of the following terms and conditions:

1. Pay a fine of not less than $250 nor more than $5,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a substance abuse education program of at least 40 hours or a prescribed substance

abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 50 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(b) If the person has been previously convicted of one felony violation of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 18 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 90 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $500 nor more than $5,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a substance abuse intervention program of a least 80 hours provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 100 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(c) If the person has been previously convicted of two felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 24 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 120 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $1,000 nor more than $5,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 150 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(d) If the person has been previously convicted of three felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 30 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 200 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $1,500 nor more than $5,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 200 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(e) If the person has been previously convicted of four felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may not be withheld and the offender may be placed on probation for not less than 36 months, as a condition of which the court shall require the offender to reside at a community residential drug punishment center for 360 days. The offender must comply with all rules and regulations of the center and must pay a fee for the costs of room and board and residential supervision. Placement of an offender into a community residential drug punishment center is subject to budgetary considerations and availability of bed space. If the court requires the offender to reside at a community residential drug punishment center, the court shall also require the offender to comply with one or more of the other following terms and conditions:

1. Pay a fine of not less than $2,000 nor more than $5,000 pursuant to s. 775.083(1)(c).

2. Enter, regularly attend, and successfully complete a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 396 or chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such referral is made, the offender must comply and must pay for the reasonable cost of the evaluation and treatment.

3. Perform at least 250 hours of public service.

4. Submit to routine and random drug testing which may be conducted during the probationary period, with the reasonable costs thereof borne by the offender.

5. Participate, at his own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(f) An offender who violates probation imposed pursuant to this section shall be sentenced in accordance with *s. 921.002* ~~s. 921.001~~.

Section 35. Paragraph (c) of subsection (2) of section 948.51, Florida Statutes, is amended to read:

948.51 Community corrections assistance to counties or county consortiums.—

(2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26 and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the district juvenile justice board and the county juvenile justice council, established under s. 39.025, in order to include programs and services for juveniles in the plan. To be eligible for community corrections funds under the contract, the initial public safety plan must be approved by the governing board of the county, or the governing board of each county within the consortium, and the Secretary of Corrections based on the requirements of this section. If one or more other counties develop a unified public safety plan, the public safety coordinating council shall submit a single application to the department for funding. Continued contract funding shall be pursuant to subsection (6). The plan for a county or county consortium must cover at least a 5-year period and must include:

(c) Specific goals and objectives for reducing the projected percentage of commitments to the state prison system of persons with sentencing scores of 40 to 52 points, inclusive, pursuant to the *Criminal Punishment Code* ~~sentencing guidelines~~.

Section 36. Subsection (3) of section 958.04, Florida Statutes, 1996 Supplement, is amended to read:

958.04 Judicial disposition of youthful offenders.—

(3) The provisions of this section shall not be used to impose a greater sentence than the maximum recommended range as established by *the Criminal Punishment Code* ~~statewide sentencing guidelines~~ pursuant to chapter 921 unless reasons are explained in writing by the trial court judge which reasonably justify departure. A sentence imposed outside of *the code is* ~~such guidelines shall be~~ subject to appeal pursuant to ~~s. 924.06 or~~ s. 924.07.

Section 37. Effective October 1, 1997, subsection (3) of section 921.0014, Florida Statutes, as amended by section 22 of chapter 96-388, Laws of Florida, is amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. *Either the office of the state attorney or* the Department of Corrections, *or both where appropriate,* shall prepare the scoresheet or scoresheets, which must be presented to ~~the state attorney and~~ the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

Section 38. Subsection (1) of section 397.705, Florida Statutes, is amended to read:

397.705 Referral of substance abuse impaired offenders to service providers.—

(1) AUTHORITY TO REFER.—If any offender, including but not limited to any minor, is charged with or convicted of a crime, the court or criminal justice authority with jurisdiction over that offender may require the offender to receive services from a service provider licensed under this chapter. If referred by the court, the referral *shall* ~~may~~ be ~~instead of or~~ in addition to final adjudication, imposition of penalty or sentence, or other action. The court may consult with or seek the assistance of a service provider concerning such a referral. Assignment to a service provider is contingent upon availability of space, budgetary considerations, and manageability of the offender.

Section 39. Section 893.15, Florida Statutes, is amended to read:

893.15 Rehabilitation.—Any person who violates s. 893.13(6)(a) or (b) relating to possession may, in the discretion of the trial judge, be required to participate in a substance abuse services program approved or regulated by the Department of Health and Rehabilitative Services pursuant to the provisions of chapter 397, provided the director of such program approves the placement of the defendant in such program. Such required participation *shall* ~~may~~ be imposed in addition to~~, or in lieu of,~~ any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 40. Subsection (5) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission and sentencing guidelines generally.—

(5) Sentences imposed by trial court judges under the 1994 revised sentencing guidelines on or after January 1, 1994, must be within the 1994 guidelines unless there is a departure sentence with written findings. *However, a person sentenced for a felony committed on or after July 1, 1997, who has at least one prior felony conviction and whose recommended sentence is any nonstate prison sanction may be sentenced to community control or a term of incarceration not to exceed 22 months. A person sentenced for a felony committed on or after July 1, 1997, who has at least one prior felony conviction and whose minimum recommended sentence is less than 22 months in state prison may be sentenced to a term of incarceration not to exceed 22 months. As used in this subsection, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld. Such sentence is not subject to appeal.* If a recommended sentence under the guidelines exceeds the maximum sentence otherwise authorized by s. 775.082, the sentence under the guidelines must be imposed, absent a departure. If a departure sentence, with written findings, is imposed, such sentence must be within any relevant maximum sentence limitations provided in s. 775.082. The failure of a trial court to impose a sentence within the sentencing guidelines is subject to appellate review pursuant to chapter 924, *except as otherwise provided in this subsection.* However, the extent of a departure from a guidelines sentence is not subject to appellate review.

Section 41. Paragraph (d) of subsection (4) of section 921.0016, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to that section, to read:

921.0016 Recommended sentences; departure sentences; aggravating and mitigating circumstances.—

(4) Mitigating circumstances under which a departure from the sentencing guidelines is reasonably justified include, but are not limited to:

(d) The defendant requires specialized treatment for *a* ~~addiction,~~ mental disorder *that is unrelated to substance abuse or addiction*~~,~~ or *for a* physical disability, and the defendant is amenable to treatment.

(5) A defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (4) and does not, under any circumstances, justify a downward departure from the sentence recommended under the sentencing guidelines.

Section 42. *The Florida Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision. Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the Criminal Punishment Code in effect on the beginning date of the criminal activity.*

Section 43. *The Division of Statutory Revision of the Joint Legislative Management Committee shall leave the repealed statutory provisions referenced herein in the Florida Statutes for 10 years from October 1, 1998.*

Section 44. Unless otherwise expressly provided in this act, sections 1 through 12, sections 14 through 36, and sections 42 and 43 shall take effect October 1, 1998; this section and section 13 shall take effect upon becoming a law; and the remaining sections of this act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; repealing ss. 921.0001, 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, 921.005, F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; deleting a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending ss. 397.705, 893.15, F.S.; requiring that a referral of an offender to a treatment provider or to drug rehabilitation be in addition to adjudication or imposition of sentence rather than as an alternative to adjudication or imposition of sentence; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose recommended sentence is a nonstate prison sanction or less than 22 months to be eligible for incarceration up to a specified period; providing that capital felonies are excluded from the punishment code; providing clarification for application of future code revisions; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addiction to be a mitigating circumstance for purposes of sentencing; providing a directive to the Division of Statutory Revision to maintain certain repealed provisions in the Florida Statutes for ten years; providing effective dates.

On motion by Senator Horne, by two-thirds vote **CS for HB 241** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for CS for HB 1371—A bill to be entitled An act relating to criminal justice; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; defining "prison releasee reoffender"; providing that certain reoffenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the reoffender has been released from correctional custody and, within 3 years of being released, commits treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, a felony involving the use or threat of physical force or violence against an individual, armed burglary, burglary of an occupied structure or dwelling, burglary when the person has two prior felony convictions, or a felony violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in presence of child, s. 827.03, F.S., relating to abuse, aggravated abuse, or neglect of child, or s. 827.071, F.S., relating to sexual performance by a child; providing for such reoffender to be sentenced to specified mandatory minimum sentences; making such reoffender ineligible for parole, probation, or early release;

providing for forfeiture by the reoffender of gain-time or other early release credits; providing legislative intent to prohibit plea bargaining in re-offender cases; requiring state attorneys to submit reports regarding any sentencing deviations; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence regarding departmental failure to provide such notice; amending s. 947.141, F.S.; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when conditional release, control release, or conditional medical release is revoked; amending s. 948.06, F.S.; permitting a law enforcement officer to arrest a probationer or offender in community control upon probable cause that the probationer or offender has materially violated probation or community control, under specified circumstances; providing for mandatory forfeiture of previously granted early release credits under specified circumstances when probation or community control is revoked; reenacting ss. 948.01(9) and (13)(b) and 958.14, F.S., to incorporate said amendment in references; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Jones moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1—On page 5, between lines 20 and 21, insert:

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. On a quarterly basis, each state attorney shall submit copies of deviation memoranda regarding offenses committed on or after the effective date of this subsection, to the President of the Florida Prosecuting Attorneys Association, Inc. The association must maintain such information, and make such information available to the public upon request, for at least a 10-year period.

On motion by Senator Ostalkiewicz, **CS for CS for HB 1371** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Casas	Forman	Kirkpatrick	Scott
Childers	Grant	Klein	Silver
Clary	Gutman	Kurth	Sullivan
Cowin	Hargrett	Latvala	Turner
Crist	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Burt, Lee

Consideration of **CS for HB's 715, 1249, 1321 and 1339** was deferred.

HB 1323—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to certain public water systems; authorizing use of certain federal Safe Drinking Water Act funds for specified purposes; providing loan criteria, requirements, and limitations; providing for department rules; requiring an annual report; providing for audits; providing for loan service fees; providing for disposition of funds; providing for default; providing penalties for delinquent payments or noncompliance with loan terms and conditions; amending s. 403.860, F.S.; authorizing administrative penalties for failure of a public water system to comply with the Florida Safe Drinking Water Act; providing for rules and procedures; creating s. 403.8615, F.S.; requiring certain new water systems to demonstrate specified technical, managerial, and financial capabilities; creating s. 403.865, F.S.; providing legislative findings and intent relating to operation of water and wastewater treatment facilities by qualified personnel; creating s. 403.866, F.S.; providing definitions; creating s. 403.867, F.S.; requiring such operators to be licensed by the department; creating s. 403.868, F.S.; authorizing a utility to have more stringent requirements; creating s. 403.869, F.S.; authorizing department rules; creating s. 403.87, F.S.; authorizing appointment of a technical advisory council for water and domestic wastewater operator certification; creating s. 403.871, F.S.; providing for application and examination, reexamination, licensure, renewal, and recordmaking and recordkeeping fees; providing for disposition thereof; creating s. 403.872, F.S.; specifying requirements for licensure; creating s. 403.873, F.S.; providing for biennial license renewal; creating s. 403.874, F.S.; providing for inactive status and reactivation of inactive licenses; creating s. 403.875, F.S.; specifying prohibited acts; providing a penalty; creating s. 403.876, F.S.; requiring the department to establish grounds for disciplinary actions; providing for an administrative fine; providing for transfer of powers and duties relating to regulation of operators of water treatment plants and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection; providing for continuation of certain rules; providing a grandfather provision for operators certified prior to the transfer; amending s. 403.087, F.S.; increasing the maximum term for issuance of permits for stationary water pollution sources; specifying conditions for renewing operation permits for domestic wastewater treatment facilities for an extended term at the same fee; requiring the department to keep certain records; amending s. 403.0871, F.S.; correcting cross references; amending s. 403.0872; clarifying air pollution fee deadline; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater treatment plant operator certification by the Department of Business and Professional Regulation; providing an appropriation; amending s. 367.021, F.S.; defining "environmental compliance costs; amending s. 367.022, F.S.; providing regulatory exemptions for nonpotable irrigation water, under certain circumstances; amending s. 367.081, F.S.; providing for recovery of environmental compliance costs; amending s. 367.171, F.S.; providing application of the act; amending s. 367.022; deregulating bulk supplies of water for sale for resale; providing for a study of ozonation and other alternative processes for disinfecting water; requiring a report; amending s. 193.625, F.S. to allow high-water recharge assessments when lands will be used primarily for bona fide high-water recharge purposes for a period of at least 5 years; amending s. 403.1835, F.S.; expanding the sewage treatment facilities revolving loan program to provide loans to local governmental agencies for construction of stormwater management systems; defining "stormwater management system"; providing additional responsibilities of local governments under the program; providing priority for certain stormwater management system projects; providing for funding; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Latvala, **HB 1323** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Silver
Campbell	Dyer	Klein	Thomas
Casas	Forman	Kurth	Turner
Childers	Grant	Latvala	Williams
Clary	Gutman	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Holzendorf, Lee, Sullivan

HB 1271—A bill to be entitled An act relating to trust funds; creating s. 403.8533, F.S.; creating the Drinking Water Revolving Loan Trust Fund within the Department of Environmental Protection; specifying the purposes of the trust fund; providing source of moneys; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 1271** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for HB's 715, 1249, 1321 and 1339—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development;" amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan, to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.042, F.S.; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; requiring the Governor to select a governing board member as chair of the governing board; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.223, F.S.; providing requirements in considering authorization to transport ground or surface water under a permit for consumptive use of water; providing restrictions; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and advertisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending s. 373.59, F.S.; deleting obsolete language; correcting a cross reference; authorizing use of interests in property acquired under the Water Management Lands Trust Fund for permittable water resource development and water supply development purposes; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, and 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 373.039, and 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing for application of act to Hillsborough River and the Palm River/Tampa By-Pass Canal; amending s. 373.1963, F.S.; providing for supplemental report from the West Coast Regional Water Supply Authority; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Latvala moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1—On page 16, lines 7-12, delete those lines

Senator McKay moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 2—On page 34, lines 17-28, delete those lines and insert:

Section 12. Subsection (5) of section 373.139, Florida Statutes, 1996 Supplement, is amended to read:

373.139 Acquisition of real property.—

(5) Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses. *Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.*

Senator Latvala moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 3—On page 54, line 10, delete section 31 and renumber subsequent sections.

Senator McKay moved the following amendments to **Engrossed Senate Amendment 1** which were adopted by two-thirds vote:

Amendment 4—On page 59, line 19 through page 60, line 16, delete those lines and insert: *4 weeks before or immediately following termination of employment. The term does not include:*

(a) Earned and accrued annual, sick, compensatory, and administrative leave.

(b) Early retirement provisions established in an actuarially funded pension plan subject to part VII of chapter 112, Florida Statutes.

(2) After July 1, 1997, a water management district, or any agency or subdivision thereof, may not pay to any of its officers or employees severance pay, except under any of the following conditions:

(a) The severance pay is authorized in an employment contract or collective bargaining agreement providing for it and in effect on July 1, 1997. Collective bargaining agreements or employment contracts extended or entered on or after July 1, 1997, may not contain any provision for severance pay. However, employees classified as managerial, executive, or exempt in the district's personnel plan who serve at the convenience of the district are subject to the provisions of this section beginning July 1, 1997.

(b) The severance pay is paid from wholly private funds available to the district in the ordinary course of business, the payment and receipt of which would not otherwise violate any provision of part III of chapter 112, Florida Statutes.

(c) The severance pay is administered under the auspices of part II of chapter 112, Florida Statutes, on behalf of an agency outside this state and would be permitted under that agency's personnel system.

(d) The severance pay represents the settlement of an employment dispute; however, such a settlement may not contain any provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

Amendment 5—On page 60, lines 20-28, delete those lines and insert:

Section 35. *(1) The Legislature finds that there currently exist actual or perceived differences in the salaries of certain water management district employees and the salaries of state or other general-purpose local government employees performing the same or similar job functions. The Legislature further finds that section 373.079(4) and (5), Florida Statutes, provide the governing boards of the water management districts significant discretion in determining the compensation of its employees.*

(2) The Legislature directs the Office of Program Policy Analysis and Government Accountability to prepare or cause to be prepared with consultants a study of water management district employee compensation plans and present its findings and recommendations in a report to remedy any actual or perceived discrepancies between the salaries of state or other general purpose local government employees and employees of the water management districts created pursuant to chapter 372. The report shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 30, 1998.

(3) There is hereby appropriated $50,000 from the Water Management Lands Trust Fund for fiscal year 1997-98 to the Office of Program Policy Analysis and Government Accountability to implement the provisions relating to the employee compensation study.

Amendment 6—On page 62, line 2 through page 63, line 11, delete section 37 and renumber subsequent sections.

On motion by Senator Latvala, **CS for HB's 715, 1249, 1321 and 1339** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SENATOR BURT PRESIDING

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending

s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

—as amended April 30 was read the third time by title.

Senator Grant moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 22, line 23 through page 27, line 25, delete those lines and insert:

Section 47. *The Task Force on Postsecondary Student Fees.—*

(1) There is hereby created a task force to study and make recommendations on the issues related to postsecondary student fees. The task force members shall be as follows:

(a) The Chancellor of the State University System;

(b) The Executive Director of the State Community College System;

(c) The Executive Director of the Postsecondary Education Planning Commission;

(d) The President of the Florida Student Government Association;

(e) A representative of the Office of Program Policy Analysis and Government Accountability; and

(f) A representative of the Economic and Demographic Research Division of the Legislature.

(2) The chancellor shall convene the first meeting of the task force no later than June 15, 1997, at which time the members shall elect a permanent chairman from among their numbers. After the first meeting the task force shall meet at the call of the chair.

(3) The task force shall examine at least the following issues related to postsecondary student fees exclusive of tuition:

(a) The procedures for establishing fees;

(b) The purposes for which separate fees are charged;

(c) The budgeting, expenditure, and accountability procedures for the use of fee revenue;

(d) The growth rate of fee rates compared to the growth rate of tuition; and

(e) A comparison of fees and fee structures in Florida public community colleges and universities and college and university systems in other states.

The task force must report its findings and recommendations to the Legislature no later than December 1, 1997, and the task force shall be dissolved upon submission of the report.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 71, lines 20-23, delete those lines

Senator Campbell moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 2 (with title amendment)—On page 22, lines 11-22, delete those lines and insert:

(6) STATE BOARD RULES.~~—By January 1, 1991,~~ The State Board of Education shall *adopt* ~~promulgate~~ rules *as necessary to implement this section* ~~for initial certification specifically covering ages birth through 4 years and grade spans prekindergarten or age 3 through grade 3, grades 5 through 9, and others as designated by the State Board of Education~~.

And the title is amended as follows:

On page 71, lines 17-20, delete those lines and insert: amending s. 231.17, F.S.; authorizing rulemaking; amending s. 240.235, F.S.;

Senator Grant moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 52, line 23 through page 54, line 31, delete those lines

And the title is amended as follows:

On page 73, lines 6-9, delete those lines and insert: student fees;

Senator Horne offered the following amendment to **Engrossed Senate Amendment 1** which was moved by Senator Grant and adopted by two-thirds vote:

Amendment 4 (with title amendment)—On page 69, between lines 18 and 19, insert:

Section 46. Paragraph (b) of subsection (5) of section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(5)

(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory *class within a* skill area more than *one time* ~~two times~~ shall pay fees at 100 percent of the *full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes* ~~direct instructional cost~~; however, *students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees.* Each community college shall have the authority to review and reduce ~~such~~ payment *for increased fees due to continued enrollment in a college-preparatory class* on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

Section 47. Paragraph (d) of subsection (5) of section 239.301, Florida Statutes, 1996 Supplement, is amended to read:

239.301 Adult general education.—

(5)

(d) Expenditures for college-preparatory and lifelong learning students shall be reported separately. Allocations for college-preparatory courses shall be based on proportional full-time equivalent enrollment. Program review results shall be included in the determination of subsequent allocations. A student shall be funded to enroll in the same college-preparatory *class within a* skill area only *once* ~~twice~~, after which time *the student shall pay 100 percent of the full cost of instruction* ~~no state funds shall be used~~ to support the continuous enrollment of that student in the same class; however, *students who withdraw or fail a class due*

to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each community college shall have the authority to review and reduce ~~such~~ payment *for increased fees due to continued enrollment in a college-preparatory class* on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. College-preparatory and lifelong learning courses do not generate credit toward an associate or baccalaureate degree.

Section 48. Paragraph (a) of subsection (4) of section 240.117, Florida Statutes, is amended to read:

240.117 Common placement testing for public postsecondary education.—

(4)(a) Community college or state university students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory adult education pursuant to s. 239.301 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Community Colleges shall specify the college credit courses that are acceptable for students enrolled in each college-preparatory skill area, pursuant to s. 240.311(3)(q). A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college-preparatory course, must successfully complete the required college-preparatory studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed, and the student demonstrates satisfactory performance in degree-earning coursework. A passing score on all subtests of the common placement test must be achieved before a student is considered to have met basic computation and communication skills requirements; however, no student shall be required to retake any subtest which was previously passed by said student. A student shall be funded to enroll in the same college-preparatory *class within a* skill area only *once* ~~twice~~, after which time *the student shall pay 100 percent of the full cost of instruction* ~~no state funds shall be used~~ to support continuous enrollment of that student in the same class *and such student shall not be included in calculations of full-time equivalent enrollments for state funding purposes*; however, *students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees.* Each community college shall have the authority to review and reduce fees paid by students *due to continued enrollment in a college-preparatory class* on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Credit awarded for college-preparatory instruction may not be counted towards fulfilling the number of credits required for a degree.

Section 49. Section 240.124, Florida Statutes, is created to read:

240.124 Funding for continuous enrollment in college credit courses.—Beginning fall semester, 1997, a student enrolled in the same undergraduate college credit course more than two times shall pay matriculation at 100 percent of the full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes. For purposes of this section, first-time enrollment in a class shall mean enrollment in a class beginning fall semester 1997, and calculations of the full cost of instruction shall be based on the systemwide average of the prior year's cost of undergraduate programs for the Community College System and the State University System. The Board of Regents and the State Board of Community Colleges may make exceptions to this section for individualized study, elective coursework, courses that are repeated as a requirement of a major, and courses that are intended as continuing over multiple semesters, excluding the repeat of coursework more than two times to increase grade point average or meet minimum course grade requirements.

(Renumber subsequent section.)

And the title is amended as follows:

On page 74, line 6, after the semicolon (;) insert: amending ss. 239.117, 239.301, and 240.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions;

Senators Holzendorf and Sullivan offered the following amendment to **Engrossed Senate Amendment 1** which was moved by Senator Holzendorf and adopted by two-thirds vote:

Amendment 5 (with title amendment)—On page 69, between lines 18 and 19, insert:

Section 47. *For the 1997-1998 fiscal year, the sum of $276,659 is appropriated from the General Revenue Fund and the sum of $223,341 is appropriated from the Educational and General Student and Other Fees Trust Fund for implementing the master's in Public Health Program at Florida Agricultural and Mechanical University.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 74, line 6, after the semicolon (;) insert: providing appropriations to Florida A & M University for specified purposes;

On motion by Senator Grant, **HB 1545** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	
Diaz-Balart	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Madam President, Casas, Clary

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR, continued

CS for SB 564—A bill to be entitled An act relating to Environmental Resource Protection; creating s. 11.80, F.S.; creating the Joint Legislative Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; amending s. 253.034, F.S.; providing for transportation uses of certain recreational trails; amending s. 259.032, F.S.; providing for land management audits; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; providing requirements for deposits and expenditures; requiring an annual status report; requiring quarterly distribution of trust fund expenditure information; amending s. 370.06, F.S.; authorizing the department to issue special activity licenses for aquacultural activities involving sturgeon; amending s. 370.092, F.S.; providing definitions; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of nets not approved by the Marine Fisheries Commission; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries

Commission to adopt rules implementing the constitutional net ban; amending s. 370.14, F.S.; requiring imported shipments of crawfish to be made available for inspection by the department; requiring that weight receipts be sent to a Florida Marine Patrol Office; revising permitholder report requirements; creating s. 370.1405, F.S.; requiring crawfish reports by dealers during closed season; providing penalties for violation; providing for a baitfish pilot program; providing requirements; providing effective dates.

—was read the second time by title.

Amendments were considered to conform **CS for SB 564** to **CS for HB 1775**.

Pending further consideration of **CS for SB 564** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 1775** was withdrawn from the Committees on Natural Resources; Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

On motion by Senator Latvala, the rules were waived and—

CS for HB 1775—A bill to be entitled An act relating to oversight and accountability of the South Florida Water Management District; creating s. 11.80, F.S.; creating the Joint Legislative Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; requiring an annual status report; amending s. 338.26, F.S., relating to Alligator Alley toll road; providing for deposit of certain funds in the Everglades Trust Fund; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; requiring quarterly distribution of trust fund expenditure information; providing for a postaudit; providing requirements for deposits and expenditures; requiring annual reporting; providing effective dates.

—a companion measure, was substituted for **CS for SB 564** as amended and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Kirkpatrick	Scott
Bronson	Diaz-Balart	Klein	Silver
Brown-Waite	Dudley	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Gutman	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

CS for SB 1760—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S., relating to definitions with respect to specified provisions relating to juvenile proceedings; redefining the term "diligent search"; defining the term "next of kin"; amending s. 39.401, F.S., relating to taking a child alleged to be dependent into custody; requiring the Department of Children and Family Services to request a child's parent or custodian to disclose certain information regarding parents, prospective parents, and next of kin; amending s. 39.402, F.S., relating to placement in a shelter; providing for the court to require parent or custodian present at emergency shelter hearing to provide certain information on the record regarding parents, prospective parents, or next of kin; amending s. 39.405, F.S.; revising certain guidelines relating to filing of affidavit of diligent search in dependency cases; removing requirement for appointment of guardian ad litem, under specified circumstances; amending s. 39.4051, F.S., relating to special procedures in dependency cases when identity or location of parent is unknown; revising duties of the Department of Children and Family Services with respect to diligent searches; reenacting s. 39.462(1)(a), F.S., relating to process and service in proceedings to terminate parental rights, to incorporate an amendment in references thereto; creating s. 39.4052, F.S.; requiring written notice to identified adult relatives of a child taken into care; creating s. 39.4053, F.S.; prescribing duties of the department and guidelines relating to due diligence in the identification and notification of parents, relatives, and custodians of a child in departmental custody; amending s. 39.41, F.S., relating to powers of disposition; providing for diligent search; conforming terminology; amending s. 39.4625, F.S., relating to special procedures in termination of parental rights cases when identity or location of parent is unknown; revising guidelines relating to court inquiry and diligent search; reenacting s. 39.462(1)(a), F.S., relating to elements of petition for termination of parental rights, to incorporate an amendment in references thereto; amending s. 39.464, F.S., relating to grounds for termination of parental rights; conforming provisions relating to diligent search; reenacting s. 39.4611(1)(a) and (b) and (2), to incorporate an amendment in references thereto; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to law enforcement; amending s. 415.505, F.S., relating to child protective investigations and institutional child abuse or neglect investigations; requiring the agent of the department to request the parent or custodian to disclose certain information regarding parents, prospective parents, or next of kin when child is taken into custody; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, line 14 through page 8, line 13, delete those lines and insert:

Section 7. Subsection (5) of section 39.469, Florida Statutes, is amended to read:

39.469 Powers of disposition; order of disposition.—

(5) If the court terminates parental rights, it may, *as appropriate,* order that the parents, *siblings,* or relatives of the parent whose rights are terminated be allowed to maintain some *communication or* contact with the child pending adoption if the best interests of the child support this continued *communication or* contact. If the court orders such continued *communication or* contact, *which may include but is not limited to, visits, letters, and cards or telephone calls* the nature and frequency of the *communication or* contact must be set forth in written order and may be reviewed upon motion of any party, including, *for purposes of this subsection, an identified* ~~a~~ prospective adoptive parent ~~if a child has been placed for adoption~~. If a child is placed for adoption, the nature and frequency of the *communication or* contact must be reviewed by the court at the time the child is adopted.

Section 8. Paragraph (m) is added to subsection (2) of section 63.022, Florida Statutes, 1996 Supplement, to read:

63.022 Legislative intent.—

(2) The basic safeguards intended to be provided by this act are that:

(m) In dependency cases initiated by the department, where termination of parental rights occurs, and siblings are separated despite diligent efforts of the department, continuing post-adoption communication or contact among the siblings may be ordered by the court if found to be in the best interests of the children.

Section 9. Section 63.0427, Florida Statutes, is created to read:

63.0427 Adopted minor's right to continued communication or contact with siblings.—

(1) A child whose parents have had their parental rights terminated and whose custody has been awarded to the department pursuant to s. 39.469, and who is the subject of a petition for adoption under this chapter, shall have the right to have the court consider the appropriateness of post-adoption communication or contact, including, but not limited to, visits, letters and cards, or telephone calls, with his or her siblings who are not included in the petition for adoption. The court shall determine if the best interests of the child support such continued communication or contact and shall consider the following in making such determination:

(a) Any orders of the court pursuant to s. 39.469(5).

(b) Recommendations of the department, the foster parents if other than the adoptive parents, and the guardian ad litem.

(c) Statements of prospective adoptive parents.

(d) Any other information deemed relevant and material by the court.

If the court determines that the child's best interests will be served by post-adoption communication or contact with any sibling, the court shall so order, stating the nature and frequency for the communication or contact. This order shall be made a part of the final adoption order, but in no event shall continuing validity of the adoption be contingent upon such post-adoption communication or contact, nor shall the ability of the adoptive parents and child to change residence within or outside the State of Florida be impaired by such communication or contact.

(2) Notwithstanding the provisions of s. 63.162, the adoptive parent may petition for review at any time of sibling communication or contact ordered pursuant to subsection (1), if the adoptive parent believes that the best interests of the adopted child are being compromised, and the court shall have authority to order the communication or contact to be terminated, or to order such conditions in regard to communication or contact as the court deems to be in the best interests of the adopted child. As part of the review process, the court may order the parties to engage in mediation. The department shall not be required to be a party to such review.

Section 10. Section 39.4052, Florida Statutes, is created to read:

39.4052 Affirmative duty of written notice to adult relatives.—

(1) When a child is taken into care pursuant to this part, adult relatives made known to the department by a parent or custodian of a child may be provided with written notice from the department which states:

(a) The nature, time, and place of the pending proceeding.

(b) The various possible outcomes both of the impending proceeding and of future proceedings including termination of parental rights, reunification, foster care placement, long-term foster care placement, and shelter care.

(c) That the adult relatives may be evaluated for temporary custody of the child.

(d) That the adult relatives may maintain or establish a relationship with a child in care through visitation or other contacts.

(e) That the adult relatives may choose not to receive further notice regarding future proceedings.

(2) Notice of future proceedings shall be provided to the adult relative, unless he or she requests in writing that such notice be discontinued or the court excuses further notice for good cause shown.

(3) The department shall make a good-faith attempt to provide the written notice required by this section as soon as prudent after the identity of the adult relative is made known to the department.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the first semicolon (;) insert: amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings;

RECONSIDERATION OF AMENDMENT

On motion by Senator Rossin, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Harris, by two-thirds vote **CS for SB 1760** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jenne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman

CS for SB 1920—A bill to be entitled An act relating to corporations; amending s. 48.101, F.S.; providing for service on certain dissolved corporations; amending s. 607.032, F.S.; providing a condition for an agreement among shareholders of certain corporations; amending s. 607.1002, F.S.; providing a condition for amending articles of incorporation; defining the term "treasury shares"; amending s. 617.0808, F.S.; deleting provisions providing for the removal of directors of certain charitable organizations; amending s. 617.2103, F.S.; providing that such organizations are exempt from the provisions of s. 617.0808, F.S.; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1920** to **HB 1245**.

Pending further consideration of **CS for SB 1920** as amended, on motion by Senator Myers, by two-thirds vote **HB 1245** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motions by Senator Myers, by two-thirds vote—

HB 1245—A bill to be entitled An act relating to corporations; amending ss. 617.0808 and 617.2103, F.S.; excluding charitable corporations from certain provisions relating to removal of a director from a board of directors; amending s. 48.101, F.S.; clarifying service of process on certain corporations; amending s. 607.01401, F.S.; providing a definition; amending s. 607.0732, F.S.; specifying an additional criterion for certain shareholder agreements; amending s. 607.0902, F.S.; clarifying a circumstance under which acquisition of certain shares does not constitute a control-share acquisition; amending s. 607.1002, F.S.; authorizing a corporation's board of directors to amend the corporation's articles of incorporation for an additional purpose; providing an effective date.

—a companion measure, was substituted for **CS for SB 1920** as amended and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1245** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Madam President	Dantzler	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Holzendorf	Meadows	Turner
Clary	Horne	Myers	Williams
Cowin	Jenne	Ostalkiewicz	

Nays—9

Bronson	Dudley	Klein	McKay
Crist	Hargrett	Lee	Scott
Diaz-Balart			

Vote after roll call:

Yea—Bankhead, Childers, Gutman, Harris

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 7:15 p.m.

The Senate resumed consideration of—

CS for SB 746—A bill to be entitled An act relating to informed consent; creating the "Woman's Right-To-Know Act"; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary action; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date

—which was previously considered this day.

Pending further consideration of **CS for SB 746**, on motion by Senator Clary, by two-thirds vote **CS for HB 1205** was withdrawn from the Committees on Health Care and Judiciary.

On motion by Senator Clary—

CS for HB 1205—A bill to be entitled An act relating to informed consent; creating the "Woman's Right-To-Know-Act; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary actions; providing a defense; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date.

—a companion measure, was substituted for **CS for SB 746** and read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for HB 1205** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Madam President	Cowin	Harris	Ostalkiewicz
Bankhead	Crist	Horne	Scott
Bronson	Diaz-Balart	Jones	Sullivan
Brown-Waite	Dudley	Lee	Williams
Casas	Grant	McKay	
Clary	Gutman	Myers	

Nays—16

Burt	Forman	Klein	Rossin
Campbell	Hargrett	Kurth	Silver
Dantzler	Holzendorf	Latvala	Thomas
Dyer	Jenne	Meadows	Turner

Vote after roll call:

Yea—Childers

On motion by Senator Hargrett, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1002, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1002—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment; creating ss. 320.95, 322.70, and 327.90, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; amending 316.063, F.S.; providing maximum fine and term of imprisonment for damaging an unattended vehicle; amending s. 316.614, F.S., provides that the living quarters of a recreational vehicle is not included in the definition of a motor vehicle; providing that children under the age of 16 must wear a safety belt; amending s. 316.655, F.S., correcting a cross-reference; amending s. 318.14, F.S.; extending the timeframe for a person to show proof of insurance to 30 days; creating s. 320.091, F.S.; authorizing the issuance of speciality license plates to vehicles held in trust; amending s. 320.535, F.S.; exempting airport fuel trucks and equipment from the payment of license taxes and the display of license plates when transporting aviation fuel within the airport facility of any public use airport; authorizing the incidental operation of airport fuel tanks or equipment on roads of this state within the airport facility; amending s. 320.8232, F.S.; providing that used mobile homes may be moved as long as the mobile home meets federal safety codes which were in effect at the time the mobile home was constructed; providing that certain aesthetic and land use and zoning requirements are reserved for local jurisdiction; amending s. 322.38, F.S.; providing that persons who rent motor vehicles must fill the fuel tank before renting the vehicle; providing an effective date.

House Amendment 1 (with title amendment)—On page 6, lines 8-22, remove from the bill all of said lines and renumber subsequent section[s]

And the title is amended as follows:

On page 1, lines 8-11, remove from the title of the bill all of said lines and insert in lieu thereof: pedestrian violation; amending s. 318.18, F.S.;

House Amendment 2 (with title amendment)—On page 25, line 23, through page 26, line 25, remove from the bill all of said lines and insert in lieu thereof: flow of traffic. *Any person who fails to comply with this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.* ~~Any person failing to comply with the provisions of this section shall be cited for a nonmoving violation, punishable as provided in chapter 318.~~

Section 21. Subsection (4) of section 316.614, Florida Statutes, 1996 Supplement, is amended, and paragraphs (c) and (d) are added to subsection (6) of said section, to read:

316.614 Safety belt usage.—

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each ~~front seat~~ passenger of the vehicle under the age of 16 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(6)

(c) An employee of a solid waste or recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes.

(d) The requirements of this section shall not apply to the living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property.

And the title is amended as follows:

On page 3, lines 2-7, remove from the title of the bill all of said lines and insert in lieu thereof: information; amending s. 316.063, F.S.; providing second degree misdemeanor penalties for driver failure to perform specified duties upon damaging unattended vehicle or other property; amending s. 316.614, F.S.; excluding certain areas within specified trucks and recreational vehicles from safety belt use requirements;

Substitute House Amendment 3 (with title amendment)—On page 17, line 26, through page 24, line 15, remove from the bill all of said lines and insert in lieu thereof:

Section 15. Effective January 1, 1998, section 322.32, Florida Statutes, is amended to read:

322.32 Unlawful use of license.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person:

(1) To display, cause or permit to be displayed, or have in his or her possession any canceled, revoked, suspended, *or* disqualified~~, fictitious, or fraudulently altered~~ driver's license *knowing that such license has been canceled, revoked, suspended, or disqualified.*

(a) The element of knowledge is satisfied if:

1. The person has been cited as provided in s. 322.34(1), and any cancellation, revocation, or suspension in effect at that time remains in effect; or

2. The person admits to knowledge of the cancellation, suspension, or revocation; or

3. The person received notice as provided in paragraph (c).

(b) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in paragraph (a), that a person knowingly possessed a canceled, suspended, or revoked driver's license.

(c) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver's license must contain a provision notifying the person that his or her driver's license or driving privilege has been canceled, suspended, or revoked.

(2) To lend his or her driver's license to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as his or her own, any driver's license not issued to him or her.

(4) To fail or refuse to surrender to the department *or to any law enforcement officer,* upon ~~its~~ lawful demand, any driver's license *in his or her possession* which has been suspended, revoked, disqualified, or canceled.

(5) To permit any unlawful use of a driver's license issued to him or her.

(6) To apply for, obtain, or cause to be issued to him or her two or more photographic driver's licenses which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 16. Section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(1) Except as provided in subsection (2), any person whose driver's license or driving privilege has been canceled, suspended, or revoked, except a "habitual traffic offender" as defined in s. 322.264, who drives a vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in chapter 318.

(2)~~(1)~~ Any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except persons defined in s. 322.264, ~~and~~ who, *knowing of such cancellation, suspension, or revocation,* drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, upon:

(a) A first conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A third or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in subsection (4).

(3) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in subsection (2), that the person knowingly violated this section.

(4) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver's license must contain a provision notifying the person that his or her driver's license has been canceled, suspended, or revoked.

(5)~~(2)~~ Any person whose driver's license has been revoked pursuant to s. 322.264 (habitual offender) and who drives any motor vehicle upon the highways of this state while such license is revoked ~~upon:~~

~~(a) A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) A second or subsequent conviction~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)~~(3)~~ Any person who operates a motor vehicle:

(a) Without having a driver's license as required under s. 322.03; or

(b) While his or her driver's license or driving privilege is canceled, suspended, or revoked pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (5),

and who by careless or negligent operation of the motor vehicle causes the death of or serious bodily injury to another human being is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(7)~~(4)~~ Any person whose driver's license or driving privilege has been canceled, suspended, revoked, or disqualified and who drives a commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, upon:

(a) A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)~~(5)~~(a) Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver's license is suspended or revoked.

2. Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(b) If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a), the officer shall immediately impound or immobilize the vehicle.

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, either the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail, return receipt requested, to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(d) Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section has been leased or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by telephone any lessor or lienholder before 5 p.m. on the business day after the day that the vehicle has been impounded or immobilized. A lessor or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the storage facility fails to provide timely notice to a lessor or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting agency; or

2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

If proof is not presented within 35 days after the impoundment or immobilization, a lien shall be placed upon such vehicle pursuant to s. 713.78.

(f) The owner of a vehicle that is impounded or immobilized under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 15, after the semicolon (;) insert: creating s. 320.95, F.S.;

Substitute House Amendment 4 (with title amendment)—On page 16, lines 3-8, remove from the bill all of said lines and insert in lieu thereof:

Section 11. Subsection (4) of section 316.2397, Florida Statutes, 1996 Supplement, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(4) Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, *petroleum tankers,* and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.

Section 12. Section 319.40, Florida Statutes, is created to read:

319.40 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 13. Subsection (16) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(16) The application form for motor vehicle registration shall include language permitting the voluntary contribution of $1 per applicant, to be quarterly distributed by the department to Prevent Blindness Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state. A statement providing an explanation of the purpose of the funds shall be included with the application form. Prior to the department distributing the funds collected pursuant to this subsection, Prevent Blindness Florida must submit a report to the department that identifies how such funds were used during the preceding year.

Section 14. Paragraphs (a) and (c) of subsection (1) of section 320.06, Florida Statutes, 1996 Supplement, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner *or lessee* a certificate of registration and one registration license plate*, unless two plates are required for display by s. 320.0706,* for each vehicle so registered.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in

addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns *250* ~~1,000~~ vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 15. Section 320.95, Florida Statutes, is created to read:

320.95 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 16. Subsections (2) and (3) of section 322.16, Florida Statutes, 1996 Supplement, are amended to read:

322.16 License restrictions.—

(2) A person who holds a driver's license and who is under 17 years of age, when operating a motor vehicle after 11 p.m. and before 6 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age unless that person is driving *directly* to or from work.

(3) A person who holds a driver's license who is 17 years of age, when operating a motor vehicle after 1 a.m. and before 5 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age unless that person is driving *directly* to or from work.

Section 17. Section 322.70, Florida Statutes, is created to read:

322.70 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 18. Section 327.90, Florida Statutes, is created to read:

327.90 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 19. Section 328.30, Florida Statutes, is created to read:

328.30 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 20. Paragraph (b) of subsection (2) of section 316.1001, Florida Statutes, 1996 Supplement, is amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)

(b) A citation issued under this subsection may be issued by mailing the citation by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedy available under *s. 318.18(7)* ~~subsection (3)~~.

Section 21. Subsection (3) of section 319.29, Florida Statutes, is amended to read:

319.29 Lost or destroyed certificates.—

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the motor vehicle or mobile home, or the holder of a lien thereon, may, within *180* ~~90~~ days of the date of issuance of the title, apply to the department for reissuance of the certificate of title. No additional fee shall be charged for reissuance under this subsection.

Section 22. Paragraph (a) of subsection (3) and paragraph (a) of subsection (9) of section 320.08058, Florida Statutes, 1996 Supplement, are amended to read:

320.08058 Specialty license plates.—

(3) COLLEGIATE LICENSE PLATES.—

(a) The department shall develop a collegiate license plate as provided in this section for state and independent universities domiciled in this state. *However, any collegiate license plate created or established after January 1, 1997, must comply with the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature.* Collegiate license plates must bear the colors and design approved by the department as appropriate for each state and independent university. The word "Florida" must be stamped across the bottom of the plate in small letters.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Professional Sports Team license plate as provided in this section for Major League Baseball, National Basketball Association, National Football League, Arena Football Teams, and National Hockey League teams domiciled in this state. *However, any Florida Professional Sports Team license plate created or established after January 1, 1997, must comply with the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature.* Florida Professional Sports Team license plates must bear the colors and design approved by the department and must include the official league or team logo, or both, as appropriate for each team. The word "Florida" must appear at the top of the plate.

Section 23. *Section 325.205, Florida Statutes, is repealed.*

Section 24. Paragraph (l) of subsection (8) of section 325.207, Florida Statutes, 1996 Supplement, is amended to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(8) Any contract authorized under this section shall contain:

(l) A provision requiring a performance bond of $1 million, *which the department may, after the second year of inspection operations under the contract, elect to waive entirely, reduce in amount, or waive in exchange for another appropriate means of security in a like or reduced amount.*

Section 25. Subsection (5) is added to section 316.215, Florida Statutes, to read:

316.215 Scope and effect of regulations.—

(5) The provisions of this chapter and 49 C.F.R. part 393, with respect to number, visibility, distribution of light, and mounting height requirements for headlamps, auxiliary lamps, and turn signals shall not apply to a front-end loading collection vehicle, when:

(a) The front-end loading mechanism and container or containers are in the lowered position;

(b) The vehicle is engaged in collecting solid waste or recyclable or recovered materials; and

(c) The vehicle is being operated at speeds less than 20 miles per hour with the vehicular hazard-warning lights activated.

Section 26. Paragraphs (b) and (c) of subsection (1) and paragraphs (b) and (f) of subsection (2) and subsection (4) of section 316.302, Florida Statutes, 1996 Supplement, are amended, and paragraph (k) is added to subsection (2) of said section, to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce

are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on March 1, *1997* ~~1995~~.

(c) *Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations,* the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. *The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.*

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials, *or who is transporting petroleum products as defined in s. 376.301(27),* is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

(k) A person holding a commercial driver's license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of this paragraph may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

(4)*(a)* Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. parts *107, subpart G,* 171, 172, 173, 177, 178, and 180. *Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.*

~~(a) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds transporting, solely within intrastate commerce, quantities of petroleum products as defined in s. 376.301(27) is exempt from the requirements of subsection (1) and from the requirements of 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. However, such person must comply with 49 C.F.R. part 172, subpart F, 49 C.F.R. parts 392 and 393, and 49 C.F.R. s. 396.9.~~

~~(b) A person who operates a commercial motor vehicle with a declared gross vehicle weight of less than 26,000 pounds transporting Table 2 commodities, as specified in 49 C.F.R. s. 172.504, solely in intrastate commerce within a 150-air-mile radius of the location where the vehicle is based, is subject only to the following federal regulations while transporting these commodities to be used in a support role for agricultural, horticultural, or forestry production: 49 C.F.R. part 172, subpart F, 49 C.F.R. part 391, subpart H, and 49 C.F.R. parts 382, 392, 393, and 396.9.~~

(b)~~(c)~~ In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this *subsection* ~~paragraph~~ or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, enforcement officers of the Motor Carrier Compliance Office within the Department of Transportation and state highway patrol officers may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

Section 27. Subsections (3) and (4) and paragraph (b) of subsection (7) of section 316.515, Florida Statutes, are amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional *6* **4** feet beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) Straight trucks.—No straight truck may exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. ~~Any straight truck, excluding recreational vehicles, in excess of 35 feet in length may have no fewer than three load-bearing axles.~~ A straight truck may tow no more than one trailer, and such trailer may not exceed a length of 28 feet. However, such trailer limitation does not apply if the overall length of the truck-trailer combination is 65 feet or less, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats shall not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional *6* **4** feet beyond the rear of the trailer.

(b) Semitrailers.—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 53 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg which locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

(c) Tandem trailer trucks.—

1. Except for semitrailers and trailers of up to 28½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date, no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the Department of Transportation for use on vehicles using public roads.

2. Tandem trailer trucks conforming to the weight and size limitations of this chapter and in immediate transit to or from a terminal facility as defined in this chapter may operate on the public roads of this state except for residential neighborhood streets restricted by the Department of Transportation or local jurisdictions. In addition, the Department of Transportation or local jurisdictions may restrict these vehicles from using streets and roads under their maintenance responsibility on the basis of safety and engineering analyses, provided that the restrictions are consistent with the provisions of this chapter. The Department of Transportation shall develop safety and engineering standards to be used by all jurisdictions when identifying public roads and streets to be restricted from tandem trailer truck operations.

3. Except as otherwise provided in this section, within 5 miles of the Federal National Network for large trucks, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

4. Notwithstanding the provisions of any general or special law to the contrary, all local system tandem trailer truck route review procedures must be consistent with those adopted by the Department of Transportation.

5. Tandem trailer trucks employed as household goods carriers and conforming to the weight and size limitations of this chapter shall be afforded access to points of loading and unloading on the public streets and roads of this state, except for streets and roads that have been restricted from use by such vehicles on the basis of safety and engineering analyses by the jurisdiction responsible for maintenance of the streets and roads.

(d) Maxi-cube vehicles.—Maxi-cube vehicles shall be allowed to operate on routes open to tandem trailer trucks under the same conditions applicable to tandem trailer trucks as specified by this section.

(4) LOAD EXTENSION LIMITATION.—The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, may not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

(a) The limitations of this subsection do not apply to bicycle racks carrying bicycles on public sector transit vehicles.

(b) The provisions of this subsection shall not apply to a front-end loading collection vehicle, when:

1. The front-end loading mechanism and container or containers are in the lowered position;

2. The vehicle is engaged in collecting solid waste or recyclable or recovered materials;

3. The vehicle is being operated at speeds less than 20 miles per hour with the vehicular hazard-warning lights activated; and

4. The extension does not exceed 8 feet 6 inches.

(7) FIRE OR EMERGENCY VEHICLES, UTILITY VEHICLES, AND OTHER VEHICLES TRANSPORTING NONDIVISIBLE LOADS.—The length limitations imposed by this section do not apply to:

(b) Utility vehicles owned or operated by governmental entities or public utility corporations, or operated under contract with such entities or corporations:

1. When transporting poles during daytime, except on weekends and holidays, as defined in the rules of the Department of Transportation, and when the vehicle and load do not exceed 120 feet in overall length, provided proper flags are located at the rearmost end of the load. However, such movements with an overall length in excess of 75 feet:

a. Shall be equipped with a working warning light device.

b. Shall be accompanied by a company-provided flasher-equipped escort vehicle when making turns within corporate city limits.

2.*a.* When transporting poles during nighttime and when the vehicle and load do not exceed 120 feet in overall length. Such movements shall be equipped with a working warning light device and shall be accompanied by one leading and one trailing company-provided flasher-equipped escort vehicle.

b. The provisions of sub-subparagraph a. notwithstanding, for vehicle and loads with overall lengths not exceeding 85 feet and being transported under emergency conditions, only a single trailing company-owned flasher-equipped escort vehicle shall be required, provided that the pole being transported shall be equipped with active marker lights, visible from both sides, at a maximum of 6-foot intervals mounted along the pole or trailer extending the length of the trailer and at 36-inch intervals along the pole extending beyond the rear of the trailer.

3. When transporting poles during emergencies or required maintenance. Such movements may be made on all days and at all hours, provided the respective daytime or nighttime requirements are otherwise met.

4. When operating flasher-equipped straight truck utility vehicles that have permanently mounted equipment that extends up to 9 feet beyond the front bumper, provided:

a. Such equipment, when in the travel position, is supported in such a manner that it has a minimum of 80 inches clearance above the roadway;

b. Such equipment is illuminated on the forwardmost sides with high visibility reflective tape;

c. The respective daytime and nighttime requirements for operation are otherwise met;

d. Nighttime emergency or required maintenance operation of such utility vehicles with overall lengths in excess of 50 feet are led by a company-provided flasher-equipped escort vehicle; and

e. Trailers are not pulled by utility vehicles over 50 feet in length.

A flasher-equipped escort vehicle is defined as an automobile or truck that closely accompanies an over dimensional vehicle or load carried thereon to alert approaching traffic of that vehicle or load. Such escort vehicles shall be equipped with a working warning light device, as defined in this subsection, except that such device shall be located on top of the escort vehicle. Warning light devices required in this subsection shall be consistent with size, color, type, intensity, and mounting requirements developed by the Department of Transportation.

Section 28. Subsection (4) of section 316.516, Florida Statutes, 1996 Supplement, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(4) *Notwithstanding other provisions of this chapter, penalties for violation of the maximum limits for width, height, and length provided for in s. 316.515 are as follows:*

(a) Two hundred and fifty dollars per foot of violation or any portion thereof for width and height limit violations.

(b)1. Forty dollars for length limit violations not exceeding 2 feet over the length limit;

2. One hundred dollars for length limit violations of greater than 2 feet but not exceeding 10 feet over the length limit; or

3. Two hundred and fifty dollars for length limit violations of greater than 10 feet, plus $250 for every additional foot or any portion thereof that exceeds 11 feet over the length limit.

(c) No individual penalty issued under the provisions of this subsection shall exceed $1,000 for each width, height, or length violation. ~~Penalties for violation of the width, height, and length limits contained in this chapter shall be as provided in the rules of the Department of Transportation, except that no such individual penalty shall exceed $1,000 per width, height, or length violation.~~

Section 29. Paragraph (g) of subsection (2) and subsection (5) of section 322.53, Florida Statutes, 1996 Supplement, are amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

~~(g) A driver operating any bus owned and operated by a church, when the driver does not receive any form of compensation for operating the bus, and when the bus is used to transport people to or from church-related activities at no charge.~~

(5) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), *or* paragraph (2)(f)~~, or paragraph (2)(g)~~ may drive a commercial motor vehicle pursuant to the exemption granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), *or* paragraph (2)(f)~~, or paragraph (2)(g)~~ if he or she possesses a valid Class D or Class E driver's license or a military license.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 1, line(s) 30 through page 2, line 2, remove from the title of the bill all of said lines and insert in lieu thereof: 10 days of receipt of payment; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 316.2397, F.S.; authorizing petroleum tankers to display amber lights; amending s. 320.02, F.S.; providing for voluntary contributions on the application for motor vehicle registration with respect to Prevent Blindness Florida; amending s. 320.06, F.S.; amending provisions relating to validation stickers on fleet license plates; including issuance of two plates under certain circumstances; amending s. 322.16, F.S.; revising language with respect to license restrictions; amending s. 316.1001, F.S.; providing a cross reference; amending s. 319.29, F.S.; increasing the time period for the reissuance of certain certificates of title; amending s. 320.08058, F.S.; providing that certain collegiate and professional sports team license plates must meet certain requirements and be authorized by act of the Legislature; repealing s. 325.205, F.S., relating to supplemental safety inspections; amending s. 325.207, F.S.; providing options with respect to certain performance bonds; amending s. 316.215, F.S.; providing an exemption to certain motor vehicle requirements for front-end loading vehicles; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising language with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing exceptions to load extension limitation; amending s. 316.516, F.S.; providing statutory penalties for violation of maximum width, height, and length limitations; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s.

House Amendment 5 (with title amendment)—On page 28, line 29, through page 29, line 31, of the bill remove from the bill all of said lines and insert:

Section 26. Subsection (5) of section 320.8285, Florida Statutes, is amended to read:

320.8285 Onsite inspection.—

(5) The Department of Highway Safety and Motor Vehicles shall enforce every provision of this section and the regulations adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby specifically and entirely reserved to local jurisdictions. However, any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials. Such local requirements and regulations and others for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner. *No local jurisdiction shall prohibit siting or resiting of used mobile homes based solely on the date the unit was manufactured.*

(Renumber subsequent section[s])

And the title is amended as follows:

On page 3, line(s) 23, remove from the bill all of said line and insert: airport facility; amending s. 320.8285, F.S.; providing local jurisdictions shall not prohibit siting or resiting of used mobile homes based on date of manufacture; amending s. 322.38, F.S.;

House Amendment 6 (with title amendment)—On page 30, between lines 6 and 7, of the bill insert:

Section 28. Section 316.2025, Florida Statutes, is amended to read:

316.2025 Following *emergency vehicle* ~~fire apparatus~~ prohibited.— *Except for an authorized emergency vehicle, as defined in s. 322.01, on official business, no driver of any vehicle shall follow within 500 feet of an emergency vehicle that is en route to an existing emergency or drive into or park such vehicle within 500 feet of where the emergency vehicle has stopped in answer to an emergency.* ~~No driver of any vehicle other than an authorized emergency vehicle on official business shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.~~

(Renumber subsequent section[s])

And the title is amended as follows:

On page 4, line 2, after the semicolon insert: amending s. 316.2025, F.S.; providing that it is unlawful to follow or park a motor vehicle within 500 feet of an emergency vehicle that is responding to an emergency;

House Amendment 7 (with title amendment)—On page 30, between lines 6 and 7, of the bill insert:

Section 28. Subsection (1) of section 318.15, Florida Statutes, 1996 Supplement, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)*(a)* If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 5 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9), but who subsequently fails to attend the driver improvement school within the

time specified by the court shall be deemed to have admitted the infraction and shall be adjudicated guilty. In such case the person must pay the clerk of the court the 18 percent deducted pursuant to s. 318.14(9), and a $10 processing fee, after which no additional penalties, court costs, or surcharges shall be imposed for the violation. The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 4, line 2, after the semicolon insert: amending s. 318.15, F.S.; providing that persons who elect to attend driver improvement school may subsequently elect not to attend such school;

Substitute House Amendment 8 (with title amendment)—On page 30, between lines 6 and 7, of the bill insert:

Section 28. Paragraph (b) of subsection (3) of section 320.086, Florida Statutes, 1996 Supplement, is amended to read:

320.086 Ancient, antique, or collectible motor vehicles; "horseless carriage," antique, collectible, or historical license plates.—

(3)

(b) Motor vehicles with a model year of *1928-1960* ~~1946-1960~~, registered as ancient prior to July 1, 1996, shall be grandfathered to maintain a permanent license plate unless the vehicle is transferred to a new owner. Upon transfer of a vehicle with a model year of 1946-1960, after July 1, 1996, the vehicle shall be registered as a collectible and required to renew annually as prescribed by s. 320.08.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 4, line 2, after the semicolon insert: amending s. 320.086, F.S.; revising language with respect to certain ancient, antique, or collectible motor vehicles;

House Amendment 9 (with title amendment)—On page 24, between lines 15 and 16, insert:

Section 18. Subsections (2), (4), and (15) of section 327.25, Florida Statutes, 1996 Supplement, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(a) A vessel that is at least 30 years old, used only for noncommercial purposes, and powered by the vessel's original-type power plant may be registered as an antique vessel. When applying for registration as an antique vessel, the owner of such a vessel shall submit certification, *as prescribed by the Department of Highway Safety and Motor Vehicles or* from a marine surveyor that the vessel meets the requirements of this paragraph.

~~(b) The registration fee for an antique vessel shall be based on length according to the classification schedule in subsection (1).~~

(b)~~(c)~~ The registration number for an antique vessel shall be affixed on the forward half of the hull or on the port side of the windshield according to ss. 327.11 and 327.14.

(c)~~(d)~~ The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be placed within 3 inches of the registration number.

(4) TRANSFER OF OWNERSHIP.—

(a) When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of $3.25. The county tax collector shall retain $2.25 of the fee and shall remit $1 to the department. A refund may not be made for any unused portion of a registration period.

(b) If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a notarized bill of sale and a registration, or a notarized bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.

(15) EXEMPTIONS.—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, or the Associated Marine Institutes, Inc., and its affiliates, *or which are antique vessels as defined in paragraph (2)(a)* are exempt from the provisions of subsection (1). Such vessels shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (7).

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 31, after "offenders;" insert: amending s. 327.25, F.S.; revising language with respect to the registration of antique vessels; exempting such vessels from registration fees;

House Amendment 10 (with title amendment)—On page 12, line 11, of the bill insert:

Section 9. Paragraph (e) of subsection (1) of section 320.08, Florida Statutes, 1996 Supplement, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.—

(e) An *ancient,* antique, *or collectible* motorcycle: $10 flat. ~~An "antique motorcycle" is any motorcycle manufactured more than 20 years prior to the date of application or equipped with an engine manufactured to the specifications of the original engine.~~

Section 10. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 320.086, Florida Statutes, 1996 Supplement, are amended to read:

320.086 Ancient, antique, or collectible motor vehicles; "horseless carriage," antique, collectible, or historical license plates.—

(1) The owner of *a motor vehicle* ~~an automobile or truck~~ for private use manufactured in 1927 or earlier, equipped with an engine manufactured in 1927 or earlier or manufactured to the specifications of the original engine, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08*(1)(e)*, (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.

(2) The owner of *a motor vehicle* ~~an automobile or truck~~ for private use manufactured between 1928 and 1945, inclusive, with an engine manufactured between 1928 and 1945, inclusive, or manufactured to the specifications of the original engine and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08*(1)(e)*, (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a

separate numerical series, commencing with "Antique Vehicle No. 1," and the plates shall be of a distinguishing color.

(3)(a) The owner of *a motor vehicle* ~~an automobile or truck~~ for private use of the age of 20 years or more from the date of manufacture, equipped with an engine of the age of 20 years or more from the date of manufacture, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08*(1)(e)*, (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Collectible No. 1," and the plates shall be of a distinguishing color.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 5, after the semicolon, insert: amending ss. 320.08 and 320.086, F.S.; providing for ancient, antique, or collectible motorcycles; correcting cross-references;

House Amendment 11 (with title amendment)—On page 30, lines 1-6, remove from the bill all of said lines

(Renumber subsequent section[s])

And the title is amended as follows:

On page 3, lines 30 and 31, and on page 4, lines 1 and 2 remove from the title of the bill all of said lines and insert in lieu thereof: jurisdiction;

House Amendment 13 (with title amendment)—On page 10, line 29, through page 12, line 10, remove from the bill all of said lines and insert in lieu thereof:

Section 8. Paragraph (d) of subsection (2) of section 320.072, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of $100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces, or his or her spouse or dependent child, who is not a resident of this state and who is stationed in this state while in compliance with military orders.

2. Any former member of the United States Armed Forces, or his or her spouse or dependent child, who purchased such motor vehicle while stationed outside of Florida, who has separated from the Armed Forces and was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at the time of enlistment and at the time of discharge, and who applies for registration of such motor vehicle within 6 months after discharge.

3. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased such motor vehicle while stationed outside of Florida, and who is now reassigned by military order to this state.

4. Any spouse or dependent child of a member of the United States Armed Forces who loses his or her life while on active duty or who is listed by the Armed Forces as "missing-in-action." Such spouse or child must be a resident of this state and the service member must have been a resident of this state at the time of enlistment. Registration of such motor vehicle must occur within 1 year of the notification of the service member's death or of his or her status as "missing-in-action."

5. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased a motor vehicle while stationed outside of Florida, and who continues to be stationed outside of Florida.

(5) The fee imposed in subsection (1) shall not apply if it is determined, pursuant to an affidavit submitted by the owner on a form approved by the department, that the registration being transferred is from a vehicle that is not operational, is in storage, or will not be operated on the streets and highways of this state.

And the title is amended as follows:

On page 2, line 3, remove from the title of the bill "an exemption" and insert in lieu thereof: exemptions

House Amendment 14 (with title amendment)—On page 30, line 7, insert:

Section 28. Paragraph (f) is added to subsection (3) of section 330.30, Florida Statutes, to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(f) An airport which meets the criteria of s. 330.27(11) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 4, line 2, after the semicolon insert: amending s. 330.30, F.S.; providing an exemption from licensing requirements to described airports;

House Amendment 16 (with title amendment)—On page 12, between lines 26 and 27, insert:

Section 10. Paragraphs (a) and (c) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 320.0848, Florida Statutes, 1996 Supplement, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a period *of up to 4 years* that ends on the *applicant's birthday* ~~renewal date for that person's driver's license or identification card~~ to any person who has *long-term* ~~permanent~~ mobility problems, or a temporary disabled parking permit not to exceed 1 year to any person who has temporary mobility problems. ~~The application for a disabled parking permit must contain the name and motor vehicle policy number of the applicant's primary insurance carrier, whom the department may notify upon granting a disabled parking permit.~~ The person must be currently certified by a physician licensed under chapter 458, chapter 459, or chapter 460, or by a podiatrist licensed under chapter 461, by the Division of Blind Services of the Department of Labor and Employment Security, or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being legally blind or as having any of the following disabilities that limit or impair his or her ability to walk:

1. Inability to walk 200 feet without stopping to rest.

2. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.

3. The need to permanently use a wheelchair.

4. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.

5. Use of portable oxygen.

6. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

7. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

(c) The Department of Highway Safety and Motor Vehicles shall renew the disabled parking permit of any person who has a disability upon presentation of the certification required by paragraph (b)~~, for the period that coincides with the period of the person's driver's license or identification card~~.

(2) DISABLED PARKING PERMIT; PERSONS WITH *LONG-TERM* ~~PERMANENT~~ MOBILITY PROBLEMS.—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the *month and* year of expiration ~~and the holder's birth month~~ on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(b) License plates issued under ss. 320.084, 320.0842, 320.0843, and 320.0845 are valid for the same parking privileges and other privileges provided under ss. 316.1955, 316.1964, and 526.141(5)(a).

(c)1. Except as provided in subparagraph 2., the fee for a disabled parking permit shall be:

~~a. Twenty-two dollars and fifty cents for the initial 6-year permit or renewal permit, of which the State Transportation Trust Fund shall receive $20.25 and the tax collector of the county in which the fee was collected shall receive $2.25.~~

~~b. One dollar and fifty cents for each additional or additional renewal 6-year permit, of which the State Transportation Trust Fund shall receive all funds collected.~~

a.~~c.~~ Fifteen dollars for each initial 4-year permit or renewal permit, of which the State Transportation Trust Fund shall receive $13.50 and the tax collector of the county in which the fee was collected shall receive $1.50.

b.~~d.~~ One dollar for each additional or additional renewal 4-year permit, of which the State Transportation Trust Fund shall receive all funds collected.

The department shall not issue an additional disabled parking permit unless the applicant states that they are a frequent traveler or a quadriplegic. *The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(d). Subsections (1), (5), (6), and (7) apply to this subsection.*

2. If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the *United States Department of* Veterans *Affairs* ~~Administration of the Federal Government~~ to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the *United States Department of* Veterans *Affairs* ~~Administration~~ and has a signed physician's statement of qualification for the disabled parking permits, the fee for a disabled parking permit shall be:

~~a. Two dollars and twenty-five cents for the initial 6-year permit or renewal permit.~~

~~b. One dollar and fifty cents for the additional or additional renewal 6-year permit.~~

a.~~c.~~ One dollar and fifty cents for the initial 4-year permit or renewal permit.

b.~~d.~~ One dollar for each additional or additional renewal 4-year permit.

The tax collector of the county in which the fee was collected shall retain all funds received pursuant to this subparagraph.

3. If an applicant presents to the department a statement from the Federal Government or the State of Florida indicating the applicant is a recipient of supplemental security income, the fee for the disabled parking permit shall be~~:~~

~~a. Twelve dollars and seventy-five cents for the initial 6-year permit or renewal permit, of which the State Transportation Trust Fund shall receive $10.15 and the tax collector of the county in which the fee was collected shall receive $2.60.~~

~~b.~~ nine dollars for the initial 4-year permit or renewal permit, of which the State Transportation Trust Fund shall receive $6.75 and the tax collector of the county in which the fee was collected shall receive $2.25.

~~The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(d). Subsections (1), (5), (6), and (7) apply to this subsection.~~

(3) DISABLED PARKING PERMIT; TEMPORARY.—

(a) The temporary disabled parking permit is a placard of a different color from the color of the *long-term* ~~permanent~~ disabled parking permit placard, and must clearly display the date of expiration, but is in all other respects identical to the *long-term* ~~permanent~~ disabled parking permit placard. The temporary disabled parking permit placard must be designed to conspicuously display the expiration date of the permit on the front and back of the placard.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 9, insert, before the word "amending": amending s. 320.0848, F.S.; providing for issuing disabled parking permits to persons with long-term mobility problems; providing a time limit; providing requirments; providing limitations; revising the fee for a disabled parking permit; revising distribution of the fee;

House Amendment 17 (with title amendment)—On page 10, between lines 28 and 29, insert:

Section 8. Paragraphs (a) and (b) of subsection (3) of section 320.07, Florida Statutes, 1996 Supplement, are amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of *6* **4** months or less shall be subject to the penalty provided in s. 318.14.

(b) Any person whose motor vehicle or mobile home registration has been expired for more than *6* **4** months is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 1, line 30, after the semicolon insert: amending s. 320.07, F.S.; increasing a time period with respect to the expiration of registration;

House Amendment 18 (with title amendment)—On page 30, line 7, remove from the bill all of said lines and insert in lieu thereof:

Section 28. Except as otherwise provided herein, this act shall take effect October 1,

And the title is amended as follows:

On page 4, line 2, remove from the title of the bill all of said lines and insert in lieu thereof: providing effective dates.

House Amendment 19—On page 15, line 25, after the word "department" insert: *, except that using a temporary tag that has been expired for a period of 7 days or less is a noncriminal infraction, and is a nonmoving violation punishable as provided for in chapter 318*

House Amendment 20 (with title amendment)—On page 4, line 5, insert:

Section 1. *(1) The Department of Insurance, in cooperation with the Department of Transportation, shall initiate a study for the purpose of developing a pilot program to establish an insurance pool to make available business interruption insurance to small business owners affected by business interruptions directly resulting from road construction projects on public roads adjacent to the affected small business. The study shall evaluate a variety of issues relative to making such insurance available to small business owners, including but not limited to determining:*

(a) Factors such as construction project duration and amount of project time overrun;

(b) The coverage limits of any such insurance;

(c) Factors which demonstrate business interruption as a direct result of the project;

(d) Funding methods for the insurance pool;

(e) Notice requirements to small business owners and the time frame for coverage application

(f) Premium payment periods and levels; and

(g) Generally, the rights and obligations of interested parties, such as the governmental entity responsible for construction, the road construction contractor, and the affected small business owner.

(2) The department shall initiate the study by July 1, 1997, and develop a proposed pilot program not later than February 1, 1998, for consideration by the Legislature.

And the title is amended as follows:

On page 1, line 3, after the semicolon and insert in lieu thereof: directing the Department of Insurance to conduct a study directing the department to develop a proposed pilot program for consideration by the Legislature;

House Amendment 21 (with title amendment)—On page 30, between lines 6 and 7, insert:

Section 28. Paragraph (b) of subsection (1) of section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, towing of vehicles from *or immobilization of vehicles on* private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, or port rates.

Section 29. Paragraph (b) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water; sewer; solid waste; public transportation; taxicab; towing of vehicles from *or immobilization of vehicles on* private property; removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; or port rates.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 4, line 2, insert, after the semicolon: amending ss. 125.0103, 166.043, F.S.; authorizing counties and municipalities to regulate immobilization fees;

Senator Dyer moved the following amendment which was adopted:

Senate Amendment 1 (with title amendment) to Substitute House Amendment 4—On page 1, between lines 18 and 19, insert:

Section 11. Section 316.1974, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 316.1974, F.S., for present text.)

316.1974 Funeral procession right-of-way and liability.—

(1) DEFINITIONS.—

(a) "Funeral director" and "funeral establishment" shall have the same meaning as set forth in s. 470.002.

(b) "Funeral procession" means two or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, or other location at which the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort vehicle.

(c) "Funeral lead vehicle" means any authorized law enforcement or non-law enforcement motor vehicle properly equipped pursuant to subsection (2) or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(d) "Funeral escort" means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies.

(e) "Funeral escort vehicle" means any motor vehicle that is properly equipped pursuant to subsection (2) and which escorts a funeral procession.

(2) EQUIPMENT.—

(a) All non-law enforcement funeral escort vehicles and funeral lead vehicles shall be equipped with at least one lighted circulation lamp exhibiting an amber light or lens visible under normal atmospheric conditions for a distance of 500 feet from the front of the vehicle. Flashing amber lights may be used only when such vehicles are used in a funeral procession.

(b) Any law enforcement funeral escort vehicle may be equipped with red, blue, or amber flashing lights which meet the criteria established in paragraph (a).

(3) FUNERAL PROCESSION RIGHT-OF-WAY; FUNERAL ESCORT VEHICLES; FUNERAL LEAD VEHICLES.—

(a) Regardless of any traffic control device or right-of-way provisions prescribed by state or local ordinance, pedestrians and operators of all vehicles, except as stated in paragraph (c), shall yield the right-of-way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

(b) When the funeral lead vehicle lawfully enters an intersection, either by reason of a traffic control device or at the direction of law enforcement personnel, the remaining vehicles in the funeral procession may follow through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state or local law.

(c) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

1. Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving an audible or visible signal.

2. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer.

3. Operators of vehicles in a funeral procession must exercise due care when participating in a funeral procession.

(4) DRIVING IN PROCESSION.—

(a) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) Any ordinance, law, or regulation stating that motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger shall not be applicable to vehicles in a funeral procession.

(c) Each vehicle which is part of a funeral procession shall have its headlights, either high or low beam, and tail lights lighted and may also use the flashing hazard lights if the vehicle is so equipped.

(5) LIABILITY.—

(a) Liability for any death, personal injury, or property damage suffered on or after October 1, 1997, by any person in a funeral procession shall not be imposed upon the funeral director or funeral establishment or their employees or agents unless such death, personal injury, or property damage is proximately caused by the negligent or intentional act of an employee or agent of the funeral director or funeral establishment.

(b) A funeral director, funeral establishment, funeral escort, or other participant that leads, organizes, or participates in a funeral procession in accordance with this section shall be presumed to have acted with reasonable care.

(c) Except for a grossly negligent or intentional act by a funeral director or funeral establishment there shall be no liability on the part of a funeral director or funeral establishment for failing, on or after October 1, 1997, to use reasonable care in the planning or selection of the route to be followed by the funeral procession.

Section 12. Paragraph (a) of subsection (5) of section 316.072, Florida Statutes, is amended to read:

316.072 Obedience to and effect of traffic laws.—

(5) AUTHORIZED EMERGENCY VEHICLES.—

(a)1. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not upon returning from a fire;~~, or~~

2. A medical staff physician or technician of a medical facility licensed by the state when responding to an emergency in the line of duty in his or her privately owned vehicle, using red lights as authorized in s. 316.2398*; or*~~,~~

3. The driver of an authorized law enforcement vehicle, when conducting a nonemergency escort, to warn the public of an approaching motorcade;

may exercise the privileges set forth in this section, but subject to the conditions herein stated.

Section 13. For purposes of incorporating the amendment to s. 316.072, Florida Statutes, in references thereto, paragraph (a) of subsection (6) of section 316.293, Florida Statutes, is reenacted to read:

316.293 Motor vehicle noise.—

(6) EXEMPT VEHICLES.—The following are exempt from the operation of this act:

(a) Emergency vehicles operating as specified in s. 316.072(5)(a).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 20, line 6, after the semicolon (;) insert: amending s. 316.1974, F.S.; providing for funeral procession right-of-way and liability; providing definitions; providing for required equipment; providing for right-of-way; providing for driving in procession; providing for other vehicles; providing for liability; amending s. 316.072, F.S.; including certain law enforcement vehicles in a list of authorized emergency vehicles; reenacting s. 316.293(6)(a), F.S., relating to motor vehicle noise, to incorporate the amendment in a reference; amending s. 316.066;

Senator Hargrett moved the following amendment which was adopted:

Senate Amendment 1 to Substitute House Amendment 8—On page 1, delete line 28 and insert: *a* ~~the~~ vehicle *with a model year of 1946-1960* is transferred to a new owner. Upon transfer of a

On motion by Senator Hargrett, the Senate concurred in **Substitute House Amendments 4** and **8** as amended and requested the House to concur in the Senate amendments to the House amendments; concurred in **House Amendments 1, 2, Substitute House Amendment 3, House Amendments 5, 7, 9, 10, 11, 13, 16, 17, 18, 19** and **21**; and refused to concur in **House Amendments 6, 14** and **20** and the House was requested to recede.

CS for SB 1002 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Clary, Kirkpatrick, Scott

SPECIAL ORDER CALENDAR, continued

On motion by Senator McKay, by two-thirds vote **CS for CS for HB's 1119 and 1577** was withdrawn from the Committee on Natural Resources.

On motion by Senator McKay—

CS for CS for HB's 1119 and 1577—A bill to be entitled An act relating to public lands; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 253.034, F.S.; specifying objectives of the management of the state's lands and natural resources; providing requirements for multiple-use land management strategies; providing references to the Land Acquisition and Management Council; revising land-management plan adoption processes; correcting a cross reference; amending s. 253.68, F.S.; modifying authority

of local government to object to state aquaculture leases; amending s. 253.7825, F.S.; correcting a cross reference; amending s. 259.032, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain lands through the Conservation and Recreation Lands (CARL) Trust Fund; directing managing agencies to enter into certain contracts or agreements; requiring notice and public hearing on individual management plans; providing for withholding of CARL management funds to certain agencies; providing management objectives for lands acquired under ch. 259, F.S.; increasing the percentage of funds deposited in the Florida Preservation 2000 Trust Fund available for land management and capital improvements; allowing agencies to keep revenues generated from activities on lands they manage; revising provisions relating to payments in lieu of taxes; amending s. 259.035; creating the Land Acquisition and Management Advisory Council; providing responsibility for review of plans for state-owned lands; creating s. 259.036, F.S.; providing for management review teams for certain lands; amending s. 259.101, F.S.; adding historical or archeological sites to Preservation 2000 project criteria; commencing process to close out the Florida Preservation 2000 Program; amending s. 260.015, F.S.; changing certain land acquisition procedures for the Florida Greenways and Trails Program; creating s. 369.255, F.S.; authorizing certain counties and municipalities to create green utilities and adopt fees for certain purposes; amending s. 373.139, F.S.; providing that lands acquired for specified purposes by water management districts shall receive multiple-use management, except under certain conditions; directing the district governing boards to consult with or enter into a memorandum of agreement with specified state agencies with respect to such management; amending s. 373.59, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain land through the Water Management Lands Trust Fund; providing for use of land management volunteers; creating s. 373.591, F.S.; creating management review teams for water management district lands; amending s. 704.06, F.S.; clarifying linear facilities ability to cross conservation easements; repealing s. 253.022, F.S., relating to the Land Management Advisory Council; amending s. 373.250, F.S.; revising a date with respect to certain reports by water management districts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1412** and read the second time by title.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 125.564, Florida Statutes, is created to read:

125.564 Limitation on soil or groundwater contamination liability.—When the board of county commissioners acquires property for conservation or environmental or other public purposes, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The board of county commissioners must establish by a preponderance of the evidence that it undertook, at the time of acquisition, all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice. Notwithstanding the results of such inquiry, if the board of county commissioners determines that it is in the public interest to acquire the property, the exemption provided in this section shall apply to the property acquired.

Section 2. Section 166.047, Florida Statutes, is created to read:

166.047 Limitation on soil or groundwater contamination liability.—When a municipality acquires property for conservation, environmental, or other public purposes, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The municipality must establish by a preponderance of the evidence that it undertook, at the time of acquisition, all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice. Notwithstanding the results of such inquiry, if it is determined by the municipality that it is in the public interest to acquire the property, the exemption provided in this section shall apply to the property acquired.

Section 3. *Acquisition of lands by the state.—Lands acquired or sought to be acquired by the state and its political subdivisions may contain cattle-dipping vats as defined in section 376.301, Florida Statutes. The Legislature determines that it is in the public interest for the state and its political subdivisions to acquire cattle-dipping vats from willing sellers, particularly where such vats are located on or within the boundaries of parcels or tracts acquired or being acquired by the state and its political subdivisions or on lands managed by a public interest organization for environmental mitigation purposes. Notwithstanding any other provision of law, the state and special taxing districts as defined in section 189.403(6), Florida Statutes, shall not exclude such cattle-dipping vats from any such individual acquisition or sequence of acquisitions using state funds in whole or in part or otherwise acquired pursuant to any permitting program under state law. Outparcels excluded from previous acquisitions which contain such cattle-dipping vats shall be given priority for acquisition under existing state acquisition programs. The state and its political subdivisions shall not become liable under state law solely as an incident of such acquisition for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation for any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick.*

Section 4. Paragraph (c) is added to subsection (7) of section 253.03, Florida Statutes, 1996 Supplement, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)

(c) Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to chapter 18-21.00405, Florida Administrative Code, shall be allowed to apply for an extension of such lease, regardless of the fact that the present landholder is not an adjacent riparian landowner.

Section 5. Section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(1) All lands acquired pursuant to chapter 259 shall be managed to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state. These lands shall be managed to provide for areas of natural-resource-based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. The state's lands and natural resources shall be managed using a stewardship ethic that assures these resources will be available for the benefit and enjoyment of all people of the state, both present and future. It is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the Board of Trustees of the Internal Improvement Trust Fund, public land not designated for single-use purposes pursuant to paragraph (2)(b) be managed for multiple-use purposes. All multiple-use land management strategies shall address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the agency with management responsibility to enhance its ability to manage these lands.

(2)~~(1)~~ As used in this section, the following phrases have the following meanings:

(a) "Multiple use" means the harmonious and coordinated management of timber, recreation, *conservation of fish and* wildlife, forage, archaeological and historic sites, *habitat and other biological resources,* or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the

relative values of the various resources. *Where necessary and appropriate for all state-owned lands that are larger than 1,000 acres in project size and are managed for multiple uses, buffers may be formed around any areas which require special protection or have special management needs. Such buffers shall not exceed more than one-half of the total acreage. Multiple uses within a buffer area may be restricted to provide the necessary buffering effect desired. Multiple use in this context includes both uses of land or resources by more than one state agency, or by one or more state agencies and private sector land managers. In any case, lands identified as multiple-use lands in the land-management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.*

(b) "Single use" means management for one particular purpose to the exclusion of all other purposes, except that the using agency shall have the option of including in its management program compatible secondary purposes which will not detract from or interfere with the primary management purpose. Such single uses may include, but are not necessarily restricted to, the use of agricultural lands for production of food and livestock, the use of improved sites and grounds for institutional purposes, and the use of lands for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing agency.

~~(2) All lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be managed in a manner that will provide the greatest combination of benefits to the people of the state. All such lands not designated in the land-management plan required by subsection (4) for a specific single-use shall receive multiple-use management.~~

(3) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements, except that an easement in perpetuity may be granted by the Board of Trustees of the Internal Improvement Trust Fund if the improvement is a transportation facility. An agency managing or leasing state-owned lands from the Board of Trustees of the Internal Improvement Trust Fund may not sublease such lands without prior review by the division and by the Land *Acquisition and* Management Advisory Council created in s. *259.035* ~~253.022~~ and approval by the board. The Land *Acquisition and* Management Advisory Council is not required to review subleases of parcels which are less than 160 acres in size.

(4) Each state agency managing lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall submit to the Division of State Lands a land-management plan at least every 5 years in a form and manner prescribed by rule by the board. All management plans, whether for single-use or multiple-use properties, shall specifically describe how the managing agency plans to identify, locate, protect and preserve, or otherwise use fragile nonrenewable resources, such as archaeological and historic sites, as well as other fragile resources, including endangered plant and animal species*, and provide for the conservation of soil and water resources and for the control and prevention of soil erosion*. Land-management plans submitted by an agency shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land-management plan. *All land management plans for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. Additionally, the land management plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.*

(a) The Division of State Lands shall *make available to the public* ~~submit~~ a copy of each land-management plan for parcels which exceed 160 acres in size ~~to each member of the Land Management Advisory Council~~. The council shall~~, within 60 days after receiving a plan from the division,~~ review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection. The council shall also consider the propriety of the recommendations of the managing agency with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing agency, and the possibility of disposal of the property by the board. After its review, the council shall submit the plan, along with its recommendations and comments, to the board. The council shall specifically recommend to the board whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land-management plan submitted by each state agency and the recommendations of the ~~Land Management Advisory~~ council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which is not in accordance with an approved land-management plan is subject to termination by the board.

(5) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, are of no benefit to the public and shall dispose of such lands pursuant to law.

(a) At least every 5 years, in a form and manner prescribed by rule by the board, each state agency shall indicate to the board those lands which the agency manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the ~~Land Management Advisory~~ council for its recommendation as to whether such lands should be disposed of by the board.

(b) Lands owned by the board which are not actively managed by any state agency or for which a land-management plan has not been completed pursuant to subsection (4) shall be reviewed by the ~~Land Management Advisory~~ council for its recommendation as to whether such lands should be disposed of by the board.

(c) In reviewing lands owned by the board pursuant to paragraphs (a) and (b), the ~~Land Management Advisory~~ council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115.

(d) After reviewing the recommendations of the ~~Land Management Advisory~~ council, the board shall determine whether lands identified in paragraphs (a) and (b) are to be held for other public purposes or whether such lands are of no benefit to the public. The board may require an agency to release its interest in such lands. Lands determined to be of no benefit to the public shall be disposed of pursuant to law. Each fiscal year, up to $500,000 of the proceeds from the disposal of such lands shall be placed in the Internal Improvement Trust Fund to be used to pay the costs of any administration, appraisal, management, conservation, protection, sales, or real estate sales services; any such proceeds in excess of $500,000 shall be placed in the Conservation and Recreation Lands Trust Fund.

(e) The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the ~~Land Management Advisory~~ council.

(6) This section shall not be construed so as to affect:

(a) Other provisions of this chapter relating to oil, gas, or mineral resources.

(b) The exclusive use of state-owned land subject to a lease by the Board of Trustees of the Internal Improvement Trust Fund of state-owned land for private uses and purposes.

(c) Sovereignty lands not leased for private uses and purposes.

(7) Land-management plans required to be submitted by the Department of Corrections or the Department of Education shall not be subject to the council review provisions described in subsection (4). Management plans filed by these agencies shall be made available to the public for a period of 90 days at the administrative offices of the parcel or project

affected by the management plan and at the Tallahassee offices of each agency. Any plans not objected to during the public comment period shall be deemed approved. Any plans for which an objection is filed shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund for consideration. The Board of Trustees of the Internal Improvement Trust Fund shall approve the plan with or without modification, or reject the plan. The use or possession of any such lands which is not in accordance with an approved land-management plan is subject to termination by the board.

Section 6. Subsection (1) of section 253.68, Florida Statutes, 1996 Supplement, is amended to read:

253.68 Authority to lease submerged land and water column.—

(1) To the extent that it is not contrary to the public interest, and subject to limitations contained in ss. 253.67-253.75, the board of trustees may lease submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column to the extent required by such activities. Such leases may authorize use of the submerged land and water column for either commercial or experimental purposes. However ~~no lease shall be granted by the board when there is filed with it~~ a resolution of objection adopted by a majority of the county commission of a county within whose boundaries *the proposed leased area would lie,* if the *boundaries* ~~same~~ were extended to the extent of the interest of the state, *may* ~~the proposed lease area would lie. Said resolution shall~~ be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. 253.70. Prior to the granting of any such leases, the board shall establish and publish a list of guidelines to be followed when considering applications for lease. Such guidelines shall be designed to protect the public's interest in submerged lands and the publicly owned water column.

Section 7. Subsection (1) of section 253.7825, Florida Statutes, is amended to read:

253.7825 Recreational uses.—

(1) The Cross Florida Greenways State Recreation and Conservation Area must be managed as a multiple-use area pursuant to s. 253.034*(2)*~~(1)~~(a), and as further provided herein. The University of Florida Management Plan provides a conceptual recreational plan that may ultimately be developed at various locations throughout the greenways corridor. The plan proposes to locate a number of the larger, more comprehensive and complex recreational facilities in sensitive, natural resource areas. Future site-specific studies and investigations must be conducted by the department to determine compatibility with, and potential for adverse impact to, existing natural resources, need for the facility, the availability of other alternative locations with reduced adverse impacts to existing natural resources, and the proper specific sites and locations for the more comprehensive and complex facilities. Furthermore, it is appropriate, with the approval of the department, to allow more fishing docks, boat launches, and other user-oriented facilities to be developed and maintained by local governments.

Section 8. Subsections (7), (9), (10), (11), and (12) of section 259.032, Florida Statutes, 1996 Supplement, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(7) The board of trustees may enter into any contract necessary to accomplish the purposes of this section. *The lead land managing agencies also are directed by the Legislature to enter into contracts or interagency agreements with other governmental entities, including local soil and water conservation districts, or private land managers who have the expertise to perform specific management activities which a lead agency lacks, or which would cost more to provide in-house. Such activities shall include, but not be limited to, controlled burning, road and ditch maintenance, mowing, and wildlife assessments.*

(9)(a) All lands managed under this section shall be:

1. Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

2. Managed for public outdoor recreation which is compatible with the conservation and protection of public lands.

3. Managed for the purposes for which the lands were acquired, consistent with paragraph (11)(a).

Management may include the following public uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and other related outdoor activities.

(b)1. Concurrent with its adoption of the annual Conservation and Recreational Lands list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management prospectus for each project. The management prospectus shall delineate: the management goals for the property; the conditions that will affect the intensity of management; an estimate of the revenue-generating potential of the property, if appropriate; a timetable for implementing the various stages of management and for providing access to the public, if applicable; provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition; the anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; recommendations as to how many employees will be needed to manage the property; and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

2. Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands, the board of trustees shall designate an agency or agencies to manage such lands and shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. *For any fee-simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.*

3. State agencies designated to manage lands acquired under this chapter may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land-management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the Conservation and Recreation Lands Trust Fund in an amount adequate for the local government or soil and water conservation district to perform its contractual land-management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

4.~~3.~~ Immediately following the acquisition of any interest in lands under this *chapter* ~~section~~, the Department of Environmental Protection, acting on behalf of the board of trustees, may issue to the lead managing entity an interim assignment letter to be effective until the execution of a formal lease.

(10) *State, regional, or local* governmental agencies or *private* ~~non-state~~ entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. *Private-sector involvement in management plan development may be used to expedite the planning process. Individual management plans required by s. 253.034(4) shall be developed with input from an advisory group. Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, co-managing entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. The management prospectus required pursuant to paragraph (9)(b) shall be available to the public for a period of 30 days prior to the public hearing.* Once a plan is adopted, the managing agency or entity shall update the plan at least every 5 years in a form and manner prescribed by rule of the board of trustees. Such plans may include transfers of leasehold interests to appropriate conservation organizations designated by the Land Management Advisory Council for uses consistent with the purposes of the organizations and the protection, preservation, and proper management

of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a) have been acquired. *Beginning in fiscal year 1998-1999, the Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled from the Preservation 2000 Trust Fund to any budget entity or any water management district that has more than one-third of its management plans overdue.*

(a) Individual management plans shall conform to the appropriate policies and guidelines of the state land management plan and shall include, but not be limited to:

1. A statement of the purpose for which the lands were acquired, the projected use or uses as defined in s. 253.034, and the statutory authority for such use or uses.

2. Key management activities necessary to preserve and protect natural resources and restore habitat, and for controlling the spread of nonnative plants and animals, and for prescribed fire and other appropriate resource management activities.

3. A specific description of how the managing agency plans to identify, locate, protect, and preserve, or otherwise use fragile, nonrenewable natural and cultural resources.

4. A priority schedule for conducting management activities, based on the purposes for which the lands were acquired.

5. A cost estimate for conducting priority management activities, to include recommendations for cost-effective methods of accomplishing those activities.

6. A cost estimate for conducting other management activities which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities.

7. A determination of the public uses that would be consistent with the purposes for which the lands were acquired.

(b) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Land Management Advisory Council. The council shall, within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection. The council shall also consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(c) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Land Management Advisory Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is subject to termination by the board of trustees.

By July 1 of each year, each governmental agency, *including the water management districts,* and each *private* ~~nonstate~~ entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

(11)(a) The Legislature recognizes that acquiring lands pursuant to this chapter serves the public interest by protecting land, air, and water resources which contribute to the public health and welfare, providing areas for natural resource based recreation, and ensuring the survival of unique and irreplaceable plant and animal species. The Legislature intends for these lands to be managed and maintained for the purposes for which they were acquired and for the public to have access to these lands where it is consistent with acquisition purposes and would not harm the resources the state is seeking to protect on the public's behalf.

(b) An amount *up* ~~equal~~ to *1.5* ~~1~~ percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements, and for associated contractual services, for lands acquired pursuant to this section and s. 259.101 to which title is vested in the board of trustees. Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

(c) In requesting funds provided for in paragraph (b) for long-term management of *all* acquisitions *pursuant to this chapter* and for associated contractual services, the managing agencies shall recognize the following categories of land management needs:

1. Lands which are low-need tracts, requiring basic resource management and protection, such as state reserves, state preserves, state forests, and wildlife management areas. These lands generally are open to the public but have no more than minimum facilities development.

2. Lands which are moderate-need tracts, requiring more than basic resource management and protection, such as state parks and state recreation areas. These lands generally have extra restoration or protection needs, higher concentrations of public use, or more highly developed facilities.

3. Lands which are high-need tracts, with identified needs requiring unique site-specific resource management and protection. These lands generally are sites with historic significance, unique natural features, or very high intensity public use, or sites that require extra funds to stabilize or protect resources.

In evaluating the management funding needs of lands based on the above categories, the lead land managing agencies shall include in their considerations the impacts of, and needs created or addressed by, multiple-use management strategies.

(d) All revenues generated through multiple-use management shall be returned to the agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, such revenues shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations.

(e)~~(d)1.~~ Up to one-fifth of the funds provided for in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive exotic species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (9)(b). The board of trustees shall make these interim funds available immediately upon purchase.

~~2. For the 1995-1996 fiscal year only, funds in the Conservation and Recreation Lands Trust Fund that are not specifically appropriated for the interim management of public lands pursuant to subparagraph 1. may be appropriated for the control and eradication of nuisance aquatic plants in public water bodies. This subparagraph is repealed on July 1, 1996.~~

(f)~~(e)~~ The department shall set long-range and annual goals for the control and removal of nonnative, upland, invasive plant species on public lands. Such goals shall differentiate between aquatic plant species and upland plant species. In setting such goals, the department may rank, in order of adverse impact, species which impede or destroy the functioning of natural systems. Notwithstanding paragraph (a), up to one-fourth of the funds provided for in paragraph (b) shall be reserved

for control and removal of nonnative, upland, invasive species on public lands.

(12)(a) Beginning in fiscal year 1994-1995, not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties, cities, and local governments as defined in paragraph (b) for *all* actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less*;* and

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(c) Payment in lieu of taxes shall be available to any city which has a population of 10,000 or less and which levies an ad valorem tax of at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the city exceeds 0.01 percent of the city's total taxable value.

(d) If insufficient funds are available in any year to make full payments to all qualifying counties, cities, and local governments, such counties, cities, and local governments shall receive a pro rata share of the moneys available.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 *consecutive* years of annual payments*, beginning the year a local government becomes eligible.*

(f) Payment in lieu of taxes pursuant to this paragraph shall be made annually to qualifying counties, cities, and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

(g) If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

Section 9. Subsection (1) and (2) of section 259.035, Florida Statutes, 1996 Supplement, is amended to read:

259.035 Advisory council; powers and duties.—

(1) There is created a Land Acquisition *and Management* Advisory Council to be composed of the secretary and a designee of the department, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees. The chairmanship of the council shall rotate annually in the foregoing order. The council shall hold periodic meetings at the request of the chair. The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 257. The department may adopt any rule or form necessary to implement this section.

(2)(a) The council shall, by the time of the first board meeting in February of each year, establish or update a list of acquisition projects selected for purchase pursuant to this chapter. In scoring potential projects for inclusion on the acquisition list, the council shall give greater consideration to projects that can serve as corridors between lands already in public ownership or under management for conservation and recreational purposes. Acquisition projects shall be ranked, in order of priority, individually as a single group or individually within up to 10 separate groups. The council shall submit to the board of trustees, together with its list of acquisition projects, a Conservation and Recreation Lands report. For each project on an acquisition list, the council shall include in its report the stated purpose for acquiring the project, an identification of the essential parcel or parcels within the project without which the project cannot be properly managed, an identification of those projects or parcels within projects which should be acquired in fee simple or in other than fee simple, an explanation of the reasons why the council selected a particular acquisition technique, a management policy statement for the project, a management prospectus pursuant to s. 259.032(9)(b), an estimate of land value based on county tax assessed values, a map delineating project boundaries, a brief description of the important natural and cultural resources to be protected, preacquisition planning and budgeting, coordination with other public and nonprofit public-lands acquisition programs, a preliminary statement of the extent and nature of public use, an interim management budget, and designation of a management agency or agencies. The Department of Environmental Protection shall prepare the information required by this section for each acquisition project selected for purchase pursuant to this chapter. In addition, the department shall prepare, by July 1 of each year, an acquisition work plan for each project on the acquisition list for which funds will be available for acquisition during the fiscal year. The work plan need not disclose any information that is required by this chapter or chapter 253 to remain confidential.

(b) An affirmative vote of four members of the council shall be required in order to place a proposed project on a list. Each list shall contain at least twice the number of projects in terms of estimated cost as there are anticipated funds for purchase. The anticipated cost of each project shall include proposed costs for development of the lands necessary to meet the public purpose for which such lands are to be purchased.

(c) All proposals for acquisition projects pursuant to this chapter shall be developed and adopted by the council. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for acquisition and shall ensure that each proposed acquisition project will meet a stated public purpose for the preservation of environmentally endangered lands, for the development of outdoor recreation lands, or as provided in s. 259.032(3) and shall determine whether each acquisition project conforms with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive outdoor recreation and conservation plan developed pursuant to s. 375.021, and the state lands management plan adopted pursuant to s. 253.03(7). Copies of a written report describing each project proposed for acquisition shall be submitted to the board of trustees. The council shall consider and include in each project description its assessment of a project's ecological value, vulnerability, endangerment, ownership pattern, utilization, location, and cost and other pertinent factors in determining whether to recommend a project for state purchase.

(d) Additionally, the council shall provide assistance to the Board of Trustees of the Internal Improvement Trust Fund in reviewing the recommendations and plans for state-owned lands required by s. 253.034. The council shall, in reviewing the recommendations and plans for state-owned lands required by s. 253.034, consider the optimization of multiple-use strategies to accomplish the provisions of s. 253.034.

Section 10. Section 259.036, Florida Statutes, is created to read:

259.036 Management review teams.—

(1) To determine whether conservation, preservation, and recreation lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund are being managed for the purposes for which they were acquired and in accordance with a land-management plan adopted pursuant to s. 259.032, the board of trustees, acting through the Department of Environmental Protection, shall cause periodic management reviews to be conducted, as follows:

(a) The department shall establish a regional land management review team composed of the following members:

1. One individual who is from the county or local community in which the parcel or project is located and who is selected by the county commission in the county which is most impacted by the acquisition.

2. One individual from the Division of Recreation and Parks of the department.

3. One individual from the Division of Forestry of the Department of Agriculture and Consumer Services.

4. One individual from the Game and Fresh Water Fish Commission.

5. One individual from the department's district office in which the parcel is located.

6. A private land manager mutually agreeable to the state agency representatives.

7. A member of the local soil and water conservation district board of supervisors.

8. A member of a conservation organization.

The staff of the Division of State Lands shall act as the review team coordinator for the purposes of establishing schedules for the reviews and other staff functions. The Legislature shall appropriate funds necessary to implement land management review team functions.

(2) The land management review team shall review select parcels of managed land prior to the date the managing agency is required to submit its 5-year land-management plan update. A copy of the review shall be provided to the managing agency, the Division of State Lands, and the Land Acquisition and Management Advisory Council. The managing agency shall consider the findings and recommendations of the land management review team in finalizing the required 5-year update of its management plan.

(3) In conducting a review, the land management review team shall evaluate the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geological or hydrological functions, or archaeological features. The review shall also evaluate the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan.

(4) In the event a land-management plan has not been adopted within the timeframes specified in s. 259.032(10), the department may direct a management review of the property, to be conducted by the land management review team. The review shall consider the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices are in compliance with the management policy statement and management prospectus for that property.

(5) If the land management review team determines that reviewed lands are not being managed for the purposes for which they were acquired or in compliance with the adopted land management plan, management policy statement, or management prospectus, or if the managing agency fails to address the review findings in the updated management plan, the department shall provide the review findings to the board, and the managing agency must report to the board its reasons for managing the lands as it has.

(6) No later than the second board meeting in October of each year, the department shall report the annual review findings of its land management review team.

Section 11. Subsection (4) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(4) PROJECT CRITERIA.—

(a) Proceeds of bonds issued pursuant to this act and distributed pursuant to paragraphs (3)(a) and (b) shall be spent only on projects which meet at least one of the following criteria, as determined pursuant to paragraphs (b) and (c):

1. A significant portion of the land in the project is in imminent danger of development, in imminent danger of loss of its significant natural attributes, or in imminent danger of subdivision which will result in multiple ownership and may make acquisition of the project more costly or less likely to be accomplished;

2. Compelling evidence exists that the land is likely to be developed during the next 12 months, or appraisals made during the past 5 years indicate an escalation in land value at an average rate that exceeds the average rate of interest likely to be paid on the bonds;

3. A significant portion of the land in the project serves to protect or recharge groundwater and to protect other valuable natural resources or provide space for natural resource based recreation;

4. The project can be purchased at 80 percent of appraised value or less; ~~or~~

5. A significant portion of the land in the project serves as habitat for endangered, threatened, or rare species or serves to protect natural communities which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities*; or*~~.~~

6. A significant portion of the land serves to preserve important archeological or historical sites.

(b) Each year that bonds are to be issued pursuant to this act, the Land Acquisition *and Management* Advisory Council shall review that year's approved Conservation and Recreation Lands priority list and shall, by the first board meeting in February, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects on the list which meet one or more of the criteria listed in paragraph (a). The board may remove projects from the list developed pursuant to this paragraph, but may not add projects.

(c) Each year that bonds are to be issued pursuant to this act, each water management district governing board shall review the lands on its current year's Save Our Rivers 5-year plan and shall, by January 15, adopt a listing of projects from the plan which meet one or more of the criteria listed in paragraph (a).

(d) In the acquisition of coastal lands pursuant to paragraph (3)(a), the following additional criteria shall also be considered:

1. The value of acquiring coastal high-hazard parcels, consistent with hazard mitigation and postdisaster redevelopment policies, in order to minimize the risk to life and property and to reduce the need for future disaster assistance.

2. The value of acquiring beachfront parcels, irrespective of size, to provide public access and recreational opportunities in highly developed urban areas.

3. The value of acquiring identified parcels the development of which would adversely affect coastal resources.

When a nonprofit environmental organization which is tax exempt pursuant to s. 501(c)(3) of the United States Internal Revenue Code sells land to the state, such land at the time of such sale shall be deemed to meet one or more of the criteria listed in paragraph (a) if such land meets one or more of the criteria at the time the organization purchases it. Listings of projects compiled pursuant to paragraphs (b) and (c) may be revised to include projects on the Conservation and Recreation Lands priority list or in a water management district's 5-year plan which come under the criteria in paragraph (a) after the dates specified in paragraph (b) or paragraph (c). The requirement of paragraph (3)(a) regarding coastal lands is met as long as an average of one-fifth of the cumulative

proceeds allocated through fiscal year 1999-2000 pursuant to that paragraph is used to purchase coastal lands.

(e) The Legislature finds that the Florida Preservation 2000 Program has provided financial resources that have enabled the acquisition of significant amounts of land for public ownership in the first 7 years of the program's existence. In the remaining years of the Florida Preservation 2000 Program, agencies that receive funds are encouraged to better coordinate their expenditures so that future acquisitions, when combined with previous acquisitions, will form more complete patterns of protection for natural areas and functioning ecosystems, to better accomplish the intent of paragraph (2)(c).

(f) The Legislature intends that, in the remaining years of the Florida Preservation 2000 Program, emphasis be given to the acquisition of lands containing ecological resources which are either not represented or underrepresented on lands currently in public ownership. The Legislature also intends that future acquisitions under the Florida Preservation 2000 Program be limited to projects on the current project lists, or any additions to the list as determined and prioritized by the study, or those projects that can reasonably be expected to be acquired by the end of the Florida Preservation 2000 Program.

(g) In determining the remaining needs and priorities for the Florida Preservation 2000 Program and to ensure that future acquisitions preserve those resources in the greatest need of protection, the Land Acquisition and Management Advisory Council and each water management district governing board shall commission a study to determine:

1. What ecological resources are inadequately represented in the state's and each district's public land inventory and which approved projects can best fill the needs identified.

2. Significant natural areas and watersheds which can be conserved by the use of conservation easements or other less-than-fee techniques.

3. For projects in which an acquisition has been completed, the minimal lands needed to be acquired for resource protection and effective management.

4. Projects with significant historical or archeological importance.

5. The best method of completing the Florida Preservation 2000 Program to ensure that the program achieves its mission, pursuant to subsection (2).

These studies shall be completed by October 1, 1997. No acquisition shall be initiated for any project on a current acquisition list which has not had an initial acquisition until the study is complete, unless a significant portion of the land in the project is in imminent danger of development and a significant portion of the land in the project serves as habitat for endangered, threatened or rare plant species and serves to protect natural plant communities which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare.

Section 12. Subsection (1) of section 260.015, Florida Statutes, 1996 Supplement, is amended to read:

260.015 Acquisition of land.—

(1) The department is authorized to acquire by gift or purchase the fee simple absolute title or any lesser interest in land, including easements, for the purposes of ss. 260.011-260.018 pursuant to the provisions of chapter 375, except that:

(a) The department's power of eminent domain shall be limited to curing defects in title accepted by the board pursuant to subsection (2).

(b) Lists of proposed acquisitions for the Florida Greenways and Trails Program shall be prepared according to procedures adopted by the department.

(c) Projects acquired under this chapter shall not be subject to the evaluation and selection procedures of s. 259.035, regardless of the estimated value of such projects. All projects shall be acquired in accordance with the acquisition procedures of chapter *259* ~~253~~, except that the department may use the appraisal procedure used by the Department of Transportation to acquire transportation rights-of-way. When a parcel is estimated to be valued at $100,000 or less and the department finds that the costs of obtaining an outside appraisal are not justified, an appraisal prepared by the department may be used.

Section 13. Section 369.255, Florida Statutes, is created to read:

369.255 Green utility ordinances for funding greenspace management and exotic plant control.—

(1) LEGISLATIVE FINDING.—The Legislature finds that the proper management of greenspace areas, including, without limitation, the urban forest, greenways, private and public forest preserves, wetlands, and aquatic zones, is essential to the state's environment and economy and to the health and safety of its residents and visitors. The Legislature also finds that the limitation and control of nonindigenous plants and tree replacement and maintenance are vital to achieving the natural systems and recreational lands goals and policies of the state pursuant to s. 187.201(10), the State Comprehensive Plan. It is the intent of this section to enable local governments to establish a mechanism to provide dedicated funding for the aforementioned activities, when deemed necessary by that county.

(2) In addition to any other funding mechanisms legally available to counties to control invasive, nonindigenous aquatic or upland plants, and manage urban forest resources, a county may create one or more green utilities or adopt fees sufficient to plan, restore, and manage urban forest resources, greenways, forest preserves, wetlands, and other aquatic zones, and create a stewardship grant program for private natural areas. Counties may create, alone or in cooperation with other counties pursuant to the Florida Interlocal Cooperation Act, s. 163.01, one or more greenspace management districts to fund the planning, management, operation, and administration of a greenspace management program. The fees shall be calculated to generate sufficient funds to plan, manage, operate, and administer a greenspace management program. Private natural areas assessed according to s. 193.501 would qualify for stewardship grants.

(3) This section shall only apply to counties with a population of 500,000 or more.

(4) Nothing in this section shall authorize counties to require any nongovernmental entity to collect the fee described in subsection (2) on their behalf.

Section 14. Subsection (5) of section 373.139, Florida Statutes, 1996 Supplement, is amended to read:

373.139 Acquisition of real property.—

(5) Lands acquired for the purposes enumerated in subsection (2) *shall receive multiple-use management and be open to the general public unless such management and public access is shown to be detrimental to the water resource or water management function for which the lands were purchased. The governing board of the district shall consult with the Division of Recreation and Parks of the Department of Environmental Protection, the Division of Forestry of the Department of Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, the Division of Historical Resources of the Department of State, and the local soil and water conservation districts in their areas of expertise and management experience when developing multiple-use strategy on these lands. Alternatively, the governing board of the district may enter into a memorandum of agreement with one or more of those agencies to achieve the multiple-use management of said lands* ~~may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses~~.

Section 15. Paragraph (c) of subsection (4) and subsection (11) of section 373.59, Florida Statutes, 1996 Supplement, are amended and new subsections (16) and (17) are added to read:

373.59 Water Management Lands Trust Fund.—

(4)

(c) The Secretary of Environmental Protection shall release acquisition moneys from the Water Management Lands Trust Fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the plan of acquisition and other provisions of this act. The governing board shall also provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the

value of the land to be purchased. *Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds $500,000. However, when both appraisals exceed $500,000 and differ significantly, a third appraisal may be obtained.* If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this act or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

(11) Lands acquired for the purposes enumerated in this section shall also be used for general public recreational purposes. General public recreational purposes shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands. These lands shall be made available to the public for these purposes, unless the district governing board can demonstrate that such activities would be incompatible with the purposes for which these lands were acquired. *For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or for any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the district governing board shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interest.*

(16) Each district is encouraged to use volunteers to provide land management and other services. Volunteers shall be covered by liability protection and worker's compensation in the same manner as district employees, unless waived in writing by such volunteers or unless such volunteers otherwise provide equivalent insurance.

(17) Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts, the Board of Trustees of the Internal Improvement Trust Fund, or local governments hold title. Any such cooperative land management agreement must be consistent with any applicable laws governing land use, management duties, and responsibilities and procedures of each cooperating entity. Each cooperating entity is authorized to expend such funds as are made available to it for land management on any such lands included in a cooperative land management agreement.

Section 16. Section 373.591, Florida Statutes, is created to read:

373.591 Management review teams.—

(1) To determine whether conservation, preservation, and recreation lands titled in the named of the water management districts are being managed for the purposes for which they were acquired and in accordance with land management objectives, the water management districts shall establish land management review teams to conduct periodic management reviews. The land management review teams shall be composed of the following members:

1. One individual from the county or local community in which the parcel is located.

2. One employee of the water management district.

3. A private land manager mutually agreeable to the governmental agency representatives.

4. A member of the local soil and water conservation district board of supervisors.

5. One individual from the Game and Fresh Water Fish Commission.

6. One individual from the Department of Environmental Protection.

7. One individual representing a conservation organization.

8. One individual from the Department of Agriculture and Consumer Services' Division of Forestry.

(2) The management review team shall use the criteria provided in s. 259.036 in conducting its reviews.

(3) In determining which lands shall be reviewed in any given year, the water management district may prioritize the properties to be reviewed.

(4) If the land management review team finds that the lands reviewed are not being managed in accordance with their land management plan, the land managing agency shall provide a written explanation to the management review team.

(5) Each water management district shall, by October 1 of each year, provide its governing board with a report indicating which properties have been reviewed and the review team's findings.

Section 17. *Section 253.022, Florida Statutes, is hereby repealed.*

Section 18. A new subsection (11) is added to section 704.06, Florida Statutes, to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(11) Nothing in this section or other provisions of law shall be construed to prohibit or limit the owner of land, or the owner of a conservation easement over land, to voluntarily negotiate the sale or utilization of such lands or easement for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances, nor shall this section prohibit the use of eminent domain for said purposes as established by law. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement and linear facilities in determining which lands may be taken and the compensation paid.

Section 19. Subsection (6) of section 373.250, Florida Statutes, 1996 Supplement, is amended to read:

373.250 Reuse of reclaimed water.—

(6) Each water management district shall submit to the Legislature, by *June 1* ~~January 30~~ of each year, an annual report which describes the district's progress in promoting the reuse of reclaimed water. The report shall include, but not be limited to:

(a) The number of permits issued during the year which required reuse of reclaimed water and, by categories, the percentages of reuse required.

(b) The number of permits issued during the year which did not require the reuse of reclaimed water and, of those permits, the number which reasonably could have required reuse.

(c) In the second and subsequent annual reports, a statistical comparison of reuse required through consumptive use permitting between the current and preceding years.

(d) A comparison of the volume of reclaimed water available in the district to the volume of reclaimed water required to be reused through consumptive use permits.

(e) A comparison of the volume of reuse of reclaimed water required in water resource caution areas through consumptive use permitting to the volume required in other areas in the district through consumptive use permitting.

(f) An explanation of the factors the district considered when determining how much, if any, reuse of reclaimed water to require through consumptive use permitting.

(g) A description of the district's efforts to work in cooperation with local government and private domestic wastewater treatment facilities to increase the reuse of reclaimed water. The districts, in consultation with the department, shall devise a uniform format for the report re-

quired by this subsection and for presenting the information provided in the report.

Section 20. Paragraph (b) of subsection (4) of section 370.06, Florida Statutes, 1996 Supplement is added to read:

(4) SPECIAL ACTIVITY LICENSES.—

(a) Any person who seeks to use special gear or equipment in harvesting saltwater species must purchase a special activity license as specified by law to engage in such activities. The department may issue special activity licenses, in accordance with s. 370.071, to permit the cultivation of oysters, clams, mussels, and crabs when such aquaculture activities relate to quality control, sanitation, and public health regulations. The department may prescribe by rule special terms, conditions, and restrictions for any special activity license.

(b) The department is authorized to issue special activity licenses in accordance with s. 370.06 and s. 370.31, to permit the importation, possession, and aquaculture of anadromous sturgeon. The special activity license shall provide for best management practices to prevent the release and escape of cultured anadromous sturgeon and to protect indigenous populations of saltwater species from sturgeon-borne disease.

Section 21. Subsections (3) and (4) of section 370.092, Florida Statutes, 1996 Supplement, are amended to read:

370.092 Carriage of proscribed nets across Florida waters.—

(3)(a) It shall be a major violation pursuant to this section *and shall be punished as provided in subsection (4)* for any person, firm, or corporation to be simultaneously in possession of any species of mullet in excess of the recreational daily bag limit and any gill or other entangling net as defined in s. 16(c), Art. X of the State Constitution. Simultaneous possession under this provision shall include possession of mullet and gill or other entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another including vessels towed behind a main vessel. *This subsection does not prohibit a resident of this state from transporting on land, from Alabama to this state, a commercial quantity of mullet together with a gill net if:*

1. The person possesses a valid commercial fishing license that is issued by the State of Alabama and that allows the person to use a gill net to legally harvest mullet in commercial quantities from Alabama waters.

2. The person possesses a trip ticket issued in Alabama and filled out to match the quantity of mullet being transported, and the person is able to present such trip ticket immediately upon entering this state.

3. The mullet are to be sold to a wholesale saltwater products dealer located in Escambia County or Santa Rosa County, which dealer also possesses a valid seafood dealer's license issued by the State of Alabama. The dealer's name must be clearly indicated on the trip ticket.

4. The mullet being transported are totally removed from any net also being transported.

(b) It shall be a major violation pursuant to this section for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

(4)(a) In addition to being subject to the other penalties provided in this chapter, any violation of s. 16, Art. X of the State Constitution, *paragraph (3)(a),* or any rules of the Marine Fisheries Commission which implement the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation receiving any judicial disposition other than acquittal or dismissal of such violation shall be subject to the following additional penalties:

1. For a first major violation within a 7-year period, a civil penalty of $2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition shall be imposed.

2. For a second major violation under this paragraph charged within 7 years of a previous judicial disposition, which results in a second judicial disposition other than acquittal or dismissal, a civil penalty of $5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.

3. For a third and subsequent major violation under this paragraph, charged within a 7-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of $5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.

A court may suspend, defer or withhold adjudication of guilt or imposition of sentence *only* for any first violation of s. 16, Art. X of the State Constitution, or any rule or statute implementing its restrictions, determined by a court only after consideration of competent evidence of mitigating circumstances to be a nonflagrant or minor violation of those restrictions upon the use of nets. Any violation of s. 16, Art. X of the State Constitution, or any rule or statute implementing its restrictions, occurring within a 7-year period commencing upon the conclusion of any judicial proceeding resulting in any outcome other than acquittal shall be punished as a second, third, or subsequent violation accordingly.

(b) During the period of suspension or revocation of saltwater license privileges under this section, the licensee may not participate in the taking or harvesting *or attempt the taking or harvesting* of saltwater products from any vessel within the waters of the state, or any other activity requiring a license, permit, or certificate issued pursuant to this chapter. *Any person who violates this paragraph is:*

1. Upon a first or second conviction, to be punished as provided by s. 370.021(2)(a) and (b).

2. Upon a third or subsequent conviction, guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Upon reinstatement of saltwater license privileges suspended pursuant to a violation of this section, a licensee owning or operating a vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net, or containing or otherwise transporting in nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall remain restricted for a period of 12 months following reinstatement, to operation under the following conditions:

1. Vessels subject to this reinstatement period shall be restricted to the corridors established by department rule.

2. A violation of the reinstatement period provisions shall be punishable pursuant to s. 370.021(2)(a) and (b).

(d) Rescission and revocation proceedings under this section shall be governed by chapter 120.

Section 22. Section 370.093, Florida Statutes, is created to read:

370.093 Illegal use of nets.—

(1) It is unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net that is not consistent with the provisions of s. 16, Art. X of the State Constitution.

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the Marine Fisheries Commission under s. 370.027. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the Commission implements rules regulating those types of gear.

(b) The use of gill or entangling nets of any size is prohibited, as such nets are defined in s. 16, Art. X of the State Constitution. Any net constructed wholly or partially of monofilament or multifilament material, other than a hand thrown cast net, or a hand-held landing or dip net, shall be considered to be an entangling net within the prohibition of S. 16, Art. X of the state constitution unless specifically authorized by rule of the commission.

(c) This subsection shall not be construed to apply to aquaculture activities licenses issued pursuant to s. 370.26.

(3) As used in s. 16, Art. X of the State Constitution and this subsection, the term "net" or "netting" must be broadly construed to include all

manner or combination of mesh or webbing or any other solid or semi-solid fabric or other material used to comprise a device that is used to take or harvest marine life.

(4) Upon the arrest of any person for violation of this subsection, the arresting officer shall seize the nets illegally used. Upon conviction of the offender, the arresting authority shall destroy the nets.

(5) Any person who violates this section shall be punished as provided in s. 370.092(4).

(6) The Marine Fisheries Commission is granted authority to adopt rules pursuant to ss. 370.025 and 370.027 implementing the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

Section 23. Subsection (8) of section 370.14, Florida Statutes, 1996 Supplement, is amended to read:

370.14 Crawfish; regulation.—

(8)(a) By a special permit granted by the Division of Law Enforcement, a Florida-licensed seafood dealer may lawfully import, process, and package saltwater crawfish or uncooked tails of the species Panulirus argus during the closed season. However, crawfish landed under special permit shall not be sold in the state.

(b) The licensed seafood dealer importing any such crawfish under the permit shall, 12 hours prior to the time the seagoing vessel or airplane delivering such imported crawfish enters the state, notify the Division of Law Enforcement as to the seagoing vessel's name or the airplane's registration number and its captain, location, and point of destination.

(c) At the time the crawfish cargo is delivered to the permitholder's place of business, the crawfish cargo shall be weighed ~~in the presence of the marine patrol officer,~~ and *shall be available for inspection by the Department of Environmental Protection.* A signed receipt of such quantity in pounds shall be *forwarded* ~~furnished~~ to ~~said officer, which receipt shall be filed by the marine patrol officer with~~ the Division of Law *Enforcement's local Florida Marine Patrol office within 48 hours after shipment weigh-in completion. If requested by the department, the weigh-in process will be delayed up to 4 hours to allow for a department representative to be present during the process* ~~Enforcement~~.

(d) Within 48 hours *after shipment weigh-in completion* ~~from the time the receipt is given to the marine patrol officer~~, the permitholder shall submit to the Division of Law Enforcement, on forms provided by the division, a sworn report of the quantity in pounds of the saltwater crawfish received, which report shall include the location of said crawfish and a sworn statement that said crawfish were taken at least 50 miles from Florida's shoreline. The landing of crawfish or crawfish tails from which the eggs, swimmerettes, or pleopods have been removed; the falsification of information as to area from which crawfish were obtained; or the failure to file the report called for in this section shall be grounds to revoke the permit.

(e) Each permitholder shall keep throughout the period of the closed season copies of the bill of sale or invoices covering each transaction involving crawfish imported under this permit. Such invoices and bills shall be kept available at all times for inspection by the division.

Section 24. Effective October 1, 1997, section 370.1405, Florida Statutes, is created to read:

370.1405 Crawfish reports by dealers during closed season required.—

(1) Within 3 days after the commencement of the closed season for the taking of saltwater crawfish, each and every seafood dealer, either retail or wholesale, intending to possess crawfish, crawfish tails, or crawfish meat during closed season shall submit to the Department of Environmental Protection, on forms provided by the department, a sworn report of the quantity, in pounds, of saltwater whole crawfish, crawfish tails, and crawfish meat in the dealer's name or possession as of the date the season closed. This report shall state the location and number of pounds of whole crawfish, crawfish tails, and crawfish meat. The department shall not accept any reports not delivered or postmarked by midnight of the 3rd calendar day after the commencement of the closed season, and any stocks of crawfish reported therein are declared a nuisance and may be seized by the department.

(2) Failure to submit a report as described in subsection (1) or reporting a greater or lesser amount of whole crawfish, crawfish tails, or crawfish meat than is actually in the dealer's possession or name is a major violation of this chapter, punishable as provided in s. 370.021(2), s. 370.07(6)(b), or both. The department shall seize the entire supply of unreported or falsely reported whole crawfish, crawfish tails, or crawfish meat, and shall carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire quantity of unreported or falsely reported crawfish as determined by the judge. After posting the cash bond, the dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the department according to law.

(3) All dealers having reported stocks of crawfish may sell or offer to sell such stocks of crawfish; however, such dealers shall submit an additional report on the last day of each month during the duration of the closed season. Reports shall be made on forms supplied by the department. Each dealer shall state on this report the number of pounds sold during the report period and the pounds remaining on hand. In every case, the amount of crawfish sold and the amount reported on hand shall equal the amount remaining on hand in the last submitted report. Reports postmarked later than midnight on the 3rd calendar day of each month during the duration of the closed season will not be accepted by the department. Dealers for which late supplementary reports are not accepted by the department, must show just cause why their entire stock of whole crawfish, crawfish tails, or crawfish meat should not be seized by the department. Whenever a dealer fails to make the monthly supplementary report as described in this subsection, the dealer may be subject to the following civil penalties as follows:

(a) For a first violation, the department shall assess a civil penalty of $500.

(b) For a second violation within the same crawfish closed season, the department shall assess a civil penalty of $1,000.

(c) For a third violation within the same crawfish closed season, the department shall assess a civil penalty of $2,500 and may seize said dealer's entire stock of whole crawfish, crawfish tails, or crawfish meat and carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire remaining quantity of crawfish as determined by the judge. After posting the cash bond, a dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the department according to law.

(4) All seafood dealers shall at all times during the closed season make their stocks of whole crawfish, crawfish tails, or crawfish meat available for inspection by the department.

(5) Each dealer in whole crawfish, crawfish tails, or crawfish meat shall keep throughout the period of the crawfish closed season copies of the bill of sale or invoice covering each transaction involving whole crawfish, crawfish tails, or crawfish meat. Such invoices and bills shall be kept available at all times for inspection by the department.

Section 25. *(1) Notwithstanding the provisions of section 370.093(3), Florida Statutes, there is hereby established a 3-year pilot program that allows for participation by Saltwater Products License holders with purse seine endorsements during the years 1995 or 1996 located in the counties of Wakulla, Franklin, Gulf, Bay, Walton, and Okaloosa. Priority shall be given to such Saltwater Products License holders with landings in 1996 as recorded on Florida DEP trip tickets of one or more of the following baitfish species: Spanish sardines, cigar minnows, thread herring, chub mackerel, anchovy, little tunny, menhaden, blue runner, and ladyfish. No more than 7 such licenses shall be issued which allow for and shall be limited to the following:*

(a) These licenses shall be issued only for the use of baitfish purse seines, not exceeding 600 yards in length, to be used in the nearshore and inshore waters, modified to employ solid tarpaulin material in conjunction with 500 square feet of traditional seine mesh netting in the State of Florida in and south of the counties of Wakulla, Franklin, Gulf, Bay, Walton, and Okaloosa. Only one purse seine per license shall be allowed.

(b) Each licensee shall post a bond of $50,000 payable to the State of Florida as security to pay for any environmental damage or cleanup of material caused by this fishing gear of the licensee.

(2) The Marine Fisheries Commission shall establish limits on annual harvest levels for the area, for each of the baitfish species that are the subject of this section, based on maintaining healthy scientific and biological levels of stock abundance of those certain baitfish species by allowing annual harvest of the baitfish species in the program area limited by the Florida Marine Fisheries Commission not to exceed 50 percent of the annual average of reported landings which occurred over the 3 years prior to July 1, 1995.

Section 26. *Section 253.022, Florida Statutes, is repealed.*

Section 27. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to natural resource management; amending s. 125.564, F.S.; providing a limitation on liability for counties purchasing certain lands for certain purposes; providing that lands acquired by the state and its political subdivisions may contain cattle dipping vats; creating s. 166.047, F.S.; providing a limitation on liability for municipalities purchasing certain lands for certain purposes; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 253.034, F.S.; specifying objectives of the management of the state's lands and natural resources; providing requirements for multiple-use land management strategies; providing references to the Land Acquisition and Management Council; revising land-management plan adoption processes; correcting a cross reference; amending s. 253.68, F.S.; modifying authority of local government to object to state aquaculture leases; amending s. 253.7825, F.S.; correcting a cross reference; amending s. 259.032, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain lands through the Conservation and Recreation Lands (CARL) Trust Fund; directing managing agencies to enter into certain contracts or agreements; requiring notice and public hearing on individual management plans; providing for withholding of Preservation 2000 acquisition funds from certain agencies; providing management objectives for lands acquired under ch. 259, F.S.; increasing the percentage of funds deposited in the Florida Preservation 2000 Trust Fund available for land management and capital improvements; allowing agencies to keep revenues generated from activities on lands they manage; revising provisions relating to payments in lieu of taxes; amending s. 259.035; creating the Land Acquisition and Management Advisory Council; providing responsibility for review of plans for state-owned lands; creating s. 259.036, F.S.; providing for management review teams for certain lands; amending s. 259.101, F.S.; adding historical or archeological sites to Preservation 2000 project criteria; commencing process to close out the Florida Preservation 2000 Program; amending s. 260.015, F.S.; changing certain land acquisition procedures for the Florida Greenways and Trails Program; creating s. 369.255, F.S.; authorizing certain counties and municipalities to create green utilities and adopt fees for certain purposes; amending s. 373.139, F.S.; providing that lands acquired for specified purposes by water management districts shall receive multiple-use management, except under certain conditions; directing the district governing boards to consult with or enter into a memorandum of agreement with specified state agencies with respect to such management; amending s. 373.59, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain land through the Water Management Lands Trust Fund; providing for use of land management volunteers; requiring appraisals in specified circumstances; authorizing land management agreements; creating s. 373.591, F.S.; creating management review teams for water management district lands; amending s. 704.06, F.S.; clarifying linear facilities ability to cross conservation easements; repealing s. 253.022, F.S., relating to the Land Management Advisory Council; amending s. 373.250, F.S.; revising a date with respect to certain reports by water management districts; amending s. 370.06, F.S.; authorizing the department to issue special activity licenses for aquacultural activities involving sturgeon; amending s. 370.092, F.S.; providing for the transport of mullet harvested in Alabama waters; providing for penalties for fishing during periods of license suspension or revocation; creating s. 370.093, F.S.; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; providing for penalties; providing a definition of the terms "net" and "netting"; authorizing the Marine Fisheries Commission to adopt certain rules; amending s. 370.14, F.S.; providing the Marine Patrol discretion to be present at the closed-season weighing of crawfish; creating s. 370.1405, F.S.; providing for the sale of crawfish during a closed season under specified reporting requirements; providing penalties; establishing an experimental program to assess the utility and effects of using "tarp" nets to harvest baitfish; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 1, line 17 through page 2, line 26, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 52, lines 11-19, delete those lines and insert: providing that lands acquired by the state and its political subdivisions may contain cattle dipping vats; amending s. 253.03, F.S.;

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 6, between lines 9 and 10, insert:

(3) In recognition that recreational trails purchased with rails-to-trails funds pursuant to s. 259.101(3)(g) have had historic transportation uses and that their linear character may extend many miles, the Legislature intends that when the necessity arises to serve public needs, after balancing the need to protect trail users from collisions with automobiles and a preference for the use of overpasses and underpasses to the greatest extent feasible and practical, transportation uses shall be allowed to cross recreational trails purchased pursuant to s. 259.101(3)(g). When these crossings are needed, the location and design should consider and mitigate the impact on humans and environmental resources, and the value of the land shall be paid based on fair market value.

(Renumber subsequent subsections)

And the title is amended as follows:

On page 52, line 25, after the semicolon (;) insert: providing for transportation uses of certain recreational trails;

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 15, delete line 9 and insert: *planning process. Beginning fiscal year 1998-1999, individual management plans required by s.*

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D—On page 28, lines 29 and 30, delete those lines and insert:

Section 11. Subsections (4) and (7) of section 259.101, Florida Statutes, 1996 Supplement, are amended to read:

Senator McKay moved the following amendments to **Amendment 1** which were adopted:

Amendment 1E—On page 31, line 28, after "*given*" insert: *to the completion of projects in which one or more parcels have already been acquired and*

Amendment 1F (with title amendment)—On page 33, between lines 6 and 7, insert:

Section 12. Paragraph (f) of subsection (9) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

(f)1. Pursuant to subsection (3) and beginning in fiscal year *1998-1999* ~~1997-1998~~, that portion of the unencumbered balances of each program described in paragraphs (3)(c), (d), (e), (f), and (g) which has

been on deposit in such program's Preservation 2000 account for more than two fiscal years shall be redistributed equally to the Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund. For the purposes of this subsection, the term "unencumbered balances" means the portion of Preservation 2000 bond proceeds which is not obligated through the signing of a purchase contract between a public agency and a private landowner, except that the program described in paragraph (3)(c) may not lose any portion of its unencumbered funds which remain unobligated because of extraordinary circumstances that hampered the affected local governments' abilities to close on land acquisition projects approved through the Florida Communities Trust program. Extraordinary circumstances shall be determined by the Florida Communities Trust governing body and may include such things as death or bankruptcy of the owner of property; a change in the land use designation of the property; natural disasters that affected a local government's ability to consummate the sales contract on such property; or any other condition that the Florida Communities Trust governing board determined to be extraordinary. The portion of the funds deposited in the Water Management Lands Trust Fund shall be distributed to the water management districts as provided in s. 373.59(7).

2. The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

(Renumber subsequent sections)

And the title is amended as follows:

On page 53, line 30, after "Program;" insert: clarifying language pertaining to Preservation 2000 funds;

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G (with title amendment)—On page 33, between lines 6 and 7, insert:

(7) ALTERNATE *USES* ~~GOVERNMENTAL USE~~ OF ACQUIRED LANDS.—

(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to subsection (3), for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution, and *any other incidental public or private use that* ~~which~~ is determined by the board or the owning water management district to be compatible with the purposes for which such lands were acquired.

(b) Any existing lease, easement, or license acquired for incidental public or private use on, under, or across any lands acquired pursuant to subsection (3) shall be presumed not to be incompatible with the purposes for which such lands were acquired.

(c)~~(b)~~ Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, as described in s. 375.045(4).

And the title is amended as follows:

On page 53, line 27, after the semicolon (;) insert: authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit any incidental public or private use of lands acquired with Preservation 2000 funds if the use is compatible or will not interfere with the purposes for which the lands were acquired; providing for preexisting leases, easements, and licenses not to be considered as incompatible uses;

Senator McKay moved the following amendments to **Amendment 1** which were adopted:

Amendment 1H—On page 34, line 31, after "*be*" insert: *collected on a voluntary basis as set forth by the county and*

Amendment 1I—On page 35, lines 9-30, delete those lines and insert:

Section 14. Subsection (5) of section 373.139, Florida Statutes, 1996 Supplement, is amended to read:

373.139 Acquisition of real property.—

(5) Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses. *Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.*

Amendment 1J—On page 35, line 31 through page 36, line 3, delete those lines and insert:

Section 15. Paragraph (c) of subsection (4), subsection (11) and paragraphs (a) and (b) of subsection (14) of section 373.59, Florida Statutes, 1996 Supplement, are amended and new subsections (16) and (17) are added to that section to read:

Amendment 1K—On page 35, line 31, after the period (.) insert: Subsections (1) and (9)

Amendment 1L (with title amendment)—On page 36, between lines 4 and 5, insert:

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements, payments in lieu of taxes, and administration of the fund in accordance with the provisions of this section. ~~In addition, for fiscal year 1995-1996, moneys in the fund that are not revenues from the sale of any bonds and that are not required for debt service for any bond issue may be used to fund activities authorized under the Surface Water Improvement and Management Act, pursuant to ss. 373.451-373.4595, and for the control of aquatic weeds pursuant to part II of chapter 369. Up to 25 percent of the moneys in the fund may be allocated annually to the districts for management, maintenance, and capital improvements pursuant to subsection (7).~~

And the title is amended as follows:

On page 54, line 14, after the semicolon (;) insert: deleting a limitation on the use of funds for land management and capital improvements;

Amendment 1M—On page 37, between lines 19 and 20, insert:

(14)(a) Beginning in fiscal year 1992-1993, not more than one-fourth of the land management funds provided for in subsections (1) and *(9)* ~~(8)~~ in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payment in lieu of taxes to qualifying counties for actual ad valorem tax losses incurred as a result of lands purchased with funds allocated pursuant to s. 259.101(3)(b). In addition, the Northwest Florida Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District shall pay to qualifying counties payments in lieu of taxes for district lands acquired with funds allocated pursuant to subsection *(8)* ~~(7)~~. Reserved funds that are not used for payment in lieu of taxes in any year shall revert to the fund to be used for management purposes or land acquisition in accordance with this section.

(b) Payment in lieu of taxes shall be available to counties for each year in which the levy of ad valorem tax is at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and the population is 75,000 or less and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

Amendment 1N (with title amendment)—On page 36, between lines 26 and 27, insert:

(9) Each district may use ~~up to 15 percent of~~ its allocation under subsection *(8)* ~~(7)~~ for management, maintenance, and capital improvements. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

And the title is amended as follows:

On page 54, line 14, after the semicolon (;) insert: deleting a limitation on the use of funds for land management and capital improvements;

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1O—On page 46, line 5, after the period (.) insert: *Multifilament material shall not be defined to include nets constructed of braided or twisted nylon, cotton, linen twine, or polypropylene twine.*

Senator Bronson moved the following amendment to **Amendment 1** which was adopted:

Amendment 1P—On page 2, line 27 through page 3, line 21, delete those lines and insert:

Section 3. *Acquisition of lands by the state.—Lands acquired or sought to be acquired by the state and its political subdivisions may contain cattle-dipping vats as defined in section 376.301, Florida Statutes. The Legislature determines that it is in the public interest for the state and its political subdivisions to acquire cattle-dipping vats from willing sellers, where such vats are located on or within the boundaries of parcels or tracts acquired or being acquired by the state and its political subdivisions or on lands managed by a public interest organization for environmental mitigation purposes. Notwithstanding any other provision of law, the state and special taxing districts as defined in section 189.403(6), Florida Statutes, shall not exclude such cattle-dipping vats from any such individual acquisition or sequence of acquisitions using state funds in whole or in part or otherwise acquired pursuant to any permitting program under state law; and outparcels excluded from previous acquisitions which contain such cattle-dipping vats shall be acquired under existing state acquisition programs. The state and its political subdivisions shall not become liable under state law solely as an incident of such acquisition for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation for any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB's 1119 and 1577** as amended was placed on the calendar of Bills on Third Reading.

SB 1270—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.0163, F.S.; requiring certain outpatient facilities to submit plans and specifications for agency review; exempting certain outpatient facilities that meet specified standards from certain construction reviews; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules related to construction requirements for new facilities or additions to existing facilities; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (with title amendment)—On page 3, between lines 2 and 3, insert:

Section 3. Section 395.0164, Florida Statutes, is created to read:

395.0164 Mobile surgical facilities.—

(1) A mobile surgical facility is a semitrailer as defined in s. 316.003 in which licensed medical professionals provide surgical procedures. It is not an ambulatory surgical center.

(2) A mobile surgical facility that has a contract with the Department of Corrections to provide medical services is exempt from the licensing and construction requirements of chapter 395.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: creating s. 395.0164, F.S.; providing that licensing and construction requirements of ch. 395, F.S., do not apply to mobile surgical facilities;

On motion by Senator Bronson, further consideration of **SB 1270** with pending **Amendment 1** was deferred.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Friday, May 2.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Thursday, May 1, 1997: SB 14, SB 162, SB 172, SB 190, SB 204, CS for SB's 234 and 456, CS for SB 250, SB 252, SB 388, SB 450, SB 468, CS for SB 748, SB 1008, SB 1028, CS for SB 1056, SB 1102, CS for SB 1214, CS for SB 1228, CS for SB 1248, CS for SB 1362, CS for SB 1432, CS for SB 1456, SB 1496, CS for CS for SB 1532, CS for SB 1592, CS for SB 1598, SB 1784, CS for SB's 1846 and 1876, CS for SB 2038, SB 2058, CS for CS for SB 2194, CS for SB 2310, SB 2342, SB 2346, CS for SB 2436, SB 2054

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 1, 1997: HB 1875, HB 1175, SB 2510, HB 977, SB 2530, HB 1543

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

EXECUTIVE BUSINESS

The Honorable Toni Jennings May 1, 1997
President, The Florida Senate

Dear Madam President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointee:	Spottswood, Andrea A.	10/31/1999
Board of Acupuncture		
Appointees:	Fraser, John Michael	10/31/2000
	Yen, Johanna Chu	10/31/2000
Board of Architecture and Interior Design		
Appointees:	Anderson, Gere Timberlake	10/31/2000
	Butt, Arnold Frederick	10/31/1998
	Laramore, Charlotte P.	10/31/2000
State Athletic Commission		
Appointee:	Goodman, Alvin	09/30/2000

Office and Appointment		For Term Ending
Florida Board of Auctioneers		
Appointees:	Cretul, Jimmy	10/31/2000
	Larrua, Herminia Martinez	10/31/1997
Greater Orlando Aviation Authority		
Appointees:	Hattaway, Robert T.	04/16/2000
	Miller, William, Jr.	04/16/2000
	Ritch, John Bunnette	04/16/2000
Barbers' Board		
Appointees:	Capostagno, Frank	10/31/2000
	McCanless, Walter C., Jr.	10/31/2000
Florida Black Business Investment Board		
Appointees:	Carswell, Keith A.	09/30/1997
	Nelson, Tony D.	08/30/1998
Florida Building Code Administrators and Inspectors Board		
Appointees:	Fuchs, Donald Lee, Jr.	10/31/2000
	Gregg, Ada Mijares	10/31/2000
	Rogers, George Arthur	10/31/2000
Board of Building Codes and Standards		
Appointees:	Harris, Peggy P.	05/01/1999
	Thorne, Karl Seymour	08/11/1999
Capitol Center Planning Commission		
Appointee:	Block, Charles Edward	09/30/2000
Board of Chiropractic		
Appointees:	Sheldon, Richard Alan	10/31/2000
	Wolfson, Wayne Curtis	10/31/2000
Florida Citrus Commission		
Appointees:	Evans, James Emmett III	05/31/2000
	Jackson, Raymond Alvin	05/31/2000
	Marshburn, Joseph D.	05/31/2000
	McPherson, Rex Vanburt II	05/31/1998
Board of Clinical Laboratory Personnel		
Appointees:	Barr, Norris Holland	10/31/2000
	Fergason, Kay Elizabeth	10/31/2000
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Connor, Olga Arazoza	10/31/2000
	Waldo, John Stephen	10/31/1998
Regulatory Council of Community Association Managers		
Appointees:	Billups, Reginald D.	10/31/2000
	Creekmore, Thomas, Jr.	10/31/2000
	Grosskopf, John E.	10/31/1997
	Heller, Shirley	10/31/1999
	Hildebrandt, Harold R.	10/31/1999
State Board of Community Colleges		
Appointees:	Belohlavek, John Milan	09/30/2001
	Brice, Peggy J.	09/30/1997
	Lang, Joseph Hagedorn	09/30/1997
	Platt, George I. III	09/30/2001
Florida Commission on Community Service		
Appointee:	Bailey, Mark Lawrence	09/14/1998
Board of Trustees of Chipola Junior College		
Appointee:	Mason, Gerald V.	05/31/1999
Board of Trustees of Edison Community College		
Appointees:	Heber, Thomas C.	05/31/2000
	Warr, Katherine L.	05/31/2000
Board of Trustees of Florida Community College at Jacksonville		
Appointee:	Barrett, Martha Elizabeth	05/31/1999
Board of Trustees of Florida Keys Community College		
Appointee:	Cates, Emma Carrero	05/31/1998
Board of Trustees of Gulf Coast Community College		
Appointee:	Bloodworth, Leon Reed	05/31/2000
Board of Trustees of Manatee Community College		
Appointees:	Branic, Gladys	05/31/2000
	McGuire, Hugh Etheridge	05/31/1998
	Perkins, Robert Eugene	05/31/2000
Board of Trustees of Palm Beach Community College		
Appointee:	Johnston, Harry A.	05/31/1997
Board of Trustees of Pensacola Junior College		
Appointees:	Baker, Richard Robert	05/31/1997
	Goodman, Antoinette L.	05/31/1998
Board of Trustees of Polk Community College		
Appointee:	Ruthven, Joe P.	05/31/1997
Board of Trustees of St. Petersburg Junior College		
Appointees:	Harwell, Lacy Rankin	05/31/1998
	Megaloudis, Gary	05/31/1999
Board of Trustees of Tallahassee Community College		
Appointee:	May, Fountain Howard, Jr.	05/31/1997
Board of Trustees of Valencia Community College		
Appointee:	Lackey, Jan Duke	05/31/2000
Construction Industry Licensing Board		
Appointees:	Laird, Robert D.	10/31/1997
	Malia, Robert Joseph	10/31/2000
	Palacios, Rafael Raul	10/31/2000
	Stokes, Susan C.	10/31/1997
Florida Corrections Commission		
Appointees:	Bolte, John R.	06/30/2000
	Harvey, David Fulton	06/30/2000
	Revell, Ernest Guy, Jr.	06/30/2000
	Sansom, Ray	06/30/2000
State of Florida Correctional Medical Authority		
Appointees:	Baker, Jeannie Brinson	09/30/1999
	Clark, Nerevda Polo	07/01/2000
	Hicks, Thomas Lynn	07/01/1999
	Rushing, C. Winston	09/30/2000
	Russell, Barbara S.	07/01/2000
Board of Cosmetology		
Appointees:	Ortiz, Maria M.	10/31/1998
	Poole, David William	10/31/1999
	Reddick, Nesper LaKay	10/31/2000
	Roy, Emily D.	10/31/2000
	Stone, Ann E.	10/31/1998
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointees:	Mauldin, Mary Inez	12/10/2000
	Turner, Edgar Malone	11/19/2000
Board of Dentistry		
Appointees:	Brotman, Solomon George	10/31/2000
	McDonald, Mary Lou Duffill	10/31/2000
	Stavros, Irene J.	10/31/2000
Florida Development Finance Corporation		
Appointees:	Brooks, Theodore H., Jr.	05/02/2000
	Hill, Joseph D., Jr.	05/02/1999
Education Practices Commission		
Appointees:	Burton, Robert E.	09/30/1999
	Coddington, Clarissa H.	09/30/1999
	Corbett, Jordon Jerome	09/30/1998
	Davis, James Edward	09/30/1998
	Kenney, Mary Hannigan	09/30/2000

Office and Appointment		For Term Ending
	Palmer, Jayne Ann Wayman	09/30/1999
	Sijan, Amy O'Brien	09/30/2000
	Wolfe, Margaret Ada	09/30/1999
	Wright, Ronald Stephen	09/30/1999
Education Standards Commission		
Appointees:	Coto, Norma E.	09/30/1998
	Farmer, Diane Albert	09/30/1998
	Hoag, Patrick John	09/30/1999
	Horn, Patricia Solomon	09/30/1997
	Huckabay, George Eugene	09/30/1999
	Johnson, Katherine McDonald	09/30/1998
	Lafferty, Gerald F.	09/30/1997
	Lisch, Eloise Turner	09/30/1998
	Lopez, Mary Morgan	09/30/1998
	Martin, Suzanne Owens	09/30/1999
	McBride, Rebecca Rigby	09/30/1999
	McDavis, Roderick John	09/30/1999
	Pippin, James Willard	09/30/1998
	Proctor, William Lee	09/30/1998
	Rodriquez-Walling, Matty Barcelo	09/30/1998
	Sailor, Susan Hardee	09/30/1999
	Sharpe, Barbara Jean	09/30/1999
Florida Elections Commission		
Appointees:	Buermann, Eric	12/10/1999
	Hardaway, Larry D.	12/10/1999
	McClure, Julie G.	12/27/1999
	Murrah, Kenneth F.	12/10/1999
	Ostrau, Norman M.	12/10/1997
Electrical Contractors' Licensing Board		
Appointees:	Abreu, Arnaldo Luis	10/31/2000
	Roberts, Lewis Christmas	10/31/2000
Board of Employee Leasing Companies		
Appointees:	Bloomer, Donna Mary	10/31/2000
	Byrd, Bernard Clinton, Jr.	10/31/2000
	Saladrigas, Carlos A.	10/31/1999
	Samuels, Robert J.	10/31/1997
Board of Professional Engineers		
Appointee:	Whitston, David Austin	10/31/1999
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Blue, Barbara Ann	07/01/2000
	Hodor, Howard Irwin	07/01/1998
	Nunis, Richard A.	07/01/1999
Board of Directors, Capital Development Board		
Appointees:	Burton, Donald Williamson	03/09/2000
	Hill, Joseph D., Jr.	03/09/2000
	Lyons, Clayton Thaddeus	03/09/2000
	Masferrer, Eduardo A.	03/09/2000
	Mitchell, John Adam	03/09/1998
Board of Directors, Florida International Trade and Economic Development Board		
Appointees:	Dye, H. Michael	11/21/2000
	Hendry, Robert Ryon	11/21/2000
	Hsu, Paul S.	11/21/1999
	Jennings, Cleastor William	11/21/1999
	Maguire, Amelia Rea	11/21/2000
	Milton, Teala A.	11/21/2000
	O'Brien, James Joseph	11/21/2000
	Schirard, Joseph Brantley	11/21/2000
	Simionetta, Rocco Santo	11/21/2000
	Smith, John Edward	11/21/2000
	Steiner, Robert Newton	11/21/2000
	Villamil, Jose Antonio	11/21/1999
	Watermeier, Janet L.	11/21/1998
Board of Directors, Technology Development Board		
Appointees:	Crissey, Relf Seward	06/14/1997
	Gabremariam, Fassil	06/14/1998
Board of Directors, Workforce Development Board		
Appointees:	Alexis, Patricia Augustina	06/05/2000
	Brody, Sue Gourley	06/05/1999
	Daly, John Joseph	06/05/1999
	Habif, Josefina Bonet	06/05/2000
	Lenard, Marilyn P.	06/05/2000
	Neimeiser, Mark M.	06/05/1999
	Rhoads, Sharon Callen	06/05/2000
	Witte, Betty Jean	06/05/1999
Environmental Regulation Commission		
Appointees:	Krant, Elizabeth Howard	07/01/1999
	Rogers, Roy	07/01/1997
Commission on Ethics		
Appointee:	Prieto, Peter	06/30/1998
Tampa-Hillsborough County Expressway Authority		
Appointee:	Callahan, Frank Thomas	07/01/2000
Board of Funeral and Cemetery Services		
Appointee:	Ray, David Preston	09/08/1997
Board of Funeral Directors and Embalmers		
Appointees:	Benboe, Daniel Leslie	10/31/2000
	Cunningham, Albert Lee	10/31/1998
Game and Fresh Water Fish Commission		
Appointee:	Morris, Julie K.	01/06/2002
Board of Professional Geologists		
Appointees:	Enos, Gabrielle Mitzn	10/31/2000
	Greene, Collace Clinton	10/31/2000
Commission on Government Accountability to the People		
Appointees:	Cosio Carballo, Isabel Cristina	08/21/2000
	Heggestad, Arnold A.	08/21/2000
	Kelley, James Darrell	08/21/2000
	Lewis-Brent, Lana Jane	08/21/1997
	Tedder, Joseph G.	08/21/2000
Secretary of Department of Health		
Appointee:	Howell, James Thomas	Pleasure of Governor
Board of Hearing Aid Specialists		
Appointees:	Currow, Neal C.	10/31/1997
	Dingler, Denson Powell II	10/31/2000
	Telischi, Fred F.	10/31/1997
	Weber, Dora W.	10/31/2000
	Yordon, Leonard M.	10/31/2000
Board of Trustees of South Lake County Hospital District		
Appointee:	McGriff, Dorothy C.	07/05/1999
Florida Housing Finance Agency		
Appointees:	Baldwin, Stephanie Williams	11/13/2000
	Hernandez, Victoria	11/13/1998
	Lee, Edward, Jr.	11/13/2000
	Martin, Richard Charles	11/13/2000
Florida Commission on Human Relations		
Appointees:	Ellis, Larry Tyrone	09/30/1999
	Fenton, Jeanette LaRussa	09/30/1999
	Flom, Elena Marie Koch	09/30/2000
	Jenkins, Whitfield	09/30/2000
	Townsend, Ronald Paul	09/30/1999
	Walker, Chriss	09/30/2000
State Board of Independent Colleges and Universities		
Appointees:	Durst, Maribeth	09/30/1999
	Milton, Fredrick Timothy	09/30/1999
	Ullmann, Steven George	09/30/1999

Office and Appointment		For Term Ending
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointees:	McCormick, Fenwick Donald	07/01/1997
	Peoples, David L.	07/01/1998
	Whibbs, Vincent John, Jr.	07/01/1999
Investment Advisory Council		
Appointees:	McBride, William H., Jr.	12/12/2000
	Nast, Donald Arden	12/12/2000
Board of Landscape Architecture		
Appointees:	Gilchrist, Hilda Gomez	10/31/2000
	Greene, Susan	10/31/1999
	Hemphill, David Keith	10/31/1999
Governor's Mansion Commission		
Appointee:	Douglass, William Dexter	09/30/2000
Gulf States Marine Fisheries Commission		
Appointee:	McFarland, Patrick Kelly	01/05/1998
Board of Massage		
Appointees:	Cressor, Candace	10/31/1999
	Keith, Thomasena Banks	10/31/2000
	Rosello, Gloria	10/31/2000
Board of Medicine		
Appointees:	El-Bahri, Georges A.	10/31/2000
	Murray, Louis Charles	10/31/2000
	Pardue, Carolyn Rennick	10/31/2000
	Scoon, Cecile M.	10/31/2000
	Woods, Abraham Lincoln III	10/31/2000
National Conference of Commissioners on Uniform State Laws		
Appointees:	Ehrhardt, Charles W.	06/05/1999
	Stagg, Clyde Lawrence	06/05/1999
Board of Nursing		
Appointees:	Curry-Baggett, Patricia	10/31/2000
	Edwards, Willie	10/31/2000
	Garner, Diane Jimenez	10/31/2000
	Leonard, Mary Kathryn	10/31/2000
	Woolfork, Betty Bacon	10/31/1999
Board of Nursing Home Administrators		
Appointees:	Conti, Mary Alice	10/31/1999
	Echevarria, Katherine Harris	10/31/1998
	Goodman, Terry Carl	10/31/2000
	Lockeby, Kyle Eustice, Jr.	10/31/1998
	Trachsel, Sandra Faye	10/31/2000
Board of Opticianry		
Appointees:	Chamberlain, Sonya A.	10/31/2000
	Jones, William Vernon	10/31/1999
	Mathews, Caroline Walton	10/31/1997
	Rowley, Harry Clayton	10/31/1997
	Whited, Edmund Andrew III	10/31/1999
Board of Optometry		
Appointee:	Schlofman, Arthur Leonard	10/31/2000
Board of Osteopathic Medicine		
Appointees:	Owen, Carol R.	10/31/1997
	Panzer, Robert George	10/31/2000
Parole Commission		
Appointees:	Crockett, Maurice G.	06/30/1998
	Spooner, Edward M.	06/30/2002
	Wolson, Judith A.	06/30/2000
Board of Pharmacy		
Appointees:	Inge, Leonard LeBaron	10/31/2000
	Mora, Juan Francisco	10/31/2000
Board of Physical Therapy Practice		
Appointees:	Bello, Barbara Wynne	10/31/1997
	Lindeblad, Susan Kenville	10/31/2000
	Menge, Jewell Emily	10/31/2000
Board of Pilot Commissioners		
Appointees:	Alonso-Poch, Manuel	10/31/2000
	Sisselman, Ludmila Saposhkov	10/31/2000
Pilotage Rate Review Board		
Appointees:	Howe, Helen R.	10/31/1998
	Rodriguez, Ramon A.	10/31/2000
	Scionti, Anthony J.	10/31/2000
Board of Podiatric Medicine		
Appointees:	Hickey, Jill Virginia	10/31/1997
	Simmonds, Warren L.	10/31/2000
Postsecondary Education Planning Commission		
Appointees:	Bryan, Robert A.	02/04/2000
	Kirk, James E., Jr.	02/04/2000
	LaFace, Ron C.	08/31/1997
	Shelton, Maria M.	02/04/2000
Prepaid Postsecondary Education Expense Board		
Appointees:	Starling, Bruce Cordell	06/30/1997
	Tate, Stanley G.	06/30/1999
Historic Palm Beach Preservation Board of Trustees		
Appointee:	Healy-Golembe, Patricia Ann	06/30/1999
Historic Pensacola Preservation Board of Trustees		
Appointee:	Currin, Beverly Madison (Matt)	06/30/1999
Historic Tallahassee Preservation Board of Trustees		
Appointee:	Dunlap, Janice Dickens	06/30/1999
Historic Tampa-Hillsborough County Preservation Board of Trustees		
Appointees:	Alvarez, Mary C.	06/30/1999
	Salaga, Vivian O.	06/30/1999
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Hoover, Robin C.	09/30/1998
	Humphries, Frederick S.	09/30/1999
	May, Randall Lee	09/30/2000
	Medlin, Kenneth Lewis	09/30/1999
Board of Psychology		
Appointees:	Perry, Nathan W.	10/31/2000
	Rivas-Vazquez, Ana Albarran	10/31/2000
	Weitz, William Alan	10/31/1999
Public Employees Relations Commission		
Appointee:	Gertz, Sally Caroline	01/01/2001
Chairman of Public Employees Relations Commission		
Appointee:	Mahon, Lacy, Jr.	01/01/2000
Florida Public Service Commission		
Appointee:	Johnson, Julia Louise	01/01/2001
Florida Real Estate Appraisal Board		
Appointee:	Callaway, Mary M.	10/31/2000
Florida Real Estate Commission		
Appointees:	Fisher, Herbert Roosevelt	10/31/2000
	Tangel-Rodriguez, Ana E.	10/31/2000
Board of Regents		
Appointees:	Harding, James Raymond	09/01/1997
	Heekin, James Freeman, Jr.	01/01/2003
	Lewis, Philip Daniel	01/01/2002
	Moyle, Jon Cameron	01/01/2003
West Florida Regional Planning Council, Region 1		
Appointees:	Barnard, Robert Franklin	Pleasure of Governor

Office and Appointment		For Term Ending
	Buchanan, Fred Allen	Pleasure of Governor
	Carlan, Charles Hampton	Pleasure of Governor
	Hood, Russell Glenn	Pleasure of Governor
	Robbins, Delores Jean	Pleasure of Governor
Apalachee Regional Planning Council, Region 2		
Appointee:	Bailar, Richard J.	10/01/1999
North Central Florida Regional Planning Council, Region 3		
Appointees:	Blakewood, Stephen Wyman	10/01/1997
	Hodges, Evon W.	10/01/1997
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Burney, Betty Seabrook	10/01/1998
	Hawkinson, James Earl	10/01/1998
	McCullagh, Lenore N.	10/01/1998
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Barnes, John T.	10/01/1997
	Bronson, Thomas Edward	10/01/1998
	Davis, Marjorie C.	10/01/1997
	Neville, Eunice M.	10/01/1997
	Poole, Eugene Alphonziea	10/01/1998
East Central Florida Regional Planning Council, Region 6		
Appointees:	Barice, Carole Joy	10/01/1998
	Chotas, Elias Nicholas	10/01/1999
	Clegg, Barbara A.	10/01/1998
	Ervin, Thomas Lee, Jr.	10/01/1997
	Grajales, Luis Enrique	10/01/1998
	Hattaway, James Allen	10/01/1997
	Lamar, Howell Arthur	10/01/1997
	Marbury, Howard William	10/01/1998
	Poe, Bob	10/01/1998
	Schneider, Mark Edward	10/01/1998
	Wellman, Labon Ernest	10/01/1997
Central Florida Regional Planning Council, Region 7		
Appointees:	Clemons, Susanne H.	10/01/1998
	Jones, Mary E.	10/01/1997
	Martz, John Claude	10/01/1997
	Whitlock, Paul Pate	10/01/1998
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Bradley, Terrye Singletary	10/01/1998
	Davis, Albert	10/01/1998
	Horton, Sam James	10/01/1998
	Kelly, Otis	10/01/1998
	Kennedy, Thomas Francis	10/01/1998
	Nodine, William E.	10/01/1997
	Silverberg, Jane Esther	10/01/1997
	Young, Helen Wright	10/01/1997
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Klaas, Richard Lee	10/01/1999
	Suarez, Israel	10/01/1998
Treasure Coast Regional Planning Council, Region 10		
Appointee:	Klein, Robert Neal	10/01/1999
South Florida Regional Planning Council, Region 11		
Appointee:	Echemendia, Santiago Dionisio	10/01/1998
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Austin-Smith, Sheila A.	11/05/1999
	Barnett, James Samuel	11/05/2000
	Cook, Marlow Webster	11/05/2000
	Labasky, Beth K.	11/05/2000
Board of Speech-Language Pathology and Audiology		
Appointees:	Hough, Gerald Lawrence	10/31/2000
	Pellegrino, Mary M.	10/31/2000
Jacksonville Sports Development Authority		
Appointee:	Arnold, Charles Warner, Jr.	09/30/1999
Board of Professional Surveyors and Mappers		
Appointees:	Armstead, Ralph	10/31/1997
	Gibson, David Wylie	10/31/2000
	Woodward, Charles George	10/31/2000
Florida Commission on Tourism		
Appointees:	Benson, Hayward J., Jr.	06/30/2000
	Cherniavsky, Thomas W.	06/30/2000
	Garfield, Randy Alan	06/30/2000
	Halford, Nancy Stanton	06/30/1998
	Healan, Jack Bernard, Jr.	06/30/2000
	Litrenta, Edward J.	06/30/2000
	Racanelli, John Charles	06/30/2000
	Smith, Roxanna L.	06/30/2000
Florida Transportation Commission		
Appointees:	Asher, Don L.	09/30/1998
	Roepstorff, Robbie Briggs	09/30/1999
Unemployment Appeals Commission		
Appointee:	Harris, Charlie	06/30/2000
Florida Commission on Veterans' Affairs		
Appointees:	Ogilvie, Victor Nicholas	11/16/2000
	Reese, Frank	11/16/2000
	Thomas, John W.	11/16/2000
	Walker, Isabella Beggio	11/16/2000
Board of Veterinary Medicine		
Appointees:	Lewis, Cynthia N.	10/31/2000
	O'Neil, Robert Eugene	10/31/2000
Governing Board of the Northwest Florida Water Management District		
Appointees:	de Lorge, John Oldham	03/01/2001
	Middlemas, John Robert, Jr.	03/01/2001
	Riley, Judith Byrne	03/01/2001
	Roberts, Charles W.	03/01/2001
Governing Board of the St. Johns River Water Management District		
Appointees:	Hughes, Reid B.	03/01/2001
	Mason, Otis Alphonso	03/01/2001
	Roach, James Daniel	03/01/2001
	Segal, William Martin	03/01/2001
Governing Board of the South Florida Water Management District		
Appointees:	Berger, Mitchell Wayne	03/01/2001
	Carter, Vera M.	03/01/2001
	Minton, Michael David	03/01/2001
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Davenport, Claudia Annette	03/01/1999
	Goetz, Ellin	03/01/1999
Governing Board of the Southwest Florida Water Management District		
Appointees:	Harllee, John Pope IV	03/01/2001
	Johnson, Ronald Craig	03/01/2001
	Thompson, Sarah Ann (Sally)	03/01/2001
Executive Director of Southwest Florida Water Management District		
Appointee:	Vergara, Emilio De	Pleasure of the Board
Alafia River Basin Board of the Southwest Florida Water Management District		

Office and Appointment		*For Term Ending*
Appointee:	Haugabook, Earl	03/01/1999
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Gaston, Lois Hurston	03/01/1999
	Kuenzel, Calvin Arnold	03/01/1999
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Hamner, John Thomas	03/01/1998
	Jones, Judith Lynne	03/01/1998
	Longino, Berryman Thomas	03/01/1999
	Williams, Charles Erwin	03/01/1999
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Tillotson, Gwendolyn Sue	03/01/1999
	Wester, Janette Meredith	03/01/1999
Peace River Basin Board of the Southwest Florida Water Management District		
Appointee:	Davis, William Keith	03/01/1999
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	Spigelman, Adelle Levin	03/01/1999
	Starkey, Jay B.	03/01/1999
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dixon, Eleanor Patricia	03/01/1998
	Haile, Julia Hackley	03/01/1999
	Lee, Andrew Wayne	03/01/1999
Governing Board of the Suwannee River Water Management District		
Appointees:	Carver, John David, Jr.	03/01/2001
	Colson, Suzanne Kuszyna	03/01/2001
	Howell, Maceo, Jr.	03/01/2001
	Waring, Malachi Howell	03/01/2001

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate.

2) Senate action on said appointments be taken prior to the adjournment of the 1997 Regular Session.

3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—38

Madam President	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary
Cowin	Gutman	Klein	Rossin
Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Thomas
Dudley	Horne	McKay	Turner
Dyer	Jenne	Meadows	Williams
Forman	Jones	Myers	
Grant	Kirkpatrick	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Bankhead, Sullivan

DISCLOSURE UNDER RULE 1.39

The law firm in which I am a shareholder, provides legal services to the governing board of the St. Johns River Water Management District and to one of its members individually. Although I personally do not represent or provide legal services to either of these clients, I partake of legal fees paid generally to my law firm.

Four members of the governing board of the St. Johns Water Management District were up for confirmation today, as part of a list of 375 gubernatorial appointees to various boards and commissions recommended for confirmation by the Senate Executive Business, Ethics and Elections Committee.

Senate Rule 1.20 provides that no senator is permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest, but Senate Rule 1.39 provides that a senator must disclose any personal, private, or professional interest [in a bill] that would inure to that senator's special private gain or the special gain of any principal to whom the senator is obligated.

It is in the public's interest and consequently my duty to vote on all confirmations before the Senate, so in an abundance of caution, I am making the above disclosure as provided by Senate Rule 1.39.

Buddy Dyer, 14th District

The Honorable Toni Jennings May 1, 1997
President, The Florida Senate

Dear Madam President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Architecture and Interior Design		
Appointee:	Hall, Berta S.	10/31/1999
Florida Communities Trust		
Appointee:	Perez, Julian Humberto	01/31/1997
Education Standards Commission		
Appointees:	D'Alessandro, Bobbie J.	09/30/1996
		09/30/1999
	Sharpe, Barbara Jean	09/30/1996
Board of Directors, Workforce Development Board		
Appointee:	Tornillo, Pat L.	06/05/1999
Environmental Regulation Commission		
Appointee:	Batchelor, Dick J.	07/01/1999
Florida Housing Finance Agency		
Appointee:	Martin, Richard Charles	11/13/1998
Board of Medicine		
Appointee:	Skinner, Margaret Sheppard	10/31/1997
Board of Opticianry		
Appointee:	Chamberlain, Sonya A.	10/31/1996

Office and Appointment	*For Term Ending*
Board of Osteopathic Medicine	
Appointee: Panzer, Robert George	10/31/1996
Board of Physical Therapy Practice	
Appointee: Prado, Antonio	10/31/1999
Board of Pilot Commissioners	
Appointee: Fuller, James Walden	10/31/1996
Historic Palm Beach Preservation Board of Trustees	
Appointee: Wescott, William Flynn	06/30/1999
Florida Real Estate Appraisal Board	
Appointee: Callaway, Mary M.	10/31/1996
Apalachee Regional Planning Council, Region 2	
Appointee: Bailar, Richard J.	10/01/1996
North Central Florida Regional Planning Council, Region 3	
Appointee: Harris, Oscar L., Jr.	10/01/1996
State Retirement Commission	
Appointee: Butler, Wilbert, Jr.	12/31/1999
Governing Board of the Southwest Florida Water Management District	
Appointee: Harllee, John Pope	03/01/1997
Peace River Basin Board of the Southwest Florida Water Management District	
Appointee: Barben, Robert H.	03/01/1997

The Senate Committee on Executive Business, Ethics and Elections has failed to consider these appointments because:

a) the terms of the following persons have expired: Richard J. Bailar, Robert H. Barben, Mary M. Callaway, Sonya A. Chamberlain, Bobbie J. D'Alessandro, John Pope Harllee, Oscar L. Harris, Jr., Robert George Panzer, Julian Humberto Perez and Barbara J. Sharpe.

b) the following persons have resigned: Dick J. Batchelor, Wilbert Butler, Jr., Bobbie J. D'Alessandro, James Walden Fuller, Berta S. Hall, Richard Charles Martin, Antonio Prado, Margaret Sheppard Skinner, Pat L. Tornillo and William Flynn Wescott.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The Honorable Toni Jennings May 1, 1997
President, The Florida Senate

Re: Suspension of:

LENZY CORBIN
Member, Board of County Commissioners
Washington County, Florida

Dear Madam President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Lenzy Corbin.

By Executive Order Number 96-326 filed with the Secretary of State on October 22, 1996, the Honorable Lawton Chiles, as Governor, suspended Lenzy Corbin as a member of the Board of County Commissioners of Washington County, Florida. On January 29, 1997, the Honorable Lawton Chiles entered an Order of Reinstatement, Executive Order Number 97-42, revoking the Executive Order of Suspension and reinstating the Honorable Lenzy Corbin to the aforesaid county office on that date.

In view of the foregoing, the Committee on Executive Business, Ethics and Elections advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the foregoing report on the reinstatement of Lenzy Corbin, County Commissioner, Washington County, Florida was adopted and the Senate took no further action.

The Honorable Toni Jennings May 1, 1997
President, The Florida Senate

Re: Suspension of:

RICHARD ALLEN "AL" HARRISON
Sheriff
Gulf County, Florida

Dear Madam President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Richard Allen "Al" Harrison.

By Executive Order Number 94-142, filed with the Secretary of State on June 8, 1994, the Honorable Lawton Chiles, as Governor, suspended Richard Allen "Al" Harrison, as Sheriff, Gulf County, Florida. The term of office for Mr. Harrison, as Sheriff, Gulf County, Florida, was from January 5, 1993 through January 6, 1997.

Executive Order Number 94-142, charged that Sheriff Harrison, while holding the aforesaid office, obstructed justice by interfering with a Florida Department of Law Enforcement investigation into charges against him, instructing potential witnesses to resist the efforts of law enforcement investigators to gather information. Executive Order Number 94-142 further alleged that such actions constituted the offenses of malfeasance and/or misfeasance, which are grounds for suspension under Article IV, Section 7, Florida Constitution.

By Executive Order Number 95-104, filed with the Secretary of State on March 21, 1995, with information attached, the Honorable Lawton Chiles, as Governor, amended Executive Order Number 94-142 to continue the suspension of Mr. Harrison and to include the following charges that Mr. Harrison, while holding the office of Sheriff, Gulf County, Florida, committed criminal violations of the laws of the United States and of the State of Florida, viz: (1) seven counts of violating the constitutional rights of inhabitants of Florida not to be deprived of liberty without due process of law, which includes the right to be free from willful sexual assault, to wit: that Mr. Harrison coerced female Gulf County Jail inmates to engage in a sexual act thereby depriving them of their liberty without due process of law, contrary to Title 28, United States Code, Section 242; (2) ten counts of sexual battery upon persons 12 years of age or older, without that person's consent, and in the process thereof did not use physical force or violence likely to cause serious personal injury, to wit: that the aforementioned acts of sexual assault in paragraph (1) also constituted sexual battery, and, that Mr. Harrison committed three additional acts constituting sexual battery upon Gulf County Jail inmates and a Gulf County Sheriff's Office Employee, contrary to Section 794.011(5), Florida Statutes; (3) two counts of witness tampering, to wit: that Mr. Harrison knowingly interfered with the investigation into allegations pending against him by instructing two potential witnesses to resist the efforts of law enforcement investigators to examine information, contrary to Section 914.22(1), Florida Statutes; (4) one count of tampering with physical evidence, to wit: that Mr. Harrison knowingly altered, destroyed, concealed or removed a thing with the purpose to impair its verity or availability in a pending criminal

investigation by a duly constituted prosecuting authority or law enforcement agent of this State, by having the carpet and upholstery in his office cleaned, contrary to Section 918.13, Florida Statutes; (5) one count of perjury by contradictory statement, to wit: that Mr. Harrison willfully made two or more material statements under oath in one or more official proceedings in Gulf County, Florida, when in fact two or more of the statements contracted each other, contrary to Section 837.021, Florida Statutes; (6) five counts of improper sexual acts in the presence of, and/or explicit sexually-oriented statements to, female Gulf County Jail inmates, state and county prisoners during transport, and a woman attempting to recover property which Mr. Harrison had recovered on her behalf from a pawnshop. Executive Order 95-104 further stated that the facts alleged constituted the offense of malfeasance, misfeasance, and/or the commission of a felony, which are grounds for suspension under Article IV, Section 7, Florida Constitution.

Criminal prosecution of Mr. Harrison was commenced in the United States District Court for the Northern District of Florida, Panama City Division, (Case No. 94-05034), where on November 15, 1994, the Grand Jury returned an indictment against Mr. Harrison, charging him with ten counts of misdemeanor civil rights violations pursuant to Title 18, United States Code, Section 242. On January 27, 1995, a jury returned a verdict of guilty on seven of the ten charges against Mr. Harrison. *United States v. Harrison*, No. 94-05034 (N.D. Fla.). On March 24, 1995, Mr. Harrison was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 51 months. He is currently serving his sentence at a federal correctional facility in Atlanta, Georgia.

On March 29, 1995, Mr. Harrison, through counsel, filed a Notice of Appeal of his conviction with the United States District Court for the Northern District of Florida, Panama City Division. On December 20, 1996, the United States Court of Appeals for the Eleventh Circuit, without hearing oral argument, rejected Mr. Harrison's position on appeal and upheld the trial court verdicts. *United States v. Harrison*, No. 95-2504 (11th Cir., Dec. 20, 1996).

The Senate assumed jurisdiction of this matter on June 14, 1994, and this matter was referenced to the Senate Committee on Executive Business, Ethics and Elections on February 2, 1995. Proceedings by the Senate and this Committee were stayed through March 20, 1997, pursuant to Senate Rule 12.7(b), pending criminal prosecution in the trial court and exhaustion of all appellate remedies.

Based upon the investigation of this Committee, it is the finding of this Committee that:

(1) Richard Allen "Al" Harrison was suspended from the office of Sheriff, Gulf County, Florida, on June 8, 1994, by Executive Order Number 94-142;

(2) On March 21, 1995, the Honorable Lawton Chiles, as Governor, filed with the Secretary of State an Amended Order of Suspension (Executive Order Number 95-104) regarding Richard Allen "Al" Harrison. Pursuant to Senate Rule 12.7(i), the report of this Committee is directed solely to the amended suspension order;

(3) Richard Allen "Al" Harrison was found guilty by a jury, and such verdict was affirmed on appeal, of seven offenses of violating the constitutional rights of inhabitants of Florida not to be deprived of liberty without due process of law, which includes the right to be free from willful sexual assault, to wit: that Mr. Harrison coerced female Gulf County Jail inmates to engage in sexual acts thereby depriving them of their liberty without due process of law, contrary to Title 28, United States Code, Section 242, and that such acts constitute misfeasance and malfeasance as such terms are used in Article IV, Section 7, Florida Constitution;

(4) The Senate is authorized to remove from office any suspended official for malfeasance or misfeasance, pursuant to Article IV, Section 7, Florida Constitution;

(5) Based on the foregoing findings, it is not necessary for the Committee to address the remaining charges in Executive Order No. 95-104;

(6) Richard Allen "Al" Harrison has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Richard Allen "Al" Harrison be removed from the office of Sheriff, Gulf County, Florida, effective June 8, 1994.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the foregoing report on the suspension of Richard Allen "Al" Harrison, Sheriff, Gulf County, Florida was adopted and the Senate removed Richard Allen "Al" Harrison from said office effective June 8, 1994.

The vote was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Horne, Lee

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 329, CS for HB 915, CS for HB 1631; has passed as amended HB 615, CS for HB's 719, 1223 and 1439, HB 1199, HB 1245, CS for HB 1263, HB 1411, HB 1421, HB 1495, HB 1561, HB 1649, HB 1943 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health Care Standards and Regulatory Reform; and Representative Morse—

CS for HB 329—A bill to be entitled An act relating to mental health services; amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles

under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on General Government Appropriations and Representative Fuller and others—

CS for HB 915—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, or testing purposes from said tax; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Transportation and Representative Ball—

CS for HB 1631—A bill to be entitled An act relating to Challenger license plates; amending s. 320.08058, F.S.; revising language with respect to the distribution of the Challenger license plate funds; providing for the use of such funds; providing for the expiration of authority for issuance of such license plates; amending s. 320.08056, F.S.; authorizing a reduction in the annual use fee for bulk purchasers of such license plates; providing an effective date.

—was referred to the Committees on Transportation; Rules and Calendar; and Ways and Means.

By Representative Argenziano and others—

HB 615—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Real Property and Probate; and Representative Geller and others—

CS for HB's 719, 1223 and 1439—A bill to be entitled An act relating to guardians; creating s. 744.1085, F.S.; providing for the regulation of professional guardians; providing for a bond; providing educational requirements; authorizing issuance of a blanket fiduciary bond; amending s. 744.3135, F.S.; requiring criminal history and credit check; providing for waiver; amending s. 744.3145, F.S.; excluding professional guardians from certain educational requirements; amending s. 744.3675, F.S.; revising language with respect to the annual guardianship plan; amending s. 744.454, F.S.; forbidding professional guardian from purchasing property or borrowing money from his ward; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Tourism and Representative Barreiro and others—

HB 1199—A bill to be entitled An act relating to museums; providing legislative intent; providing definitions; providing obligations of museums to lenders; providing for notice to lenders by museums; providing for termination of loans; providing conditions under which a museum gains title to property; providing for conservation or disposal of loaned property by a museum; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Judiciary.

By Representative Lacasa and others—

HB 1245—A bill to be entitled An act relating to corporations; amending ss. 617.0808 and 617.2103, F.S.; excluding charitable corporations from certain provisions relating to removal of a director from a board of directors; amending s. 48.101, F.S.; clarifying service of process on certain corporations; amending s. 607.01401, F.S.; providing a definition; amending s. 607.0732, F.S.; specifying an additional criterion for certain shareholder agreements; amending s. 607.0902, F.S.; clarifying a circumstance under which acquisition of certain shares does not constitute a control-share acquisition; amending s. 607.1002, F.S.; authorizing a corporation's board of directors to amend the corporation's articles of incorporation for an additional purpose; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Utilities and Communications; and Representative Dockery and others—

CS for HB 1263—A bill to be entitled An act relating to underground facilities damage prevention and safety; amending s. 556.106, F.S.; specifying liability for damage occurring in certain excavations; amending s. 556.108, F.S.; revising certain exemptions from notification requirements; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Bloom and others—

HB 1411—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s. 737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 737.308, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; amending ss. 655.936 and 733.604, F.S.; providing requirements on opening certain safe-deposit boxes; requiring an inventory; requiring filing of inventories with the court; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Frankel and others—

HB 1421—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child; providing factors for the court to consider; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Carlton and others—

HB 1495—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising language with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising language with respect to dealer liability; amending s. 681.114, F.S.; revising language with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Representative Futch and others—

HB 1561—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Gay—

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Mackenzie and others—

HB 1943—A bill to be entitled An act relating to insurance; requiring certain insurers to file reports concerning their risk based capital; requiring the Department of Insurance to request such reports under certain circumstances; providing for hearings; providing definitions and reporting requirements; requiring certain insurers to file reports of material transactions concerning their assets or their ceded reinsurance agreements; providing definitions and reporting requirements; prescribing authority of the Department of Insurance with respect to such reports; amending s. 624.3161, F.S.; deleting a limitation on frequency of certain market conduct examinations; revising contract specifications for independent examiners; amending s. 626.321, F.S.; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 624.424, F.S.; increasing the time limitation on insurers using certain accounting services for certain purposes; creating s. 624.5094, F.S.; providing for offset of dividends or premium refunds in calculating the annual assessment for the Special Disability Trust Fund and expenses of administration; amending s. 625.121, F.S.; providing for the use of additional mortality tables; amending s. 627.476, F.S.; providing for the use of additional mortality tables; amending ss. 627.4555 and 627.5045, F.S.; revising provisions requiring notice to policyowners and secondary addressees of impending lapse of certain insurance policies under certain circumstances; providing procedures; providing application; amending s. 628.801, F.S.; updating a reference to the Insurance Holding Company System Regulatory Act; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has requested the return of HB 255.

John B. Phelps, Clerk

HB 255—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 72, SB 98, SB 162, SB 388, SB 416, SB 418, SB 420, SB 422, SB 424, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, CS for SB 508, CS for SB 918, SB 1028, CS for SB 1056, CS for SB 1362, SB 1784 and CS for SB 1836; and has passed SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134 and SB 2136 by the required Constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House amendments and passed CS for SB's 764 and 474, as amended.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed CS for HB 95, CS for HB 97, CS for HB 113, CS for HB 129, HB 131, HB 153, CS for HB 137, HB 255, CS for HB 387, HB 395, CS for HB 419, CS for HB 487, HB 507, CS for CS for HB 725, HB 1077, CS for HB 1111, CS for HB 1413, CS for HB 1597 and HB 1965, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-SPONSORS

Senators Crist—CS for SB 1486; Silver—CS for SB 716

Senator Forman withdrew as a co-sponsor of CS for CS for SB 546 and CS for SB 1438.

VOTES RECORDED

Senator Diaz-Balart was recorded as voting "yea" on the following bills which were considered April 30: CS for CS for SB 64, CS for SB 918, CS for SB 1836, SB 2252, CS for CS for HB 725, CS for HB 1275, CS for HB 1319, HB 1619, HB 1965 and HB 2013.

RECESS

On motion by Senator Bankhead, the Senate recessed at 7:16 p.m. to reconvene at 9:00 a.m., Friday, May 2.

Journal of the Senate

Number 23—Regular Session **Friday, May 2, 1997**

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senators Kirkpatrick and Sullivan, periodically for the purpose of conference committee meetings.

PRAYER

The following prayer was offered by the Most Reverend John H. Ricard, Bishop of the Diocese of Pensacola-Tallahassee, Pensacola:

Almighty and Eternal God, Creator, Lawgiver, Supreme Being, we stand before you today in a spirit of thankfulness and praise. We thank you for bringing us to this closing moment when we can once more celebrate the strength and force of this great experiment which we call democracy. In a world where few voices are heard, where human dignity and individual freedom is but a distant dream, we are grateful that we have the opportunity to come together and in mutual respect and harmony work for the sake of the common good.

We ask you to bless us and all the men and women who have made this legislative session possible, who work behind the scenes often unheralded and unheard. We ask you to bless the members of our families who make great sacrifices so that we can be here to carry out the work of democracy. We ask you to bless the myriad numbers of people who provide counsel and support and keep us true to our task.

We thank you for what has been accomplished and what will be accomplished in these days. We know full well that it was your guiding hand which made all things possible. For the Psalmist said long ago, "Unless the Lord builds the house, they labor in vain who build it; unless the Lord watch over the city, the watchmen watch in vain." May we never forget all that we have we had first received, and may we express our gratitude for what we have by working for the needs of others in making their needs our own.

As we bring this session to a close, we ask you to give us your guidance this day that we may complete the task which has been entrusted to us; that we may work with diligence, discipline, wisdom and honor. As we leave to go home today, we ask that you grant each one of us a safe and secure journey, a joyful reunion with our loved ones and a justifiable pride in what we have accomplished. Although we leave, we acknowledge the task which lies before us, and we ask your guiding hand as we pledge ourselves to labor for a society which is going to be just and right where all men and women will feel they have a rightful place.

We pray to you, who are our Lord and God, now and forever. Amen.

PLEDGE

Senate Pages, Nathan Roberts of Tallahassee and Kari Copeland of Bristol, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Burt—

By Senator Burt—

SR 2522—A resolution commending Carl Reynolds for his lifelong service to the betterment of the State of Florida, its people, and its institutions.

WHEREAS, Carl Reynolds has spent his formative years and adult lifetime as a resident of Florida, and

WHEREAS, Carl Reynolds, from his beginnings as a newspaper carrier boy to his long service as a respected and tireless supporter for his state and nation has exemplified those characteristics most admired by his fellow citizens, and

WHEREAS, Carl Reynolds was instrumental in the establishment, nurturing, and continual growth of Florida's largest trade association, Florida Citrus Mutual, and

WHEREAS, Carl Reynolds has unflaggingly donated his time and energy to the promotion and betterment of Florida's citrus growers and the 11,000 members of Florida Citrus Mutual in addition to the prosperity of agricultural activity throughout Florida, and

WHEREAS, Carl Reynolds, over a span of 50 years has served as a sage advisor, wise counsel, and tireless strategist for the improvement of his industry in particular and the citizens of Florida in general, and

WHEREAS, Carl Reynolds has demonstrated generosity, courage, honesty, integrity, and diligence in each task he has undertaken, and

WHEREAS, Carl Reynolds continues to be a fearless protector of the rights of all men and the independence of human action, and

WHEREAS, Carl Reynolds, although deprived of visual sight in recent years, has shared his impeccable insight and flawless recollection of the development of governmental and social institutions within Florida with common men and officials alike, and

WHEREAS, Carl Reynolds has been tireless over the years in his efforts to ensure governmental entities' accountability to the public, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate, on behalf of all the citizens of Florida who have benefited from the presence of Carl Reynolds, commends him for his dedicated and tireless service to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Carl Reynolds as a tangible token of the sentiments of the Florida Senate.

—**SR 2522** was introduced, read and adopted by publication.

At the request of Senator McKay—

By Senator McKay—

SR 2542—A resolution honoring the Bradenton Christian High School Girls' Basketball Team for winning the Class 2A State Championship.

WHEREAS, the Bradenton Christian High School Girls' Basketball Team on March 4, 1997, defeated Graceville by a score of 46-43, and

WHEREAS, by defeating Graceville, the Bradenton Christian High School Girls' Basketball Team became the Class 2A State Champions, and

WHEREAS, this is the first state championship won by an athletic team from Bradenton Christian High School, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Bradenton Christian High School Girls' Basketball Team is commended for winning the Class 2A State Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Bradenton Christian High School Coach James Van Til, Principal Daniel Van der Kooy, and Gerald Mitchell, head of the school, as a tangible token of the sentiments of the Florida Senate.

—**SR 2542** was introduced, read and adopted by publication.

CONSENT CALENDAR

On motion by Senator Kurth, by two-thirds vote **HB 259** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Kurth—

HB 259—A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **SB 126** and read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Alcohol, drug abuse, and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the Department of Health and Rehabilitative Services in the funding of alcohol, drug abuse, and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to, beginning with the 1997-1998 fiscal year:*

(1) Funding thresholds for alcohol, drug abuse, and mental health services in each of the current districts, statewide, shall be established based on the current number of persons in need per district for alcohol and drug abuse, and for mental health services, respectively.

(2) "Persons in need" means those persons who fit the profile of the respective target populations and require mental health or substance abuse services.

(3) Beginning July 1, 1997, 75 percent of any additional funding beyond the 1996-97 fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts based on:

(a) epidemiological estimates of disabilities which apply to the respective target populations.

(b) a pro-rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

(4) The remaining 25 percent shall be allocated based on the number of persons in need of alcohol, drug abuse and mental health services per district without regard to current funding levels.

(5) Target populations for persons in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display by target population shall show: The annual number of persons served based on prior year actual numbers, the annual cost per person served, the number of persons served by service cost center and the estimated number of the total target population for persons in need.

(6) The annual cost per person served shall be defined as the total actual funding for each target population divided by the number of persons served in the target population for that year.

(7) Commencing on July 1, 1998, all additional funding pursuant to this section shall be performance based.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to alcohol, drug abuse, and mental health services; providing a process for achieving equity in the funding of such services among the service districts of the Department of Children and Family Services; providing an effective date.

On motion by Senator Kurth, by two-thirds vote **HB 259** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Silver
Brown-Waite	Dyer	Kirkpatrick	Sullivan
Burt	Forman	Klein	Thomas
Campbell	Grant	Kurth	Turner
Casas	Gutman	Latvala	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Lee

CS for SB 238—A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms "health maintenance organization" and "major medical equipment" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a home health agency, hospice, and long-term-care hospital; defining the terms "home health agency," "long-term-care hospital," and "respite care"; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance organizations; adding replacement of facilities as reviewable activity;

deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, termination of health care services, and contracts for shared services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; eliminating expedited review of increases in nursing home beds at a specified facility; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies contingent upon specified future actions, inmate health care facilities, delicensure of beds, the termination of a health care service, inpatient diagnostic cardiac catheterization services, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe with respect to administrative hearings; providing timeframes for submitting recommended orders and a final order; amending s. 408.040, F.S., expanding the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; revising the effective date for certain statutory provisions; providing for continued applicability of certain statutes pending administrative or judicial action on a specified date; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross-references to changes made by the act; amending ss. 400.602, 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365, 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Brown-Waite and failed:

Amendment 1 (with title amendment)—On page 17, line 15 through page 18, line 1, delete those lines and insert:

(e)~~(i)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of $5,000 provided in s. 408.038.

(f)~~(j)~~ Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(g)~~(k)~~ Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.

(h) Replacement of a health care facility when the

And the title is amended as follows:

On page 2, lines 11-13, delete those lines and insert: health hazards; requiring expedited review of

Senator Brown-Waite moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 408.032, Florida Statutes, is amended to read:

408.032 Definitions.—As used in ss. 408.031-408.045, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2)~~(1)~~ "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a health care facility as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, *which is made to change*~~; or an expenditure which exceeds the minimum as specified in s. 408.036(1)(c), changes~~ the bed capacity of the facility, or substantially *change* ~~changes~~ the services or service area of the health care facility, health service provider, or hospice, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, initial financing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment. ~~The agency shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~

(3)~~(2)~~ "Certificate of need" means a written statement issued by the agency evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility, health service, or hospice.

(4)~~(3)~~ "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a health care facility, including procurement of a building permit applying the use of agency-approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing.

~~(4) "Department" means the Agency for Health Care Administration.~~

(5) "District" means a health service planning district composed of the following counties:

District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties.

District 2.—Holmes, Washington, Bay, Jackson, Franklin, Gulf, Gadsden, Liberty, Calhoun, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.

District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, Alachua, Marion, Citrus, Hernando, Sumter, and Lake Counties.

District 4.—Baker, Nassau, Duval, Clay, St. Johns, Flagler, and Volusia Counties.

District 5.—Pasco and Pinellas Counties.

District 6.—Hillsborough, Manatee, Polk, Hardee, and Highlands Counties.

District 7.—Seminole, Orange, Osceola, and Brevard Counties.

District 8.—Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry, and Collier Counties.

District 9.—Indian River, Okeechobee, St. Lucie, Martin, and Palm Beach Counties.

District 10.—Broward County.

District 11.—Dade and Monroe Counties.

(6) "Expedited review" means the process by which certain types of applications are not subject to the review cycle requirements contained in s. 408.039(1), and the letter of intent requirements contained in s. 408.039(2).

(7) "Health care facility" means a hospital, *long-term care hospital,* skilled nursing facility, *hospice,* intermediate care facility, or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

~~(8) "Health maintenance organization" means a health care provider organization defined and authorized in part I of chapter 641.~~

(8)~~(9)~~ "Health services" means diagnostic, curative, or rehabilitative services and includes alcohol treatment, drug abuse treatment, and mental health services.

(9) "Home health agency" means an organization, as defined in s. 400.462(4), that is certified or seeks certification as a Medicare home health service provider.

(10) "Hospice" or "hospice program" means a hospice as defined in part VI of chapter 400.

(11) "Hospital" means a health care facility licensed under chapter 395.

(12) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual operating cost of $500,000 or more. The agency shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.

(13) "Intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require health-related care and services above the level of room and board.

(14) "Intermediate care facility for the developmentally disabled" means a residential facility licensed under chapter 393 and certified by the Federal Government pursuant to the Social Security Act as a provider of Medicaid services to persons who are mentally retarded or who have a related condition.

(15) "Long-term care hospital" means a hospital licensed under chapter 395 which meets the requirements of 42 C.F.R. s. 412.23(e) and seeks exclusion from the Medicare prospective payment system for inpatient hospital services.

~~(15) "Major medical equipment" means equipment which is used to provide medical and other health services, which has been approved for general usage by the United States Food and Drug Administration for less than 3 years and which costs in excess of $1 million. The agency shall, by rule, adjust the equipment threshold annually using an appropriate inflation index.~~

(16) "Multifacility project" means an integrated residential and health care facility consisting of independent living units, assisted living facility units, and nursing home beds certificated on or after January 1, 1987, where:

(a) The aggregate total number of independent living units and assisted living facility units exceeds the number of nursing home beds.

(b) The developer of the project has expended the sum of $500,000 or more on the certificated and noncertificated elements of the project combined, exclusive of land costs, by the conclusion of the 18th month of the life of the certificate of need.

(c) The total aggregate cost of construction of the certificated element of the project, when combined with other, noncertificated elements, is $10 million or more.

(d) All elements of the project are contiguous or immediately adjacent to each other and construction of all elements will be continuous.

(17) "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

(18) "Respite care" means short-term care in a licensed health care facility which is personal or custodial and is provided for chronic illness, physical infirmity, or advanced age for the purpose of temporarily relieving family members of the burden of providing care and attendance.

(19)~~(18)~~ "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing, to inpatients, skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(20)~~(19)~~ "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

~~(20) "Agency" means the department or agency which has responsibility for health planning and health regulation.~~

(21) "Regional area" means any of those regional health planning areas established by the agency to which local and district health planning funds are directed to local health councils through the General Appropriations Act.

Section 2. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(1) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and *health* services~~, hospices, and health maintenance organizations~~ in context with the following criteria:

(a) The need for the health care facilities and *health* services ~~and hospices~~ being proposed in relation to the applicable district plan ~~and state health plan~~, except in emergency circumstances *that* ~~which~~ pose a threat to the public health.

(b) The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of like and existing health care *facilities and health* services ~~and hospices~~ in the service district of the applicant.

(c) The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

(d) The availability and adequacy of other health care facilities and *health* services ~~and hospices~~ in the service district of the applicant, such as outpatient care and ambulatory or home care services, which may serve as alternatives for the health care facilities and *health* services to be provided by the applicant.

(e) Probable economies and improvements in service *which* ~~that~~ may be derived from operation of joint, cooperative, or shared health care resources.

(f) The need in the service district of the applicant for special equipment and services *that* ~~which~~ are not reasonably and economically accessible in adjoining areas.

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of osteopathy and medicine at the student, internship, and residency training levels.

(h) The availability of resources, including health manpower, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation; the effects the project will have on clinical needs of health professional training programs in the service district; the extent to which the services will be accessible to schools for health professions in the service district for training purposes if such services are available in a limited number of facilities; the availability of alternative uses of such resources for the provision of other health services; and the extent to which the proposed services will be accessible to all residents of the service district.

(i) The immediate and long-term financial feasibility of the proposal.

(j) The special needs and circumstances of health maintenance organizations.

(k) The needs and circumstances of those entities *that* ~~which~~ provide a substantial portion of their services or resources, or both, to individuals not residing in the service district in which the entities are located or in adjacent service districts. Such entities may include medical and other health professions, schools, multidisciplinary clinics, and specialty services such as open-heart surgery, radiation therapy, and renal transplantation.

(l) The probable impact of the proposed project on the costs of providing health services proposed by the applicant, upon consideration of factors including, but not limited to, the effects of competition on the supply of health services being proposed and the improvements or innovations in the financing and delivery of health services which foster competition and service to promote quality assurance and cost-effectiveness.

(m) The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.

(n) The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.

(o) The applicant's past and proposed provision of services *that* ~~which~~ promote a continuum of care in a multilevel health care system, which may include, but *are* ~~is~~ not limited to, acute care, skilled nursing care, home health care, and assisted living facilities.

(2) In cases of capital expenditure proposals for the provision of new health services to inpatients, the *agency* ~~department~~ shall also reference each of the following in its findings of fact:

(a) That less costly, more efficient, or more appropriate alternatives to such inpatient services are not available and the development of such alternatives has been studied and found not practicable.

(b) That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner.

(c) In the case of new construction *or replacement construction*, that alternatives to *the* ~~new~~ construction, for example, modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable.

(d) That patients will experience serious problems in obtaining inpatient care of the type proposed, in the absence of the proposed new service.

(e) In the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care services, that the addition will be consistent with the plans of other agencies of the state responsible for the provision and financing of long-term care, including home health services.

~~(3) For any application authorized by s. 381.706(2)(j) or (k) involving an approved facility based on a certificate-of-need application filed prior to December 31, 1984, the department shall approve such application unless the proposed consolidation or division would result in a facility or facilities not meeting the criterion of financial feasibility or unless the consolidation or division would result in beds or services being moved more than 15 miles from their original certificated location.~~

Section 3. Section 408.036, Florida Statutes, as amended by chapters 93-214, 94-206, and 95-418, Laws of Florida, is amended to read:

408.036 Projects subject to review.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs *(a)-(k)* ~~(a)-(n)~~, are subject to review and must file an application for a certificate of need with the *agency* ~~department~~. The *agency* ~~department~~ is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, *including a replacement health care facility when the proposed project site is not located on the same site as the existing health care facility*.

~~(c) A capital expenditure of $1 million or more by or on behalf of a health care facility or hospice for a purpose directly related to the furnishing of health services at such facility; provided that a certificate of need is not required for an expenditure to provide an outpatient health service, or to acquire equipment or refinance debt, for which a certificate of need is not otherwise required under this subsection. The department shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~

(c)~~(d)~~ The conversion from one type of health care facility to another, including the conversion from one level of care to another, in a skilled or intermediate nursing facility, if the conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of the skilled or intermediate nursing facility within a 2-year period. If the nursing facility is certified for both skilled and intermediate nursing care, the provisions of this paragraph do not apply.

(d)~~(e)~~ Any *increase* ~~change~~ in licensed bed capacity.

(e)~~(f)~~ *Subject to the provisions of paragraph (3)(i), the establishment of a Medicare-certified home health agency*, the establishment of a hospice, or the direct provision of such services by a health care facility or health maintenance organization for those other than the subscribers of the health maintenance organization*; except that this paragraph does not apply to the establishment of a Medicare-certified home health agency by a facility described in paragraph (3)(h).*

(f)~~(g)~~ An acquisition by or on behalf of a health care facility or health maintenance organization, by any means, which acquisition would have required review if the acquisition had been by purchase~~, including an acquisition at less than fair market value if the fair market value is greater than the capital expenditure threshold~~.

(g)~~(h)~~ The establishment of inpatient institutional health services by a health care facility, or a substantial change in such services.~~, or the obligation of capital expenditures for the offering of, or a substantial change in, any such services which entails a capital expenditure in any amount, or an annual operating cost of $500,000 or more. The department shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.~~

(h)~~(i)~~ The acquisition by any means of an existing health care facility by any person, unless the person provides the *agency* ~~department~~ with at least 30 days' written notice of the proposed acquisition, which notice is to include the services to be offered and the bed capacity of the facility, and unless the *agency* ~~department~~ does not determine, within 30 days after receipt of such notice, that the services to be provided and the bed capacity of the facility will be changed.

~~(j) The acquisition, by any means, of major medical equipment by a health maintenance organization or health care facility to the extent that the health maintenance organization or health care facility is not exempt under former s. 381.713(1).~~

(i)~~(k)~~ An increase in the cost of a project for which a certificate of need has been issued when the increase in cost exceeds *20* ~~the limits set~~

~~forth in paragraph (c), paragraph (h), or s. 408.032, or 10~~ percent of the originally approved cost of the project, ~~whichever is less,~~ except that a cost overrun review is not necessary when the cost overrun is less than *$20,000* ~~$10,000~~.

(j)~~(l)~~ *An increase* ~~A change~~ in the number of psychiatric or rehabilitation beds.

(k)~~(m)~~ The establishment of tertiary health services.

~~(n) A transfer of a certificate of need, in which case an expedited review must be conducted according to rule and in accordance with s. 408.042.~~

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(a) Cost overruns, *as defined in paragraph (1)(i)* ~~unless such cost overruns are caused by a change in service or scope which the department determines are otherwise reviewable~~.

(b) Research, education, and training programs, *unless otherwise reviewable under subsection (1).*

~~(c) Donations, when market value equals or exceeds the applicable capital expenditure thresholds for operating expenditures, or major medical equipment, as defined in this act.~~

~~(d) Acquisition of land which is to be used for the construction of a health care facility, or office facilities for health care providers.~~

~~(e) Termination of a health care service.~~

(c)~~(f)~~ Shared services contracts or projects.

(d)~~(g)~~ A transfer of a certificate of need.

~~(h) Emergency projects and unforeseen major public health hazards.~~

(e)~~(i)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of $5,000 provided in s. 408.038.

(f)~~(j)~~ Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(g)~~(k)~~ Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.

(h) Replacement of a health care facility when the proposed project site is located in the same district and within a 1-mile radius of the replaced health care facility.

The *agency* ~~department~~ shall develop rules to implement the provisions for expedited review, including time schedule, application content, and application processing.

(3) EXEMPTIONS.—Upon request, supported by such documentation as the *agency* ~~department~~ requires, the *agency* ~~department~~ shall grant an exemption from the provisions of subsection (1):

~~(a) For any expenditure by or on behalf of a health care facility for any part of the physical plant which is not to be directly used for providing health services or housing health care providers. This exemption applies to expenditures for parking facilities, meeting rooms, cafeterias, administrative data processing facilities, research buildings, landscaping, and similar projects, but does not apply to expenditures for office facilities for health care providers.~~

~~(b) For any expenditure to eliminate or prevent safety hazards as defined by federal, state, or local codes.~~

~~(c) For any expenditure to replace any part of a facility or equipment which is destroyed as a result of fire, civil disturbance, or storm or any other act of God.~~

~~(d) For any expenditure to acquire major medical equipment that is a substantially identical replacement for existing equipment being taken out of service.~~

(a)~~(e)~~ For the initiation or expansion of obstetric services ~~after July 1, 1988~~.

(b)~~(f)~~ For any expenditure to replace or renovate any part of a licensed *health care* ~~nursing~~ facility, provided that the number of licensed beds will not increase and, in the case of a replacement facility, the project site is the same as the facility being replaced.

(c)~~(g)~~ For providing respite care services. ~~As used in this paragraph, the term "respite care" means short-term care in a licensed health care facility which is personal or custodial in nature and is provided by reason of chronic illness, physical infirmity, or advanced age for the purpose of temporarily relieving family members of the burden of providing care and attendance in the home. In providing respite care, the health care facility must be the primary caregiver.~~ An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.

(d)~~(h)~~ For hospice services provided by a rural hospital, as defined in s. 395.602, or for swing beds in such rural hospital in a number that does not exceed one-half of its licensed beds.

(e)~~(i)~~ For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertification, and the agency shall adjust the community nursing home bed inventory accordingly.

(f)~~(j)~~ For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

(g)~~(k)~~ For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

(h) For the establishment of a Medicare-certified home health agency by a facility certified under chapter 651; a retirement community, as defined in s. 400.404(2)(e); or a residential facility that serves only retired military personnel, their dependents, and the surviving dependents of deceased military personnel. Medicare-reimbursed home health services provided through such agency shall be offered exclusively to residents of the facility or retirement community or to residents of facilities or retirement communities owned, operated, or managed by the same corporate entity. Each visit made to deliver Medicare-reimbursable home health services to a home health patient who, at the time of service, is not a resident of the facility or retirement community shall be a deceptive and unfair trade practice and constitutes a violation of ss. 501.201-501.213.

(i) For the establishment of a Medicare-certified home health agency. This paragraph shall take effect 90 days after the adjournment sine die of the next regular session of the Legislature occurring after the legislative session in which the Legislature receives a report from the Director of Health Care Administration certifying that the federal Health Care Financing Administration has implemented a per-episode prospective pay system for Medicare-certified home health agencies.

(j) For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

(k) For an expenditure by or on behalf of a health care facility to provide a health service exclusively on an outpatient basis.

(l) For the termination of a health care service.

(m) For the delicensure of beds. An application submitted under this paragraph must identify the number, the classification, and the name of the facility in which the beds to be delicensed are located.

(n) For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1. In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

a. The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.

b. The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c. The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2. The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a. Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b. Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. Maintain appropriate program volumes to ensure quality and safety.

e. Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(I) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to subparagraph 2.

4. The agency shall not grant any exemption under this paragraph until the adoption of the rules required under this paragraph, or until March 1, 1998, whichever comes first. However, if final rules have not been adopted by March 1, 1998, the proposed rules governing the exemptions shall be used by the agency to grant exemptions under the provisions of this paragraph until final rules become effective.

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

Section 4. Section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) An application for a certificate of need *must* ~~shall~~ contain:

(a)~~(1)~~ A detailed description of the proposed project and statement of its purpose and need in relation to ~~the applicant's long-range plan,~~ the local health plan~~,~~ and the state health plan.

(b)~~(2)~~ A statement of the financial resources needed by and available to the applicant to accomplish the proposed project. This statement *must* ~~shall~~ include:

1.~~(a)~~ A complete listing of all capital projects, including new health facility development projects and health facility acquisitions applied for, pending, approved, or underway in any state at the time of application, regardless of whether or not that state has a certificate-of-need program or a capital expenditure review program pursuant to s. 1122 of the Social Security Act. The *agency* ~~department~~ may, by rule, require less-detailed information from major health care providers. This listing *must* ~~shall~~ include the applicant's actual or proposed financial commitment to those projects and an assessment of their impact on the applicant's ability to provide the proposed project.

2.~~(b)~~ A detailed listing of the needed capital expenditures, including sources of funds.

3.~~(c)~~ A detailed financial projection, including a statement of the projected revenue and expenses ~~for the period of construction and~~ for the first 2 years of operation after completion of the proposed project. This statement *must* ~~shall~~ include a detailed evaluation of the impact of the proposed project on the cost of other services provided by the applicant.

(c)~~(3)~~ An audited financial statement of the applicant. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation *must* ~~shall~~ include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

(2) The applicant must certify that it will license and operate the health care facility. For an existing health care facility, the applicant must be the licenseholder of the facility.

~~(4) A certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.~~

Section 5. Subsections (1), (2), and (5) and paragraph (b) of subsection (4) of section 408.039, Florida Statutes, 1996 Supplement, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(1) REVIEW CYCLES.—The *agency* ~~department~~ by rule shall provide for applications to be submitted on a timetable or cycle basis; provide for review on a timely basis; and provide for all completed applications pertaining to similar types of services *or*~~,~~ facilities~~, or equipment~~ affecting the same service district to be considered in relation to each other no less often than two times a year.

(2) LETTERS OF INTENT.—

(a) At least 30 days prior to filing an application, a letter of intent shall be filed by the applicant with the *agency* ~~local health council and the department~~, respecting the development of a proposal subject to review. No letter of intent is required for expedited projects as defined by rule by the *agency* ~~department~~.

(b) The *agency* ~~department~~ shall provide a mechanism by which applications may be filed to compete with proposals described in filed letters of intent.

(c) Letters of intent *must* ~~shall~~ describe the proposal*; specify the* ~~with specificity, including proposed capital expenditures,~~ number of beds sought, if any*; identify the*~~,~~ services *to be provided and the*~~,~~ specific subdistrict location*; and identify*~~, identification of~~ the applicant~~, including the names of those with controlling interest in the applicant, and such other information as the department may by rule prescribe~~. ~~The letter of intent shall contain a certified copy of a resolution by the board of directors of the applicant, or other governing authority if not a corporation, authorizing the filing of the application described in the letter of intent; authorizing the applicant to incur the expenditures necessary to accomplish the proposed project; certifying that if issued a certificate, the applicant shall accomplish the proposed project within the time allowed by law and at or below the costs contained in the application; and certifying that the applicant shall license and operate the facility.~~

(d) Within *21* ~~14~~ days after filing a letter of intent, *the agency* ~~the applicant shall publish a notice of filing to be published in a newspaper of general circulation in the area affected by the proposal. The notice of filing shall be published once a week for 2 consecutive weeks on forms and in the format and content specified by the department by rule. Within 21 days after the filing, the department~~ shall publish notice of the filing of letters of intent in the Florida Administrative Weekly and notice that, if requested, a public hearing shall be held at the local level within 21 days after the application is deemed complete. Notices under this *paragraph must* ~~subsection shall~~ contain due dates applicable to the cycle for filing applications and for requesting a hearing.

(4) STAFF RECOMMENDATIONS.—

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council and the Statewide Health Council. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

(5) ADMINISTRATIVE HEARINGS.—

(a) Within 21 days after publication of notice of the State Agency Action Report and Notice of Intent, any person authorized under paragraph *(c)* ~~(b)~~ to participate in a hearing may file a request for an administrative hearing; failure to file a request for hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing and a waiver of the right to contest the final decision of the *agency* ~~department~~. A copy of the request for hearing shall be served on the applicant.

(b) Hearings shall be held in Tallahassee unless the administrative law judge determines that changing the location will facilitate the proceedings. ~~In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 408.036(1)(c).~~ The *agency* ~~department~~ shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Management Services within 10 days after the time has *expired for requesting* ~~run to request~~ a hearing. Except upon unanimous consent of the parties or upon the granting by the administrative law judge of a motion of continuance, hearings shall commence within 60 days after the administrative law judge has been assigned. All ~~non-state-agency~~ parties*, except the agency,* shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the administrative law judge shall complete and submit to the parties a recommended order as provided in ss. 120.569 and 120.57. The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) *In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district.* ~~The department shall issue its final order within 45 days after receipt of the recommended order.~~

(d) *The applicant's failure to strictly comply with the requirements of s. 408.037(1) or paragraph (2)(c) is not cause for dismissal of the application, unless the failure to comply impairs the fairness of the proceeding or affects the correctness of the action taken by the agency.* ~~If the department fails to take action within the time specified in paragraph (4)(a) or paragraph (5)(c), or as otherwise agreed to by the applicant and the department, the applicant may take appropriate legal action to compel the department to act. When making a determination on an application for a certificate of need, the department is specifically exempt from the time limitations provided in s. 120.60(1).~~

(e) The agency shall issue its final order within 45 days after receipt of the recommended order. If the agency fails to take action within such time, or as otherwise agreed to by the applicant and the agency, the applicant may take appropriate legal action to compel the agency to act. When making a determination on an application for a certificate of need, the agency is specifically exempt from the time limitations provided in s. 120.60(1).

Section 6. Paragraphs (a), (b), and (d) of subsection (2) of section 408.040, Florida Statutes, are amended to read:

408.040 Conditions and monitoring.—

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate *18 months* ~~1 year~~ after the date of issuance, except in the case of a multifacility project, as defined in s. 408.032~~(17)~~, where the certificate of need shall terminate 2 years after the date of issuance. ~~The department may extend the period of validity of the certificate for an additional period of up to 6 months, upon a showing of good cause, as defined by rule, by the applicant for the extension.~~ The *agency* ~~department~~ shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 408.033(1)(b)5., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a *good-faith* ~~good faith~~ effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance. ~~The certificate-of-need validity period may be extended by the department for an additional period of up to 6 months upon a showing of good cause, as defined by rule, by the applicant for the extension.~~

(d) If an application is filed to consolidate two or more certificates as authorized by s. 408.036(2)*(f)*~~(j)~~ or to divide a certificate of need into two or more facilities as authorized by s. 408.036(2)*(g)*~~(k)~~, the validity period of the certificate or certificates of need to be consolidated or divided shall be extended for the period beginning upon submission of the application and ending when final agency action and any appeal from such action has been concluded. However, no such suspension shall be effected if the application is withdrawn by the applicant.

Section 7. Section 408.042, Florida Statutes, is amended to read:

408.042 Limitation on transfer.—The holder of a certificate of need shall not charge a price for the transfer of the certificate of need to another person that exceeds the total amount of the actual costs incurred by the holder in obtaining the certificate of need. Such actual costs must be documented by an affidavit executed by the transferor under oath. A holder who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or by a fine not exceeding $10,000, or both. ~~Nothing in this section shall be construed to prevent or alter the value of a transfer or sale by an existing facility of a certificate of need obtained before June 17, 1987, when such facility is transferred with the certificate of need.~~

Section 8. Section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

(1) OSTEOPATHIC ACUTE CARE HOSPITALS.—When an application is made for a certificate of need to construct or to expand an osteopathic acute care hospital, the need for such hospital shall be determined on the basis of the need for and availability of osteopathic services and osteopathic acute care hospitals in the district. When a prior certificate of need to establish an osteopathic acute care hospital has been issued in a district, and the facility is no longer used for that purpose, the *agency* ~~department~~ may continue to count such facility and beds as an existing osteopathic facility in any subsequent application for construction of an osteopathic acute care hospital.

(2) HOSPICES.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a freestanding facility, or a part of a facility, which is primarily engaged in providing inpatient care and related services and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

~~(3) VALIDITY OF CERTIFICATE OF NEED.—A certificate of need issued by the department for nursing home facilities of 100 beds or more prior to February 14, 1986, is valid, provided that such facility has expended at least $50,000 in reliance upon such certificate of need, excluding legal fees, prior to the initiation of proceedings under the Administrative Procedure Act subsequent to February 14, 1986, contesting the validity of the certificate of need. If such nursing home certificate of need includes beds that have not yet been licensed as of June 17, 1987, such beds shall not be considered or utilized in the determination of need or included in the inventory of licensed or approved nursing home beds by the department, with respect to applications filed before June 17, 1987. This subsection shall only apply to nursing home beds. Nothing contained herein shall be construed to deny action pursuant to s. 120.69, or to eliminate any conditions of the certificate of need or time requirements to commence construction, including any authorized extensions.~~

(3)~~(4)~~ RURAL HEALTH NETWORKS.—Preference shall be given in the award of a certificate of need to members of certified rural health networks, as provided for in s. 381.0406, subject to the following conditions:

(a) Need must be shown pursuant to s. 408.035.

(b) The proposed project must:

1. Strengthen health care services in rural areas through partnerships between rural care providers; or

2. Increase access to inpatient health care services for Medicaid recipients or other low-income persons who live in rural areas.

(c) No preference shall be given under this section for the establishment of skilled nursing facility services by a hospital.

(4) PRIVATE ACCREDITATION NOT REQUIRED.—Accreditation by any private organization may not be a requirement for the issuance or maintenance of a certificate of need under ss. 408.031-408.045.

Section 9. Section 408.0455, Florida Statutes, is amended to read:

408.0455 ~~Effect of ss. 408.031-408.045;~~ Rules; ~~health councils and plans;~~ pending proceedings.—

~~(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils and the Statewide Health Council; or the state health plan; or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.~~

~~(2)~~ The rules of the *agency* ~~Department of Health and Rehabilitative Services~~ in effect on June 30, *1997* ~~1992, which implement the provisions of former ss. 381.701-381.715~~, shall remain in effect and shall be enforceable by the agency ~~for Health Care Administration~~ with respect to ss. 408.031-408.045 until such rules are repealed or amended by the agency ~~for Health Care Administration~~, and no judicial or administrative proceeding pending on July 1, *1997* ~~1992~~, shall be abated as a result of the provisions of ss. 408.031-408.043(1) and (2); s. 408.044; or s. 408.045.

Section 10. Subsection (1) of section 408.702, Florida Statutes, is amended to read:

408.702 Community health purchasing alliance; establishment.—

(1) There is hereby created a community health purchasing alliance in each of the 11 health service planning districts established under s. 408.032~~(5)~~. Each alliance must be operated as a state-chartered, nonprofit private organization organized pursuant to chapter 617.

Section 11. Subsection (6) of section 400.602, Florida Statutes, is amended to read:

400.602 Licensure required; prohibited acts; exemptions; display, transferability of license.—

(6) Notwithstanding s. 400.601*(3)*~~(2)~~, at any time after July 1, 1995, any entity entitled to licensure under subsection (5) may obtain a license for up to two additional hospices in accordance with the other requirements of this part and upon receipt of any certificate of need that may be required under the provisions of ss. 408.031-408.045.

Section 12. Paragraph (c) of subsection (1) of section 641.60, Florida Statutes, 1996 Supplement, is amended to read:

641.60 Statewide Managed Care Ombudsman Committee.—

(1) As used in ss. 641.60-641.75:

(c) "District" means one of the health service planning districts as defined in s. 408.032~~(5)~~.

Section 13. *Sections 408.0365 and 408.0366, Florida Statutes, are repealed.*

Section 14. *Subject to any final order of the Florida Supreme Court, ss. 408.036(1)(b) and 408.039(5)(c), Florida Statutes, as amended by this act, do not apply to any replacement application filed with the Agency for Health Care Administration prior to or pending a final hearing before the Division of Administrative Hearings as of April 1, 1997. It is the intent of the Legislature that the remaining provisions of this act do not apply to applications that have been filed prior to the effective date of this act.*

Section 15. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms "health maintenance organization" and "major medical equipment" for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term "health care facility" to include a hospice and long-term care hospital; defining the terms "home health agency," "long-term care hospital," and "respite care"; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance organizations; adding replacement of facilities as review-

able activity; deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; adding a condition for expedited review of research, education, and training programs; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, and termination of health care services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies; exempting from review the establishment of Medicare-certified home health agencies contingent upon specified future actions; exempting from review inmate health care facilities, the termination of a health care service, delicensure of beds, adult inpatient diagnostic cardiac catheterization services contingent upon specified future actions, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe for submitting a final order; amending s. 408.040, F.S.; extending the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; providing for continuation of certain rules and pending administrative or judicial proceedings; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross references; amending ss. 400.602 and 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365 and 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

Senator Brown-Waite moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A (with title amendment)—On page 13, lines 23 and 24, delete those lines and insert:

(b) Research, education, and training programs.

And the title is amended as follows:

On page 34, lines 9-11, delete those lines and insert: expedited review of cost overruns; eliminating

Amendment 2B—On page 26, lines 10 and 11, delete those lines and insert: *an administrative hearing upon a showing that an established program will be substantially affected by the issuance of any*

Amendment 2 as amended was adopted.

On motion by Senator Brown-Waite, by two-thirds vote **CS for SB 238** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—None

SB 354—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendments which were moved by Senator Hargrett and adopted:

Amendment 1—On page 1, line 26, before "*neighbor*" insert: *identifying information in*

Amendment 2—On page 1, line 29, before "*similar*" insert: *identifying information in*

Amendment 3—On page 1, line 31, after the period (.) insert: *This provision shall apply to all individuals who were foster parents and became adoptive parents.*

On motion by Senator Hargrett, by two-thirds vote **SB 354** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Cowin

On motion by Senator Gutman, by two-thirds vote **HB 1529** was withdrawn from the Committees on Regulated Industries and Community Affairs.

On motion by Senator Gutman—

HB 1529—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01, F.S.; providing a definition for an entertainment/resort complex; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 470** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 1529** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dyer	Kirkpatrick	Silver
Brown-Waite	Forman	Klein	Sullivan
Burt	Grant	Kurth	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—2

Campbell	Dudley

On motion by Senator Latvala, by two-thirds vote **CS for HB 329** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Latvala—

CS for HB 329—A bill to be entitled An act relating to mental health services; amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for SB 490** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	McKay
Campbell	Dudley	Jenne	Meadows
Casas	Dyer	Jones	Myers
Childers	Forman	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—Hargrett, Sullivan

Consideration of **CS for CS for SB 514** and **CS for SB 564** was deferred.

On motion by Senator Dudley, by two-thirds vote **CS for CS for HB 169** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means.

On motion by Senator Dudley—

CS for CS for HB 169—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising provisions with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising provisions with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising provisions with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal, or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising provisions with respect to reservations; amending s. 498.025, F.S.; revising provisions with respect to exemptions; amending s. 498.027, F.S.; revising provisions with respect to application for registration; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising provisions with respect to inquiry and examination; amending s. 498.033, F.S.; revising provisions with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising provisions with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising provisions with respect to public offering statements; amending s. 498.039, F.S.; revising provisions with respect to certain trust and escrow accounts; amending s. 498.041, F.S.; revising provisions with respect to annual renewal; providing for termination of registration; amending s. 498.047, F.S., relating to investigations; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

—a companion measure, was substituted for **CS for SB 650** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for CS for HB 169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Hargrett, Lee

MOTION

On motion by Senator Williams, the following remarks were ordered spread upon the Journal:

Senator Williams: Senator Dudley, the bill contains an exemption known as "The Builder's Exemption" for sellers that have a contractual obligation to build a house on the lot within two years. I want to know if that exemption includes the situation in which one corporation agrees to sell the lot in separate corporation contracts to construct the house?

Senator Dudley: Senator Williams, for the record, let me tell you the answer to your question is yes. As long as the purchase contracts are integrated; that is, the seller of the lot and the one who is contracting to build. Further provided that the builder's property license is required by state law. The intent here is that if both of those seller contracts are legally enforceable by the purchaser of the lot so that, as in your amendment, the purchaser of the lot can enforce it by specific performance. That's what is necessary to get this exemption.

SB 660—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered to conform **SB 660** to **CS for HB 605**.

Pending further consideration of **SB 660** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 605** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Holzendorf—

CS for HB 605—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 660** as amended and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman

Consideration of **SB 678** was deferred.

SB 686—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 686** to **CS for HB 841**.

Pending further consideration of **SB 686** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 841** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Kirkpatrick—

CS for HB 841—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; amending s. 372.57, F.S.; requiring additional identification when required by the license or permits; providing an effective date.

—a companion measure, was substituted for **SB 686** as amended and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 841** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 700—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082, 517.101, F.S.; deleting obsolete cross-references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of

certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

—was read the second time by title.

An amendment was considered to conform **CS for SB 700** to **HB 1097**.

Pending further consideration of **CS for SB 700** as amended, on motion by Senator Bronson, by two-thirds vote **HB 1097** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Bronson—

HB 1097—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082 and 517.101, F.S.; deleting obsolete cross references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for SB 700** as amended and read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1097** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—McKay

SB 714—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 714** to **HB 793**.

Pending further consideration of **SB 714** as amended, on motion by Senator Horne, by two-thirds vote **HB 793** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Horne—

HB 793—A bill to be entitled An act relating to mutual insurance holding companies; creating a new part III of chapter 628, F.S.; providing definitions; prohibiting certain stock transfers; providing application; providing for formation of mutual insurance holding companies; specifying requirements for a plan of reorganization; providing for a public hearing; prohibiting payment of dividends; providing for mergers and acquisitions of mutual insurance holding companies; providing for filing and amending articles of incorporation; providing for bylaws; providing for directors; requiring notice of a change in director; providing for membership; providing for distribution of a member's share upon liquidation; providing for applicability; providing for conversion of a mutual insurance holding company to a stock holding company; providing an effective date.

—a companion measure, was substituted for **SB 714** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 793** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Grant	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jenne	Ostalkiewicz	

Nays—2

Campbell	Forman

Vote after roll call:

Yea—Gutman

On motion by Senator Cowin, by two-thirds vote **CS for HB 83** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Cowin—

CS for HB 83—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining "prior conviction"; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

—a companion measure, was substituted for **CS for SB 774** and read the second time by title.

On motion by Senator Cowin, further consideration of **CS for HB 83** was deferred.

On motion by Senator Grant—

CS for SB's 818, 1136 and 1242—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s.

737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 733.08, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB's 818, 1136 and 1242** to **HB 1411**.

Pending further consideration of **CS for SB's 818, 1136 and 1242** as amended, on motion by Senator Grant, by two-thirds vote **HB 1411** was withdrawn from the Committee on Judiciary.

On motion by Senator Grant—

HB 1411—A bill to be entitled An act relating to the administration of trusts and estates; amending s. 689.225, F.S.; providing a statement of the rule against perpetuities; amending s. 709.08, F.S.; authorizing certain corporations to serve as an attorney in fact; amending s. 733.707, F.S.; increasing the ceiling on funeral expenses; defining the term "right of revocation" with respect to the order of payment of expenses and obligations of an estate; amending s. 737.111, F.S.; revising provisions with respect to execution requirements for express trusts; providing for the application of the section; amending s. 737.2041, F.S., relating to trustee's attorney's fee; revising procedures for determining attorney's fees; providing for determining fees for an attorney who is retained for limited services; revising the list of services that constitute ordinary services in an initial trust administration; deleting an exception from the applicability of presumptive fees for a corporate fiduciary that serves as a trustee or cotrustee; amending s. 737.303, F.S.; revising provisions with respect to the duty of the trustee to inform and account to beneficiaries to require information to the grantor with respect to certain trusts; amending s. 737.308, F.S.; providing for specified notice to the trustee and caveator; amending s. 518.112, F.S.; providing for delegation of investment functions; amending s. 733.817, F.S.; revising provisions of law with respect to the apportionment of estate taxes; amending s. 738.12, F.S.; providing conditions under which a trust beneficiary is considered an income beneficiary; amending s. 744.441, F.S.; increasing the ceiling on funeral expenses; amending ss. 655.936 and 733.604, F.S.; providing requirements on opening certain safe-deposit boxes; requiring an inventory; requiring filing of inventories with the court; providing an effective date.

—a companion measure, was substituted for **CS for SB's 818, 1136 and 1242** as amended and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1411** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 824—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 824** to **HB 615**.

Pending further consideration of **SB 824** as amended, on motion by Senator Horne, by two-thirds vote **HB 615** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Horne—

HB 615—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

—a companion measure, was substituted for **SB 824** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 615** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Horne, by two-thirds vote **CS for HB 617** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Horne—

CS for HB 617—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 826** and read the second time by title. On motion by Senator Horne, by two-thirds vote **CS for HB 617** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Lee

On motion by Senator Forman—

CS for SB 876—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Sea Turtle license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 3. Paragraph (h) is added to subsection (1) of section 370.12, Florida Statutes, 1996 Supplement, to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(h) The department shall provide grants to coastal local governments, education institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state. The department shall adopt by rule procedures for submitting grant applications and criteria for allocating available funds. The criteria must include the scope of the proposed activity, the relevance of the proposed activity to the recovery plans for marine turtles, the demand and public support for the proposed activity, the duration of the proposed activity, the availability of alternative funding, and the estimated cost of the activity. The secretary of the department shall appoint a committee of at least five members, including at least two nongovernmental representatives, to consider and choose grant recipients from proposals submitted by eligible entities. Committee members shall not receive any compensation from the department.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 370.12, F.S.; creating a marine turtle grants program within the Department of Environmental Protection;

Amendment 2—On page 2, lines 6-9, delete those lines and insert:

Section 3. This act shall take effect July 1, 1997.

On motion by Senator Forman, by two-thirds vote **CS for SB 876** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Madam President	Campbell	Crist	Hargrett
Bankhead	Casas	Dantzler	Harris
Bronson	Childers	Dudley	Holzendorf
Brown-Waite	Clary	Dyer	Horne
Burt	Cowin	Forman	Jones
Kirkpatrick	Lee	Ostalkiewicz	Thomas
Klein	McKay	Rossin	Turner
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Grant, Gutman, Sullivan

On motion by Senator Rossin—

CS for SB 888—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing for the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult, elderly person, or child as a result of abuse, neglect, exploitation, or abandonment; authorizing any person or organization, or the Department of Children and Family Services, to petition the court to prohibit public disclosure of such records; providing for a presumption that disclosure is in the public interest; revising provisions to reflect the creation of the Department of Children and Family Services; amending s. 415.107, F.S.; providing for records involving the death of a disabled adult or an elderly person to be released pursuant to s. 119.07, F.S.; amending s. 415.51, F.S.; providing for records involving the death of a child to be released pursuant to s. 119.07, F.S.; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 26 through page 4, line 16, delete those lines and insert:

(b)1. In cases involving the death of a disabled adult or an elderly person as the result of abuse, neglect, or exploitation, *all records of the Department of Children and Family Services which pertain to the investigation of the abuse, neglect, or exploitation of that person are open except for information that identifies an individual other than an employee or agent of the Department of Children and Family Services, the deceased child, or the alleged perpetrator of the abuse, neglect, or abandonment that resulted in the death of the child, and except as provided in subsection (2). Inspection or production of the records shall be in accordance with subsection (2) in order to preserve confidentiality as required by federal law or state law, including, but not limited to, s. 394.4615. This subsection does not contravene s. 415.107, which protects the name of any person who reports the abuse, neglect, or exploitation of a disabled adult or an elderly person.* ~~there shall be a presumption that the best interest of the disabled adult or elderly person and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the disabled adult or elderly person.~~

2. In cases involving the death of a child as the result of abuse, neglect, or abandonment, *all records of the Department of Children and Family Services which pertain to the investigation of the abuse, neglect, or abandonment, of that child are open, except for information that identifies an individual and except as provided in subsection (2). Inspection or production of the records shall be in accordance with subsection (2) in order to preserve confidentiality as required by federal law or state law, including, but not limited to, s. 394.4615. This subsection does not contravene s. 415.51, which protects the name of any person who reports the abuse, neglect, or abandonment of a child.* ~~there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.~~

And the title is amended as follows:

On page 1, lines 9-14, delete those lines and insert: revising provisions to reflect the

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, line 14, after the word "*individual*" insert: *other than an employee or agent of the Department of Children*

and Family Services, the deceased child, or the alleged perpetrator of the abuse, neglect, or abandonment that resulted in the death of the child,

Amendment 1 as amended was adopted.

Senator Ostalkiewicz moved the following amendment:

Amendment 2 (with title amendment)—On page 8, between lines 2 and 3, insert:

Section 4. Section 415.513, Florida Statutes, 1996 Supplement, is amended to read:

415.513 Penalties relating to abuse reporting.—

(1) A person who is required by s. 415.504 to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. *In addition, a person who is named as a perpetrator in a false report under this subsection has a cause of action against the person who made the false report, and against any person who advised another to make a false report, for threefold the actual damages sustained and is entitled to minimum damages in the amount of $1,000 and reasonable fees and costs in the trial and appellate courts, if the plaintiff proves by the greater weight of the evidence that the report was false and that the plaintiff suffered damages as a result of the report.*

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and the state attorney for prosecution.

(4) A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(5) Each state attorney shall establish procedures to facilitate the prosecution of persons under this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 415.513, F.S.; creating a civil cause of action for a person named as perpetrator in a false report against the person who made the false report;

POINT OF ORDER

Senator Rossin raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

The President referred the point to Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar.

Further consideration of **CS for SB 888** with pending **Amendment 2** was deferred.

Consideration of **CS for SB 904** was deferred.

On motion by Senator Dudley, by two-thirds vote **CS for HB 55** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley, the rules were waived and—

CS for HB 55—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing for consideration of the child's primary caretaker, domestic violence, or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1006** and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 28.241, Florida Statutes, 1996 Supplement, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(5) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Service charges authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318. *Fees for injunctions concerning domestic violence shall be limited as provided in s. 741.30(2)(a).*

Section 2. Paragraph (b) of subsection (2) of section 44.102, Florida Statutes, 1996 Supplement, is amended to read:

44.102 Court-ordered mediation.—

(2) A court, under rules adopted by the Supreme Court:

(b) In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. *Upon motion or request of a party,* a court shall not refer any case to mediation if it finds there has been a ~~significant~~ history of domestic *violence* ~~abuse~~ that would compromise the mediation process.

Section 3. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, 1996 Supplement, is amended, present paragraph (k) of subsection (3) of that section is redesignated as paragraph (m), and new paragraphs (k) and (l) are added to that subsection, to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. ~~The court shall consider evidence of spousal or child abuse as evidence of detriment to the child. The court shall consider~~ Evidence that a parent has been convicted of a felony of the *third* ~~second~~ degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, *creates* ~~as~~ a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, shall not be granted to the convicted parent. However, the convicted parent shall not be relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. *Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for*

protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights of a minor child if it is in the child's best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in this section shall require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because such parent is not the child's primary residential parent.

(3) For purposes of shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:

(k) Evidence that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.

(l) Evidence of domestic violence or child abuse.

Section 4. Subsection (1) of section 741.28, Florida Statutes, is amended to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

(1) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, *kidnapping, false imprisonment*, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

Section 5. Section 741.30, Florida Statutes, 1996 Supplement, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is the victim of any act of domestic violence, or has reasonable cause to believe he or she *is in imminent danger of becoming* ~~may become~~ the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that *either party* ~~the petitioner~~ be represented by an attorney.

(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.

(h)~~(g)~~ Nothing in this section shall affect the title to any real estate.

(i)~~(h)~~ The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(2)(a) *Notwithstanding any other provision of law, the total charge, including any administration fees, law enforcement agency charges, and court costs or service charges, for any court to issue an injunction concerning domestic violence under chapter 741 or chapter 784 shall not exceed $50. The total charge by any law enforcement agency to serve an injunction or restraining order concerning violence shall not exceed $20. The remaining $30 fee collected for an injunction under chapter 741 shall only be applied to the initial $40 service charge collected by the clerk of the court as provided in s. 28.241(1).* In the event the victim does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit stating so, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

(b) No bond shall be required by the court for the entry of an injunction.

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the availability of affidavits of insolvency or indigence in lieu of payment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available. *The brochure must include information about the effect of giving the court false information about domestic violence.*

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: . . . .
Race . . . .
Sex . . . .
Date of birth . . . .
Height . . . .
Weight . . . .
Eye color . . . .
Hair color . . . .
Distinguishing marks or scars . . . .
(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .
. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt . . . . . .
. . . . . .
Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear *imminent* domestic violence because respondent has: . . . . . .

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because: . . . . . .

. . . . Petitioner genuinely fears that respondent *imminently* will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .
. . . . . .

(j) Petitioner genuinely fears *imminent* domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 415.601.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

(initials)

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.132 of the Uniform Child Custody Jurisdiction Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, uniform child custody jurisdiction act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ~~ex parte injunction and the full~~ hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. *Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.*

(6)(a) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner.

5. Ordering the respondent to participate in treatment, intervention, or counseling services *to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Corrections to become certified under s. 741.325, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.*

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7.~~6.~~ Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) *The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved.* ~~Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Broad discretion resides with the court to grant an extension after considering the circumstances.~~ *Either party may move at any time to modify or dissolve the injunction.* No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(c) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(d) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is ~~preferred, but not~~ mandatory~~,~~ that such programs be certified under s. 741.32.

(e) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(7)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, uniform child custody jurisdiction act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available

to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(8)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(9) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

Section 6. Subsection (4) of section 741.31, Florida Statutes, 1996 Supplement, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4) A person who willfully violates an injunction for protection against domestic violence~~,~~ issued pursuant to s. 741.30, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315,* by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of domestic violence against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Section 741.315, Florida Statutes, is created to read:

741.315 Recognition of foreign protection orders.—

(1) As used in this section, the term "court of a foreign state" means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States.

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, or s. 784.047 and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(3) Notwithstanding s. 55.505 or any other provision to the contrary, neither residence in this state nor registration of foreign injunctions for protection shall be required for enforcement of this order by this state and failure to register the foreign order shall not be an impediment to its enforcement. The following registration procedure shall be available to protected persons who hold orders from a court of a foreign state.

(a) A protected person shall present a certified copy of a foreign order of protection to any sheriff in this state and request that the same be registered in the injunction registry. However, nothing in this section shall operate to preclude the enforcement of any order of protection determined by the law enforcement officer to be valid even if the protected person does not have a certified copy of the foreign protection order. It is not necessary that the protected person register the foreign order in the protected person's county of residence. Venue is proper throughout the state. The protected person must swear by affidavit, that to the best of the protected person's knowledge and belief, the attached certified copy of the foreign order, docket number . . . . . , issued in the state of . . . . . on . . . . . is currently in effect as written and has not been superseded by any other order and that the respondent has been given a copy of it.

(b) The sheriff shall examine the certified copy of the foreign order and register the order in the injunction registry, noting that it is a foreign order of protection. If not apparent from the face of the certified copy of the foreign order, the sheriff shall use best efforts to ascertain whether the order was served on the respondent. The Florida Department of Law Enforcement shall develop a special notation for foreign orders of protection. The sheriff shall assign a case number and give the protected person a receipt showing registration of the foreign order in this state. There shall be no fee for registration of a foreign order.

(c) The foreign order may also be registered by local law enforcement agencies upon receipt of the foreign order and any accompanying affidavits in the same manner described in paragraphs (a) and (b).

(4)(a) Law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, a law enforcement officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a "pickup order" or "order of bodily attachment" requiring the immediate return of a child.

(b) Before enforcing a foreign protection order, a law enforcement officer should confirm the identity of the parties present and review the order to determine that, on its face, it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided that a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought.

(c) A law enforcement officer shall use reasonable efforts to verify service of process.

(d) Service may be verified as follows:

1. By petitioner: Petitioner may state under oath that to the best of petitioner's knowledge, respondent was served with the order of protection because petitioner was present at time of service; respondent told petitioner he or she was served; another named person told petitioner respondent was served; or respondent told petitioner he or she knows of the content of the order and date of the return hearing.

2. By respondent: Respondent states under oath that he or she was or was not served with the order.

(e) Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.

(f) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason

of the officer's or agency's actions in carrying out the provisions of this section.

(g) Law enforcement shall not require petitioner to sign a registration affidavit as a condition of enforcement.

(h) A foreign order of protection shall remain in effect until the date of expiration on its face; or, if there is no expiration date on its face, a foreign order of protection shall remain in effect until expiration. If the order of protection states on its face that it is a permanent order, then there is no date of expiration.

(5) Any person who acts under this section and intentionally provides a law enforcement officer with a copy of an order of protection known by that person to be false or invalid, or who denies having been served with an order of protection when that person has been served with such order, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) In the event 18 U.S.C. s. 2265 is held to be unconstitutional, this section shall be null and void.

Section 8. Subsection (7) of section 784.046, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

784.046 Action by victim of repeat violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) *The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction.* ~~Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year.~~ Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(11) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 9. Section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against repeat violators.—A person who willfully violates an injunction for protection against repeat violence, issued pursuant to s. 784.046, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315* by:

(1) Refusing to vacate the dwelling that the parties share;

(2) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(3) Committing an act of repeat violence against the petitioner;

(4) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(5) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Subsections (6), (7), and (8) of section 901.15, Florida Statutes, 1996 Supplement, are amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, *or a foreign protection order accorded full faith and credit pursuant to s. 741.315,* over the objection of the petitioner, if necessary.

(7) There is probable cause to believe that the person has committed:

(a) An act of domestic violence, as defined in s. 741.28;

(b) Child abuse, as defined in s. 827.04(2) and (3); or

(c) Any battery upon another person, as defined in s. 784.03.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection, *under s. 741.31(4) or s. 784.047, or pursuant to a foreign order of protection accorded full faith and credit pursuant to s. 741.315,* is immune from civil liability that otherwise might result by reason of his *or her* action.

(8) He has probable cause to believe that the person has knowingly committed an act of repeat violence in violation of an injunction for protection from repeat violence entered pursuant to s. 784.046 *or a foreign protection order accorded full faith and credit pursuant to s. 741.315.*

Section 11. Except for this section, section 1, and the amendment of section 741.30(2)(a), Florida Statutes, 1996 Supplement, which shall take effect upon this act becoming a law, this act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to protection against domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 44.102, F.S.; providing that a case is not referable to family mediation if the court finds there has been a history of domestic violence; amending s. 61.13, F.S., relating to child custody and support; providing for creation of a rebuttable presumption of detriment to a child upon evidence of a parent's conviction of a felony involving domestic violence; providing for evidence of domestic violence or child abuse to be considered by the court as evidence of detriment to the child; providing for consideration that a party has knowingly provided false information to the court regarding domestic violence or child abuse in custody proceedings; providing for consideration of domestic violence and child abuse in custody proceedings; providing for consideration of allegations of domestic violence or child abuse in custody proceedings; amending s. 741.28, F.S.; redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another; amending s. 741.30, F.S.; providing for court orders to protect the children of the domestic violence victim's minor children; revising the period during which injunctive relief remains effective; providing for motion to modify or dissolve injunction by either party; providing for

indication of specified information on the face of a temporary or final judgment for protection against domestic violence; prescribing conditions under which persons may present evidence or recommendations; providing for information through the clerk of the court; specifying information to be included in the petition for injunction for protection from domestic violence; providing certain procedures after granting an ex parte injunction; requiring the court to provide respondents with a list of batterers' intervention programs; requiring certification of batterers' intervention programs; providing for petitioners to be referred to a certified domestic violence center; providing for petitioners to be provided a list of domestic violence centers which may be contacted; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; amending s. 741.31, F.S.; defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts; providing penalties; creating s. 741.315, F.S.; requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit; providing exceptions; providing for availability of a registration procedure to protected persons; providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served; providing penalties; amending s. 784.046, F.S., relating to action by victim of repeat violence for protective injunction; providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency; revising period of duration of injunctive relief; amending s. 784.047, F.S., relating to penalties for violating protective injunction against repeat violators; defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts; providing penalties; amending s. 901.15, F.S., relating to circumstances when arrest by officer without warrant is lawful; providing conforming terminology and cross-references; providing certain immunity from civil liability to law enforcement officer; providing effective dates.

On motion by Senator Dudley, by two-thirds vote **CS for HB 55** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 1012—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1012** to **HB 1561**.

Pending further consideration of **CS for SB 1012** as amended, on motion by Senator Silver, by two-thirds vote **HB 1561** was withdrawn from the Committee on Health Care.

On motion by Senator Silver—

HB 1561—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1012** as amended and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 1561** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 1092—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for territorial restrictions to be included in a court order providing residential responsibility for children; authorizing relocation of residence under certain circumstances; providing guidelines; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1092** to **HB 1421**.

Pending further consideration of **SB 1092** as amended, on motion by Senator Dantzler, by two-thirds vote **HB 1421** was withdrawn from the Committee on Judiciary.

On motion by Senator Dantzler—

HB 1421—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child; providing factors for the court to consider; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

—a companion measure, was substituted for **SB 1092** as amended and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 1421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.112, 719.106, F.S.; revising procedures relating to written complaints by unit owners; closing certain meetings of condominiums boards and committees to unit owners; amending s. 718.1255, F.S.; redefining the term "dispute"; adding mediation to the dispute resolution process; revising the arbitration

process; amending s. 718.116, F.S.; providing for payment of common expenses resulting from certain catastrophic events; amending ss. 718.501, 719.501, F.S.; providing rulemaking authority for penalties; providing for the certification of mediators; amending s. 718.616, F.S.; requiring acknowledgment of compliance with applicable zoning requirements; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 12, line 25 through page 15, line 6, delete section 3 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 10-12, delete those lines and insert: arbitration process;

Amendment 2—On page 21, line 17 through page 23, line 28, delete those lines and insert:

Section 5. Paragraphs (a) and (c) of subsection (1) of section 719.106, Florida Statutes, 1996 Supplement, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of cooperatives having five or fewer units, in which case in not-for-profit corporations, the board shall consist of not fewer than three members. In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written *inquiry* ~~complaint~~ by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the *inquiry* ~~complaint~~. The board's response shall either give a substantive response to the *inquirer* ~~complainant~~, notify the *inquirer* ~~complainant~~ that a legal opinion has been requested, or notify the *inquirer* ~~complainant~~ that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the *inquirer* ~~complainant~~. If a legal opinion is requested, the board shall, within 60 days after the receipt of the *inquiry* ~~complaint~~, provide in writing a substantive response to the *inquirer* ~~complainant~~. The failure to provide a substantive response to the *inquirer* ~~complainant~~ as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the *inquiry* ~~complaint~~. *The association may, through its board of administration, adopt reasonable rules and regulations regarding the frequency and manner of responding to the unit owners' inquiries, one of which may be that the association is obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.*

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings shall be posted in a conspicuous place upon the cooperative property at least 48 continuous hours preceding the meeting, except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the cooperative property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notices of board meetings shall be posted. Notice of any meeting in which regular assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or to make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. *Notwithstanding any other law to the contrary, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.*

Section 6. Paragraphs (d) and (n) of subsection (1) of section 719.501, Florida Statutes, 1996 Supplement, are amended to read:

719.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

On motion by Senator Dudley, by two-thirds vote **CS for CS for SB 1234** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Madam President	Dantzler	Horne	Myers
Bronson	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Burt	Forman	Klein	Scott
Campbell	Grant	Kurth	Silver
Casas	Gutman	Latvala	Sullivan
Childers	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Clary, Diaz-Balart

SB 1304—A bill to be entitled An act relating to aggravated battery; creating s. 784.078, F.S.; defining "facility"; defining the offense of aggravated battery by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1304** to **HB 1165**.

Pending further consideration of **SB 1304**, on motion by Senator McKay, by two-thirds vote **HB 1165** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator McKay—

HB 1165—A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1304** and read the second time by title.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 784.078, Florida Statutes, is created to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.—

(1) As used in this section, the term "facility" means a state correctional institution defined in s. 944.02(6); a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

(2)(a) As used in this section, the term "employee" means any person employed by or performing contractual services for a public or private entity operating a facility.

(b) "Employee" includes any person who is a parole examiner with the Florida Parole Commission.

(3)(a) It is unlawful for any person, while being detained in a facility and with intent to harass, annoy, threaten, or alarm a person in a facility whom he or she knows or reasonably should know to be an employee of such facility, to cause or attempt to cause such employee to come into contact with blood, masticated food, regurgitated food, saliva, seminal fluid, or urine or feces, whether by throwing, tossing, or expelling such fluid or material.

(b)1. Any person who violates paragraph (a) commits battery of a facility employee, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. In addition to the penalties imposed under subparagraph 1., the administration of a facility may place a violator of paragraph (a) who is a prisoner as defined in s. 944.02 on a management meal program as specified by rules and regulations applicable to the facility.

Section 2. Paragraph (d) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	*3rd*	*Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.*
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.

Florida Statute	Felony Degree	Description
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

Section 3. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; amending s. 921.0012, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the statewide sentencing guidelines; providing an effective date.

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, between lines 19 and 20, insert:

Section 2. Subsection (1) of section 806.13, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(1)(a) A person commits the offense of criminal mischief if he willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is $200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that cities and counties not be preempted by state law from establishing ordinances prohibiting the marking of graffiti or other graffiti-related offenses. Furthermore, as related to graffiti, such cities and counties shall not be preempted by state law from establishing higher penalties than those state law provides and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines, community service, restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, no court acting under chapter 39 shall provide a disposition of the case that is less severe than any mandatory penalties prescribed by municipal or county ordinance for such violation.

Section 3. Paragraph (d) is added to subsection (7) of section 901.15, Florida Statutes, 1996 Supplement, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7) There is probable cause to believe that the person has committed:

(d) An act of criminal mischief or graffiti-related offense as defined in s. 806.13.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his action.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 5, line 3 through page 6, line 17, delete those lines and insert: An act relating to criminal justice; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; amending s. 921.0012, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the statewide sentencing guidelines; providing an effective date.

Amendment 1 as amended was adopted.

On motion by Senator McKay, by two-thirds vote **HB 1165** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 1360—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1360** to **CS for HB 1107**.

Pending further consideration of **CS for SB 1360** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 1107** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Holzendorf—

CS for HB 1107—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; providing definitions; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; amending s. 430.502, F.S.; providing for a memory disorder clinic at Orlando Regional Healthcare System, Inc.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1360** as amended and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1107** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1466—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1466** to **HB 1641**.

Pending further consideration of **CS for SB 1466** as amended, on motion by Senator Dyer, by two-thirds vote **HB 1641** was withdrawn from the Committees on Community Affairs and Natural Resources.

On motion by Senator Dyer—

HB 1641—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1466** as amended and read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 1641** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

SB 1484—A bill to be entitled An act relating to lodging and food service establishments; amending s. 509.032, F.S.; providing standards for rules adopted by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1484** to **CS for HB 1345**.

Pending further consideration of **SB 1484** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 1345** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motion by Senator Gutman—

CS for HB 1345—A bill to be entitled An act relating to public food service establishments; amending s. 509.032, F.S.; providing that certain rules adopted by the Division of Hotels and Restaurants shall provide alternative methods of achieving food protection in certain rules related to cooking and handling foods; providing an effective date.

—a companion measure, was substituted for **SB 1484** as amended and read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for HB 1345** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Bronson	Casas	Cowin
Bankhead	Burt	Clary	Crist

Dantzler	Hargrett	Lee	Silver
Diaz-Balart	Harris	McKay	Sullivan
Dudley	Holzendorf	Meadows	Thomas
Dyer	Horne	Ostalkiewicz	Turner
Grant	Jones	Rossin	Williams
Gutman	Klein	Scott	

Nays—6

Brown-Waite	Forman	Latvala	Myers
Campbell	Kurth		

Vote after roll call:

Yea—Childers

CS for SB 1594—A bill to be entitled An act relating to outdoor power equipment; creating ss. 686.60-686.614, F.S.; regulating sales and distribution of, and dealer relationships relating to, outdoor power equipment; providing a short title; providing legislative findings and intent; providing definitions; providing application; providing for warranty agreements; providing for claims and compensation of dealers; providing for parts availability and return; providing for repurchase of inventory under certain circumstances; providing for compensation for inventory under certain circumstances; providing for indemnification of dealers under certain legal actions; specifying unlawful acts and practices; specifying unenforceable contracts or agreements; providing remedies; providing for effect on other remedies; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for SB 1594** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Diaz-Balart	Klein	Silver
Brown-Waite	Dudley	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Turner
Casas	Gutman	McKay	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Horne

SB 1634—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for patient records and other identifying information concerning a complainant involved in a complaint to the statewide or a district managed care ombudsman committee; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The following information is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a) of Article I of the State Constitution:*

(a) Patient records held by the statewide or a district managed care ombudsman committee created under sections 641.60 or 641.65, Florida Statutes, 1996 Supplement.

(b) The name or identity of a complainant who files a complaint with the statewide or a district managed care ombudsman committee, including any problem identified by the ombudsman committee as a result of an investigation, unless the complainant provides written consent that authorizes the release of his or her name or unless a court of competent jurisdiction orders that the name or identity of a complainant be disclosed.

Exemptions created under this subsection are subject to the Open Government Sunset Review Act of 1995, in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal by reenactment of the Legislature.

(2) The Legislature finds that it is a public necessity that patient records and any other identifying information concerning a complainant held by the statewide or a district managed care ombudsman committee be held confidential and exempt from the Public Records Law. The Legislature finds that the citizens of Florida benefit from the thorough investigation and prompt resolution of complaints regarding the quality of care provided by managed care programs. Investigation of complaints regarding quality of care often requires careful review of a patient's medical record. Such records, as well as other information contained in the complaint, often concern matters of a personal and private nature. Disclosure to the public of a patient's medical record, a complainant's identity, or other personal information would significantly discourage the filing of complaints. Consequently, the quality of care provided to the public would suffer. Therefore, the Legislature finds that the harm to the individual and the public in disclosing patient records and identifying information substantially outweighs the public benefit in allowing such disclosure.

Section 2. *(1) That portion of a committee meeting conducted by the statewide or a district managed care ombudsman committee created under sections 641.60 or 641.65, Florida Statutes, 1996 Supplement, where patient records and information identifying a complainant are discussed is exempt from the provisions of section 286.011, Florida Statutes, and section 24(b) of Article I of the State Constitution. The exemption created under this subsection is subject to the Open Government Sunset Review Act of 1995, in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal by reenactment of the Legislature.*

(2) The exemption created under subsection (1) overrides the important public policy of public access to portions of certain public discussions of governmental agencies because of the need to maintain consistency in the law relating to the management and handling of information of a personal and senstive nature involving private individuals. It is important that the statewide or a district managed care ombudsman committee be able to discuss such personal and sensitive information in detail so that an accurate evaluation can be made of the facts contained in a complaint. Dissemination to the public of information about a health maintenance organization or other managed care organization that is obtained through a complaint would have a chilling effect on the willingness of persons with knowledge of any substandard quality-of-care activities of such organizations to provide such information to the statewide or a district managed care ombudsman committee. Based on the evaluation of such committees, certain remedial actions may be required of health maintenance organizations or other managed care organizations which will serve to enhance overall quality of care rendered by any specific company involved and potentially the entire managed care industry. Furthermore, such information may provide grounds for investigation by the Agency for Health Care Administration or may assist the agency in carrying out its responsibilities of protecting the public.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: making confidential and providing an exemption from public meetings requirements for portions of meetings of the statewide or a district managed care ombudsman committee during which certain information relating to complaints filed with such committees is discussed; providing for future review and repeal; providing a statement of public necessity;

On motion by Senator Grant, by two-thirds vote **SB 1634** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB's 1678 and 2404—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, and testing purposes from the tax on sales, use, and other transactions; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB's 1678 and 2404** to **CS for HB 915**.

Pending further consideration of **CS for SB's 1678 and 2404** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 915** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Williams—

CS for HB 915—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, or testing purposes from said tax; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1678 and 2404** as amended and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is amended, and paragraph (nn) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions

under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, *performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year,* and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing for a tax exemption for specified performing arts centers;

Senator Dudley moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (c) of subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which ~~equipment and~~ machinery *and equipment* are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. *Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.*

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the department with ~~However, the exemption provided for in this paragraph shall not be allowed unless the purchaser signs~~ an affidavit stating that the item or items to be exempted are for the ~~exclusive~~ use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. *Purchasers with self–accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; clarifying the application of a sales and use tax exemption for machinery and equipment necessary in the production of electrical or steam energy from the burning of boiler fuels; providing that the use of a de minimis amount of residual fuel to help burn nonresidual fuel shall not reduce the exemption; providing for a prorated exemption in facilities where machinery and equipment are necessary to burn residual and nonresidual fuels; providing rulemaking authority;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part. *Sales to a health system, qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to April 5, 1997, and which application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from January 1, 1994, to June 1, 1997.*

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; providing an exemption for sales to certain health systems for a specified period;

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 4, between lines 4 and 5, insert:

Section 3. Paragraph (mm) is added to subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, to read: 212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(mm) Nonprofit cooperative hospital laundries.—Nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code, are exempt from the tax imposed by this chapter.

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 212.08, F.S.; exempting certain nonprofit hospital laundries from the sales tax;

On motion by Senator Williams, by two-thirds vote **CS for HB 915** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dudley	Kirkpatrick	Rossin
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Harris	Lee	Williams
Cowin	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 1850—A bill to be entitled An act relating to genetic testing; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for consent to genetic testing; providing standards for disclosure of results; providing civil penalties; providing public records exemptions; providing requirements upon insurers; providing exemptions; providing legislative findings; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1850** to **CS for HB's 37 and 127**.

Pending further consideration of **CS for SB 1850** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB's 37 and 127** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Forman—

CS for HB's 37 and 127—A bill to be entitled An act relating to genetic testing for insurance purposes; amending s. 624.155, F.S.; permitting civil actions against insurers for violations of s. 627.4301, F.S.; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information or requiring genetic testing; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; amending s. 760.40, F.S.; defining the term "genetic testing"; providing exceptions; providing standards for informed consent; prohibiting release of genetic testing results without written consent, under certain circumstances; providing civil and criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1850** as amended and read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.4301, Florida Statutes, is created to read:

627.4301 Genetic information for insurance purposes.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Genetic information" means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or questions regarding family history.

(b) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603, a self-insured plan as defined in s. 624.031, a multiple-employer welfare arrangement as defined in s. 624.437, a prepaid limited health service organization as defined in s. 636.003, a health maintenance organization as defined in s. 641.19, a prepaid health clinic as defined in s. 641.402, a fraternal benefit society as defined in s. 632.601, an accountable health partnership as defined in s. 408.701, or any health care arrangement whereby risk is assumed.

(2) USE OF GENETIC INFORMATION.—

(a) In the absence of a diagnosis of a condition related to genetic information, no health insurer authorized to transact insurance in this state may cancel, limit, or deny coverage, or establish differentials in premium rates, based on such information.

(b) Health insurers may not require or solicit genetic information, use genetic test results, or consider a person's decisions or actions relating to genetic testing in any manner for any insurance purpose.

(c) This section does not apply to the underwriting or issuance of a life insurance policy, disability income policy, long-term care policy, accident-only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy or any other actions of an insurer directly related to a life insurance policy, disability income policy, long-term care policy, accident-only policy, hospital indemnity or fixed indemnity policy, dental policy, or vision policy.

Section 2. Section 627.6419, Florida Statutes, is amended to read:

627.6419 Requirements with respect to fibrocystic conditions.—An insurer may not deny the issuance or renewal of, or cancel, a policy of accident insurance or health insurance, nor include any exception or exclusion of benefits in a policy, solely because the insured has been diagnosed as having a fibrocystic condition or a nonmalignant lesion that demonstrates a predisposition, *or solely due to the family history of the insured related to breast cancer, or solely due to any combination of these factors,* unless the condition is diagnosed through a breast biopsy that demonstrates an increased disposition to developing breast cancer. This section also applies to a policy of group, blanket, or franchise accident or health insurance and to a contract or evidence of coverage issued by a health maintenance organization.

Section 3. Section 632.638, Florida Statutes, is amended to read:

632.638 Applicability of other code provisions.—In addition to *other* ~~the~~ provisions ~~heretofore~~ contained or referred to in this chapter, *the following* ~~other~~ chapters and provisions of this code ~~shall~~ apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications thereof~~, as follows~~:

(1) Part I of chapter 624;
(2) Part II of chapter 624;
(3) Sections 624.404, 624.415, 624.416, 624.418, 624.420, 624.421, 624.4211, 624.422, and 624.423;
(4) Section 624.501;
(5) Part I of chapter 626;
(6) Part III of chapter 626;
(7) Part IV of chapter 626;
(8) Sections 626.901 through 626.912;
(9) Part VIII of chapter 626, subject to the limitations set forth in former s. 632.341;
(10) Section 627.424;

(11) Section 627.428;
(12) Section 627.4301;
(13)~~(12)~~ Section 627.479; and
(14)~~(13)~~ Part I of chapter 631.

Section 4. Section 636.0201, Florida Statutes, is created to read:

636.0201 Genetic information restrictions.—A prepaid limited health service organization must comply with the provisions of s. 627.4301.

Section 5. Subsection (5) is added to section 641.30, Florida Statutes, to read:

641.30 Construction and relationship to other laws.—

(5) Every health maintenance organization must comply with s. 627.4301.

Section 6. Section 641.438, Florida Statutes, is created to read:

641.438 Genetic information restrictions.—A prepaid health clinic must comply with the provisions of s. 627.4301.

Section 7. This act shall take effect January 1, 1998, and shall apply to policies and contracts issued or renewed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to genetic testing for insurance purposes; creating s. 627.4301, F.S.; prohibiting health insurers from using genetic information; providing definitions; providing exemptions; amending s. 627.6419, F.S.; prohibiting insurers from denying or canceling coverage or limiting benefits solely due to family history, unless the condition is diagnosed through a breast biopsy; amending s. 632.638, F.S.; providing applicability of s. 627.4301, F.S., to fraternal benefit societies; creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations; creating s. 641.438, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; providing civil penalties; providing requirements upon insurers; providing exemptions; providing an effective date.

On motion by Senator Forman, by two-thirds vote **CS for HB's 37 and 127** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Rossin
Burt	Dyer	Jones	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Bronson, Crist, Lee

Consideration of **CS for SB 1880** was deferred.

SB 1906—A bill to be entitled An act relating to waiver of court costs for indigent persons; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Campbell and failed:

Amendment 1—On page 2, line 10, after "renumeration" insert: *by the applicant*

Senators Campbell, Gutman and Dudley offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 27.005, Florida Statutes, is amended to read:

27.005 Definitions.—As used in parts II and III of this chapter, the following definitions include, but are not limited to:

(1) "Communication services" includes postage, required printed documents, all data processing equipment, including terminals, modems, software, printers, wiring, and data lines, radio, courier, messenger and subpoena services, fax equipment and supplies, support services, and telegraph, including maintenance, supplies and line charges.

(2) "Conflict attorney" means a private attorney assigned by the court to handle the case of a defendant who is indigent and who cannot be represented by the public defender due to a conflict of interest or due to the public defender's excessive caseload, as certified to the court by the public defender.

(3)~~(2)~~ "Expert witnesses" includes any individual, firm, or service used by the prosecution or defense to provide information and consultation on specialized areas of art, science, profession, business, or other calling.

(4) "Indigency examiner" means the person employed by the court or the board of county commissioners to assist the court in investigating and assessing the indigency of any person who applies for representation by the public defender or a conflict attorney.

(5)~~(3)~~ "Library services" includes books, periodicals, automated legal research services and line charges, legal documents, and reference books and materials, including maintenance and supplies.

(6)~~(4)~~ "Postindictment and postinformation deposition costs" includes any costs incurred through a deposition, including the use of expert witnesses.

(7)~~(5)~~ "Pretrial" includes any case investigation cost incurred at any time prior to the disposition of a case, including preindictment costs.

(8)~~(6)~~ "Pretrial consultation fees" includes any costs related to the testing, evaluation, investigation, or other case-related services and materials necessary to prosecute, defend, or dispose of a criminal case.

(9) "Special assistant public defender" means an attorney who performs contractual legal work or voluntary legal work for the public defender, but who is not a full-time assistant public defender.

(10)~~(7)~~ "Telephone services" includes any equipment, including fax, cellular telephones, pagers, computer lines, telephone switching equipment, and the maintenance, supplies, software, and line charges necessary for operation.

(11)~~(8)~~ "Transportation services" includes the cost of operating any vehicle, aircraft, or watercraft, including gasoline, oil, and maintenance costs, any witness travel expenses, and any witness services.

(12)~~(9)~~ "Travel expenses" includes costs incurred under s. 112.061 by the state attorney or public defender, or their designated employees, while on travel prior to the final disposition of a case.

Section 2. Subsection (1) of section 27.51, Florida Statutes, 1996 Supplement, is amended to read:

27.51 Duties of public defender.—

(1) The public defender shall represent, without additional compensation, any person who is determined by the court to be indigent as provided in s. 27.52 and who is:

(a) Under arrest for, or is charged with, a felony;

(b) Under arrest for, or is charged with, a misdemeanor, a violation of chapter 316 which is punishable by imprisonment, criminal contempt,

or a violation of a municipal or county ordinance in the county court, unless the court, prior to trial, files in the cause *an order of no imprisonment which states* ~~a statement in writing~~ that the defendant will not be imprisoned if he or she is convicted;

(c) Alleged to be a delinquent child pursuant to a petition filed before a circuit court; or

(d) Sought by petition filed in such court to be involuntarily placed as a mentally ill person or involuntarily admitted to residential services as a person with developmental disabilities.

Section 3. Section 27.512, Florida Statutes, is created to read:

27.512 Order of no imprisonment.—

(1) In each case in which the court determines that it will not sentence the defendant to imprisonment if convicted, the court shall issue an order of no imprisonment and the court may not appoint the public defender to represent the defendant. If the court issues an order of no imprisonment following the appointment of the public defender, the court shall immediately terminate the public defender's services. However, if at any time the court withdraws the order of no imprisonment with respect to an indigent defendant, the court shall appoint the public defender to represent the defendant.

(2) The form and contents of an order of no imprisonment shall be determined by rules adopted by the Supreme Court.

Section 4. Subsections (1) and (2) of section 27.52, Florida Statutes, 1996 Supplement, are amended to read:

27.52 Determination of indigency.—

(1)(a) The determination of indigency *for purposes of appointing the public defender or conflict attorney* ~~of any accused person~~ shall be made by the court, and may be made at any stage of the proceedings. *Before appointing the public defender or a conflict attorney, the court shall consider a completed affidavit that contains the financial information required under paragraph (f) and shall make a preliminary determination of indigency, pending verification by the indigency examiner.*

(b) An accused person, or if applicable a parent or legal guardian of an accused minor or an accused adult tax-dependent person, asserting indigency and requesting representation by the public defender *or a conflict attorney*, shall file with the court a completed affidavit containing the *financial* ~~factual~~ information required under *paragraph (f)* ~~subsection (2)~~ and stating that the affidavit is signed under oath and under penalty of perjury.

(c) *Each person who requests the appointment of the public defender or a conflict attorney shall pay to the clerk of the court an application* ~~A~~ fee of $40, *as ordered by the court,* ~~shall be paid into the county depository~~ at the time the *financial* affidavit is filed*, or within 7 days thereafter. If not paid within 7 days, the application fee shall be assessed at sentencing or at the final disposition of the case. The application fee shall be assessed for each affidavit filed against a defendant who requests appointment of the public defender or a conflict attorney. A defendant who is found to be indigent may not be refused counsel for failure to pay the application fee.* ~~However, the affidavit shall be accepted without the fee if the court finds, after reviewing the financial information contained in the affidavit, that the fee should be reduced, waived, or assessed at the disposition.~~

(d) If the court finds that the accused person applying for representation appears to be indigent based *upon the financial affidavit required under paragraph (f)* ~~on the factual information provided~~, the court shall appoint the public defender *or a conflict attorney* to provide representation. If the *application* fee is not paid prior to the disposition of the case, *the clerk shall advise* the sentencing judge ~~shall be advised~~ of this fact and *the court shall* ~~may~~:

1. Assess the *application* fee as part of the sentence or as a condition of probation; or

2. Assess the *application* fee pursuant to s. 27.56.

If the indigency examiner finds discrepancies between the financial affidavit and the examiner's investigation of assets, the indigency examiner shall submit the information to the court and the court shall determine whether the public defender or conflict attorney shall continue representation. The defendant may be heard regarding the information discovered by the indigency examiner. If the court, based on the information provided, determines that the defendant is not indigent, the court shall order that the public defender or conflict attorney discontinue representation. Notwithstanding any provision of law or local order to the contrary, the *clerk of the court* ~~collecting entity~~ shall assign the first $40 *of any court assessed fees or costs that are paid by an indigent defendant* to the Indigent Criminal Defense Trust Fund~~, if created by law; otherwise it shall be deposited in the General Revenue Fund~~ *as payment for the application fee.* In no event should a person who is found to be indigent be refused counsel for failure to pay the fee.

(e) *All application fees* ~~The fee~~ shall be ~~remitted into the county depository and~~ transferred *monthly by the clerk of the court* to the Indigent Criminal Defense Trust Fund, *administered by the Justice Administrative Commission, to be used to supplement* ~~if created by law; otherwise it shall be deposited in the General Revenue Fund, for the purpose of supplementing~~ the general revenue funds appropriated *by the Legislature* to *the* public defenders. *The clerk of the court may retain 2 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Justice Administrative Commission.*

(f) The affidavit must contain the following financial information and calculations as to the accused person's income:

1. Net income.—Total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income.—Including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets.—Including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

(g) The income of an accused minor or an accused adult tax-dependent person who is substantially supported by a parent or parents or by a guardian, or who continues to be claimed as a dependent for tax purposes, shall include the income of that dependent person's parent or parents or guardian, except a parent or guardian who has an adverse interest in the proceeding.

(h) In addition to the financial information, the affidavit must contain the following statement: "I, __(name of accused person)__*, agree to report any change in my financial situation to the court or to the indigency examiner."*

(2)(a) After reviewing the affidavit and questioning the accused person, the court shall make one of the following ~~three~~ determinations:

1. The accused person is indigent.

~~2. The accused person is indigent, but able to contribute.~~

2.~~3.~~ The accused person is not indigent.

(b) An accused person, or an accused minor's or accused adult tax-dependent person's parent or guardian, is indigent if:

1. The income of the person is equal to or below *250* ~~125~~ percent of the then-current federal poverty guidelines prescribed for the size of the household of the accused by the United States Department of Health and Human Services or if the person is receiving Aid to Families with Dependent Children (AFDC), poverty-related veterans' benefits, or Supplemental Security Income (SSI); or

2. The person is unable to pay for the services of an attorney without substantial hardship to his or her family.

~~(c) An accused person, or an accused minor's or accused adult tax-dependent person's parent or guardian, is indigent but able to contribute if the person has income of more than 125 percent and less than 250 percent of the then-current federal poverty income guidelines prescribed for the size of the household of the person by the United States Department of Health and Human Services.~~

(c)~~(d)~~ In determining whether a defendant is indigent, the court shall determine whether any of the following facts exist, and the existence of any such fact *creates* ~~shall create~~ a presumption that the defendant is not indigent:

1. The defendant has been released on bail in the amount of $5,000 or more.

2. The defendant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property.

3. The defendant retained private counsel immediately before or after filing the affidavit asserting indigency pursuant to subsection (1).

(d)~~(e)~~ A nonindigent parent or legal guardian of an accused minor or an accused adult tax-dependent person shall furnish the minor or dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to s. 39.052, a criminal prosecution, in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section *does* ~~shall~~ not bar the appointment of legal counsel pursuant to s. 27.53. When the public defender, a special assistant public defender appointed pursuant to s. 27.53(2), or appointed private legal counsel is appointed to represent an accused minor or an accused adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for the fees and costs of such representation even if the person is a minor being tried as an adult. Liability for the costs of such representation may be imposed in the form of a lien against the property of the nonindigent ~~or indigent but able to contribute~~ parents or legal guardian of the accused minor or accused adult tax-dependent person, which lien *is* ~~shall be~~ enforceable as provided in s. 27.56 or s. 27.561. The court shall determine the amount of the obligation; and, in determining the amount of the obligation, the court shall follow the procedure outlined by this section.

Section 5. Subsection (2) of section 27.53, Florida Statutes, is amended to read:

27.53 Appointment of assistants and other staff; method of payment.—

(2) Any member of The Florida Bar, in good standing, may register his or her availability to the public defender of any judicial circuit for acceptance of special assignments without salary to represent indigent defendants. Such persons shall be listed and referred to as special assistant public defenders and be paid a fee and costs and expenses as provided in s. 925.036. *A special assistant public defender may not reassign or subcontract a case to another attorney.*

Section 6. Section 925.036, Florida Statutes, is amended to read:

925.036 Appointed counsel; compensation*; reassignment of case prohibited*.—

(1) An attorney appointed pursuant to s. 925.035 or s. 27.53 shall, at the conclusion of the representation, be compensated at an hourly rate fixed by the chief judge or senior judge of the circuit in an amount not to exceed the prevailing hourly rate for similar representation rendered in the circuit; however, such compensation shall not exceed the maximum fee limits established by this section. In addition, such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the court. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he represented the defendant. This section does not allow stacking of the fee limits established by this section.

(2) The compensation for representation shall not exceed the following:

(a) For misdemeanors and juveniles represented at the trial level: $1,000.

(b) For noncapital, nonlife felonies represented at the trial level: $2,500.

(c) For life felonies represented at the trial level: $3,000.

(d) For capital cases represented at the trial level: $3,500.

(e) For representation on appeal: $2,000.

(3) An attorney appointed in lieu of the public defender to represent an indigent defendant may not reassign or subcontract the case to another attorney.

Section 7. Section 27.56, Florida Statutes, 1996 Supplement, is amended to read:

27.56 Assistance; lien for payment of attorney's fees or costs.—

(1)(a) The court having jurisdiction over any defendant who has been determined to be guilty of a criminal act by a court or jury or through a plea of guilty or nolo contendere and who has received the assistance of the public defender's office, ~~or~~ a special assistant public defender, or ~~the services of~~ a *conflict* ~~private~~ attorney *shall* ~~appointed pursuant to the Florida Statutes or the Florida Rules of Criminal Procedure, but is not indigent under s. 27.52(2), or has been determined indigent but able to contribute, may~~ assess attorney's fees and costs against the defendant~~.~~ at the sentencing hearing~~, the court shall assess attorney's fees and costs against the defendant~~ and shall determine the appropriate amount and method of payment. Such costs may include the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the county for the defense of the defendant in criminal prosecutions within the county. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Any *costs* ~~cost~~ assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. 27.3455.

(b) Upon entering a judgment of conviction, the trial court *shall* ~~may~~ order the defendant to pay the costs assessed by the court in full, or within a time certain as set by the court, after the judgment of conviction becomes final.

(c) After assessment of the *application fee under s. 27.52(1)(c) and* attorney's fees and costs, the court *shall* ~~may~~ order the defendant to pay the attorney's fees *and costs* in full or in installments, at the time or times specified. The court may order payment of the assessed *application fee and* attorney's fees *and costs* as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence. *All fees and costs may be assessed under one judgment.*

(2)(a) When payment of *the application fee and* attorney's fees *and* ~~or~~ costs has been ordered by the court, there is ~~hereby~~ created in the name of the county in which such assistance was rendered a lien, enforceable as hereinafter provided, upon all the property, both real and personal, of any person who:

1. Has received any assistance from any public defender of the state, from any special assistant public defender, or from any *conflict attorney* ~~appointed private legal counsel~~; or

2. Is a parent of an accused minor or an accused adult tax-dependent person who is being, or has been, represented by any public defender of the state, by any special assistant public defender, or by *a conflict attorney* ~~any appointed private legal counsel~~.

Such lien *constitutes* ~~shall constitute~~ a claim against the defendant-recipient or parent and his or her estate, enforceable according to law, in an amount to be determined by the court in which such assistance was rendered.

(b) Immediately after the issuance of an order for the payment of *the application fee and* attorney's fees *and* ~~or~~ costs, a judgment showing the name and residence of the defendant-recipient or parent shall be filed for record in the office of the clerk of the circuit court in the county where the defendant-recipient or parent resides and in each county in which such defendant-recipient or parent then owns or later acquires any property. Such judgments shall be enforced on behalf of the county by the

board of county commissioners of the county in which assistance was rendered.

~~(3) In lieu of the procedure above described, the court is authorized to require that the defendant-recipient of the services of the public defender, special assistant public defender, or appointed private legal counsel, or that the parent of an accused minor or an accused adult tax-dependent person who has received such services, execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created hereby. Such lien shall be recorded in the public records of the county at no charge by the clerk of the circuit court and shall be enforceable in the same manner as a mortgage.~~

(3)~~(4)~~ The board of county commissioners of the county wherein the defendant-recipient was tried or received the services of a public defender, special assistant public defender, or appointed private legal counsel shall enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A defendant-recipient or parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on such person or his or her immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(4)~~(5)~~ The board of county commissioners of the county claiming such lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for such collection shall be on a contingent basis not to exceed 50 percent of the recovery. However, no fee shall be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

(5)~~(6)~~ No lien thus created shall be foreclosed upon the homestead of such defendant-recipient or parent, nor shall any defendant-recipient or parent who is ordered to pay attorney's fees or costs be denied any of the protections afforded any other civil judgment debtor.

(6)~~(7)~~ The court having jurisdiction of the defendant-recipient may, at such stage of the proceedings as the court may deem appropriate, determine the value of the services of the public defender, special assistant public defender, or appointed private legal counsel and costs, at which time the defendant-recipient or parent, after adequate notice thereof, shall have opportunity to be heard and offer objection to the determination, and to be represented by counsel, with due opportunity to exercise and be accorded the procedures and rights provided in the laws and court rules pertaining to civil cases at law.

Section 8. Section 27.562, Florida Statutes, 1996 Supplement, is amended to read:

27.562 Disposition of funds.—All funds collected pursuant to s. 27.56*, except the application fee imposed under s. 27.52,* shall be remitted to the board of county commissioners of the county *in which the judgment was entered* ~~wherein the defendant-recipient was tried~~. Such funds shall be placed in the fine and forfeiture fund of that county to be used to defray the expenses incurred by the county in defense of criminal prosecutions. All judgments entered pursuant to *this part* ~~the provisions of this act~~ shall be in the name of the county in which the judgment was rendered.

Section 9. Subsection (1) of section 57.081, Florida Statutes, 1996 Supplement, is amended to read:

57.081 Costs; right to proceed where prepayment of costs waived.—

(1) Any indigent person, except a prisoner as defined in s. 57.085, who is a party or intervenor in any judicial or administrative agency proceeding or who initiates such proceeding shall receive the services of the courts, sheriffs, and clerks, with respect to such proceedings, without charge. Such services are limited to filing fees*;*~~,~~ service of process*;*~~,~~ certified copies of orders or final judgments*;*~~,~~ a single photocopy of any court pleading, record, or instrument filed with the clerk*;*~~,~~ examining fees*;*~~,~~ mediation services and fees*;*~~,~~ court-appointed counsel fees*;*~~,~~ subpoena fees and services*;*~~,~~ service charges for collecting and disbursing funds*;*~~,~~ and any other cost or service arising out of pending litigation. In any appeal from an administrative agency decision, for which the clerk is responsible for preparing the transcript, the clerk shall waive the cost of preparing the transcripts and the cost for copies of any exhibits in the record. ~~No~~ Prepayment of costs to any *court* ~~judge~~, clerk, or sheriff is *not* required in any action *if* ~~when~~ the party has obtained from the clerk in each proceeding a certification of indigency, based on an affidavit of the applicant claiming that the applicant is indigent and unable to pay the charges otherwise payable by law to any of such officers, ~~and~~ providing the details of the applicant's financial condition*, and containing a statement that certifies that no person has been paid or promised any payment of any remuneration by the applicant for services performed on behalf of the applicant in connection with the action or proceeding.* However, when the person is represented by an attorney, the person need not file an affidavit in order to be exempt from payment of charges under this subsection. A represented person is exempt from charges under this subsection if the attorney of such person files a written certificate, signed by the attorney, certifying that the attorney has made an investigation to ascertain the financial condition of the client and has found the client to be indigent; that the attorney has investigated the nature of the applicant's position and in the attorney's opinion it is meritorious as a matter of law; and that the attorney has not been paid or promised payment of any remuneration for services and intends to act as attorney for the applicant without compensation. On the failure or refusal of the clerk to issue a certificate of indigency, the applicant is entitled to a review of the application for the certificate by the court having jurisdiction of the cause of action.

Section 10. Paragraph (s) is added to subsection (1) of section 215.22, Florida Statutes, 1996 Supplement, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(s) The Indigent Criminal Defense Trust Fund.

Section 11. Paragraph (i) of subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including (n) do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including (n) and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(i) Pay any *application fee assessed under s. 27.52(1)(c) and* attorney's fees and costs assessed under s. 27.56, subject to modification based on change of circumstances.

Section 12. Subsection (4) of section 925.037, Florida Statutes, 1996 Supplement, is amended to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(4) The responsibility of the circuit conflict committee is to select and approve attorneys for all appointments pursuant to ss. 27.53(3) and 925.035, commonly known as conflict case appointments. *The circuit conflict committee shall meet at least once each year.*

Section 13. Subsections (2), (3), and (4) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.—

(2) *Any first offender, or* any person *previously convicted of not more than one nonviolent misdemeanor,* who is charged with any *misdemeanor or* ~~nonviolent~~ felony of the third degree is eligible for release to the pretrial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance hearing of the offender. ~~As used in this subsection, "nonviolent felony" excludes arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated assault;~~

~~murder; manslaughter; unlawful throwing, placing, or discharging of a destructive device or bomb; aggravated battery; and armed burglary. In no case,~~ However, *the defendant may not* ~~shall any individual~~ be released to the pretrial intervention program unless, after consultation with his attorney ~~or one made available to him if he is indigent~~, he has voluntarily agreed to such program and has knowingly and intelligently waived his right to a speedy trial for the period of his diversion. ~~In no case shall~~ The defendant or his immediate family *may not* personally contact the victim or *the victim's* ~~his~~ immediate family to acquire the victim's consent under ~~the provisions of~~ this *section* ~~act~~.

(3) The criminal charges against an *offender* ~~individual~~ admitted to the program shall be continued without final disposition for a period of 90 days *after* ~~from~~ the date the *offender* ~~individual~~ was released to the program, if the offender's participation in the program is satisfactory, and for an additional 90 days upon the request of the program administrator and consent of the state attorney, if the offender's participation in the program is satisfactory.

(4) Resumption of pending criminal proceedings shall be undertaken at any time if the program administrator or state attorney finds *that the offender* ~~such individual~~ is not fulfilling his obligations under this plan or if the public interest so requires. *The court may not appoint the public defender to represent an indigent offender released to the pretrial intervention program unless the offender's release is revoked and the offender is subject to imprisonment if convicted.*

Section 14. *The Office of the State Courts Administrator shall submit an annual report to the Legislature for the calendar years of 1997, 1998, and 1999 to assist the Legislature in determining the fiscal effect of the changes enacted by chapter 96-232, Laws of Florida, which revised procedures for establishing the indigency of defendants. The indigency examiner within each judicial circuit shall submit the following information to the office each month, which shall be compiled by the office in the report:*

(1) The percentage of defendants who request representation by a public defender.

(2) The number of defendants who are interviewed for eligibility for indigency.

(3) The number and percentage of defendants who are determined to be indigent.

Section 15. *Section 775.0121, Florida Statutes, 1996 Supplement, is hereby repealed.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to legal proceedings; amending s. 27.005, F.S.; providing definitions; amending s. 27.51, F.S.; clarifying the procedure by which the court may issue an order stating that a defendant will not be imprisoned if convicted; creating s. 27.512, F.S.; requiring the court to issue an order of no imprisonment in each case in which the defendant is not subject to imprisonment if convicted; prohibiting the court from appointing a public defender to represent the defendant following issuance of such an order; providing for the appointment of a public defender upon the withdrawal of an order of no imprisonment; amending s. 27.52, F.S.; providing for the court to appoint a conflict attorney to represent an indigent defendant if the public defender certifies that the defendant cannot be represented due to a conflict of interest or an excessive caseload; revising requirements for the court in determining whether a defendant is indigent; providing for the determination of indigency to be verified by an indigency examiner; requiring a defendant who claims indigency to pay an application fee; requiring the clerk of the court to transfer the application fee to the Indigent Criminal Defense Trust Fund and to retain a percentage for administrative costs; deleting a provision that authorizes the court to find a defendant indigent but able to contribute; requiring that an indigent defendant agree to report any change in his or her financial situation; amending ss. 27.53 and 925.036, F.S., relating to appointed counsel; prohibiting an attorney appointed to assist the public defender from reassigning the case to another attorney; amending s. 27.56, F.S.; providing for the application fee to be included in the judgment assessed against a defendant following conviction; deleting certain provisions that authorize a defendant to execute a lien upon real or personal property as security for payment of fees and costs; amending s. 27.562, F.S.; providing for the disposition of fees and costs collected from a defendant; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; amending s. 215.22, F.S.; providing that funds in the Indigent Criminal Defense Trust Fund are exempt from certain deductions; amending s. 948.03, F.S.; providing for payment of the indigency application fee to be a condition of probation or community control; amending s. 925.037, F.S.; providing meeting requirements for the circuit conflict committee; amending s. 948.08, F.S.; revising criteria under which an offender may be admitted to a pretrial intervention program; prohibiting the appointment of a public defender to represent an offender released to a pretrial intervention program; requiring the Office of the State Courts Administrator to submit certain reports to the Legislature to assist the Legislature in determining the fiscal effect of certain revisions in the law for establishing the indigency of defendants; repealing section 775.0121, F.S.; providing for a continuous revision cycle; providing an effective date.

On motion by Senator Campbell, further consideration of **SB 1906** as amended was deferred.

Consideration of **CS for SB's 1964 and 1742** was deferred.

On motion by Senator Jones, by two-thirds vote **HB 1465** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Jones—

HB 1465—A bill to be entitled An act relating to social and economic assistance; amending s. 409.908, F.S.; deleting a provision relating to the reimbursement for midwives who provide services to Medicaid recipients; directing the Agency for Health Care Administration to adopt certain rules; providing an effective date.

—a companion measure, was substituted for **SB 1980** and read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jenne	Ostalkiewicz
Bronson	Dantzler	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Klein	Silver
Campbell	Dyer	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Harris	Lee	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Gutman

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of the Consent Calendar and consideration of the Conference Committee Report on **CS for CS for SB's 1688, 792, 1334 and 2254**.

SB 2062—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising provisions with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect

to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising provisions with respect to dealer liability; amending s. 681.114, F.S.; revising provisions with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 2062** to **HB 1495**.

Pending further consideration of **SB 2062** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 1495** was withdrawn from the Committees on Transportation and Judiciary.

On motion by Senator Brown-Waite—

HB 1495—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising language with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising language with respect to dealer liability; amending s. 681.114, F.S.; revising language with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term "settlement"; providing for the application of the act; providing an effective date.

—a companion measure, was substituted for **SB 2062** as amended and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 1495** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dantzler	Jenne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Jones	Rossin
Burt	Dudley	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Hargrett	Latvala	Turner
Clary	Harris	Lee	Williams

Nays—None

Vote after roll call:

Yea—Gutman, McKay

CS for SB 2186—A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, and attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature to provide a means by which the state may develop a coordinated united plan to implement the National Child Protection Act, Pub. L. No. 103-209, as amended by Pub. L. No. 103-322, or as otherwise amended. Toward that end, the Legislature intends to authorize the Division of Criminal Justice Information Systems of the Florida Department of Law Enforcement to establish procedures for providing criminal history background checks on volunteers and employees of organizations subject to the act, consistent with federal law, regulations, and guidelines.*

Section 2. Section 943.083, Florida Statutes, is created to read:

943.083 Criminal history background checks on volunteers and employees subject to National Child Protection Act.—

(1) Notwithstanding any other provision of law requiring preemployment background screening, a religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity which provides care, treatment, education, training, instruction, supervision, or recreation to children, elderly persons, or individuals with disabilities may require any person, who works with or applies to work with or have unsupervised access to such children, elderly persons, or individuals with disabilities, as a volunteer or as a paid employee, to do one or more of the following:

(a) Agree to the release of all investigative records, including a statewide criminal records correspondence check through the Department of Law Enforcement, to such religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity for the purpose of verifying the accuracy of information contained on an application to work for such institution or organization or local governmental entity;

(b) Provide a complete set of fingerprints and such other information in a manner approved by the Florida Department of Law Enforcement as is necessary for processing a criminal history record check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation and agree to allow the Florida Department of Law Enforcement to use the information available to verify on behalf of the religious, charitable, scientific, educational, athletic, or service institution or organization or local governmental entity whether the individual appears to have provided substantially accurate and complete information concerning the existence, if any, of prior criminal arrests or convictions; or

(c) Attend a comprehensive training program for the protection of children, elderly persons, or individuals with disabilities which includes training on recognition, disclosure, reporting, and prevention of abuse, and provide necessary information for character, employment, education, and reference checks.

(2) When a records check is requested by a charitable or not-for-profit organization that demonstrates that it is eligible to have one conducted under the provisions of this section, fees shall be at the rates established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation in accordance with the National Child Protection Act.

(3) Pursuant to section 216.262, Florida Statutes, the Florida Department of Law Enforcement is granted authority to establish positions in excess of the total authorized positions upon submission of a proper request to the Administration Commission. These positions shall be established with funding from the department's Law Enforcement Operating

Trust Fund and shall be used to process the increased workload of conducting the criminal history records checks authorized under this section. These positions will be earmarked by the department, and, at such time as they are no longer needed, may be placed in a reserve status for future use.

Section 3. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant may be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Florida Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, or attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

On motion by Senator Silver, by two-thirds vote **CS for SB 2186** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dudley	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Harris	Lee	Williams
Cowin	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Clary

SB 2272—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2272** to **CS for HB 225**.

Pending further consideration of **SB 2272** as amended, on motion by Senator McKay, by two-thirds vote **CS for HB 225** was withdrawn from the Committees on Transportation; Criminal Justice; and Ways and Means.

On motion by Senator McKay—

CS for HB 225—A bill to be entitled An act relating to driver licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing for an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2272** as amended and read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Horne	Meadows
Bankhead	Dantzler	Jenne	Myers
Brown-Waite	Diaz-Balart	Jones	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Rossin
Campbell	Dyer	Klein	Scott
Casas	Forman	Kurth	Silver
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Lee	Thomas
Cowin	Harris	McKay	Williams

Nays—None

SB 2282—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming provisions to the act; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2282** to **HB 553**.

Pending further consideration of **SB 2282**, on motion by Senator Holzendorf, by two-thirds vote **HB 553** was withdrawn from the Committees on Children, Families and Seniors; Community Affairs; and Ways and Means.

On motion by Senator Holzendorf—

HB 553—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming to the act; providing an effective date.

—a companion measure, was substituted for **SB 2282** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 553** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—McKay

Consideration of **CS for SB 2450** was deferred.

SB 678—A bill to be entitled An act relating to local government finance; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 327 of chapter 96-410, Laws of Florida, is repealed.*

Section 2. Subsection (4) is added to section 34.191, Florida Statutes, 1996 Supplement, to read:

34.191 Fines, forfeitures, and costs.—

(4) The board of county commissioners may assign the collection of fines, court costs, and other costs imposed by the court that are past due for 90 days or more to a private attorney or collection agency that is licensed or registered in this state, if the board of county commissioners determines that the assignment is cost-effective and follows established bid practices. The board of county commissioners may authorize a fee to be added to the outstanding balance to offset any collection costs that will be incurred.

Section 3. Subsection (3) of section 163.05, Florida Statutes, 1996 Supplement, is amended to read:

163.05 Small County Technical Assistance Program.—

(3) The purpose of this section is to provide technical assistance to small counties to enable them to implement workable solutions to financial and administrative problems. As used in this section, "small county" means a county that has a population of *75,000* ~~50,000~~ or less.

Section 4. Paragraph (i) of subsection (6) of section 163.3177, Florida Statutes, 1996 Supplement, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those *municipalities* ~~units of local government~~ having populations greater than 50,000, *and those counties having populations greater than 75,000,* as determined under s. 186.901.

Section 5. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, 1996 Supplement, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to Article VIII, Section 9, of the Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

Section 6. Paragraph (a) of subsection (12) of section 163.3191, Florida Statutes, 1996 Supplement, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(12)(a) The state land planning agency may enter into a written agreement with a municipality of fewer than 5,000 residents or a county with fewer than *75,000* ~~50,000~~ residents so that such a jurisdiction may focus planning resources on selected issues or elements when updating its plan, if the local government includes such a request in its report and the agency approves the request. Approval of the request does not authorize the local government to repeal or render ineffective any existing portion or element of its local plan.

Section 7. Paragraph (b) of subsection (1) of section 165.061, Florida Statutes, is amended to read:

165.061 Standards for incorporation, merger, and dissolution.—

(1) The incorporation of a new municipality, other than through merger of existing municipalities, must meet the following conditions in the area proposed for incorporation:

(b) It must have a total population, as determined in the latest official state census, special census, or estimate of population, in the area proposed to be incorporated of at least 1,500 persons in counties with a population of *75,000 or* less ~~than 50,000~~, and of at least 5,000 population in counties with a population of more than *75,000* ~~50,000~~.

Section 8. Paragraph (a) of subsection (1), paragraph (d) of subsection (2), and subsection (6) of section 212.055, Florida Statutes, 1996 Supplement, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county ~~which adopted a charter prior to June 1, 1976,~~ and each county the government of which is consolidated with that of one or more municipalities~~,~~ may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than *75,000* ~~50,000~~ that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. *Charter counties and* counties~~,~~ as defined in s. 125.011(1)~~,~~ may, in addition, use the proceeds *and any interest accrued thereon* to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes *and, for bonds subsequently issued, to refund such bonds.*

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(a) The governing body in each county that has a population of 50,000 or less on April 1, 1992, may levy, pursuant to an ordinance approved by an extraordinary vote of the governing body, a discretionary sales surtax at a rate of 0.5 percent. Any county that levies the surtax authorized by this subsection shall continue to expend county funds for the medically poor and related health services in an amount equal to the amount that it expended for the medically poor and related health services in the fiscal year preceding the adoption of the authorizing ordinance.

(b) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance.

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the *Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07* ~~rules of the Health Care Cost Containment Board~~. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county.

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, *2008* ~~1998~~.

Section 9. *Any use of the proceeds of the surtax authorized by subsection (2) of section 212.055, Florida Statutes, or of any interest accrued on*

such proceeds, for purposes of retiring or servicing indebtedness incurred before July 1, 1997, for refunding bonds issued after July 1, 1987, is ratified.

Section 10. Section 218.075, Florida Statutes, is amended to read:

218.075 Reduction or waiver of permit processing fees.—Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or less *on April 1, 1994, until such counties exceed a population of 75,000* ~~in population~~ and municipalities with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

(1) Per capita taxable value is less than the statewide average for the current fiscal year;

(2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

(3) Any condition specified in s. 218.503, that determines a state of financial emergency;

(4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or

(5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed $100.

Section 11. Paragraph (a) of subsection (2) and paragraph (a) of subsection (7) of section 218.65, Florida Statutes, 1996 Supplement, are amended to read:

218.65 Emergency distribution.—

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets the criteria specified in paragraph (a), if applicable, and the criterion specified in paragraph (b):

(a) If the county has a population of *65,000* ~~50,000~~ or above:

1. In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or

2. The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.

(7)(a) Any county ~~eligible for an emergency distribution pursuant to this section~~ the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. At the beginning of each fiscal year, the Department of Revenue shall calculate a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to subsection (4) times the inmate population of the county. If moneys appropriated for distribution pursuant to this section for the current year are less than the sum of supplemental allocations, each eligible county shall receive a share of the appropriated amount proportional to its supplemental allocation. Otherwise, each shall receive an amount equal to its supplemental allocation.

Section 12. Paragraph (a) of subsection (3) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(3) The department shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than *75,000* ~~50,000~~ population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 13. Paragraphs (b) and (e) of subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less, and

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 *consecutive* years of annual payments, *beginning in the year a local government becomes eligible.*

Section 14. Paragraph (b) of subsection (14) of section 373.59, Florida Statutes, 1996 Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.—

(14)

(b) Payment in lieu of taxes shall be available to counties for each year in which the levy of ad valorem tax is at least *8.25* ~~9~~ mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and the population *of* ~~is~~ 75,000 or less, and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

Section 15. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only

as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of *75,000* ~~50,000~~ or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

Section 16. Subsection (1) of section 373.441, Florida Statutes, is amended to read:

373.441 Role of counties, municipalities, and local pollution control programs in permit processing.—

(1) The department in consultation with the water management districts shall, by December 1, 1994, adopt rules to guide the participation of counties, municipalities, and local pollution control programs in an efficient, streamlined permitting system. Such rules shall seek to increase governmental efficiency, shall maintain environmental standards, and shall include consideration of the following:

(a) Provisions under which the environmental resource permit program shall be delegated, upon approval of the department and the appropriate water management districts, to a county, municipality, or local pollution control program which has the financial, technical, and administrative capabilities and desire to implement and enforce the program;

(b) Provisions under which a locally delegated permit program may have stricter environmental standards than state standards;

(c) Provisions for identifying and reconciling any duplicative permitting by January 1, 1995;

(d) Provisions for timely and cost-efficient notification by the reviewing agency of permit applications, and permit requirements, to counties, municipalities, local pollution control programs, the department, or water management districts, as appropriate;

(e) Provisions for ensuring the consistency of permit applications with local comprehensive plans;

(f) Provisions for the partial delegation of the environmental resource permit program to counties, municipalities, or local pollution control programs, and standards and criteria to be employed in the implementation of such delegation by counties, municipalities, and local pollution control programs;

(g) Special provisions under which the environmental resource permit program may be delegated to counties *with populations of 75,000 or less*, or municipalities with, or local pollution control programs serving, populations of 50,000 or less; and

(h) Provisions for the applicability of chapter 120 to local government programs when the environmental resource permit program is delegated to counties, municipalities, or local pollution control programs.

Section 17. Subsection (5) of section 403.4131, Florida Statutes, is amended to read:

403.4131 "Keep Florida Beautiful, Incorporated"; placement of signs.—

(5) Each county is encouraged to initiate a litter control and prevention program or to expand upon its existing program. The department shall establish a system of grants for municipalities and counties to implement litter control and prevention programs. In addition to the activities described in subsection (1), such grants shall at a minimum be used for litter cleanup, grassroots educational programs involving litter removal and prevention, and the placement of litter and recycling receptacles. Counties are encouraged to form working public private partnerships as authorized under this section to implement litter control and prevention programs at the community level. The grants authorized pursuant to this section shall be incorporated as part of the recycling and education grants. Counties that have a population under *75,000* ~~50,000~~ are encouraged to develop a regional approach to administering and coordinating their litter control and prevention programs.

Section 18. Paragraph (d) of subsection (4) of section 403.706, Florida Statutes, is amended to read:

403.706 Local government solid waste responsibilities.—

(4)

(d) A county with a population of *75,000* ~~50,000~~ or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in paragraph (a). For the purposes of this subsection, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

If a county with a population of *75,000* ~~50,000~~ or less decides to provide the opportunity to recycle in lieu of achieving the goal set forth in paragraph (a), the county shall notify the department by October 1~~, 1993,~~ of such decision, and shall provide the department with a description of how the county intends to provide the opportunity to recycle. The department shall take into consideration the description provided by the county in determining the amount of grant moneys to be provided to the county pursuant to s. 403.7095.

Section 19. Paragraph (c) of subsection (3) of section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following subsections:

(c) The county in which the facility is located will achieve the 30-percent waste reduction goal set forth in s. 403.706(4) by the time the facility begins operation. For the purposes of this section, the provisions of s. 403.706(4)(d) for counties with populations of *75,000* ~~50,000~~ or less do not apply.

Section 20. Paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than *75,000* ~~50,000~~. The sum of $50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund ~~through 1996~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

Section 21. Subsection (1) of section 403.719, Florida Statutes, is amended to read:

403.719 Waste tire grants.—

(1) The department shall administer a program to make grants to counties that seek, individually or collectively, to:

(a) Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefor;

(b) Contract for a waste tire processing facility service within or outside the county or state;

(c) Collect and remove, or contract for the collection and removal of, waste tires from waste tire piles or other areas within the county. Re-

moval of waste tires may include transportation outside the county, region, or state;

(d) Perform, or contract for the performance of, research designed to facilitate waste tire recycling and to operate recycling and education programs;

(e) Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities;

(f) Provide incentives for establishing privately operated waste tire collection centers for the public;

(g) Perform, or contract for the performance of, enforcement and prevention activities to prevent the illegal transportation and disposal of waste tires and other solid waste materials;

(h) Purchase materials and products made from waste tires that are collected and recycled within this state;

(i) Counties with populations less than *75,000* ~~50,000~~ may use waste tire grants for any solid waste related purpose; or

(j) In addition to the use specified in paragraph (c), abate mosquitoes and provide mosquito control at waste tire sites, other tire piles, and other sites in the county identified by local mosquito control agencies as mosquito breeding areas.

Section 22. Subsection (4) is added to section 288.065, Florida Statutes, 1996 Supplement, to read:

288.065 Rural Community Development Revolving Loan Fund.—

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 23. Paragraph (b) of subsection (2) of section 288.106, Florida Statutes, 1996 Supplement, is amended, paragraphs (r) and (s) are added to that subsection, and paragraph (b) of subsection (4) of that section is amended, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) "Average *private sector* wage in the area" means the statewide private sector average wage or the average of all *private sector* wages and salaries in the county or in the standard metropolitan area in which the business is located.

(r) "Rural county" means a county with a population of 75,000 or less.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average *private sector* wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may be waived only for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 24. Paragraph (l) of subsection (3) of section 125.0104, Florida Statutes, 1996 Supplement, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds. *As used in this section, the term "convention center" does not include any facility having a hotel, motel, or other transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509.*

~~3.~~ Only counties that have elected to levy the tax initially for the purposes authorized in subparagraph 1. may use the tax for the purposes enumerated in subparagraph 2. *A high tourism impact county that imposes the tax authorized by paragraph (m) and qualifies as a high tourism impact county under paragraph (m) because it had sales subject to the tax levied pursuant to this section which were at least 18 percent of the county's total taxable sales under chapter 212, and the sales subject to the tax levied pursuant to this section were a minimum of $200 million, but that is not authorized to levy the tax under s. 125.0108, may use the tax revenues received pursuant to this paragraph to acquire a convention center, or to pay the cost of planning, designing, constructing, reconstructing, or renovating a convention center, and to pay the debt service on bonds issued for such purposes, whether or not the tax is levied initially to finance the construction, reconstruction, or renovation of a professional sports franchise facility. In such event, any remaining tax revenue shall be used to promote and advertise the convention center or tourism in general.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

Section 25. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

Section 26. Section 939.18, Florida Statutes, is created to read:

939.18 Assessment of additional court costs for court facilities.—

(1)(a) When a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state, the court may assess an additional court cost, not to exceed $150. Such additional assessment shall be accounted for separately by the county in which the offense occurred to be used for providing and maintaining court facilities under rules adopted by the Administration Commission. The Administration Commission shall adopt rules to implement this subsection which prescribe the methods of expenditure, the permissible purposes of expenditure, the investment requirements for the fund, and the accounting and reporting requirements to be enforced by each county as to the funds collected.

(b) The court may order a person to pay the additional court cost if it finds that the person has the ability to pay the additional assessment and will not be prevented thereby from making restitution or other compensation to victims which is authorized by law or from paying child support.

(2) The clerk of court shall annually prepare a financial report detailing the amount of court costs assessed and received, and expenditures and earnings from the investment of such funds. This report must be submitted to the board of county commissioners, the chief judge of the judicial circuit in which the county is situated, and the Cabinet through the Administration Commission.

Section 27. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that provide for small-scale amendment thresholds to allow Duval County 120 acres, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and Water Management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending ss. 259.032, 373.59, F.S.; amending a requirement that small counties levy a specified millage or suffer a specified percentage of tax loss in order to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of acquisitions under the Florida Preservation 2000 Program; revising the period during which payments in lieu of taxes are to be made; amending s. 403.7095, F.S.; revising the population limitation for purposes of provisions which authorize annual solid waste and recycling grants to small counties and deleting the

expiration date for such grants; amending s. 212.055, F.S.; providing the expiration date for small county indigent care surtax; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining the terms "rural county" and "rural city"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds for a professional sports franchise facility or convention center; providing a definition of "convention center"; providing additional uses for the additional tax authorized to be levied by counties which levy said tax; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes levied by a high tourism impact county transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; providing an effective date.

On motion by Senator Horne, by two-thirds vote **SB 678** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Jenne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Burt

CS for SB 904—A bill to be entitled An act relating to confidentiality of information relating to risk-based-capital reports of insurers; providing a public records exemption for risk-based-capital reports, risk-based-capital plans, and working papers and reports of examination or analysis; providing a public meetings notice for certain hearings conducted by the department regarding risk-based capital; providing exceptions; providing application of the act; providing for termination of the exemptions; providing legislative findings; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Confidentiality of risk-based capital information.—*

(1) The initial risk-based capital report made, furnished, or filed with the Department of Insurance, any risk-based capital plan, revised risk-based capital plan, adjusted risk-based capital report, and working papers and reports of examination or analysis of an insurer performed pursuant to a plan or corrective order, or regulatory action level, subsequently filed at the request of the department, with respect to any domestic insurer or foreign insurer, and transcripts of hearings conducted pursuant to this section, are confidential and exempt from section 119.07(1), Florida Statutes, and section 24(a), Art. I of the State Constitution.

(2) Proceedings and hearings conducted pursuant to section 1 of SB 620, section 1 of HB 1943, or section 1 of SB 898 relating to the department's actions regarding any insurer's risk-based capital plan, revised risk-based capital plan, risk-based capital report or adjusted risk-based capital report, are exempt from the provisions of section 286.011, Florida Statutes, and section 24(b), Art. I of the State Constitution, except as otherwise provided in this section. All portions of such hearings or proceedings shall be recorded by a court reporter. The Department of Insurance shall open such proceedings or hearings or provide a copy of the transcript of such hearings or proceedings, or disclose the contents of notices, correspondence, reports, records, or other information to a department, agency, or instrumentality of this or another state or of the United States if the department determines the disclosure is necessary or proper for the enforcement of the laws of the United States or of this or another state.

(3) This section does not apply to proceedings, hearings, notices, correspondence, reports, records, or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

(4) The exemptions provided by this section shall terminate:

(a) One year following the conclusion of any risk-based capital plan or revised risk-based capital plan; or

(b) On the date of entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631, Florida Statutes.

(5) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that the public records and meetings exemptions provided for in section 1 of this act are a public necessity because unrestricted public access to information, proceedings, and hearings relating to an insurer's risk-based capital plan and risk-based capital adjusted report, and documents and examination reports related thereto, might damage the insurer if made available to its competitors and could substantially affect the solvency of an insurer. Damage to an insurer's solvency could have a substantial negative effect on the public as well as on other insurers. Furthermore, public access to such information would not serve a public interest in that such information can be misleading as to an insurer's ranking because risk-based data does not reflect all of the factors involved in the assessment of an insurer's financial strength. The Legislature also finds that risk-based capital reports and plans reveal an insurer's investment decisions and that such decisions are a trade secret that give the insurer a competitive advantage in the private market. Public access to such information could affect an insurer's ability to do business in Florida and the insurer's solvency. Therefore, it is a public necessity to maintain the confidentiality of this information and these proceedings and hearings within the regulatory body responsible for the oversight of insurer solvency. Finally, the Legislature finds that the public has access through other means to information regarding the financial strength of an insurance company and its ranking with regard to other insurance companies.*

Section 3. This act shall take effect upon the effective date of House Bill 1943, Senate Bill 620, or similar legislation, if such legislation is enacted in the same legislative session or extension thereof.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of risk-based capital information; providing confidentiality and a public meetings and records exemption for certain information relating to risk-based capital; providing for termination of the exemption; providing for legislative review and future repeal; providing a public necessity statement; providing an effective date.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 3, line 30 through page 4, line 2, delete those lines and insert:

Section 3. Subsection (1) of section 112.324, Florida Statutes, 1996 Supplement, is amended to read:

112.324 Procedures on complaints of violations.—

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, *or as provided by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1)*, shall be confidential and exempt from the provisions of s. 119.07(1), *and s. 24(a), Art. I of the State Constitution*, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapter 120 or *s. 286.011 and s. 24(b), Art. I of the State Constitution* ~~chapter 286~~. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election. *This subsection is repealed October 2, 2002, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.*

Section 4. *The Legislature finds it a public necessity that information concerning individuals under investigation for alleged violations of the ethics standards be kept confidential and exempt from the public records law. The release of such information could potentially be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals. In addition, the Legislature finds it a public necessity that records be protected and meetings be closed to the public so that administration of the Commission on Ethics and Public Trust is not otherwise significantly impaired. The exemption of this information would minimize the possibility of unnecessary scrutiny by the public or media of individuals under investigation and their families, and will create a secure environment in which the Commission on Ethics and Public Trust may conduct its business.*

Section 5. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 4, lines 11-19, delete those lines and insert: An act relating to public records and public meetings exemptions; affording confidentiality to risk-based capital information; providing confidentiality and a public meetings and records exemption for certain information relating to risk-based capital; providing for termination of the exemption; providing for legislative review and future repeal; providing a public necessity statement; amending s. 112.324, F.S.; providing an exemption from public records requirements for a local Commission on Ethics and Public Trust; providing an effective date.

Amendment 1 as amended was adopted.

On motion by Senator Grant, by two-thirds vote **CS for SB 904** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Diaz-Balart, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 794, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 794—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of surplus; providing for participation in regular assessments by member insurers; authorizing credits from assessments for taking policies out of the Residential Property and Casualty Joint Underwriting Association; providing for membership on the board of directors; providing for term of office of certain board members; providing for regular assessments; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; requiring the Department of Insurance to verify calculations of emergency assessments; specifying purpose of financing mechanisms; providing for the financing of bond issues or other indebtedness; providing for market equalization surcharges; authorizing local government to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; revising the notice requirements for cancellation of association policies; providing for a notice to be placed in the association policy; providing legislative intent that the rate and premium structure of the association be actuarially sound and noncompetitive; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; authorizing issuance of bonds and other indebtedness in the absence of a hurricane; providing legislative intent; providing for the protection of creditors; providing immunity from liability; applying such prohibition to pending applications; prohibiting expansion of the geographical boundaries of the association after the effective date of this act; applying such prohibition to pending applications; providing standards for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; requiring the Department of Insurance to verify the calculations of emergency assessments; specifying purpose of financing mechanisms; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; revising notice requirement for cancellation of association policies; providing for a market equalization surcharge; authorizing different eligibility requirements and operational procedures of operation; providing for rates; revising the mobile home rate requirements for the association; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments for a period of time; authorizing the sale of revenue bonds; revising the standards and scope of the immunity from causes of action provided to board members and others; providing for protection of creditors; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; allowing for deduction of acquisition costs; providing for exemptions and credits for a limited period of time from regular assessments but not emergency assessments; providing that the required payment of unearned commission to an agent does not apply under certain circumstances; providing terms for replacement of policies; making technical corrections; providing for the ownership of escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the take-out plan; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; creating s. 627.3513, F.S.; establishing requirements for the sale of bonds and the selection of financial services providers and underwriters by the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; prohibiting the engagement of the services of

certain persons; requiring the disclosure of certain information; providing that failure to comply does not affect validity of bond issue but is a violation of the Insurance Code; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 624.424, F.S.; prescribing a time period for insurers to use certain accountants; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; prescribing additional guidelines with respect to deductibles offered on hurricane coverage; conforming cross-references; providing an effective date.

House Amendment 1 (with title amendment)—On page 5, remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (2) of section 624.4071, Florida Statutes, 1996 Supplement, is amended to read:

624.4071 Special purpose homeowner insurance company.—

(2) A special purpose homeowner insurance company must have a parent company, and both companies must meet the requirements of this subsection in order for the subsidiary to qualify for and maintain a certificate of authority under this section.

(a) The parent company must be an admitted insurer in at least one state in the United States and must have over $50 million in capital and surplus.

(b) The parent company must have and maintain at least 51 percent of the equity and at least 51 percent of the control of the special purpose homeowner insurance company.

(c) An insurer not authorized to transact business in this state, but that otherwise meets the requirements of this section, may apply as a special purpose homeowner insurance company.

(d) The special purpose homeowner insurance company must:

1. Have and maintain at least $10 million in surplus and otherwise satisfy the requirements of s. 624.4095.

2. Be a member of the Florida Insurance Guaranty Association and the Florida Hurricane Catastrophe Fund, and be subject to any of their required assessments and premium charges. However, a special purpose homeowner insurance company may not be a member of the Florida Windstorm Underwriting Association or the Florida Residential Property and Casualty Joint Underwriting Association, and neither the company nor its policyholders are subject to any assessments by these associations *except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III), and s. 627.351(6)(b)3.d. For the sole purpose of levying and collecting emergency assessments and determining the statewide written premium for property insurance, special purpose homeowner insurance companies shall be considered member insurers of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association.*

3. Offer coverage for all perils, including windstorm, in providing residential coverage as defined in s. 627.4025. A special purpose homeowner insurance company's rates must be filed with the department. After a period of 1 year from the date a company receives a certificate of authority, the company's rates are subject to department approval under s. 627.062.

Section 2. Subsection (5) of section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(5) Within 15 days after the last day of each month, any insurer accepting business under this section shall report to the department the name, address, telephone number, and social security number of each agent from which the insurer received more than 24 personal lines risks during the calendar year, except for risks being removed from the Residential Property and Casualty Joint Underwriting Association and placed with that insurer ~~through the market assistance plan~~ by a brokering agent. Once the insurer has reported pursuant to this subsection an agent's name to the department, additional reports on the same agent shall not be required. However, the fee set forth in s. 624.501 shall be paid for the agent by the insurer for each year until the insurer notifies the department that the insurer is no longer accepting business from the agent pursuant to this section. The insurer may require that the agent reimburse the insurer for the fee.

Section 3. Paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, 1996 Supplement, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062, which findings and factors are admissible and relevant in consideration of a rate filing by the department or in any *arbitration or* administrative or judicial review.

Section 4. Subsections (8), (9), and (10) are added to section 627.0629, Florida Statutes, 1996 Supplement, to read:

627.0629 Residential property insurance; rate filings.—

(8) An insurer may implement appropriate discounts or other rate differentials of up to 10 percent of the annual premium to mobile home owners who provide to the insurer evidence of a current inspection of tie-downs for the mobile home, certifying that the tie-downs have been properly installed and are in good condition.

(9) EVALUATION OF RESIDENTIAL PROPERTY STRUCTURAL SOUNDNESS.—

(a) It is the intent of the Legislature to provide a program whereby homeowners may obtain an evaluation of the wind resistance of their homes with respect to preventing damage from hurricanes, together with a recommendation of reasonable steps that may be taken to upgrade their homes to better withstand hurricane force winds.

(b) To the extent that funds are provided for this purpose in the General Appropriations Act, the Legislature hereby authorizes the establishment of a program to be administered by the Florida Windstorm Underwriting Association.

(c) The program shall provide grants to homeowners, for the purpose of providing homeowner applicants with funds to conduct an evaluation of the integrity of their homes with respect to withstanding hurricane force winds, recommendations to retrofit the homes to better withstand damage from such winds, and the estimated cost to make the recommended retrofits.

(d) The Department of Community Affairs shall establish by rule standards to govern the quality of the evaluation, the quality of the recommendations for retrofitting, the eligibility of the persons conducting the evaluation, and the selection of applicants under the program. In establishing the rule, the department shall consult with the advisory committee to minimize the possibility of fraud or abuse in the evaluation and retrofitting process, and to ensure that funds spent by homeowners acting on the recommendations achieve positive results.

(e) The Florida Windstorm Underwriting Association shall identify areas of this state with the greatest wind risk to residential properties and recommend annually to the department priority target areas for such evaluations and inclusion with the associated residential construction mitigation program.

(10) A property insurance rate filing that includes any adjustments related to premiums paid to the Florida Hurricane Catastrophe Fund must include a complete calculation of the insurer's catastrophe load, and the information in the filing may not be limited solely to recovery of moneys paid to the fund.

Section 5. Subsections (2) and (6) of section 627.351, Florida Statutes, 1996 Supplement, are amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(a) Agreements may be made among property insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but are unable to procure, such insurance through ordinary methods; and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications shall be subject to the applicable provisions of this chapter.

(b) The department shall require all insurers *holding a certificate of authority* ~~licensed~~ to transact property insurance on a direct basis in this state, *other than joint underwriting associations and other entities formed pursuant to this section,* to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, *which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multi-peril, homeowners' multi-peril, commercial multi-peril, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings.* The *department* ~~commissioner~~ shall *adopt* ~~promulgate~~ rules *that* ~~which~~ provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. *An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.*

2.a.*(I)* All insurers required to be members of such *association* ~~plan~~ shall participate in its writings, expenses, ~~profits,~~ and losses. *Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers.* Such ~~gross~~ participation *by member insurers* shall be in the proportion that the net direct premiums of each member *insurer* written *for* ~~on~~ property *insurance* in this state during the preceding calendar year bear to the aggregate net direct premiums *for property insurance* of all *member insurers, as reduced by any credits for voluntary writings,* ~~members of the plan written on property~~ in this state during the preceding calendar year. *For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state.* The commissioner, after review of annual statements, other reports, and any other statistics *that the commissioner* ~~which he~~ deems necessary, shall certify to the *association* ~~plan~~ the aggregate ~~net~~ direct premiums written *for* ~~on~~ property *insurance* in this state by all *member insurers* ~~members~~.

(II) The plan of operation shall provide *for a board of directors consisting of the Insurance Consumer Advocate appointed under s. 627.0613, one consumer representative appointed by the Insurance Commissioner, one consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall* ~~that one additional domestic member of the board of directors~~ be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net *direct* ~~written~~ premiums of domestic companies in this state. *Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.*

(III) The ~~Any such~~ plan *of operation* shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment *of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).*

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the *association* ~~plan~~ under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the *association* ~~plan~~ was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for *paying regular assessments and collecting emergency assessments for* ~~covering~~ any deficits of the *association* ~~plan~~; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.*(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.*

(II)~~(I)~~ When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance *for the prior calendar year* ~~as defined in s. 624.404~~ for all *member* insurers ~~licensed to transact property insurance on a direct basis in this state~~, the association shall levy an assessment on *member* ~~such~~ insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property *insurance for the prior calendar year for member insurers.* Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph *(III)*~~(II)~~.

(III)~~(II)~~ Upon a determination by the board of *directors* ~~governors~~ that a deficit exceeds the amount that will be recovered through regular assessments *on member* ~~of~~ insurers, *pursuant to sub-sub-subparagraph*

(I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by *member* insurers *and by*~~, including joint~~ underwriting associations *created pursuant to this section which write property insurance,* upon issuance or renewal of *property insurance* policies *other than National Flood Insurance policies* in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance *for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums* ~~as defined in s. 624.404~~, as *annually* determined by the board and verified by the department. *The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment.* The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this *sub-sub-subparagraph* ~~sub-subparagraph~~ in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for *property insurance written by member insurers and underwriting associations* ~~subject lines of business~~ for the prior year*, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.* The board may pledge the proceeds of the emergency assessments under this *sub-sub-subparagraph* ~~sub-subparagraph~~ as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. *The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness.* Emergency assessments collected under this *sub-sub-subparagraph* ~~subparagraph~~ are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV)~~(III)~~ Each *member* insurer's share of the total *regular assessments* ~~assessment~~ under *sub-sub-subparagraph (I) or sub-sub-subparagraph (II)* ~~this sub-subparagraph~~ shall be in the proportion that the insurer's *net* direct ~~written~~ premium for property insurance *in this state,* ~~as defined in s. 624.404~~ for the year preceding the assessment bears to the aggregate statewide *net* direct ~~written~~ premium for property insurance *of all member insurers, as reduced by any credits for voluntary writings* ~~as defined in s. 624.404~~ for that year.

(V)~~(IV)~~ *If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-subparagraph (6)(b)3.a. or sub-subparagraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.*

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 ~~from time to time~~ to fund an assistance program, in conjunction with the *association* ~~plan~~, for the purpose of defraying deficits of the *association* ~~plan~~. *In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government.* Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the *association* ~~plan~~ and insurers responsible for apportionment of plan losses. *Any such* ~~The~~ unit of local government *may* ~~shall~~ enter into such contracts with the *association and with any other entity created pursuant to this subsection* ~~plan~~ as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the *association* ~~plan~~ from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of $20 million or less writing 25 percent *or more* of its total countrywide property insurance premiums in this state may petition the department, ~~within 90 days of the effective date of chapter 76-96, Laws of Florida, and thereafter~~ within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a *member* company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses *pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)* in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. *However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III).* The plan shall provide that, if the department determines that any *regular* assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. *However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).*

4. The plan shall provide for the deferment, in whole or in part, of *a regular* ~~the~~ assessment of a member insurer *under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III),* if, in the opinion of the commissioner, payment of *such regular* ~~the~~ assessment would endanger or impair the solvency of the member insurer. In the event *a regular* ~~an~~ assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in *sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)* ~~sub-paragraph 2~~.

5.*a.* The plan *of operation* may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. The association may require arbitration of a rate filing under s. 627.062(6). It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The *association* ~~plan~~ shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. Association policies and applications must include a notice that the association policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

6.a. The plan *of operation* may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, *a partnership, a trust, a limited liability company,* or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. *Any* ~~The~~ entity created under this *subsection* ~~subparagraph~~, or any entity formed for the purposes of *this subsection, may sue and be sued* ~~subparagraph 2.~~, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, *market equalization surcharges and other surcharges,* rights, premiums, contractual rights, *projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables,* and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. *The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such* ~~The~~ entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The *association* ~~plan~~ shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to him by the terms of his contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and

attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(c) The provisions of paragraph (b) are applicable only with respect to:

1. Those areas that were eligible for coverage under this subsection on April 9, 1993; or

2. Any county or area as to which the department, after public hearing, finds that the following criteria exist:

a. Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in such county or area, mortgages are in default, and financial institutions are unable to make loans;

b. The county or area so affected has adopted and is enforcing the structural requirements of the State Minimum Building Codes, as defined in s. 553.73, for new construction and has included adequate minimum floor elevation requirements for structures in areas subject to inundation; and

c. Extending windstorm insurance coverage to such county or area is consistent with and will implement and further the policies and objectives set forth in applicable state laws, rules, and regulations governing coastal management, coastal construction, comprehensive planning, beach and shore preservation, barrier island preservation, coastal zone protection, and the Coastal Zone Protection Act of 1985.

Any time after the department has determined that the criteria referred to in this subparagraph do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

(d) For the purpose of evaluating whether the criteria of paragraph (c) are met, such criteria shall be applied as the situation would exist if policies had not been written by the Florida Residential Property and Casualty Joint Underwriting Association and property insurance for such policyholders was not available.

(e) Notwithstanding the provisions of subparagraph (c)2. or paragraph (d), eligibility shall not be extended to any area that was not eligible on March 1, 1997, except that the department may act with respect to any petition on which a hearing was held prior to the effective date of this act. This paragraph is repealed on October 1, 1998.

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(a) There is created a joint underwriting association for equitable apportionment or sharing among insurers of property and casualty insurance covering residential property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The association shall operate pursuant to a plan of operation approved by order of the department. The plan is subject to continuous review by the department. The department may, by order, withdraw approval of all or part of a plan if the department determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

(b)1. All insurers authorized to write *subject lines of business* ~~such insurance~~ in this state, *other than underwriting associations or other entities created under this section,* must participate in and be members of the Residential Property and Casualty Joint Underwriting Association. *A member's participation shall begin on the first day of the calendar year following the year in which the member was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the member no longer holds a certificate of authority to transact insurance for subject lines of business in this state.*

2. All revenues, assets, liabilities, losses, and expenses of the association shall be divided into two separate accounts, one of which is for personal lines residential coverages and the other of which is for commercial lines residential coverages. Revenues, assets, liabilities, losses, and expenses not attributable to particular coverages shall be prorated between the accounts.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers,* the entire deficit shall be recovered through assessments of *member* insurers under paragraph (g).

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers,* the association shall levy an assessment on *member* insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business *for the prior calendar year for all member insurers.* Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each *member* insurer's share of the total assessment under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the *member* insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year *for all member insurers.*

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments *on member* ~~of~~ insurers under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the department, emergency assessments to be collected by *member* insurers *and by*~~, including joint~~ underwriting associations *created under this section which write subject lines of business*~~,~~ upon issuance or renewal of policies *for subject lines of business, excluding National Flood Insurance policies,* in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business *for all member insurers and underwriting associations, excluding National Flood Insurance Program policy premiums,* as *annually* determined by the board and verified by the department. *The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created under this section which writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment.* The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide

direct written premium for subject lines of business *written by member insurers and underwriting associations* for the prior year*, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.*

e. The board may pledge the proceeds of assessments, projected *recoveries* ~~revenues~~ from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, *market equalization surcharges and other* surcharges, and other funds available to the association as the source of revenue for and to secure bonds issued under paragraph (g), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit *or* ~~of~~ other financing mechanisms issued or created under *this subsection* ~~subparagraph (c)10.~~*, or* to retire any other debt incurred as a result of *deficits* ~~the deficit~~ or events giving rise to *deficits* ~~the deficit~~, or in any other way that the board determines will efficiently recover *such deficits* ~~the deficit~~. *The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe.* As used in this subsection, the term "assessments" includes *regular* assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under ~~this~~ sub-subparagraph *d*. Emergency assessments collected under *sub-subparagraph d.* ~~this sub-paragraph~~ are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. *The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.*

f.~~e.~~ As used in this *subsection* ~~subparagraph~~, the term "subject lines of business" means, with respect to the personal lines account, any personal lines policy defined in s. 627.4025, and means, with respect to the commercial lines account, all commercial property and commercial fire insurance.

(c) The plan of operation of the association:

1. May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of the association to provide such service. Each licensed agent shall be entitled to indicate the order of preference regarding who will service the business placed by the agent. The association shall adhere to each agent's preferences unless after consideration of other factors in assigning agents, including, but not limited to, servicing capacity and fee arrangements, the association has reason to believe it is in the best interest of the association to make a different assignment.

2. Must provide for adoption of residential property and casualty insurance policy forms, which forms must be approved by the department prior to use. The association shall adopt the following policy forms:

a. Standard personal lines policy forms including wind coverage, which are multiperil policies providing what is generally considered to be full coverage of a residential property similar to the coverage provided under an HO-2, HO-3, HO-4, or HO-6 policy.

b. Standard personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph a. except that they do not include wind coverage.

c. Basic personal lines policy forms including wind coverage, which are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

d. Basic personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph c. except that they do not include wind coverage.

e. Commercial lines residential policy forms including wind coverage that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

f. Commercial lines residential policy forms without wind coverage, which are the same as the policies described in sub-subparagraph e. except that they do not include wind coverage.

3. May provide that the association may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The association shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection. *The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association, subject to approval by the department, that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection.* The association is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The association shall have the authority to pledge assessments*, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges,* and other funds available to the association as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the association operate subject to the supervision and approval of a board of governors consisting of 13 individuals, including 1 who is elected as chairman. The board shall consist of:

a. The insurance consumer advocate appointed under s. 627.0613.

b. Five members designated by the insurance industry.

c. Five consumer representatives appointed by the Insurance Commissioner. Two of the consumer representatives must, at the time of appointment, be holders of policies issued by the association, who are selected with consideration given to reflecting the geographic balance of association policyholders. Two of the consumer members must be individuals who are minority persons as defined in s. 288.703(3). One of the consumer members shall have expertise in the field of mortgage lending.

d. Two representatives of the insurance industry appointed by the Insurance Commissioner. Of the two insurance industry representatives appointed by the Insurance Commissioner, at least one must be an individual who is a minority person as defined in s. 288.703(3).

Any board member may be disapproved or removed and replaced by the commissioner at any time for cause. All board members, including the chairman, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. With respect to personal lines residential risks, ~~the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan.~~ if the *risk* ~~market assistance plan~~ is *offered coverage* ~~able to obtain an offer~~ from an authorized insurer ~~to insure the risk~~ at *the insurer's* ~~its~~ approved rate under either a standard policy including wind coverage or*, if consistent with the insurer's underwriting rules as filed with the department,* a basic policy including wind coverage, the risk is not eligible for any policy issued by the association ~~in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.~~ *If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the plan or to the association is not currently appointed by the insurer, the insurer shall either appoint*

the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan or the association, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission. If the *risk* ~~market assistance plan~~ is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the association; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The association shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

b. With respect to commercial lines residential risks, ~~the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan.~~ if the *risk* ~~market assistance plan~~ is *offered coverage* ~~able to obtain an offer to insure the risk~~ under a policy including wind coverage from an authorized insurer at its approved rate ~~or from a surplus lines insurer at no more than 25 percent above the association rate~~, the risk is not eligible for any policy issued by the association. *If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association, and the producing agent who submitted the application to the plan or the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.*~~; however, an offer from a surplus lines insurer does not disqualify a condominium association, cooperative, or homeowners' association from eligibility for coverage by the association in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.~~ If the *risk* ~~market assistance plan~~ is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the association. ~~After December 31, 1996, an offer from a surplus lines insurer does not disqualify an applicant from obtaining coverage from the association.~~

c. This subparagraph does not require the association to provide wind coverage or hurricane coverage in any area in which such coverage is available through the Florida Windstorm Underwriting Association.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income attributable to a particular plan year are in excess of projected losses and expenses of the plan attributable to that year, such excess shall be held in surplus. Such surplus shall be available to defray deficits as to future years and shall be used for that purpose prior to assessing member insurers as to any plan year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the association shall make its best efforts to procure catastrophe reinsurance at reasonable rates, as determined by the board of governors.

10. Must provide that in the event of *regular* deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., *or by the Florida Windstorm Underwriting Association under sub-sub-subparagraph (2)(b)2.d.(I) or sub-sub-subparagraph (2)(b)2.d.(II),* the association shall levy upon association policyholders *in its next rate filing, or by a separate rate filing solely for this purpose,* a market equalization surcharge *in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for member insurers for the prior calendar year* ~~equal to the percentage assessment attributable to such deficit. Such surcharges, together with projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, assessment proceeds, and any other funds available to the association, may be used to fund lines of credit and other financing mechanisms to the extent available from public or private sources. The purpose of the lines of credit or other financing mechanism is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe~~. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the association must provide that ~~for personal lines residential risks~~, if the association or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. However, if the risk is located in an area in which Florida Windstorm Underwriting Association coverage is available, such an offer of a standard or basic policy terminates eligibility regardless of whether or not the offer includes wind coverage. Upon termination of eligibility, the association shall provide written notice to the policyholder *and agent of record* stating that the association policy shall be canceled as of *60* ~~30~~ days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this subparagraph.

12. Association policies and applications must include a notice that the association policy could, under this section or s. 627.3511, be replaced with a policy issued by an admitted insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the department, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. ~~Beginning with the rate filing taking effect January 1, 1998, to the extent that such data is available, the rates of the plan shall be based on the association's actual loss experience and expenses.~~ Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the association and recognizes that the association has little or no capital or surplus; and the association shall carefully

review each rate filing to assure that provider compensation is not excessive. ~~As an interim measure, the association shall adopt rating plans that provide,~~

2. For each county, ~~that~~ the average rates of the association for each line of business *for personal lines residential policies shall be no lower than* ~~are the same as~~ the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the association shall be *no lower than* ~~the same as~~ the average rates charged by the insurer that had the highest average rate in that county among the *5* ~~8~~ insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year. ~~It is the intent of the Legislature that such interim rating plans be phased in, with average rates reflecting at least half of the difference between the then-current association rate and the full interim rate taking effect with policies issued or renewed on or after January 1, 1996, and with the full interim rates taking effect with policies issued or renewed on or after January 1, 1997.~~

3. Rates for commercial residential coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062. ~~Nothing in this subparagraph requires the association to reduce rates approved under s. 627.062 and in effect on December 31, 1995.~~

4. Nothing in this *paragraph* ~~subparagraph~~ shall require *or allow* the association to adopt a rate that is inadequate under s. 627.062 *or to reduce rates approved under s. 627.062.*

5.~~2.~~ *The association may require arbitration of a filing pursuant to s. 627.062(6).* Rate filings of the association *under this paragraph* shall be made on a use and file basis under s. 627.062(2)(a)2. The association shall make a rate filing ~~under s. 627.062~~ at least once a year, but no more often than quarterly.

(e) Coverage through the association is hereby activated effective upon approval of the plan, and shall remain activated until coverage is deactivated pursuant to paragraph (f). Thereafter, coverage through the association shall be reactivated by order of the department only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from admitted carriers at their filed rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the department that the conditions of this subparagraph have been met for eligibility for coverage in the association, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the department may activate coverage by order for the period of the emergency upon a finding by the department that the emergency significantly affects the availability of residential property insurance.

(f) The activities of the association shall be reviewed at least annually by the board and, upon recommendation by the board or petition of any interested party, coverage shall be deactivated if the department finds that the conditions giving rise to its activation no longer exist.

(g)1. The board shall certify to the department its needs for annual assessments as to a particular calendar year, and any startup or interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the department shall approve such certification, and the board shall levy such annual, startup, or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating *member* insurer, including, if prudent, filing suit to collect such assessment. If the board is unable to collect an assessment from any *member* insurer, the uncollected assessments shall be levied as an additional assessment against the participating *member* insurers and any participating *member* insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying *member* insurer. Assessments shall be included as an appropriate factor in the making of rates.

2. The governing body of any unit of local government, any residents of which are insured by the association, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. *In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government.* Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the joint underwriting association and insurers responsible for apportionment of association losses. *Any such* ~~The~~ unit of local government *may* ~~shall~~ enter into such contracts with the association *and with any other entity created pursuant to this subsection* as are necessary to carry out this paragraph. Any bonds issued under this *subparagraph* ~~sub-subparagraph~~ shall be payable from and secured by moneys received by the association from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer.

3.*a.* In addition to any credits, bonuses, or exemptions provided under s. 627.3511, the board shall adopt a program for the reduction of both new and renewal writings in the association. The board may consider any prudent and not unfairly discriminatory approach to reducing association writings, but must adopt at least a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the association and to keep risks out of the association by maintaining or increasing voluntary writings in counties in which association risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the association by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under *sub-subparagraphs (b)3.a. and b.* ~~subparagraph (b)3.~~

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the association. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the association, or for two additional years if the insurer guarantees two additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.d.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of *a member* ~~an~~ insurer, *other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d.*, if the department finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against *a member* ~~an~~ insurer is deferred in whole or in part, the amount by which

such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

(h) Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(i) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the ~~Residential Property and Casualty Joint Underwriting~~ association or its agents or employees, members of the board of governors *or their respective designees at a board meeting, association committee members*, or the department or its representatives, for any action taken by them in the performance of their duties *or responsibilities* under this subsection. Such immunity does not apply to ~~actions for breach of any contract or agreement pertaining to insurance or to issuance of payment of debt, or any other willful tort~~*:*

1. Any of the foregoing persons or entities for any willful tort;

2. The association or its servicing or producing agents for breach of any contract or agreement pertaining to insurance coverage;

3. The association with respect to issuance or payment of debt; or

4. Any member insurer with respect to any action to enforce a member insurer's obligations to the association under this subsection.

(j) The Residential Property and Casualty Joint Underwriting Association is not a state agency, board, or commission. However, for the purposes of s. 199.183(1), the Residential Property and Casualty Joint Underwriting Association shall be considered a political subdivision of the state and shall be exempt from the corporate income tax.

(k) Upon a determination by the board of governors that the conditions giving rise to the establishment and activation of the association no longer exist, and upon the consent thereto by order of the department, the association is dissolved. Upon dissolution, the assets of the association shall be applied first to pay all debts, liabilities, and obligations of the association, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the association shall become property of the state and deposited in the Florida Hurricane Catastrophe Fund.

(l) All obligations, rights, assets, and liabilities of the Florida Property and Casualty Joint Underwriting Association created by subsection (5), which obligations, rights, assets, or liabilities relate to the provision of commercial lines residential property insurance coverage as described in this section are hereby transferred to the Residential Property and Casualty Joint Underwriting Association. The Residential Property and Casualty Joint Underwriting Association is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

(m) Notwithstanding any other provision of law:

1. The pledge *or sale* of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state.

2. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments ~~under sub-subparagraph (b)3.a., sub-subparagraph (b)3.b., or subparagraph (g)1., emergency assessments under sub-subparagraph (b)3.d.~~, market equalization or *other* ~~renewal~~ surcharges under subparagraph *(c)10.* ~~(g)10.~~, or any other rights, revenues, or other assets of the association pledged pursuant to any financing documents.

3. Each such pledge *or sale* of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, ~~emergency assessments,~~ market equalization or *other* ~~renewal~~ surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this *subsection* ~~paragraph~~, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged *or sold* to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

(n)1. The following records of the Residential Property and Casualty Joint Underwriting Association are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination

of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the association or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Residential Property and Casualty Joint Underwriting Association are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(2)(a), the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of *the* ~~said~~ claim.

Section 6. Section 627.3511, Florida Statutes, 1996 Supplement, is amended to read:

627.3511 Depopulation of Residential Property and Casualty Joint Underwriting Association.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds and declares that the Residential Property and Casualty Joint Underwriting Association has written an amount of policies beyond legislative expectations and has become, by virtue of its size, a significant impediment to the restoration of a stable and competitive residential property insurance market in this state; that the public policy of this state requires the maintenance of a residual market for residential property insurance; and that extraordinary measures, beyond implementation of eligibility criteria and noncompetitive rates, are required to reduce the number of policies written by the Residential Property and Casualty Joint Underwriting Association to a reasonable level. It is the intent of the Legislature to provide a variety of financial incentives to encourage the replacement of the highest possible number of *Residential Property and Casualty* Joint Underwriting Association policies with policies written by admitted insurers at approved rates.

(2) TAKE-OUT BONUS.—The Residential Property and Casualty Joint Underwriting Association shall pay the sum of up to $100 to an insurer for each risk that the insurer removes from the association, either by issuance of a policy upon expiration *or cancellation* of the association policy or by assumption of the association's obligations with respect to an in-force policy. Such payment is subject to approval of the association board. In order to qualify for the bonus under this subsection, the take-out plan must include a minimum of 25,000 policies. Within 30 days after approval by the board, the department may reject the insurer's take-out plan and disqualify the insurer from the bonus, based on the following criteria:

(a) The capacity of the insurer to absorb the policies proposed to be taken out of the association and the concentration of risks of those policies.

(b) Whether the geographic and risk characteristics of policies in the proposed take-out plan serve to reduce the exposure of the association sufficient to justify the bonus.

(c) Whether coverage for risks to be taken out otherwise exists in the admitted voluntary market.

(d) The degree to which the take-out bonus is promoting new capital being allocated by the insurer to Florida residential property coverage.

(3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

(a) The calculation of an insurer's assessment liability under s. 627.351(6)(b)3.a. or b. shall, for an insurer that in any calendar year removes 50,000 or more risks from the Residential Property and Casualty Joint Underwriting Association, either by issuance of a policy upon expiration *or cancellation* of the association policy or by assumption of the association's obligations with respect to in-force policies, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the risks, the risks are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the risks, the risks are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the risks, the risks are excluded from the calculation to the extent of 50 percent.

If the removal of risks is accomplished through assumption of obligations with respect to in-force policies, the association shall pay to the assuming insurer all unearned premium with respect to such policies *less any policy acquisition costs agreed to by the association and assuming insurer. The term "policy acquisition costs" is defined as costs of issuance of the policy by the association which includes agent commissions, servicing company fees, and premium tax.* This paragraph does not apply to an insurer that, at any time within 5 years before removing the risks, had a market share in excess of 0.1 percent of the statewide aggregate gross direct written premium for any line of property insurance, or to an affiliate of such an insurer. This paragraph does not apply unless either at least 40 percent of the risks removed from the association are located in Dade, Broward, and Palm Beach Counties, or at least 30 percent of the risks removed from the association are located in such counties and an additional 50 percent of the risks removed from the association are located in other coastal counties.

(b) An insurer that first wrote personal lines residential property coverage in this state on or after July 1, 1994, is exempt from *regular* deficit assessments *imposed pursuant to s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* of the Residential Property and Casualty Joint Underwriting Association until the earlier of the following:

1. The end of the calendar year in which it first wrote 0.5 percent or more of the statewide aggregate direct written premium for any line of residential property coverage; or

2. December 31, 1997, or December 31 of the third year in which it wrote such coverage in this state, whichever is later.

(c) Other than an insurer that is exempt under paragraph (b), an insurer that in any calendar year increases its total structure exposure subject to wind coverage by 25 percent or more over its exposure for the preceding calendar year is, with respect to that year, exempt from deficit assessments *imposed pursuant to s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* of the Residential Property and Casualty Joint Underwriting Association attributable to such increase in exposure.

(d) Any exemption or credit from regular assessments authorized by this section shall last no longer than 3 years following the cancellation or expiration of the policy by the association. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

(4) AGENT BONUS.—When the Residential Property and Casualty Joint Underwriting Association enters into a contractual agreement for a take-out plan that provides a bonus to the insurer, the producing agent

of record of the association policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(a) Pay to the producing agent of record of the association policy an amount equal to the insurer's usual and customary commission for the type of policy written if the term of the association policy was in excess of 6 months, or one-half of such usual and customary commission if the term of the association policy was 6 months or less; or

(b)

Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written.

The insurer need not take any further action if the offer is rejected. This subsection does not apply to any reciprocal interinsurance exchange, nonprofit federation, or any subsidiary or affiliate of such organization. This subsection does not apply if the agent is also the agent of record on the new coverage. *The requirement of this subsection that the producing agent of record is entitled to retain the unearned commission on an association policy does not apply to a policy for which coverage has been provided in the association for 30 days or less or for which a cancellation notice has been issued pursuant to s. 627.351(6)(c)11. during the first 30 days of coverage.*

(5) APPLICABILITY.—

(a) The take-out bonus provided by subsection (2) and the exemption from assessment provided by paragraph (3)(a) apply only if the ~~Residential Property and Casualty Joint Underwriting~~ association policy is replaced by either a standard policy including wind coverage or, *if consistent with the insurer's underwriting rules as filed with the department,* a basic policy including wind coverage; however, with respect to risks located in areas where coverage through the Florida Windstorm Underwriting Association is available, the replacement policy need not provide wind coverage. The insurer must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure. *If an insurer assumes the association's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the association policy and must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure.* For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this paragraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy. In addition to these requirements, the association must place the bonus moneys in escrow for a period of 3 years; such moneys may be released from escrow only to pay claims. *A take-out bonus provided by subsection (2) or subsection (6) shall not be considered premium income for purposes of taxes and assessments under the Florida Insurance Code and shall remain the property of the Residential Property and Casualty Joint Underwriting Association, subject to the prior security interest of the insurer under the escrow agreement until it is released from escrow, and after it is released from escrow it shall be considered an asset of the insurer and credited to the insurer's capital and surplus.*

(b) An insurer or agent may not qualify for a bonus or exemption from assessment under this section after the number of risks covered by the Residential Property and Casualty Joint Underwriting Association is less than 250,000.

(c) It is the intent of the Legislature that an insurer eligible for the exemption under paragraph (3)(a) establish a preference in appointment of agents for those agents who lose a substantial amount of business as a result of risks being removed from the association.

(6) *COMMERCIAL RESIDENTIAL* ~~CONDOMINIUM ASSOCIATION~~ TAKE-OUT PLANS.—

(a) The Residential Property and Casualty Joint Underwriting Association shall pay a bonus to an insurer for each *commercial residential* ~~condominium association~~ policy that the insurer removes from the association pursuant to an approved take-out plan, either by issuance of a new policy upon expiration of the association policy or by assumption of the association's obligations with respect to an in-force policy. The association board shall determine the amount of the bonus based on such factors as the coverage provided, relative hurricane risk, the length of time that the property has been covered by the association, and the criteria specified in paragraphs (b) and (c). The amount of the bonus with respect to a particular policy may not exceed 25 percent of the association's 1-year premium for the policy. Such payment is subject to approval of the association board. In order to qualify for the bonus under this subsection, the take-out plan must include policies reflecting at least $100 million in structure exposure.

(b) In order for a plan to qualify for approval:

1. At least 40 percent of the policies removed from the association under the plan must be located in Dade, Broward, and Palm Beach Counties, or at least 30 percent of the policies removed from the association under the plan must be located in such counties and an additional 50 percent of the policies removed from the association must be located in other coastal counties.

2. The insurer must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled or nonrenewed by the insurer for a lawful reason other than reduction of hurricane exposure. *If an insurer assumes the association's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the association policy and must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled by the insurer for a lawful reason other than reduction of hurricane exposure.* For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this subparagraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy.

(c) A take-out plan is deemed approved unless the department, within 120 days after the board votes to recommend the plan, disapproves the plan based on:

1. The capacity of the insurer to absorb the policies proposed to be taken out of the association and the concentration of risks of those policies.

2. Whether the geographic and risk characteristics of policies in the proposed take-out plan serve to reduce the exposure of the association sufficiently to justify the bonus.

3. Whether coverage for risks to be taken out otherwise exists in the admitted voluntary market.

4. The degree to which the take-out bonus is promoting new capital being allocated by the insurer to residential property coverage in this state.

(d) The calculation of an insurer's *regular* assessment liability under *s. 627.351(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ shall, with respect to *commercial residential* ~~condominium association~~ policies removed from the association under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.

(e) An insurer that first wrote *commercial residential* ~~condominium association~~ property coverage in this state on or after June 1, 1996, is exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ with respect to *commercial residential* ~~condominium association~~ policies until the earlier of:

1. The end of the calendar year in which such insurer first wrote 0.5 percent or more of the statewide aggregate direct written premium for *commercial residential* ~~condominium association~~ property coverage; or

2. December 31 of the third year in which such insurer wrote *commercial residential* ~~condominium association~~ property coverage in this state.

(f) An insurer that is not otherwise exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b.* ~~s. 627.351~~ with respect to *commercial residential* ~~condominium association~~ policies is, for any calendar year in which such insurer increased its total *commercial residential* ~~condominium association~~ hurricane exposure by 25 percent or more over its exposure for the preceding calendar year, exempt from *regular* assessments under *s. 627.351(6)(b)3.a. and b., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d.,* ~~s. 627.351~~ attributable to such increased exposure.

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer may *exempt* ~~apply~~ up to $50 of the *escrow requirements of the* take-out bonus, as described in this section~~, toward the minimum capital requirements as set forth in s. 624.407(1)(a)~~. Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, to the Residential Property and Casualty Joint Underwriting Association. ~~The Insurance Commissioner may request that the association approve such take-out plan subject to the granting of a certificate of authority by the department.~~

Section 7. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) An insurer or insurer group ~~A rate filing under s. 627.062, s. 627.0651, or s. 627.072~~ may ~~include amounts sufficient to~~ recoup any assessments that have been paid *during or after 1995* by the insurer *or insurer group* to defray deficits of *an insurance risk apportionment plan* ~~a joint underwriting association~~ or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer *or insurer group* by the association or plan *for any year after 1993. The recoupment shall be made by applying a separate assessment factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines.* The ~~rate filing shall include a~~ separate assessment factor *shall provide* ~~which provides~~ for full recoupment of the assessments over a period of 1 year, unless the insurer *or insurer group,* at its option, elects to recoup the assessments over a longer period. The assessment factor ~~in the filing~~ expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(2) The assessment factor must not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group fails to collect the full amount of the deficit assessment, the insurer or insurer group must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount.

(3) The insurer or insurer group shall file with the department a statement setting forth the amount of the assessment factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the assessment factor. The department shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations. The insurer or insurer group may use the assessment factor at any time after the expiration of the 15-day period unless the department has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect.

(4) The department may adopt rules to implement this section.

Section 8. Section 627.3513, Florida Statutes, is created to read:

627.3513 Standards for sale of bonds by underwriting associations.—

(1)(a) The purpose of this section is to provide standards for the sale of bonds pursuant to s. 627.351(2) and (6).

(b) "Association" or "associations," for purposes of this section, means the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association as established pursuant to s. 627.351(2) and (6), and any corporation or other entity established pursuant to those subsections.

(2) The plan of operation of each association shall provide for the selection of financial services providers and underwriters. Such provisions shall include the method for publicizing or otherwise providing reasonable notice to potential financial services providers, underwriters, and other interested parties, which may include expedited procedures and methods for emergency situations. The associations shall not engage the services of any person or firm as a securities broker or bond underwriter that is not eligible to be engaged by the state under the provisions of s. 215.684. The associations shall make all selections of financial service providers and managing underwriters at a noticed public meeting.

(3) The plan of operation of each association shall provide for any managing underwriter or financial advisor to provide to the association a disclosure statement containing at least the following information:

(a) An itemized list setting forth the nature and estimated amounts of expenses to be incurred by the managing underwriter in connection with the issuance of such bonds. Notwithstanding the foregoing, any such list may include an item for miscellaneous expenses, provided such item includes only minor items of expense which cannot be easily categorized elsewhere in the statement.

(b) The names, addresses, and estimated amounts of compensation of any finders connected with the issuance of the bonds.

(c) The amount of underwriting spread expected to be realized and the amount of fees and expenses expected to be paid to the financial adviser.

(d) Any management fee charged by the managing underwriter.

(e) Any other fee, bonus, or compensation estimated to be paid by the managing underwriter in connection with the bond issue to any person not regularly employed or retained by it.

(f) The name and address of each financial advisor or managing underwriter, if any, connected with the bond issue.

(g) Any other disclosure which the association may require.

(4)(a) No underwriter, commercial bank, investment banker, or financial consultant or adviser shall pay any finder any bonus, fee, or gratuity in connection with the sale of bonds issued by the association unless full disclosure is made in writing to the association prior to or concurrently with the submission of a purchase proposal for bonds by the underwriter, commercial bank, investment banker, or financial consultant or adviser, providing the name and address of any finder and the amount of bonus, fee, or gratuity paid to such finder. A violation of this subsection shall not affect the validity of the bond issue.

(b) As used in this subsection, the term "finder" means a person who is neither regularly employed by, nor a partner or officer of, an underwriter, bank, banker, or financial consultant or adviser and who enters into an understanding with either the issuer or the managing underwriter, or both, for any paid or promised compensation or valuable consideration, directly or indirectly, expressed or implied, to act solely as an intermediary between such issuer and managing underwriter for the purpose of influencing any transaction in the purpose of such bonds.

(5) This section is not intended to restrict or prohibit the employment of professional services relating to bonds issued under s. 627.351(2) or (6) or the issuance of bonds by the associations.

(6) The failure of the association to comply with one or more provisions of this section shall not affect the validity of the bond issue, however, the failure of either association to comply in good faith both with this section and with the plan as amended shall be a violation of its plan of operation and a violation of the Insurance Code.

Section 9. Section 627.3516, Florida Statutes, is created to read:

627.3516 Residential property insurance market coordinating council.—The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall create a residual property insurance market coordinating council to assure that each association is informed of the activities and plans of the other. The coordinating council shall consist of the Insurance Consumer Advocate, who shall chair the council, the executive director of each of the associations, and the chair of the governing board of each of the associations. The coordinating council may, from time to time, recommend to the presiding officers of the Legislature proposals to improve coordination between the associations or eliminate unnecessary duplication of efforts; however, any such recommendation must also include an analysis of the impact of the recommendation on the financial arrangements of each association and on the state's efforts to restore the voluntary property insurance market. The coordinating council shall, on March 1 of each year, provide a report of its activities during the preceding year to the presiding officers of the Legislature.

Section 10. Subsection (1) of section 627.4025, Florida Statutes, 1996 Supplement, is amended to read:

627.4025 Residential coverage and hurricane coverage defined.—

(1) Residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, *cooperative unit owner's,* and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, *cooperative association,* apartment building, and similar policies, *including policies covering the common elements of a homeowners' association*. Residential coverage for personal lines and commercial lines as set forth in this section includes policies that provide coverage for particular perils such as windstorm and hurricane or coverage for insurer insolvency or deductibles.

Section 11. Subsections (3) and (7) of section 627.701, Florida Statutes, 1996 Supplement, are amended, and subsection (8) is added to said section, to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane or wind losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane or wind losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane or wind losses no higher than 5 percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane or wind losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after April 1, 1996, or prior to the first renewal of a residential property insurance policy on or after April 1, 1996, the insurer must offer alternative deductible amounts applicable to hurricane or wind losses equal to $500 and 2 percent of the policy dwelling limits, unless the 2 percent deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form specified by the department in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains *up to a* ~~the~~ 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane or wind deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the 2 percent hurricane or wind deductible as required by subparagraph 1.

(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.

(7)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.

(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:

1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.

2. The insurer need not make the offers required by paragraph *(3)(b)* ~~(3)(a)~~.

(8) Notwithstanding the other provisions of this section or of other law, but only as to hurricane coverage as defined in s. 627.4025 for commercial lines residential coverages, an insurer may offer a deductible in an amount not exceeding 5 percent of the insured value with respect to a condominium association or cooperative association policy, or in an amount not exceeding 10 percent of the insured value with respect to any other commercial lines residential policy, if, at the time of such offer and at each renewal, the insurer also offers to the policyholder a deductible in the amount of 3 percent of the insured value. Nothing in this subsection prohibits any deductible otherwise authorized by this section. All forms by which the offers authorized in this subsection are made or required to be made shall be on forms that are adopted or approved by the department.

Section 12. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2, through page 5, line 2, remove from the title of the bill all of said lines and insert in lieu thereof: An act relating to property insurance; amending s. 624.4071, F.S.; providing that policyholders of special purpose homeowner insurance companies are subject to emergency assessments; amending s. 626.752, F.S.; deleting the role of the market assistance plan in the removal of policies from the Residential Property and Casualty Joint Underwriting Association; amending s. 627.0628, F.S.; providing for a rebuttable presumption of correctness of certain findings and facts; amending s. 627.0629, F.S.; authorizing insurers to implement certain discounts or differentials under certain circumstances; establishing a program to be administered by the Florida Windstorm Underwriting Association for the purpose of providing

grants to certain homeowners for certain purposes; requiring the Department of Community Affairs to establish certain standards for certain purposes; providing requirements; requiring the Florida Windstorm Underwriting Association to identify areas of the state for certain purposes; providing for calculation of catastrophe loads; amending s. 627.351, F.S.; providing standards for membership in the Florida Windstorm Underwriting Association; providing exclusions from membership; providing definitions; requiring retention of profits; providing for participation in regular assessments by member insurers; prohibiting credits, exemptions, limitations, deferment, or other relief from participation in emergency assessments collected from policyholders; conforming references; creating a limitation upon an assessment; providing for participation in emergency assessments; providing for the financing of bond or other indebtedness; providing for a market equalization surcharge; authorizing local governments to issue bonds and pay for fund reimbursement; authorizing limited apportionment for companies writing a specified percentage of the total countrywide property insurance premiums in this state; providing for rates of the association; limiting liability of association members under certain circumstances; requiring underwriting criteria; providing standards for eligibility of new and covered risks; providing for establishment of operational procedures; providing for a notice to be placed in the association policy; authorizing the establishment of a partnership, a trust, and a limited liability company; providing for certain powers; providing legislative intent; providing for the protection of creditors; providing for membership in the Residential Property and Casualty Joint Underwriting Association; providing definitions; providing for the payment of regular assessments; requiring participation in emergency assessments collected from policyholders without credit, limitation, deferment, or exemption; creating a limitation upon an assessment; providing technical corrections; providing for agent commissions; providing for a market equalization surcharge; providing for rates; authorizing local governments to issue bonds; limiting credits, limitations, exemptions, or deferments from regular assessments to period of time; authorizing the sale of revenue bonds; amending s. 627.3511, F.S.; providing for the cancellation of policies; providing terms for the payment for the removal of policies; providing definitions; providing for exemptions and credits from regular assessments but not emergency assessments for a limited period of time; providing terms for replacement of policies; making technical corrections; providing for release of moneys from escrow accounts; expanding the condominium association take-out plan to all commercial residential policies; providing terms for the assumption of policies; providing for the calculation of regular and emergency assessments for certain insurers; amending s. 627.3512, F.S.; providing for recoupment of residual market deficit assessments under certain circumstances; creating s. 627.3513, F.S.; providing standards and procedures for underwriting associations to issue bonds; creating s. 627.3516, F.S.; providing for a residual property insurance market coordinating council; providing for duties and membership; amending s. 627.4025, F.S.; revising a definition of residential coverage; amending s. 627.701, F.S.; providing for certain offers up to a specified deductible; authorizing alternative deductibles for certain property; conforming cross references; providing an effective date.

On motion by Senator Diaz-Balart, the Senate concurred in the House amendment.

CS for SB 794 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 1925 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1925—A bill to be entitled An act relating to regulation of health care practitioners; creating part II of chapter 455, F.S., to provide regulatory provisions applicable to the Department of Health that are separate from those applicable to the Department of Business and Professional Regulation; creating ss. 455.401, 455.402, 455.403, 455.404, 455.405, 455.406, 455.407, 455.408, 455.409, 455.411, 455.412, 455.414, 455.415, 455.416, 455.417, 455.418, 455.419, 455.421, 455.422, 455.424, 455.427, 455.428, 455.429, 455.431, 455.432, 455.433, 455.436, 455.438, 455.439, 455.441, 455.442, 455.443, 455.444, 455.445, 455.446, 455.447, 455.448, 455.449, 455.451, 455.452, 455.453, 455.457, 455.458, 455.461, 455.465, 455.466, 455.467, 455.468, and 455.469, F.S., to conform; providing intent; providing for a procedure for updating boards on major public health policy; providing for appointment of a task force to develop uniform procedures to standardize the validation of health care practitioner credentials; providing requirements with respect to examinations, including requirements for national, contracted, and shared examinations and translations of examinations; restricting board meetings to those determined to be in the public interest; providing for appointment of nonboard members to board committees under certain circumstances; requiring applicants for initial licensure to submit a full set of fingerprints; providing additional grounds for disciplinary action relating to keeping legible records, payments on federally or state guaranteed educational loans or service-conditional scholarships, providing proper identification to patients, and reporting of disciplinary actions of another jurisdiction; revising provisions relating to ownership and control of patient records; transferring s. 455.247, F.S., to conform; transferring and amending ss. 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S., to conform; amending ss. 455.01, 455.017, 455.10, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2228, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.26, 455.261, and 455.273, F.S., to conform; transferring and amending s. 455.2205, F.S., relating to the Health Care Trust Fund, to conform; amending ss. 215.20, 391.208, 391.217, 400.5575, and 408.20, F.S.; correcting cross references, to conform; transferring and amending ss. 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medical practice, to conform; amending s. 455.25, F.S., relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in certain entities; eliminating entity disclosure of financial interest; repealing s. 455.220, F.S., relating to fees required by the boards to cover the costs of regulation, to conform; repealing s. 455.2226, F.S., relating to instruction on human immunodeficiency virus and acquired immune deficiency syndrome; creating part I of the remaining provisions of chapter 455, F.S., as amended, to conform; amending ss. 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.491, 408.061, 408.704, 415.1055, 415.5055, 415.51, 440.13, 457.103, 458.307, 458.3115, 458.331, 458.343, 458.347, 459.004, 459.015, 459.019, 459.022, 460.404, 460.4061, 461.004, 461.013, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.523, 468.526, 468.532, 468.535, 468.703, 468.707, 468.711, 468.719, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.009, 490.015, 491.004, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.55, 766.106, 766.305, 766.308, 766.314, and 937.031, F.S.; correcting cross references and terminology, to conform; amending ss. 20.43, 381.81, 400.211, 402.48, 457.102, 458.305, 459.003, 460.403, 461.003, 462.01, 463.002, 465.003, 466.003, 467.003, 468.1125, 468.1655, 468.352, 468.518, 468.701, 478.42, 480.033, 483.803, 484.002, 484.003, 484.041, 484.042, 484.051, 486.021, 490.003, and 491.003, F.S.; correcting cross references and definitions, to conform; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 212, line 17, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

Section 2. Section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(a) Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities.

(b) Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs.

(c) Conduct special studies of the causes of diseases and formulate preventive strategies.

(d) Promote the maintenance and improvement of the environment as it affects public health.

(e) Promote the maintenance and improvement of health in the residents of the state.

(f) Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems.

(g) Provide health care and early intervention services to infants, toddlers, children, adolescents, and high-risk perinatal patients who are at risk for disabling conditions or have chronic illnesses.

(h) Develop working associations with all agencies and organizations involved and interested in health and health care delivery.

(i) Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems.

(j) Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes.

(k) Biennially publish, and annually update, a state health plan that assesses current health programs, systems, and costs; makes projections of future problems and opportunities; and recommends changes needed in the health care system to improve the public health.

(l) Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.

(2) The head of the Department of Health is the Secretary of Health and State Health Officer. The secretary must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.
(b) Division of Environmental Health.
(c) Division of Disease Control.
(d) Division of Family Services.
(e) Division of Children's Medical Services.
(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

(4)(a) The members of each board within the department shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to paragraph (b). Members shall be appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be used to ensure that:

1. No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.

2. No more than three members' terms expire during the same calendar year for boards consisting of 9 to 12 members.

3. No more than five members' terms expire during the same calendar year for boards consisting of 13 or more members.

A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.

(b) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

(c) Notwithstanding any other provision of law, the department is authorized to establish uniform application forms and certificates of licensure for use by the boards within the department. Nothing in this paragraph authorizes the department to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

(5)~~(4)~~ The department shall plan and administer its public health programs through its county health departments and may, for administrative purposes and efficient service delivery, establish up to 15 service areas to carry out such duties as may be prescribed by the secretary. The boundaries of the service areas shall be the same as, or combinations of, the districts of the health and human services boards established in s. 20.19 and, to the extent practicable, shall take into consideration the boundaries of the jobs and education regional boards.

(6)~~(5)~~ The secretary and division directors are authorized to appoint ad hoc advisory committees as necessary. The issue or problem that the ad hoc committee shall address, and the timeframe within which the committee is to complete its work, shall be specified at the time the committee is appointed. Ad hoc advisory committees shall include representatives of groups or entities affected by the issue or problem that the committee is asked to examine. Members of ad hoc advisory committees shall receive no compensation, but may, within existing departmental resources, receive reimbursement for travel expenses as provided in s. 112.061.

Section 3. Section 455.01, Florida Statutes, 1996 Supplement, is amended to read:

455.01 Definitions.—As used in this *part* ~~chapter~~, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, including the Florida Real Estate Commission; except that, for ss. 455.201-455.261, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Certified Public Accounting, ~~the Division of Medical Quality Assurance,~~ the Division of Professions, or the Division of Real Estate.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Business and Professional Regulation.

~~(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 474; chapter 484; chapter 486; chapter 490; or chapter 491.~~

(4)~~(5)~~ "License" means any permit, registration, certificate, or license issued by the department.

(5)~~(6)~~ "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(6)~~(7)~~ "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, ~~Medical Quality Assurance,~~ Professions, Real Estate, and Regulation.

Section 4. Section 455.203, Florida Statutes, 1996 Supplement, is amended to read:

455.203 Department; ~~Agency for Health Care Administration;~~ powers and duties.—The department ~~and the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; ~~provided,~~ however, the department ~~or the Agency for Health Care Administration~~ may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the

structure of the department ~~or the Agency for Health Care Administration~~.

(5) Adopt all rules necessary to administer this *part* ~~chapter~~.

(6) Establish by *rule* ~~rules~~ procedures by which the department ~~and the Agency for Health Care Administration~~ shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, ~~the Agency for Health Care Administration,~~ an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 5. Section 455.205, Florida Statutes, is amended to read:

455.205 Contacting boards through department ~~or agency~~.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee or at any regional office of the department. ~~Each board under the jurisdiction of the Agency for Health Care Administration may be contacted through the headquarters of the Agency for Health Care Administration in the City of Tallahassee.~~

Section 6. Subsections (1) and (3) of section 455.207, Florida Statutes, are amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department ~~and each board within the Agency for Health Care Administration~~ shall comply with the provisions of this section.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this *part* ~~chapter~~ or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

Section 7. Section 455.208, Florida Statutes, is amended to read:

455.208 Publication of information.—The department~~, the Agency for Health Care Administration,~~ and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department~~, the Agency for Health Care Administration,~~ or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 8. Subsection (2) of section 455.209, Florida Statutes, is amended to read:

455.209 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department ~~or the Agency for Health Care Administration, as appropriate~~, or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department, the agency, or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 9. Subsections (1) and (2) of section 455.211, Florida Statutes, 1996 Supplement, are amended to read:

455.211 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. ~~The Director of Health Care Administration shall have standing to challenge any rule or proposed rule of any board under its jurisdiction, pursuant to s. 120.56.~~ In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary ~~or the Director of Health Care Administration~~, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary~~, the Director of Health Care Administration,~~ or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

Section 10. Subsections (3), (7), and (8) of section 455.213, Florida Statutes, 1996 Supplement, are amended to read:

455.213 General licensing provisions.—

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

(7) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to any practice act within the purview of this *part* ~~chapter~~ may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(8) In any instance in which a licensee or applicant to the department ~~or the Agency for Health Care Administration~~ is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then

the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 11. Subsections (3) and (6) of section 455.214, Florida Statutes, are amended to read:

455.214 Limited licenses.—

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this *part* ~~chapter~~ or the applicable practice act.

(6) Each applicant granted a limited license is subject to all the provisions of this *part* ~~chapter~~ and the respective practice act under which the limited license is issued which are not in conflict with this section.

Section 12. Paragraph (e) of subsection (1) of section 455.217, Florida Statutes, 1996 Supplement, is amended to read:

455.217 Examinations.—

(1) The Division of Technology, Licensure, and Testing of the Department of Business and Professional Regulation shall provide services for the preparation and administration of all examinations.

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this *part* ~~chapter~~. All fees paid by the user for professions not regulated by this *part* ~~chapter~~ shall be applied to offset the fees for the development and administration of that profession's examination.

Section 13. Section 455.2175, Florida Statutes, is amended to read:

455.2175 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department ~~or the Agency for Health Care Administration~~, whether *such* ~~said~~ examination is reproduced or copied in part or in whole and by any means, *constitutes* ~~shall constitute~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 455.218, Florida Statutes, is amended to read:

455.218 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, ~~within their respective jurisdictions, the Agency for Health Care Administration and~~ the department shall by rule provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department ~~or the Agency for Health Care Administration, as appropriate,~~ and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department ~~or the Agency for Health Care Administration~~, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department ~~or the Agency for Health Care Administration~~ may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department ~~and the Agency for Health Care Administration~~ shall develop rules for the approval of such programs for *its* ~~their respective~~ boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department ~~or the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall provide a written practical examination *that* ~~which~~ tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department ~~or the Agency for Health Care Administration~~ as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department ~~or the Agency for Health Care Administration~~ on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department ~~and the Agency for Health Care Administration~~ shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this *part* ~~chapter~~ and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this *part* ~~chapter~~ and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department ~~and the Agency for Health Care Administration~~, for *its* ~~their respective~~ boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this *part* ~~chapter~~ or the professional practice acts administered by the department or agency and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 15. Section 455.2185, Florida Statutes, is amended to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this *part* ~~chapter~~ and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed ~~health care facility or~~ veterinary facility without the approval of that facility.

Section 16. Subsections (1) and (2) of section 455.221, Florida Statutes, are amended to read:

455.221 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from the Professional Regulation Trust Fund ~~or the Health Care Trust Fund, as appropriate~~. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~ may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or *used* ~~utilized~~ by the department ~~or the Agency for Health Care Administration~~ shall prosecute a matter and provide legal services to the board with respect to the same matter.

Section 17. Subsection (1) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) ~~As of July 1, 1991,~~ The ~~appropriate~~ Board *of Funeral Directors and Embalmers* shall require each person licensed or certified under ~~chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468;~~ chapter 470~~; or chapter 486~~ to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

Section 18. Subsection (1) of section 455.2228, Florida Statutes, is amended to read:

455.2228 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 476 *or* ~~,~~ chapter 477~~, chapter 480, or part XIV of chapter 468~~ to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

Section 19. Section 455.223, Florida Statutes, 1996 Supplement, is amended to read:

455.223 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department ~~or the Agency for Health Care Administration~~, the department ~~or the agency~~ shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department ~~or the Agency for Health Care Administration~~ shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 20. Subsections (1), (2), (3), and (6) of section 455.224, Florida Statutes, are amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board, or the department ~~or the Agency for Health Care Administration~~ when there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department ~~or the agency, whichever has jurisdiction,~~ within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department ~~or the agency~~ when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department ~~or the Agency for Health Care Administration~~ shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board *or*~~,~~ department~~, or agency~~ rule, as part of the penalty levied pursuant to the citation.

(6) Within *its jurisdiction* ~~their respective jurisdictions~~, the department *has* ~~and the Agency for Health Care Administration have~~ exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department ~~or the agency~~ exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 21. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department ~~or the Agency for Health Care Administration, as appropriate~~.

(1) The department ~~or the Agency for Health Care Administration~~, for the boards under *its jurisdiction* ~~their respective jurisdictions~~, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this *part* ~~chapter~~, of any of the practice acts relating to the professions regulated by the department ~~or the agency~~, or of any rule adopted by the department~~, the agency,~~ or a regulatory board in the department ~~or the agency~~ has occurred. In order to determine legal

sufficiency, the department ~~or the agency~~ may require supporting information or documentation. The department ~~or the agency~~ may investigate, and the department~~, the agency,~~ or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department ~~or the agency~~ may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the ~~alleged~~ violations *alleged* in the complaint are true. The department ~~or the agency~~ may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department ~~or the agency~~ has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department ~~or the agency~~ may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, ~~a rule of the agency,~~ or a rule of a board. ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6),~~ When an investigation of any subject is undertaken, the department ~~or the agency~~ shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department ~~or the agency~~ may withhold notification. The department ~~or the agency~~ may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department ~~and the Agency for Health Care Administration~~ shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department ~~or the agency~~ shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department ~~or the agency~~. The report shall contain the investigative findings and the recommendations of the department ~~or the agency~~ concerning the existence of probable cause. At any time after legal sufficiency is found, the department ~~or the agency~~ may dismiss any case, or any part thereof, if the department ~~or the agency~~ determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department ~~or the agency~~ shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department ~~or the agency~~ dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department ~~or the agency~~ may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department ~~or the agency~~ if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, ~~or by the department or the Agency for Health Care Administration~~, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department ~~or the agency~~. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department ~~or the agency~~ shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department ~~or the agency~~. The probable cause panel or the department ~~or the agency~~, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department ~~or the agency~~. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department ~~or the agency~~ may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. In lieu of a finding of probable cause, the probable cause panel, or the department ~~or the agency~~ when there is no board, may issue a letter of guidance to the subject. If the probable cause panel finds that probable cause exists, it shall direct the department ~~or the agency~~ to file a formal complaint against the licensee. The department ~~or the agency~~ shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department ~~or the agency~~ shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department ~~or the agency~~ may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department ~~or the agency~~ shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department ~~or the agency~~ shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department ~~or the agency~~ within 1 year after the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the ~~Health Care Trust Fund or the~~ Professional Regulation Trust Fund~~, as appropriate~~. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department ~~or the agency~~.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee ~~or the Director of Health Care Administration or his designee, as appropriate~~, who shall issue the final summary order.

(9) The department ~~or the Agency for Health Care Administration, as appropriate,~~ shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has

been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department ~~or the Agency for Health Care Administration~~ are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department ~~or the agency~~, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department ~~or the agency~~ shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. ~~Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241.~~ The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department ~~or the agency~~. This subsection does not prohibit the department ~~or the Agency for Health Care Administration~~ from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

~~(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.~~

~~(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.~~

~~(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.~~

Section 22. Paragraphs (b), (d), (g), (i), (j), and (q) of subsection (1) and subsection (4) of section 455.227, Florida Statutes, are amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(b) Intentionally violating any rule adopted by the board *or*~~,~~ the department, ~~or the Agency for Health Care Administration,~~ as appropriate.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices ~~with the Department of Health and Rehabilitative Services~~.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department ~~or the agency~~ against another licensee.

(i) ~~Except as provided in s. 465.016,~~ Failing to report to the department any person who the licensee knows is in violation of this *part* ~~chapter~~, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this *part* ~~chapter~~, the chapter regulating the profession, or the rules of the department or the board.

(q) Violating any provision of this *part* ~~chapter~~, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department ~~or the Agency for Health Care Administration, as appropriate,~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this *part* ~~chapter~~, or any provision of law with respect to professions regulated by the department ~~or the agency~~, or any board therein, or the rules adopted pursuant thereto.

Section 23. Section 455.2273, Florida Statutes, 1996 Supplement, is amended to read:

455.2273 Disciplinary guidelines.—

(1) Each board, or the department when there is no board, shall adopt, by rule, and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department when there is no board, pursuant to this *part* ~~chapter~~, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department when there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department ~~or the Agency for Health Care Administration, as appropriate,~~ must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

~~(5) The rules provided for in this section shall be promulgated no later than January 1, 1993.~~

(5)~~(6)~~ The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 24. Section 455.2275, Florida Statutes, is amended to read:

455.2275 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license from the department ~~or the Agency for Health Care Administration~~, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from either the department ~~or the agency~~, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 25. Subsections (1), (2), and (5) of section 455.228, Florida Statutes, 1996 Supplement, are amended to read:

455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department ~~or the Agency for Health Care Administration~~ has probable cause to believe that any person not licensed by the department ~~or the agency~~, or the appropriate regulatory board within the department ~~or the agency~~, has violated any provision of this *part* ~~chapter~~ or any statute that relates to the practice of a profession regulated by the department ~~or the agency~~, or any rule adopted pursuant thereto, the department ~~or the agency~~ may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department ~~or the agency~~ may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department ~~or the agency~~ may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department ~~or the agency~~ may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department ~~or the agency~~ is required to seek enforcement of the ~~agency~~ order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department ~~or the agency~~ may seek the imposition of a civil penalty through the circuit court for any violation for which the department ~~or the agency~~ may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department ~~or the agency~~ prevails, may also award reasonable costs of investigation.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department ~~or the Agency for Health Care Administration~~.

Section 26. Section 455.2285, Florida Statutes, is amended to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department *is* ~~and the Agency for Health Care Administration are each~~ directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.
(2) The number of complaints received and investigated.
(3) The number of findings of probable cause made.
(4) The number of findings of no probable cause made.
(5) The number of administrative complaints filed.
(6) The disposition of all administrative complaints.
(7) A description of disciplinary actions taken.
(8) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273.
(9) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 27. Section 455.229, Florida Statutes, 1996 Supplement, is amended to read:

455.229 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department ~~or the Agency for Health Care Administration~~ of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department ~~or the Agency for Health Care Administration~~, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department ~~or the Agency for Health Care Administration~~ by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department ~~or the agency~~.

(2) The department ~~or the Agency for Health Care Administration~~ shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department ~~or the agency~~ shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department ~~or the agency~~ at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department ~~or the agency~~ may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department ~~or the agency~~ for the examination hearing.

Section 28. Subsection (1) of section 455.232, Florida Statutes, is amended to read:

455.232 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department ~~or the Agency for Health Care Administration~~, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

Section 29. Section 455.24, Florida Statutes, is amended to read:

455.24 Advertisement by a *veterinarian* ~~health care provider~~ of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a *person* ~~health care provider~~ licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466,~~ chapter 474, ~~or chapter 486,~~ the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE ~~PATIENT AND ANY OTHER~~ PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT *THAT* ~~WHICH~~ IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 30. Section 455.242, Florida Statutes, is amended to read:

455.242 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of ~~chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, part I of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462,~~ shall provide by rule for the disposition, under *that* ~~said~~ chapter, of the ~~medical~~ records *that* ~~or records of a psychological nature of practitioners which~~ are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available ~~to patients~~ and which records pertain to the practitioner's patients. The rules shall provide that the records be

retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 31. Section 455.243, Florida Statutes, is amended to read:

455.243 Authority to inspect.~~—In addition to the authority specified in s. 465.017,~~ Duly authorized agents and employees of the department ~~and the Agency for Health Care Administration~~ shall have the power to inspect in a lawful manner at all reasonable hours~~:~~

~~(1) Any pharmacy; or~~

~~(2)~~ —any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered, for the purpose of determining if any of the provisions of this *part* ~~chapter~~ or any practice act of a profession or any rule *adopted* ~~promulgated~~ thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 32. Section 455.245, Florida Statutes, is amended to read:

455.245 Certain ~~health care~~ practitioners; immediate suspension of license.—

~~(1)~~ The department ~~or the Agency for Health Care Administration~~ shall issue an emergency order suspending the license of any person licensed under ~~chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466,~~ chapter 474~~, or chapter 484~~ who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

~~(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Director of Health Care Administration shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department or the Director of Health Care Administration to issue an emergency order.~~

Section 33. Section 455.501, Florida Statutes, is created to read:

455.501 Definitions.—As used in this part, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, except that, for ss. 455.517-455.707, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Medical Quality Assurance.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Health.

(4) "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; part I, part III, part V, or part X of chapter 468; chapter 480; chapter 484; chapter 486; chapter 490; or chapter 491.

(5) "License" means any permit, registration, certificate, or license issued by the department.

(6) "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(7) "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Division of Medical Quality Assurance.

Section 34. Section 455.504, Florida Statutes, is created to read:

455.504 Applicability of part.—This part applies only to the regulation by the department of professions.

Section 35. Section 455.507, Florida Statutes, is created to read:

455.507 Members of Armed Forces in good standing with administrative boards.—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of his becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States, provided he is not engaged in his licensed profession or vocation in the private sector for profit.

(2) The boards listed in ss. 20.165 and 20.43 shall adopt rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

Section 36. Section 455.511, Florida Statutes, is created to read:

455.511 Restriction on requirement of citizenship.—A person is not disqualified from practicing an occupation or profession regulated by the state solely because he is not a United States citizen.

Section 37. Section 455.514, Florida Statutes, is created to read:

455.514 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all people of this state may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations for a professional or occupational license which shall be administered in the English language unless 15 or more such applicants request that the reexamination be administered in their native language. In the event that such reexamination is administered in a foreign language, the full cost to the board of preparing and administering it shall be borne by the applicants.

(3) Each board within the department shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

Section 38. Section 455.517, Florida Statutes, is created to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(1) It is the intent of the Legislature that persons desiring to engage in any lawful profession regulated by the department shall be entitled to do so as a matter of right if otherwise qualified.

(2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) It is further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the department shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

(4) No board, nor the department, shall create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. No board, nor the department, shall take any action which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(5) Policies adopted by the department shall ensure that all expenditures are made in the most cost-effective manner to maximize competition, minimize licensure costs, and maximize public access to meetings conducted for the purpose of professional regulation. The long-range planning function of the department shall be implemented to facilitate effective operations and to eliminate inefficiencies.

Section 39. Section 455.521, Florida Statutes, is created to read:

455.521 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this part.

(6) Establish by rules procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Allow applicants for new or renewal licenses and current licensees to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

Section 40. Section 455.524, Florida Statutes, is created to read:

455.524 Long-range policy planning; plans, reports, and recommendations.—To facilitate efficient and cost-effective regulation, the department and the board, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to each profession. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered shall not be less than 5 years. The department, with input from the boards, shall develop the long-range plan and must obtain the approval of the secretary. The department shall monitor compliance with the approved long-range plan and, with input from the boards, shall annually update the plans for approval by the secretary. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

(1) Whether the department, including the boards and the various functions performed by the department, is operating efficiently and effectively and if there is a need for a board or council to assist in cost-effective regulation.

(2) How and why the various professions are regulated.

(3) Whether there is a need to continue regulation, and to what degree.

(4) Whether or not consumer protection is adequate, and how it can be improved.

(5) Whether there is consistency between the various practice acts.

(6) Whether unlicensed activity is adequately enforced.

Such plans should include conclusions and recommendations on these and other issues as appropriate. Such plans shall be provided to the Governor and the Legislature by November 1 of each year.

Section 41. Section 455.527, Florida Statutes, is created to read:

455.527 Contacting boards through department.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee.

Section 42. Section 455.206, Florida Statutes, is transferred and renumbered as section 455.531, Florida Statutes.

Section 43. Section 455.534, Florida Statutes, is created to read:

455.534 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this section.

(2) The board shall annually elect from among its number a chairperson and vice chairperson.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this part or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated $50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(5) When two or more boards have differences between them, the boards may elect to, or the secretary may request that the boards, establish a special committee to settle those differences. The special committee shall consist of three members designated by each board, who may be members of the designating board or other experts designated by the board, and of one additional person designated and agreed to by the members of the special committee. In the event the special committee

cannot agree on the additional designee, upon request of the special committee, the secretary may select the designee. The committee shall recommend rules necessary to resolve the differences. If a rule adopted pursuant to this provision is challenged, the participating boards shall share the costs associated with defending the rule or rules. The department shall provide legal representation for any special committee established pursuant to this section.

Section 44. Section 455.537, Florida Statutes, is created to read:

455.537 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

Section 45. Section 455.541, Florida Statutes, is created to read:

455.541 Accountability and liability of board members.—

(1) Each board member shall be accountable to the Governor for the proper performance of duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by the Governor or by the department or a board concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 46. Section 455.544, Florida Statutes, is created to read:

455.544 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

(3) No board created within the department shall have standing to challenge a rule or proposed rule of another board. However, if there is a dispute between boards concerning a rule or proposed rule, the boards may avail themselves of the provisions of s. 455.534(5).

Section 47. Section 455.547, Florida Statutes, is created to read:

455.547 Education; substituting demonstration of competency for clock-hour requirements.—Any board, or the department when there is no board, that requires student completion of a specific number of clock hours of classroom instruction for initial licensure purposes shall establish the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this section shall not apply to boards for which federal licensure standards are more restrictive or stringent than the standards prescribed in statute.

Section 48. Section 455.551, Florida Statutes, is created to read:

455.551 Education; accreditation.—Notwithstanding any other provision of law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the United States Department of Education, or an accrediting agency recognized by the board, or the department when there is no board.

Section 49. Section 455.554, Florida Statutes, is created to read:

455.554 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 50. Section 455.561, Florida Statutes, is created to read:

455.561 Limited licenses.—

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, the use of retired professionals in good standing to serve the indigent, underserved, or critical need populations of this state should be encouraged. To that end, the board, or the department when there is no board, may adopt rules to permit practice by retired professionals as limited licensees under this section.

(2) Any person desiring to obtain a limited license, when permitted by rule, shall submit to the board, or the department when there is no board, an application and fee, not to exceed $300, and an affidavit stating that the applicant has been licensed to practice in any jurisdiction in the United States for at least 10 years in the profession for which the applicant seeks a limited license. The affidavit shall also state that the applicant has retired or intends to retire from the practice of that profession and intends to practice only pursuant to the restrictions of the limited license granted pursuant to this section. If the applicant for a limited license submits a notarized statement from the employer stating that the applicant will not receive monetary compensation for any service involving the practice of his profession, the application and all licensure fees shall be waived.

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this part or the applicable practice act.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, and which provide professional liability coverage for acts or omissions of the limited licensee. A limited licensee may provide services only to the indigent, underserved, or critical need populations within the state. The

standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The board, or the department when there is no board, may adopt rules to define underserved and critical need areas and to ensure implementation of this section.

(5) A board, or the department when there is no board, may provide by rule for supervision of limited licensees to protect the health, safety, and welfare of the public.

(6) Each applicant granted a limited license is subject to all the provisions of this part and the respective practice act under which the limited license is issued which are not in conflict with this section.

(7) This section does not apply to chapter 458 or chapter 459.

Section 51. Section 455.2141, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.564, Florida Statutes, and amended to read:

455.564 ~~455.2141~~ *Department* ~~Agency for Health Care Administration~~; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall apply to the *department* ~~agency~~ in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the *department* ~~agency~~ and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the *department* ~~agency~~.

(2) Before the issuance of any license, the *department* ~~Agency for Health Care Administration~~ may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the *department* ~~agency~~. Upon receipt of the appropriate license fee, the *department* ~~agency~~ shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule.

(3) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the *department* ~~Agency for Health Care Administration~~, the administrative law judge shall submit his recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the board in accordance with the provisions of chapter 120.

(4) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

(6) The respective boards within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ may adopt rules to provide for the use of approved videocassette courses, not to exceed 5 hours per subject, to fulfill the continuing education requirements of the professions they regulate. Such rules shall provide for prior board approval of the criteria for and content of such courses and shall provide for a videocassette course validation form to be signed by the vendor and the licensee and submitted to the *department* ~~Agency for Health Care Administration~~, along with the license renewal application, for continuing education credit.

(7) Any board that currently requires continuing education for renewal of a license shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department if there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this subsection. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department if there is no board, that a part of the continuing education hours can be fulfilled by performing research in critical-need areas or for training leading to advanced professional certification. The board, or the department if there is no board, may make rules to define underserved and critical-need areas. The department shall adopt rules for administering continuing education requirements adopted by the boards or the department if there is no board.

(8) Notwithstanding any law to the contrary, an elected official who is licensed under a practice act administered by the Division of Health Quality Assurance may hold employment for compensation with any public agency concurrent with such public service. Such dual service must be disclosed according to any disclosure required by applicable law.

(9) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

Section 52. Section 455.2142, Florida Statutes, is transferred, renumbered as section 455.567, Florida Statutes, and amended to read:

455.567 ~~455.2142~~ Sexual misconduct; disqualification for license, certificate, or registration.—Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~, or the *department* ~~agency~~ if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant has:

(1) Had any license, certificate, or registration to practice any profession or occupation revoked or surrendered based on a violation of sexual misconduct in the practice of that profession under the laws of any other state or any territory or possession of the United States and has not had that license, certificate, or registration reinstated by the licensing authority of the jurisdiction that revoked the license, certificate, or registration; or

(2) Committed any act in any other state or any territory or possession of the United States which if committed in this state would constitute sexual misconduct.

A licensing authority's acceptance of a candidate's relinquishment of a license which is offered in response to or in anticipation of the filing of administrative charges against the candidate's license constitutes the surrender of the license.

Section 53. Section 455.571, Florida Statutes, is created to read:

455.571 Use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board, or the department if there is no board.

Section 54. Section 455.2173, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.574, Florida Statutes, and amended to read:

455.574 ~~455.2173~~ *Department of Health* ~~Agency for Health Care Administration~~; examinations.—

(1)(a) The *department* ~~Agency for Health Care Administration~~ shall provide, *contract, or approve* services for the *development,* preparation, ~~and~~ administration, *scoring, score reporting, and evaluation* of all examinations, *in consultation with the appropriate board.* The *department* ~~agency~~ shall *certify* ~~ensure~~ that ~~the~~ examinations *developed and ap-*

proved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the *department* ~~agency and shall seek the advice of the appropriate board in the preparation and administration of the examinations~~. After an examination *developed or approved by the department* has been administered, the board, *or the department when there is no board,* may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The *department may contract for the preparation, administration, scoring, score reporting, and evaluation of* ~~agency shall use professional testing services to prepare, administer, grade, and evaluate the~~ examinations, when such services are available and approved by the board.

(b) *For each examination developed by the department or contracted vendor,* to the extent not otherwise specified by statute, the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration,~~ shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade, *and fees, where applicable, to cover the actual cost for any purchase, development, and administration of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c).* If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, *or the department when there is no board,* may conduct such exercise. Therefore, board members, *or employees of the department when there is no board,* may serve as examiners at a practical examination with the consent of the board *or department, as appropriate.*

(c) The *board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification* ~~Agency for Health Care Administration shall use any national examination which is available and which is approved by the board~~. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or *department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department* ~~agency~~. The *department* ~~agency~~ may delegate to the board the duty to provide and administer the examination. *Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.*

(d) Each board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules regarding the security and monitoring of examinations. The *department* ~~agency~~ shall implement those rules adopted by the respective boards. *In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this part.

(2) *For each examination developed by the department or a contracted vendor,* the board, or *the department*~~,~~ when there is no board, ~~the Agency for Health Care Administration~~ shall adopt rules providing for reexamination of any applicants who ~~have~~ failed *an* ~~the~~ examination *developed by the department or a contracted vendor.* If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which *the applicant* ~~he~~ failed to achieve a passing grade, if *the applicant* ~~he~~ successfully passes that portion within a reasonable time, *as determined by rule of the board, or the department when there is no board,* of ~~his~~ passing the other portion. *Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection.* ~~The board or, when there is no board, the agency shall make available an examination review procedure for applicants and charge an examination review fee not to exceed $75 per review. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key.~~ An applicant may waive in writing the confidentiality of *the applicant's* ~~his~~ examination grades.

(3) *For each examination developed or administered by the department or a contracted vendor,* ~~The Agency for Health Care Administration shall make~~ an accurate record of each applicant's examination questions, answers, papers, grades, and grading key~~. The agency~~ shall *be kept* ~~keep such record~~ for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and *257* ~~267~~. *This subsection does not apply to national examinations approved and administered pursuant to this section.*

(4) Meetings of any member of the *department* ~~Agency for Health Care Administration~~ or of any board within the *department* ~~agency~~ held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. Applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, administration, grading, and evaluation of any examination in a language other than English. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act.

Section 55. Section 455.577, Florida Statutes, is created to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 56. Section 455.581, Florida Statutes, is created to read:

455.581 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, within its jurisdiction, the department shall by rule provide procedures under which exiled profes-

sionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for its boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department, for its boards, shall provide a written practical examination which tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department, for its boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this part and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this part and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department, for its boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this part or the professional practice acts administered by the department and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 57. Section 455.584, Florida Statutes, is created to read:

455.584 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this part and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility or veterinary facility without the approval of that facility.

Section 58. Section 455.220, Florida Statutes, is transferred, renumbered as section 455.587, Florida Statutes, and amended to read:

455.587 ~~455.220~~ Fees; receipts; disposition for boards within the *department* ~~Agency for Health Care Administration.—~~

(1) Each board within the jurisdiction of the *department* ~~Agency for Health Care Administration~~ shall determine by rule the amount of *license* ~~licensing~~ fees for its profession, based upon *long-range* estimates *prepared* by the *department* ~~agency~~ of the revenue required to implement *laws relating* ~~this part and the provisions of law with respect~~ to the regulation of professions by the *department* ~~agency~~ and *the* ~~any~~ board ~~within the agency~~. *Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this part. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.*

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) Each board authorized to approve continuing education providers, or the department if there is no board, may establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses and may establish by rule a biennial renewal fee not to exceed $250 for the renewal of providership of such courses. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.

(4)~~(2)~~ All moneys collected by the *department* ~~Agency for Health Care Administration~~ from fees or fines or from costs awarded to the agency by a court shall be paid into *a trust fund used by the department to implement this part* ~~the Health Care Trust Fund~~. The Legislature shall appropriate funds from this trust fund sufficient to carry out ~~the provisions of~~ this part and the provisions of law with respect to professions regulated by *the Division of Medical Quality Assurance within* the *department* ~~Agency for Health Care Administration~~ and *the boards* ~~any board within the agency~~. *The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For*

expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.

(5) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(6) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed $25 before issuance of the duplicate license.

(7) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 59. Section 455.2205, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.16, Florida Statutes, and amended to read:

408.16 ~~455.2205~~ Health Care Trust Fund; moneys to be deposited therein.—

(1) There is ~~hereby~~ created in the State Treasury a special fund to be designated as the Health Care Trust Fund, which shall be used in the operation of the Agency for Health Care Administration in the performance of the various functions and duties required of it by law.

(2) All fees, license fees, and other charges collected by the agency shall be deposited in the State Treasury to the credit of the Health Care Trust Fund, to be used in the operation of the agency as authorized by the Legislature. However, penalties and interest assessed and collected by the agency shall not be deposited in the trust fund but shall be deposited in the General Revenue Fund. The Health Care Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.

(3) The agency shall maintain separate revenue and expenditure accounts in the Health Care Trust Fund for every ~~profession regulated and~~ provider licensed by the agency.

~~(4) The agency shall, to the extent practicable, provide for the proportionate allocation among the accounts of expenses incurred by the agency in the performance of its duties with respect to each regulated profession. The agency shall provide each board with an annual report of revenue expenditures and allocated expenses related to the regulation of that profession, and these reports shall be used by the board to determine the amount of licensing fees for each profession regulated by the agency.~~

(4)~~(5)~~ All other moneys in the Health Care Trust Fund shall be for the use of the agency in the performance of its functions and duties as provided by law, subject to the fiscal and budgetary provisions of general law and the General Appropriations Act.

Section 60. Section 455.594, Florida Statutes, is created to read:

455.594 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Health, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from a trust fund used by the department to implement this part. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The department may employ or use the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 61. Section 455.222, Florida Statutes, is transferred, renumbered as section 455.597, Florida Statutes, and amended to read:

455.597 ~~455.222~~ Requirement for instruction on domestic violence.—

(1)(a) ~~As of July 1, 1995,~~ The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in *s. 741.28* ~~s. 741.30~~, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form provided by the board, when submitting fees for each biennial renewal.

(c) The board may approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may include the hour required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.

(d) Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of relicensure or recertification for additional licenses.

(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under *s. 455.624(1)(k)* ~~s. 455.227(1)(g)~~. In addition to discipline by the board, the licensee shall be required to complete such course.

(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under the appropriate chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete such requirement.

(3) Each board may adopt rules to carry out the provisions of this section.

(4) Each board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.

Section 62. Section 455.2224, Florida Statutes, is transferred and renumbered as section 455.601, Florida Statutes.

Section 63. Section 455.604, Florida Statutes, is created to read:

455.604 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

(2) Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form as provided by the board, when submitting fees for each biennial renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 455.624(1)(e). In addition to discipline by the board, the licensee shall be required to complete the course.

(6) The board shall require as a condition of granting a license under the chapters specified in subsection (1) that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

(8) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

Section 64. Section 455.607, Florida Statutes, is created to read:

455.607 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 480 or part XIV of chapter 468 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

(2) When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed the course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.

(3) The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(4) The board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(5) The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.

(6) The board, or the department where there is no board, shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(7) Any professional holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

Section 65. Section 455.611, Florida Statutes, is created to read:

455.611 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

Section 66. Section 455.614, Florida Statutes, is created to read:

455.614 Mediation.—

(1) Notwithstanding the provisions of s. 455.621, the board, or the department when there is no board, shall adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 455.621.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 455.621. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 455.621.

(4) No licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section. A board shall have continuing authority to amend its rules adopted pursuant to this section.

Section 67. Section 455.617, Florida Statutes, is created to read:

455.617 Authority to issue citations.—

(1) Notwithstanding s. 455.621, the board, or the department if there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 68. Section 455.621, Florida Statutes, is created to read:

455.621 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this part, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after

probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this part. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (5) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed-upon settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of the Department of Health or his or her designee, as appropriate, who shall issue the final summary order.

(9)(a) The department shall periodically notify the person who filed the complaint of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case for which probable cause has been found, the department shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.667, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.667. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the department about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b) in which intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 69. Section 455.624, Florida Statutes, is created to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this part, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish by rule requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

Section 70. Section 455.627, Florida Statutes, is created to read:

455.627 Disciplinary guidelines.—

(1) Each board, or the department if there is no board, shall adopt by rule and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department if there is no board, pursuant to this part, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by

the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

Section 71. Section 455.631, Florida Statutes, is created to read:

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 72. Section 455.634, Florida Statutes, is created to read:

455.634 Prosecution of criminal violations.—The department or the appropriate board shall report any criminal violation of any statute relating to the practice of a profession regulated by the department or appropriate board to the proper prosecuting authority for prompt prosecution.

Section 73. Section 455.637, Florida Statutes, is created to read:

455.637 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the agency order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the professional practice acts administered by the department.

Section 74. Section 455.641, Florida Statutes, is created to read:

455.641 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 75. Section 455.644, Florida Statutes, is created to read:

455.644 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.
(2) The number of complaints received and investigated.
(3) The number of findings of probable cause made.
(4) The number of findings of no probable cause made.
(5) The number of administrative complaints filed.
(6) The disposition of all administrative complaints.
(7) A description of disciplinary actions taken.
(8) A description of any effort by the department to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this part.
(9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.627.
(10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 76. Section 455.647, Florida Statutes, is created to read:

455.647 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department or the agency.

(2) The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

Section 77. Section 455.651, Florida Statutes, is created to read:

455.651 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

Section 78. Section 455.236, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.654, Florida Statutes, and amended to read:

455.654 ~~455.236~~ Financial arrangements between referring health care providers and providers of health care services.—

(1) SHORT TITLE.—This section ~~shall be known and~~ may be cited as the "Patient Self-Referral Act of 1992."

(2) LEGISLATIVE INTENT.—It is recognized by the Legislature that the referral of a patient by a health care provider to a provider of health care services in which the referring health care provider has an investment interest represents a potential conflict of interest. The Legislature finds these referral practices may limit or eliminate competitive alternatives in the health care services market, may result in overutilization of health care services, may increase costs to the health care system, and may adversely affect the quality of health care. The Legislature also recognizes, however, that it may be appropriate for providers to own entities providing health care services, and to refer patients to such entities, as long as certain safeguards are present in the arrangement. It is the intent of the Legislature to provide guidance to health care providers regarding prohibited patient referrals between health care providers and entities providing health care services and to protect the *people* ~~citizens~~ of Florida from unnecessary and costly health care expenditures.

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

(b) "Comprehensive rehabilitation services" means services that are provided by health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(c) "Designated health services" means, for purposes of this section, clinical laboratory services, physical therapy services, comprehensive rehabilitative services, diagnostic-imaging services, and radiation therapy services.

(d) "Entity" means any individual, partnership, firm, corporation, or other business entity.

(e) "Fair market value" means value in arms length transactions, consistent with the general market value, and, with respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use, and, in the case of a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor where the lessor is a potential source of patient referrals to the lessee.

(f) "Group practice" means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1. In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

2. For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

3. In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(g) "Health care provider" means any physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, or any health care provider licensed under chapter 463 or chapter 466.

(h) "Immediate family member" means a health care provider's spouse, child, child's spouse, grandchild, grandchild's spouse, parent, parent-in-law, or sibling.

(i) "Investment interest" means an equity or debt security issued by an entity, including, without limitation, shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments. Except for purposes of *s. 455.661* ~~s. 455.239~~, the following investment interests shall be excepted from this definition:

1. An investment interest in an entity that is the sole provider of designated health services in a rural area;

2. An investment interest in notes, bonds, debentures, or other debt instruments issued by an entity which provides designated health services, as an integral part of a plan by such entity to acquire such investor's equity investment interest in the entity, provided that the interest rate is consistent with fair market value, and that the maturity date of the notes, bonds, debentures, or other debt instruments issued by the entity to the investor is not later than October 1, 1996.

3. An investment interest in real property resulting in a landlord-tenant relationship between the health care provider and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or exceeds fair market value; or

4. An investment interest in an entity which owns or leases and operates a hospital licensed under chapter 395 or a nursing home facility licensed under chapter 400.

(j) "Investor" means a person or entity owning a legal or beneficial ownership or investment interest, directly or indirectly, including, without limitation, through an immediate family member, trust, or another entity related to the investor within the meaning of 42 C.F.R. s. 413.17, in an entity.

(k) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. Except for the purposes of *s. 455.661* ~~s. 455.239~~, the following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.

i. By a urologist for lithotripsy services.

j. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

k. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

l. By a nephrologist for renal dialysis services and supplies.

(l) "Rural area" means a county with a population density of no greater than 100 persons per square mile, as defined by the United States Census.

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(a) A health care provider may not refer a patient for the provision of designated health services to an entity in which the health care provider is an investor or has an investment interest.

(b) A health care provider may not refer a patient for the provision of any other health care item or service to an entity in which the health care provider is an investor unless:

1. The provider's investment interest is in registered securities purchased on a national exchange or over-the-counter market and issued by a publicly held corporation:

a. Whose shares are traded on a national exchange or on the over-the-counter market; and

b. Whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million; or

2. With respect to an entity other than a publicly held corporation described in subparagraph 1., and a referring provider's investment interest in such entity, each of the following requirements are met:

a. No more than 50 percent of the value of the investment interests are held by investors who are in a position to make referrals to the entity.

b. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are no different from the terms offered to investors who are not in a position to make such referrals.

c. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are not related to the previous or expected volume of referrals from that investor to the entity.

d. There is no requirement that an investor make referrals or be in a position to make referrals to the entity as a condition for becoming or remaining an investor.

3. With respect to either such entity or publicly held corporation:

a. The entity or corporation does not loan funds to or guarantee a loan for an investor who is in a position to make referrals to the entity or corporation if the investor uses any part of such loan to obtain the investment interest.

b. The amount distributed to an investor representing a return on the investment interest is directly proportional to the amount of the capital investment, including the fair market value of any preoperational services rendered, invested in the entity or corporation by that investor.

4. Each board and, in the case of hospitals, the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, shall encourage the use by licensees of the declaratory statement procedure to determine the applicability of this section or any rule adopted pursuant to this section as it applies solely to the licensee. Boards shall submit to the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ the name of any entity in which a provider investment interest has been approved pursuant to this section, and the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall adopt rules providing for periodic quality assurance and utilization review of such entities.

(c) No claim for payment may be presented by an entity to any individual, third-party payor, or other entity for a service furnished pursuant to a referral prohibited under this section.

(d) If an entity collects any amount that was billed in violation of this section, the entity shall refund such amount on a timely basis to the payor or individual, whichever is applicable.

(e) Any person that presents or causes to be presented a bill or a claim for service that such person knows or should know is for a service for which payment may not be made under paragraph (c), or for which a refund has not been made under paragraph (d), shall be subject to a civil penalty of not more than $15,000 for each such service to be imposed and collected by the appropriate board.

(f) Any health care provider or other entity that enters into an arrangement or scheme, such as a cross-referral arrangement, which the physician or entity knows or should know has a principal purpose of assuring referrals by the physician to a particular entity which, if the physician directly made referrals to such entity, would be in violation of this section, shall be subject to a civil penalty of not more than $100,000 for each such circumvention arrangement or scheme to be imposed and collected by the appropriate board.

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board

pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to s. 395.0185(2).

(h) Any hospital licensed under chapter 395 that discriminates against or otherwise penalizes a health care provider for compliance with this act.

(i) The provision of paragraph (a) shall not apply to referrals to the offices of radiation therapy centers managed by an entity or subsidiary or general partner thereof, which performed radiation therapy services at those same offices prior to April 1, 1991, and shall not apply also to referrals for radiation therapy to be performed at no more than one additional office of any entity qualifying for the foregoing exception which, prior to February 1, 1992, had a binding purchase contract on and a nonrefundable deposit paid for a linear accelerator to be used at the additional office. The physical site of the radiation treatment centers affected by this provision may be relocated as a result of the following factors: acts of God; fire; strike; accident; war; eminent domain actions by any governmental body; or refusal by the lessor to renew a lease. A relocation for the foregoing reasons is limited to relocation of an existing facility to a replacement location within the county of the existing facility upon written notification to the Office of Licensure and Certification.

(j) A health care provider who meets the requirements of paragraphs (b) and (i) must disclose his investment interest to his patients as provided in *s. 455.701* ~~s. 455.25~~.

Section 79. Section 455.237, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.657, Florida Statutes.

Section 80. Section 455.239, Florida Statutes, is transferred, renumbered as section 455.661, Florida Statutes, and amended to read:

455.661 ~~455.239~~ Designated health care services; licensure required.—

(1) An entity, as defined in *s. 455.654* ~~s. 455.236~~, which furnishes designated health care services may not operate in this state unless licensed by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ pursuant to subsection (2).

(2) The *agency* ~~department~~ shall adopt rules for licensing requirements for designated health care services including, but not limited to, rules providing for:

(a) A licensure fee of not less than $400 and not more than $1,500 to be assessed annually;

(b) Parameters of quality with respect to the provision of ancillary services by respective entities;

(c) Periodic inspection of the facilities of an entity for the purpose of evaluating the premises, operation, supervision, and procedures of the entity to ensure compliance with quality parameters as established in department rules; and

(d) The submission by an entity of information on its ownership, including identification of the owners who are health care providers, as defined in *s. 455.654* ~~s. 455.251~~, and each investor's percentage of ownership.

Section 81. Section 455.664, Florida Statutes, is created to read:

455.664 Advertisement by a health care provider of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 486, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT THAT IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

Section 82. Section 455.241, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.667, Florida Statutes, and amended to read:

455.667 ~~455.241~~ *Ownership and control of* patient records; report or copies of records to be furnished.—

(1) As used in this section, the term "records owner" means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner.

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Certified nursing assistants regulated under s. 400.211.
(b) Pharmacists and pharmacies licensed under chapter 465.
(c) Dental hygienists licensed under s. 466.023.
(d) Nursing home administrators licensed under part II of chapter 468.
(e) Respiratory therapists regulated under part V of chapter 468.
(f) Athletic trainers licensed under part XIV of chapter 468.
(g) Electrolysists licensed under chapter 478.
(h) Clinical laboratory personnel licensed under part III of chapter 483.
(i) Medical physicists licensed under part IV of chapter 483.
(j) Opticians and optical establishments licensed or permitted under part I of chapter 484.
(k) Persons or entities practicing under s. 627.736(7).

(3) This section does not apply to facilities licensed under chapter 395.

(4)~~(1)~~ Any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient's psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient's legal representative, the *health care* practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(5)~~(2)~~ Except as otherwise provided in *this section and in* s. 440.13*(4)(c)*~~(2)~~, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care *practitioners and* providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization *under the following circumstances:*

(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

(b) ~~or~~ When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the

medical records shall be furnished to both the defendant and the plaintiff.

(c) ~~Such records may be furnished~~ In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(6) Except in a medical negligence action *or administrative proceeding* when a health care *practitioner or* provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care *practitioners and* providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.

(7) The department ~~or the Agency for Health Care Administration, as appropriate,~~ may obtain patient records *and insurance information, if the complaint being investigated alleges inadequate medical care based on termination of insurance. The department may access these records* pursuant to a subpoena without written authorization from the patient if the department ~~or the Agency for Health Care Administration~~ and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a *health care* practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this *part* ~~chapter~~ or any professional practice act or that a *health care* practitioner has practiced his profession below that level of care, skill, and treatment required as defined by this *part* ~~chapter~~ or any professional practice act; provided, however, the patient record obtained by the department ~~or the agency~~ pursuant to this subsection shall be used solely for the purpose of the department ~~or the agency~~ and the appropriate regulatory board in disciplinary proceedings. The *records* ~~record~~ shall otherwise be confidential and exempt from s. 119.07(1). This section does not limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the *health care* practitioner shall release records of treatment for medical conditions even if the *health care* practitioner has also treated the patient for mental or nervous disorders. If the department ~~or the agency~~ has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department ~~or the agency~~ may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(8)~~(3)~~ All patient records obtained by the department ~~or the Agency for Health Care Administration~~ and any other documents maintained by the department ~~or the agency~~ which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department ~~or the Agency for Health Care Administration~~ and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~or the Agency for Health Care Administration~~ or the appropriate board.

(9) All records owners shall develop and implement policies, standards, and procedures to protect the confidentiality and security of the medical record. Employees of records owners shall be trained in these policies, standards, and procedures.

(10) Records owners are responsible for maintaining a record of all disclosures of information contained in the medical record to a third party, including the purpose of the disclosure request. The record of disclosure may be maintained in the medical record. The third party to whom information is disclosed is prohibited from further disclosing any information in the medical record without the expressed written consent of the patient or the patient's legal representative.

(11) Notwithstanding the provisions of s. 455.677, records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

(12) Notwithstanding the provisions of s. 455.677, records owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

(13) Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, of the patient or the patient's legal representative.

(14) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(15) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed $5,000 per violation.

(16)~~(4)~~ A health care practitioner *or records owner* furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate board, *or the department when there is no board.*

(17) Nothing in this section shall be construed to limit health care practitioner consultations, as necessary.

(18) A records owner shall release to a health care practitioner who, as an employee of the records owner, previously provided treatment to a patient, those records that the health care practitioner actually created or generated when the health care practitioner treated the patient. Records released pursuant to this subsection shall be released only upon written request of the health care practitioner and shall be limited to the notes, plans of care, and orders and summaries that were actually generated by the health care practitioner requesting the record.

Section 83. Section 455.2415, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.671, Florida Statutes, and amended to read:

455.671 ~~455.2415~~ Communications confidential; exceptions.—Communications between a patient and a psychiatrist, as defined in *s. 394.455* ~~s. 394.455(23)~~, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient's legal representative. Provision of psychiatric records and reports shall be governed by *s. 455.667* ~~s. 455.241~~. Notwithstanding any other *provision* ~~provisions~~ of this section or s. 90.503, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat,

the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

Section 84. Section 455.2416, Florida Statutes, is transferred and renumbered as section 455.674, Florida Statutes.

Section 85. Section 455.677, Florida Statutes, is created to read:

455.677 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I of chapter

484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under that chapter, of the medical records or records of a psychological nature of practitioners which are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available to patients and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 86. Section 455.681, Florida Statutes, is created to read:

455.681 Authority to inspect.—In addition to the authority specified in s. 465.017, duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours:

(1) Any pharmacy; or

(2) Any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered,

for the purpose of determining if any of the provisions of this part or any practice act of a profession or any rule adopted thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

Section 87. Section 455.244, Florida Statutes, is transferred and renumbered as section 455.684, Florida Statutes.

Section 88. Section 455.687, Florida Statutes, is created to read:

455.687 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

(2) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(x), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the Secretary of Health shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the authority of the secretary of the department to issue an emergency order.

Section 89. Section 455.2455, Florida Statutes, is transferred and renumbered as section 455.691, Florida Statutes.

Section 90. Section 455.2456, Florida Statutes, is transferred, renumbered as section 455.694, Florida Statutes, and amended to read:

455.694 ~~455.2456~~ Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

(2) The board may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of *s. 768.28(15)* ~~s. 768.28(14)~~ or who is a volunteer under s. 110.501(1).

(b) Any person whose license or certification has become inactive under chapter 457, chapter 460, chapter 461, chapter 464, or chapter 466 and who is not practicing in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after October 1, 1993, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to *s. 455.561* ~~s. 455.214~~, and practicing under the scope of such limited license.

(d) Any person licensed or certified under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who practices only in conjunction with his teaching duties at an accredited school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the school.

(e) Any person holding an active license or certification under chapter 457, chapter 460, chapter 461, s. 464.012, or chapter 466 who is not practicing in this state. If such person initiates or resumes practice in this state, he must notify the department of such activity.

(f) Any person who can demonstrate to the board that he has no malpractice exposure in the state.

(3) Notwithstanding the provisions of this section, the financial responsibility requirements of ss. 458.320 and 459.0085 shall continue to apply to practitioners licensed under those chapters.

Section 91. Section 455.247, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 455.697, Florida Statutes.

Section 92. Section 455.25, Florida Statutes, is transferred and renumbered as section 455.701, Florida Statutes, and is amended to read:

455.701 ~~455.25~~ Disclosure of financial interest by production.—

(1) A health care provider shall not refer a patient to an entity in which such provider is an investor unless, prior to the referral, the provider furnishes the patient with a written disclosure form, informing the patient of:

(a) The existence of the investment interest.

(b) The name and address of each applicable entity in which the referring health care provider is an investor.

(c) The patient's right to obtain the items or services for which the patient has been referred at the location or from the provider or supplier of the patient's choice, including the entity in which the referring provider is an investor.

(d) The names and addresses of at least two alternative sources of such items or services available to the patient.

~~(2) An entity may not provide items or services to a patient unless, before providing the item or service, the entity obtains the signature of the patient on a written disclosure form informing the patient of:~~

~~(a) The existence or nonexistence of any financial relationship with the health care provider who referred the patient;~~

~~(b) A schedule of typical fees for items or services usually provided by the entity or, if impracticable because of the nature of the treatment, a written estimate specific to the patient;~~

~~(c) The patient's right to obtain the items or services for which the patient has been referred at a location or from a supplier of the patient's choice, including an entity with which the referring health care provider may have a financial relationship; and~~

~~(d) The names, addresses, and telephone numbers of at least two reasonable alternative sources of such items or services available to the patient.~~

(2)~~(3)~~ The *physician or* health care provider ~~and the entity~~ shall post a copy of *the* ~~their respective~~ disclosure forms in *a* conspicuous public *place* ~~places~~ in *his or her office* ~~the offices~~.

(3)~~(4)~~ A violation of this section shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition to any other penalties or remedies provided, a violation of this section shall be grounds for disciplinary action by the respective board.

Section 93. Section 455.26, Florida Statutes, is transferred, renumbered as section 455.704, Florida Statutes, and amended to read:

455.704 ~~455.26~~ Impaired Practitioners Committee; duties.—

(1) There is created the Impaired Practitioners Committee to be composed of one representative appointed by each board under the jurisdiction of the Division of Medical Quality Assurance, of one addictionologist, and one lay member having an appropriate background in the area of impairment, each to be appointed by the agency head of the agency having jurisdiction over the professions,~~; one representative of the Agency for Health Care Administration, to be appointed by the Director of Health Care Administration;~~ and of one representative of the department appointed by the secretary of the department. Section *455.534* ~~455.207~~ applies to the activities of the committee.

(2) The committee shall:

(a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

(b) Act as liaison between approved treatment providers and the department ~~and the Agency for Health Care Administration~~;

(c) Advise the department ~~and the agency~~ on the continuation and expansion of treatment programs for impaired practitioners; and

(d) Disseminate information concerning the impairment program.

Section 94. Section 455.261, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 455.707, Florida Statutes, and amended to read:

455.707 ~~455.261~~ Treatment programs for impaired practitioners.—

(1) For professions *that* ~~which~~ do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the Impaired Practitioners Committee. The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee or recovered licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.

2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.

3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as determined by the panel, or the department when there is no board, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.

4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his participation in a treatment program.

(b) If, however, the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of *s. 455.621* ~~s. 455.225~~ and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved treatment program.

(4) In any disciplinary action for a violation other than impairment in which a licensee establishes the violation for which the licensee is being prosecuted was due to or connected with impairment and further establishes the licensee is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board, or the department when there is no board, as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the board may consider.

(5)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a licensee's impairment and participation in the treatment program. All information obtained by the consultant and department pursuant to this section is confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of this subsection and subsection (6). Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with the treatment provider, an impaired licensee has not progressed satisfactorily in a treatment program, all information regarding the issue of a licensee's impairment and participation in a treatment program in the consultant's possession shall be disclosed to the department. Such disclosure shall constitute a complaint pursuant to the general provisions of *s. 455.621* ~~s. 455.225~~. Whenever the consultant concludes that impairment affects a licensee's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(6) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 766.101 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 95. Section 455.711, Florida Statutes, is created to read:

455.711 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active-status license. A licensee who practices a profession without an active-status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) Each board, or the department if there is no board, shall by rule impose a fee for an inactive-status license which is no greater than the fee for an active-status license.

(4) An inactive-status licensee may change to active status at any time, if the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active-status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active-status or inactive-status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent-status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent-status licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active-status license, on a delinquent-status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active-status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee must meet the same continuing education requirements, if any, imposed on an active-status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

Section 96. Section 455.714, Florida Statutes, is created to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent-status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department if there is no board.

Section 97. Section 455.717, Florida Statutes, is created to read:

455.717 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

(2) Notwithstanding any other law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required under s. 455.261.

Section 98. Section 455.277, Florida Statutes, 1996 Supplement, is transferred, renumbered as section 408.18, Florida Statutes, and amended to read:

408.18 ~~455.277~~ Health Care Community Antitrust Guidance Act; antitrust no-action letter; market-information collection and education.—

(1) This section may be cited as the "Florida Health Care Community Antitrust Guidance Act."

(2) This section is created to provide instruction to the health care community in a time of tremendous change, and to resolve, as completely as possible, the problem of antitrust uncertainty that may deter mergers, joint ventures, or other business activities that can improve the delivery of health care, without creating costly, time-consuming regulations that can lead to more litigation and delay.

(3) For purposes of this section, the term:

(a) "Health care community" means all licensed health care providers, insurers, networks, purchasers, and other participants in the health care system.

(b) "Antitrust no-action letter" means a letter that states the intention of the Attorney General's office not to take antitrust enforcement actions with respect to the requesting party, based on the specific facts then presented, as of the date the letter is issued.

(4)(a) Members of the health care community who seek antitrust guidance may request a review of their proposed business activity by the Attorney General's office. In conducting its review, the Attorney General's office may seek whatever documentation, data, or other material it

deems necessary from the Agency for Health Care Administration, the State Center for Health Statistics, and the Department of Insurance.

(b) In order to receive an antitrust no-action letter, a member of the health care community must submit in writing to the Attorney General's office a request for an antitrust no-action letter.

(c) The requesting parties are under an affirmative obligation to make full, true, and accurate disclosure with respect to the activities for which the antitrust no-action letter is requested. Requests relating to unnamed persons or companies may not be answered. Each request must be accompanied by all relevant material information; relevant data, including background information; complete copies of all operative documents; the provisions of law under which the request arises; and detailed statements of all collateral oral understandings, if any.

(d) All parties requesting the antitrust no-action letter must provide the Attorney General's office with whatever additional information or documents the Attorney General's office requests for its review of the matter.

(5) The Attorney General's office shall act on the no-action letter request within 90 days after it receives all information necessary to complete its review.

(6) At the completion of its review of a request for an antitrust no-action letter, the Attorney General's office shall do one of the following:

(a) Issue the antitrust no-action letter;

(b) Decline to issue any type of letter; or

(c) Take such other position or action as it considers appropriate.

(7) The recipient of a no-action letter must annually file with the Attorney General's office an affidavit stating that there has been no change in the facts the recipient has presented, at which time the Attorney General may renew the no-action letter. As long as there is no change in any material fact, the Attorney General's office is estopped from bringing any action pursuant to the antitrust laws concerning any specific conduct that is the subject of the no-action letter. Further, the no-action letter, if it meets the requirements of the Florida Evidence Code, is admissible in any court proceeding in this state. The Attorney General's office remains free to bring an action or proceeding based on a different set of facts presented.

(8) The Agency for Health Care Administration shall coordinate all existing data received, such as the hospital patient discharge database, ambulatory patient database, ambulatory facilities' financial data, health facility licensure and certification tracking system, health facility plans and construction data, local health council data, Medicaid data, provider claims data, psychiatric hospital discharge data, pharmaceutical data, licensure data of health maintenance organizations, licensure data of health insurers, health care practitioner licensure data, hospital financial database, health facility utilization and projected need data, nursing home financial database, nursing home patient database, and joint venture database. This information shall be made available to the Attorney General's office, as needed.

(9) When the member of the health care community seeking the no-action letter is regulated by the Department of Insurance, the Department of Insurance shall make available to the Attorney General's office, as needed, any information it maintains in its regulatory capacity.

~~(10) The Agency for Health Care Administration is appropriated $142,487 in nonoperating transfer authority from the Health Care Trust Fund to be transferred to the Department of Legal Affairs to implement the provisions of this act. Transferred funds shall be taken from the unappropriated cash balance available from licensure and renewal fees assessed on physicians regulated by the Division of Medical Quality Assurance.~~

~~(11) There is appropriated to the Department of Legal Affairs, Office of the Attorney General, $142,487 from the Legal Services Trust Fund and two full-time equivalent positions to implement the provisions of this act.~~

Section 99. Section 455.2775, Florida Statutes, 1996 Supplement, is transferred and renumbered as section 408.185, Florida Statutes.

Section 100. *Section 455.2055, Florida Statutes, as created by section 13 of chapter 96-403, Laws of Florida, is repealed.*

Section 101. *Sections 455.01-455.275, Florida Statutes, are designated as part I of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Business and Professional Regulation." Sections 455.501-455.724, Florida Statutes, are designated as part II of that chapter, and the Division of Statutory Revision is requested to title that part: "Department of Health."*

Section 102. Paragraphs (f) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either

$100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails after 30 days after receipt of notice from the department to satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supercedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

Section 103. *The Secretary of Health shall appoint a task force to develop uniform procedures to standardize the validation of health care practitioner credentials in order to ensure that once credentials are validated they can be accepted by licensed health care providers and facilities throughout the state. The task force shall include, but not be limited to, representatives from the Florida Hospital Association, the Florida League of Hospitals, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Dental Association, the Florida Health Care Association, the Florida Association for the Homes for the Aging, the Florida Association of Health Maintenance Organizations, and the Florida Association of Managed Care Organizations.*

Section 104. Subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding *$25,000* ~~$10,000~~ within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

5. The Department of Health shall issue an emergency order suspending the license of any licensee who fails, after 30 days after receipt of notice from the department, to: satisfy a medical malpractice claim against him or her; furnish the department a copy of a timely filed notice of appeal; furnish the department a copy of a supersedeas bond properly posted in the amount required by law; or furnish the department an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 105. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed *under* ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed *under* ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed *under* ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed *under* ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed *under* ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed *under* ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, no later than *30* ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(a) The name, address, and specialty coverage of the insured.

(b) The insured's policy number.

(c) The date of the occurrence which created the claim.

(d) The date the claim was reported to the insurer or self-insurer.

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(f) The date of suit, if filed.

(g) The injured person's age and sex.

(h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.
2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.
3. A description of the misdiagnosis made, if any, of the patient's actual condition.
4. The operation, diagnostic, or treatment procedure causing the injury.
5. A description of the principal injury giving rise to the claim.
6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~, the department shall provide *the* ~~that~~ *agency* ~~department~~ with any information received *under* ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health ~~and Rehabilitative Services~~ with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, not to exceed $1,000 per case, against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

Section 106. Paragraph (t) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

Section 107. Paragraph (x) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of *$25,000* ~~$10,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

Section 108. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 212, line 25, through page 221, line 11, of the amendment remove all of said lines and insert in lieu thereof: A bill to be entitled An act relating to regulation of professions; dividing ch. 455, F.S., into parts; transferring those provisions of ch. 455, F.S., that pertain to health-related professions into the second part; duplicating publication of extant provisions affecting both health-related professions and other professions in the second part; amending s. 11, ch. 96-403, Laws of Florida; transferring certain functions from the Agency for Health Care Administration to the Department of Health; amending s. 20.43, F.S.; prescribing guidelines for appointments to boards within the Department of Health; amending ss. 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.213, 455.214, 455.217, 455.2175, 455.218, 455.2185, 455.221, 455.2226, 455.2228, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.24, 455.242, 455.243, 455.245, F.S.; conforming those sections to the transfer of regulatory authority over health-related professions from the Agency for Health Care Administration to the Department of Health; conforming those sections to the subdivision of ch. 455, F.S.; creating s. 455.501, F.S.; providing definitions; creating s. 455.504, F.S.; providing applicability; creating s. 455.507, F.S.; providing for continuing licensure of members of the Armed Forces; creating s. 455.511, F.S.; prohibiting disqualification from professional licensure on account of citizenship; creating s. 455.514, F.S.; providing for qualification of immigrants for professional licensure examination; creating s. 455.517, F.S.; providing legislative intent; creating s. 455.521, F.S.; prescribing powers and duties of the Department of Health; creating s. 455.524, F.S.; providing for long-range policy planning; creating s. 455.527, F.S.; providing method of contacting regulatory boards; renumbering s. 455.206, F.S., relating to conditions for board membership; creating s. 455.534, F.S.; providing for organization, meetings, compensation, and travel expense for boards; creating s. 455.537, F.S.; providing for publication of information; creating s. 455.541, F.S.; providing accountability and liability of board members; creating s. 455.544, F.S.; providing for board rules, final agency action, and challenges; creating s. 455.547, F.S.; providing requirements with respect to continuing education; creating s. 455.551, F.S.; providing for continued recognition of certain education programs; creating s. 455.554, F.S.; providing for consultation with post-secondary education boards; creating s. 455.561, F.S.; providing for limited licenses; renumbering and amending s. 455.2141, F.S., relating to general licensing provisions for health-related professions; prescribing

additional guidelines with respect to continuing education; renumbering and amending s. 455.2142, F.S., relating to sexual misconduct by applicants for licensure; creating s. 455.571, F.S.; providing for use of professional testing services; renumbering and amending s. 455.2173, F.S., relating to examinations; prescribing additional powers and duties of the respective boards and the department; creating s. 455.577, F.S.; providing a penalty for theft or reproduction of an examination; creating s. 455.581, F.S.; prescribing additional provisions with respect to examination and licensure of foreign-trained professionals; creating s. 455.584, F.S.; providing exemptions and limited license authorization for certain foreign professionals; renumbering and amending s. 455.220, F.S., relating to fees and receipts; prescribing additional powers and duties of the respective boards and the department; renumbering and amending s. 455.2205, F.S., relating to the Health Care Trust Fund; creating s. 455.594, F.S.; providing for legal and investigative services; renumbering and amending s. 455.222, F.S., relating to instruction on domestic violence; renumbering s. 455.2224, F.S., relating to hepatitis B and HIV carriers; creating s. 455.604, F.S.; providing for instruction on HIV and AIDS; creating s. 455.607, F.S.; providing for instruction on HIV and AIDS; creating s. 455.611, F.S.; providing for oaths, depositions, and subpoenas; creating s. 455.614, F.S.; providing for mediation; creating s. 455.617, F.S.; providing authority to issue citations; creating s. 455.621, F.S.; providing for disciplinary proceedings; creating s. 455.624, F.S.; providing grounds for discipline; prescribing penalties; creating s. 455.627, F.S.; providing disciplinary guidelines; creating s. 455.631, F.S.; prescribing a penalty for giving false information; creating s. 455.634, F.S.; providing for prosecution of criminal violations; creating s. 455.637, F.S.; providing sanctions against unlicensed practice of a profession; creating s. 455.641, F.S.; providing for enforcement of prohibition against unlicensed practice; providing a fee; creating s. 455.644, F.S.; requiring an annual report; creating s. 455.647, F.S.; providing for public inspection of certain information; creating s. 455.651, F.S.; providing a penalty for disclosure of confidential information; renumbering and amending s. 455.236, F.S., relating to financial arrangements between referring health care providers and providers of health care services; renumbering s. 455.237, F.S., relating to prohibiting kickbacks; renumbering and amending s. 455.239, F.S., relating to licensure of designated health care services; creating s. 455.664, F.S.; providing requirements with respect to advertising by health care providers; renumbering and amending s. 455.241, F.S., relating to patient records; renumbering and amending s. 455.2415, F.S., relating to confidential communications between a patient and a psychiatrist; renumbering s. 455.2416, F.S., relating to practitioner disclosure of confidential information; creating s. 455.677, F.S.; providing for disposition of records of deceased, relocated, or retired practitioners; creating s. 455.681, F.S.; providing for inspections; renumbering s. 455.244, F.S., relating to chiropractic and podiatric health care; creating s. 455.687, F.S.; providing for immediate suspension of certain licenses; renumbering s. 455.2455, F.S., relating to treatment of Medicare beneficiaries; renumbering and amending s. 455.2456, F.S., relating to financial responsibility; renumbering s. 455.247, F.S., relating to reports on professional liability claims; renumbering and amending s. 455.25, F.S., relating to disclosure of certain financial interests; renumbering and amending s. 455.26, F.S., relating to the Impaired Practitioners Committee; renumbering and amending s. 455.261, F.S., relating to the treatment program for impaired practitioners; creating s. 455.711, F.S.; providing for inactive and delinquent status; creating s. 455.714, F.S.; providing for renewal and cancellation notices; creating s. 455.717, F.S.; requiring an address of record; renumbering and amending s. 455.277, F.S., relating to the Health Care Community Antitrust Guidance Act; renumbering s. 455.2775, F.S., relating to information submitted in relation to antitrust issues; repealing s. 455.2055, F.S., relating to membership of practice boards, the provisions of which were incorporated into s. 20.43, F.S.; requiring the Secretary of Health to appoint a task force to study the validation of health care practitioner credentials; amending s. 459.0085, F.S.; directing the Department of Health to suspend a license under certain circumstances; increasing malpractice indemnity limits for osteopathic physicians; providing membership of the task force; amending s. 458.320, F.S.; increasing malpractice indemnity limits and providing for financial responsibility; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; amending s. 458.331, F.S.; increasing malpractice indemnity limits for physicians; amending s. 459.015, F.S.; increasing the amount of an indemnity paid for a claim for medical malpractice; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, of the amendment insert:

Section 1. Subsection (2) of section 468.1645, Florida Statutes, is amended to read:

468.1645 Administrator license required.—

(2) Nothing in this part or in the rules adopted hereunder shall require an administrator of any facility or institution operated by *and* ~~a recognized church or religious denomination~~ for persons who rely exclusively upon treatment by spiritual means through prayer, *in accordance with the creed or tenets of any organized church or religious denomination, to be licensed as a nursing home administrator if the administrator* ~~who~~ is employed only to administer *in such facilities or* institutions ~~accredited by such church or denomination~~ for the care and treatment of the sick ~~in accordance with its teachings, to be licensed as a nursing home administrator~~.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 234, line 6, of the amendment after the semicolon (;) insert: amending s. 468.1645, F.S.; revising an exemption from licensure as a nursing home administrator relating to persons employed to administer in facilities or institutions operated by and for persons who rely exclusively upon treatment by spiritual means through prayer;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, insert:

Section 108. *Subparagraph 3. of paragraph (b) of subsection (2) of section 395.7015, Florida Statutes, is repealed effective July 1, 1998.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 166, line 16, after the semicolon (;) insert: repealing s. 395.7015(2)(b)3., F.S., relating to certain assessments on radiation therapy centers;

Senators Casas and Gutman offered the following amendment which was moved by Senator Casas and adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 160, between lines 6 and 7, insert:

Section 108. Effective upon this act becoming a law, paragraphs (a) and (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, are amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. *The agency-developed examination must be made available no later than September 1, 1998, to a physician who qualifies for licensure.* A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical

update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

Section 109. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 166, line 16, after the semicolon (;) insert: amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination; creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules;

On motion by Senator Myers, the Senate concurred in **House Amendment 1 to Senate Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment; concurred in **House Amendment 1 to House Amendment 1 to Senate Amendment 1**; and refused to concur in **House Amendment 2 to House Amendment 1 to Senate Amendment 1** and the House was requested to recede.

HB 1925 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Harris

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR SB'S 1688, 792, 1334 AND 2254

The Honorable Toni Jennings May 1, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on **CS for CS for SB's 1688, 792, 1334 and 2254**, First Engrossed, same being:

An act relating to Workforce Development Education

having met, and after full and free conference, has agreed to recommend to their respective Houses as follows:

1. That the House of Representatives recede from its Amendment 1.

2. That the Senate and House concur in Conference Committee Amendment 1 attached hereto and, by reference, made a part of this report.

3. That the Senate and House pass CS for CS for SB's 1688, 792, 1334 and 2254, First Engrossed, as amended by said Conference Committee amendment.

s/George Kirkpatrick
Chairman
s/Charlie Clary
s/Mario Diaz-Balart
s/Fred R. Dudley
Managers on the part of the Senate

s/James E. King, Jr.
Chairman
s/Kenneth P. Pruitt
s/Debbie Wasserman Schultz
s/Stephen R. Wise
Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that state funding for adult and postsecondary vocational education be based on performance outcomes related to the placement and successful continued employment of program graduates, particularly within programs identified by the Occupational Forecasting Conference. It is also the intent of the Legislature that the integrity of vocational certificates and degree programs is maintained, vocational program lengths are standardized, issues involving accreditation and the transfer of credit are addressed, and cost considerations involving the Associate in Science and the Associate in Applied Technology degree programs are analyzed. To assist the Legislature in accomplishing this task, the Commissioner of Education is directed to convene a Task Force on Workforce Development to investigate issues related to Florida's job training and workforce development activities. After analyzing data and information related to the responsibilities outlined in this section, the task force shall report to the Commissioner of Education on or before October 1, 1997, on action necessary to effect timely implementation of workforce development funding. Based on the task force report and in consultation with the Executive Director of the Postsecondary Education Planning Commission and the Executive Director of the State Board of Community Colleges, the Commissioner of Education shall report to the Legislature on or before November 1, 1997, a summary of the conclusions of the task force and recommended funding and substantive statutory changes if necessary. By January 1, 1998, the Commissioner of Education shall report to the Legislature a plan to implement the workforce development funding.*

(1) The task force shall consist of members appointed by the Commissioner of Education who represent school districts and community colleges, and other members deemed appropriate by the commissioner, with a majority of the membership consisting of practitioners within the field. Task force members shall have working knowledge and expertise appropriate to the specific areas being investigated and must be at an appropriate level of decisionmaking authority related to programmatic concerns.

(2) The task force shall recommend an implementation plan that must include, but is not limited to, the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measure requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the plan include:

(a) Assessing and recommending to the Legislature a design for a unified student database consisting of a student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified database means a single system that provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) In consultation with the Articulation Coordinating Committee, recommending any necessary modifications to curriculum frameworks to facilitate articulation and to assure maximum appropriate transferability of coursework. The modifications must be designed to create a uniform system of courses and common course numbers by redefining postsecondary vocational programs and standardizing program lengths.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, definitions of adult education, vocational education, career education, certificate programs, degree programs, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of vocational education and its impact on students, business, and industry.

(h) Recommending student fee structures for adult and vocational programs provided by the community college and public school systems, if necessary.

(i) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to section 239.109, Florida Statutes.

(j) Assessing the feasibility of consolidation of existing performance-based funding programs.

(k) Assessing the Associate in Applied Technology degree. Such assessment must include a report identifying those states with similar programs, and shall include, where practical, a comparative analysis of employment rates, employment retention rates, occupational areas, and salary ranges of graduates with similar degrees. A companion assessment will also report similar data for the Associate in Arts, Associate in Science, or comparative degrees, in those respective states.

(l) Providing a cost analysis of the Associate in Arts and the Associate in Science degrees.

(3) By January 1, 1998, the Commissioner of Education shall submit to the Legislature and the Governor an implementation plan containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in progress and due dates for any other activities necessary for timely implementation.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(d) Recommended statutory and funding changes, based on data collected by the task force, if necessary. Such recommendations should consider any problematic components of the funding formula established for workforce development programs.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the task force in preparing recommendations.

Section 2. *For 1997-1998, a school district or community college is authorized to allocate funds provided in Specific Appropriation 144-G using locally determined performance measures.*

Section 3. Section 239.116, Florida Statutes, is created to read:

239.116 Cost accounting and reporting for workforce education.—

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the Department of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the Department of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid

comparable information on workforce education which will meet both state and local needs.

Section 4. *The Legislature hereby finds that the costs of building higher education facilities is excessive and unreasonable. The construction costs for some college facilities have been documented in excess of $190 per square foot. It is the intent of the Legislature that the community colleges and state universities use due diligence and sound business practices in constructing their authorized facilities. The Legislature directs the State Board of Community Colleges and the Board of Regents to analyze the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund by the community colleges and state universities with the intention of reducing excessive costs, in total and on a per-square-foot basis. In addition, the boards shall develop cost standards that are reasonable and promote efficiency in construction, with a goal of achieving a maximum square-foot construction cost in the range of $95 for classroom and similar facilities. By January 1, 1998, the findings of the analysis and the standards shall be reported to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate.*

Section 5. *Effective July 1, 1997, 4 full-time equivalent positions and $221,980 from the General Revenue Fund are transferred within the Department of Education from the Division of Workforce Development to the Division of Community Colleges.*

Section 6. Present paragraph (g) of subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(g) Expansion of the common course designation and numbering system to include the numbering and designation of college-credit postsecondary vocational courses and facilitate the transfer of credits between public schools and community colleges. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering college-credit courses that may be transferred to a certificate or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable college credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The study shall also identify postsecondary vocational courses designated as college-credit courses applicable toward a vocational degree. Such college-credit courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program and degree. A course designated as college-credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met.

Section 7. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools *and Community Education*.
3. Division of Universities.
4. Division of *Workforce Development* ~~Applied Technology and Adult Education~~.
5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools *and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education* ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *workforce development* ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and~~ the duties concerning physical facilities in chapter 235*, and the duties assigned to the Division of Workforce Development in chapter 239*.

Section 8. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools *and Community Education, the Division of Workforce Development*, the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 9. Subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

~~(a)~~ "Career education" is *vocational education that provides instruction for the following purposes:*

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both

vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation. ~~defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:~~

~~1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job entry programs which coordinate directed study and on-the-job training;~~

~~2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;~~

~~3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;~~

~~4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and home economics; or~~

~~5. Instruction which integrates the basic academic skills and vocational skills.~~

~~(b) "Career education" programs:~~

~~1. Should have social and economic value for every student by leading to a successful career.~~

~~2. Should assist students in establishing life goals, making decisions about their future, and beginning the process of implementing such goals.~~

~~3. Should enhance productivity and student earnings.~~

~~4. Are essential for economic development and for producing better prepared students for a changing workforce.~~

~~5. Shall provide equal access for exceptional students and for students who have limited English proficiency, or who are educationally or economically disadvantaged.~~

Section 10. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~, or the director's designee.
2. The Director of the Division of Community Colleges, or the director's designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Section 11. Section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(1) The Division of Public Schools *and Community Education* of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually impaired children and youth and deaf or hard-of-hearing children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually impaired students and deaf or hard-of-hearing students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated either directly by the Division of Public Schools *and Community Education* or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 12. Subsection (2) of section 233.0561, Florida Statutes, is amended to read:

233.0561 Literacy; blind persons.—

(2) LEGISLATIVE INTENT.—The Legislature recognizes that literacy is the foundation upon which students become employable, productive, and responsible citizens. The Legislature further recognizes that literacy is important for all students, regardless of their visual abilities. It is the intent of the Legislature that the provisions of this section be broadly construed to apply to elementary and secondary students, as well as adult basic, adult secondary, and ~~supplemental~~ vocational *education* students.

Section 13. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity

for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 14. Paragraphs (c), (d), and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that the project has been survey recommended.

(d) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that final phase III construction documents comply with applicable building codes and life safety codes.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 15. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are *workforce development education* ~~certificate career education students, adult supplemental vocational students, adult basic students, adult secondary~~ students, and adult disabled students and who are enrolled in *school district technical* ~~adult career or adult general education~~ centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 16. Subsections (2), (3), (7), (13), (15), (16), (17), (18), (19), (20), (21), and (22) of section 239.105, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

239.105 Definitions.—As used in this chapter, the term:

(2) "Adult general education" means a comprehensive program of adult basic education, adult secondary education, general educational development test instruction, *and* vocational-preparatory instruction~~, college-preparatory instruction, and lifelong learning programs~~.

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or *courses* ~~programs~~ of instruction through which a student prepares to take the general educational development test.

(7) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, *including lifelong learning.*

(13) "Local educational agency" means *a community college or school district* ~~the agency responsible for administration of adult education or career education, or both, within a vocational region. Such agency must be one or more school boards or a board of trustees of a public community college, or both~~.

(15) *"Certificate vocational education program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a degree career education program, if authorized by rules of the Department of Education. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g). The term is interchangeable with the term "certificate career education program."* ~~"Certificate career education program" means job-preparatory programs, excluding supplemental vocational instruction, through which a student receives a vocational certificate upon the completion of instruction.~~

(16) *"Degree vocational education program" means a course of study that leads to an associate in applied technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term "degree career education program."* ~~"Degree career education program" means college credit, job-preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(18)~~(17)~~ "Prose literacy" means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

(19)~~(18)~~ "Quantitative literacy" means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.

~~(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) "*Vocational* ~~Career~~ education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. *The term may be used interchangeably with the term "career education planning region."*

(21) "Vocational-preparatory instruction" means *adult general education* ~~instruction~~ through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) "Workforce development education" means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point, a vocational certificate, an associate in applied technology degree, or an associate in science degree.

Section 17. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in *workforce development education or* ~~adult, certificate career education,~~ lifelong learning *courses*~~, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 18. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate or a degree;

(c) Degree vocational education programs that lead to an associate in applied technology degree or an associate in science degree; and

(d) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g).

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology degree or an associate in science degree.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.

(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.

(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick response training funds, or other means making up the remaining 50 percent.

2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.

(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.

(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the

total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.

(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.

(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.

(10) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) The Department of Education may adopt rules to administer this section.

Section 19. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in *workforce development programs, including programs and courses leading to an associate in applied technology degree or an associate in science degree* ~~adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the *Workforce Development Education Fund* ~~Florida Education Finance Program or Community College Program Fund~~.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule. *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. ~~Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.~~

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for *workforce development education* ~~certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards~~. The fee schedule shall be based on the amount of student fees necessary to produce *25* ~~10~~ percent of the prior year's cost of *a course of study leading to a certificate or degree and 50 percent of the prior year's cost of a course that does not lead to an occupational completion point* ~~certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs~~. *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen*

their impact upon students already enrolled. ~~The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of *semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree.* ~~the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

(7)~~(5)(a)~~ Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs that lead to an occupational completion point and 50 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree* ~~college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges.~~ Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(8)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional *10* ~~5~~ percent of the student fees collected for *workforce development* ~~certificate career education and supplemental vocational courses and~~ programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education ~~and supplemental vocational~~ students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(9)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(10)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(11)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(12)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(13)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund* ~~Education Finance Program~~ or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund* ~~Florida Education Finance Program or the Community College Program Fund~~ and shall revert to the General Revenue Fund.

(15)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(16)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(17)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 20. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in *workforce development programs* ~~certificate career education and supplemental career education courses and programs~~. ~~From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.~~

Section 21. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

~~1. Student maintenance of employment.~~

~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)~~(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. Overseeing school district and community college compliance with the provisions of this chapter.

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 22. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient

in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 23. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

(4) ~~Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area.~~ Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. ~~Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

(5)(a) Adult basic and secondary education *and*~~,~~ vocational-preparatory~~, college-preparatory, and lifelong learning~~ courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs~~. ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate-in-arts degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Workforce Development Education Fund or the Community College Program Fund* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational-preparatory programs~~. Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program* ~~pursuant to s. 236.081(1)(h) or s. 240.359~~, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 24. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 25. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 26. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of~~ adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees *and associate in applied technology degrees*, and other programs

in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board~~.

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general* ~~precollege~~ education~~, when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational* ~~degree career~~ education programs and~~, when assigned to community colleges,~~ adult *general* ~~precollege~~ education programs shall have first priority in community college funding.

Section 27. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that* ~~which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 28. Section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction *leading to an associate degree, including college preparatory courses defined in s. 239.105*.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction *which* ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs *and*~~,~~ professional programs~~, and degree career education programs~~.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled ~~in employment and training programs~~ under the WAGES Program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs under the WAGES Program shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students may not be denied participation in programs during the application process for financial aid. These students may not be required to obtain loans as a part of their financial aid package. ~~Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.~~

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to *s. 250.10(7)* ~~the provisions of s. 250.10(6)~~.

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional~~, degree career education, and college preparatory~~ programs *that produce* ~~which produces~~ revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. ~~Beginning with fiscal year 1992-1993 and,~~ In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. ~~Beginning with fiscal year 1992-1993,~~ The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the

general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 29. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.— The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines *and on other programs for adults funded pursuant to s. 239.115*~~, vocational program areas, compensatory programs, and adult elementary and secondary programs~~. ~~The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas.~~

(c) The ~~funding~~ category of lifelong learning is for students enrolled pursuant to s. 239.301. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

Section 30. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 31. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools *and Community Education* of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 32. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools *and Community Education* of the Department of Education.

Section 33. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools *and Community Education* budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 34. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 35. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~of Applied Technology and Adult Education~~ of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 36. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education and appropriate ~~career~~ education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 37. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 38. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: *a representative of the Department of Education designated by the Commissioner* ~~the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department~~ of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 39. *Subsection (3) of section 229.8075, Florida Statutes, and section 239.109, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.*

Section 40. *The Legislature intends to:*

(1) Provide for implementation of the revised funding model for exceptional student education programs.

(2) Simplify the Florida Education Finance Program by reducing the number of program cost factors to provide greater flexibility at the local level in the use of funds.

(3) Provide for allocating funds for kindergarten through grade 12 and adult education programs separately.

(4) Continue to make progress in reducing the range of disparity in total potential funds available per full-time equivalent student.

Section 41. *(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing five weighted cost factors; provide fiscal support for exceptional students in general education classes; be outcome driven; and be revenue neutral. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.*

(2)(a) The revised funding model uses five Florida Education Finance Program cost factors for exceptional student education programs. Cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the

services described in each exceptional student's individual education plan.

(b) A matrix of services must be completed at least once each year by public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(4) The Department of Education shall promulgate rules necessary to implement the revised funding model.

(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.

Section 42. Section 236.078, Florida Statutes, is amended to read:

236.078 Florida Education Finance Program Appropriation Allocation Conference.—Prior to the distribution of any funds appropriated in the General Appropriations Act for the *K-12* Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

Section 43. Section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation *for the Florida Education Finance Program for kindergarten through grade 12* shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.* ~~However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.~~

1. Basic programs.—
a. Kindergarten and grades 1, 2, and 3.
b. Grades 4, 5, 6, 7, and 8.
c. Grades 9, 10, 11, and 12.

2. ~~Special~~ Programs for exceptional students.—
a. Support Level I.
b. Support Level II.
c. Support Level III.
d. Support Level IV.
e. Support Level V.
~~a. Educable mentally handicapped.~~
~~b. Trainable mentally handicapped.~~
~~c. Physically handicapped.~~
~~d. Physical and occupational therapy part-time.~~
~~e. Speech, language, and hearing part-time.~~
~~f. Speech, language, and hearing.~~
~~g. Visually handicapped part-time.~~
~~h. Visually handicapped.~~
~~i. Emotionally handicapped part-time.~~
~~j. Emotionally handicapped.~~
~~k. Specific learning disability part-time.~~
~~l. Specific learning disability.~~
~~m. Gifted part-time.~~
~~n. Hospital and homebound part-time.~~
~~o. Profoundly handicapped.~~

3.~~4.~~ Secondary career education programs.—
~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

4.~~6.~~ Students-at-risk programs.—
a. Dropout prevention *and teenage parents.*
b. English for Speakers of Other Languages.
~~b. Special programs for teenage parents.~~
~~c. Kindergarten through grade 3 ESOL.~~
~~d. Grades 4 through 8 ESOL.~~
~~e. Grades 9 through 12 ESOL.~~

~~5. Certificate career education and supplemental career education programs.—~~

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

~~3. Adult general education programs.—~~
~~a. Adult basic education.~~
~~b. Adult secondary education.~~
~~c. Lifelong learning.~~

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district *for the K-12 FEFP*.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. *Group 2 shall be composed of students in exceptional student education.* Group *3* ~~2~~ shall be composed of students-at-risk programs, all basic programs other than the programs in group 1, ~~all exceptional child programs,~~ and all vocational programs in grades 7-12. ~~Group 3 shall be composed of all adult education programs.~~

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of *Children and Family Services and the Department of Juvenile Justice* ~~Health and Rehabilitative Services~~.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(e) Visually handicapped allocation.—With respect to special programs for the visually handicapped, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.~~

~~(f) Exceptional mainstream allocation.—A student properly classified as an exceptional student pursuant to s. 230.23(4)(m) and eligible for a special program for exceptional students identified in subparagraph (c)2., excluding gifted part-time, may, as a condition of such student's individualized educational plan, be assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this paragraph.~~

~~(g) Alternative handicapped allocation.—As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical or mental health impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.~~

(e)~~(h)~~ State funding for certain adult disabled students.—If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 239.301 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.

(f)~~(i)~~ Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)6.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(g)~~(j)~~ Calculation of full-time equivalent membership with respect to instruction from community colleges or universities.—Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. ~~Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as one full-time equivalent enrollment within the basic~~

~~secondary program for state funding purposes; however, a district school board may also report such students as the proportional shares of full-time equivalent enrollments each student generates within the vocational program. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students enrolled in vocational dual enrollment instruction conducted by a community college on a high school campus may be calculated by the school board as the proportional shares of full-time equivalent enrollments they generate in the basic program for grades 9 through 12 and the proportional shares of full-time equivalent enrollments they generate in the vocational programs.~~ Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117~~, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination~~.

(h)~~(k)~~ Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma. *However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the student's school district must pay the community college for the costs incurred because of the high school student's coenrollment.*

(i)~~(l)~~ Instruction in *family and consumer services* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

(j)~~(m)~~ Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)~~(n)~~ Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(l)~~(o)~~ Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

~~(p) Instruction in supplemental vocational courses; and adult basic and secondary courses.—Vocational supplemental courses and adult basic and secondary education courses may be made available to any adult pursuant to s. 239.301.~~

~~1. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he or she is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma.~~

~~2. A student in a supplemental vocational course shall be reported as a supplemental vocational full-time equivalent student if he or she:~~

~~a. Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or~~

~~b. Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and employment history; or~~

~~c. Has an employment history and wants to develop competence in the English language to qualify for employment.~~

(m)~~(q)~~ Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(n)~~(r)~~ Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(o)~~(s)~~ Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(p)~~(t)~~ Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program *for kindergarten through grade 12* for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current

year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing $6 by the 1990-1991 base student allocation. If a district has an approved teacher education center, at least two-thirds of the funds so determined shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the professional orientation program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program *for kindergarten through grade 12 programs* shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. ~~For the 1996-1997 fiscal year only,~~ The General Appropriations Act *shall* ~~may~~ direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total *K-12* Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. ~~This sub-subparagraph is repealed on July 1, 1997.~~

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~paragraph (13)(b)~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual *K-12* Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~paragraph (13)(b)~~.

(c) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district-required local effort.

(e) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f) Required adult fees.—~~

~~1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.~~

~~2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.~~

~~3. Each district's total required local effort fee amount shall be calculated in the following manner:~~

~~a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.~~

~~b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.~~

~~c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.~~

~~d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.~~

~~e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.~~

~~f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.~~

~~g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of *the K-12 FEFP* qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

~~(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.~~

~~(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

(8)~~(10)~~ CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection *(10)* ~~(12)~~, a caps adjustment supplement of up to *20* ~~10~~ percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, ~~all other~~ group *3* ~~2 special~~ programs weighted full-time equivalent student membership above cap group *3* ~~2~~ shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(9)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per *K-12* weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12)~~, ~~profoundly handicapped adjustment,~~ quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12), profoundly handicapped adjustment,~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(12)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation *for the K-12 FEFP* shall be distributed periodically in the manner prescribed *in the General Appropriations Act.* ~~by regulations of the state board and shall be calculated as follows:~~

(a) The basic amount for current operation *for the K-12 FEFP* as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), ~~the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9),~~ and the quality assurance guarantee as determined in subsection *(9)* ~~(11)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district-required local effort into the sum of the state funds available for current operation and the total district-required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 44. Paragraph (d) of subsection (1) of section 236.083, Florida Statutes, 1996 Supplement, is amended, and subsection (7) is added to that section, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)*(g)*~~(j)~~;

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the school board, be transferred to the district's K-12 Florida Education Finance Program.

Section 45. Section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(1) COST ACCOUNTING.—Each district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the department or as provided by law. ~~The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system.~~

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3), and for categorical programs as provided in s. 236.081(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program *funded* ~~set forth~~ in s. 236.081(1)(c), except that *programs for exceptional students shall be reported on an aggregate basis* ~~separate costs shall be kept for adult basic and secondary education as defined in s. 239.105. Expenditures for apprenticeship programs shall be reported separately~~.

(c) The commissioner shall present to the Legislature, ~~90 days~~ prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system. The commissioner shall also compute cost factors ~~for each district reflecting actual expenditures~~ relative to the base student allocation for each *funded program* ~~of the programs as provided~~ in s. 236.081(1)(c).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) ~~For each program and broad program category established in s. 236.081(1)(c),~~ Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. ~~Special~~ Programs for exceptional students, on an aggregate program basis, 80 percent.

5. *Grades 7 through 12 vocational education* ~~Special vocational-technical~~ programs, on an aggregate program basis, 80 percent.

~~6. Special adult general education programs, on an aggregate program basis, 80 percent.~~

6.~~7.~~ Students-at-risk programs, on an aggregate program basis, 80 percent.

7.~~8.~~ ~~Beginning in fiscal year 1989-1990,~~ Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through *6.*~~7.~~, on an aggregate basis as appropriate, 80 percent.

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board.

(c) In the event a district fails to meet any of the expenditure requirements as set forth herein, the commissioner shall notify the superintendent of the district involved and shall require that the school board make provision for correcting the deficiency in the subsequent year's operating budget. ~~The commissioner shall not approve the district budget until he or she has determined that the provisions have been made to correct the deficiency.~~

Section 46. Paragraph (a) of subsection (2) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES Program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are

abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in *an* ~~a specific part-time or combination of part-time~~ exceptional student education *program* ~~programs~~ with required special services, aids, or equipment and who are reported for *partial* funding ~~part-time~~ in the *K-12* Florida Education Finance Program ~~as exceptional students~~. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the *K-12* Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These ~~part-time~~ students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the *K-12* Florida Education Finance Program in *an* ~~a full-time or an authorized combination of full-time and part-time~~ exceptional student *education program* ~~programs~~ as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. ~~These full-time~~ Exceptional *education* students *who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding* shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

Section 47. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(10)*~~(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district-required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 48. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in *programs under s. 236.081(1)(c) in* each district by the cost factors *established* in *the General Appropriations Act* ~~s. 236.081(1)(c)~~ and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 49. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; providing for a task force on workforce development and prescribing its composition and duties; allowing school districts and community colleges to allocate specified funds using locally determined performance measures; creating s. 239.116, F.S.; providing for cost-accounting and reporting with respect to expenditures by school districts and community colleges for workforce education and providing for a database to be developed for specified purposes; requiring the State Board of Community Colleges and the Board of Regents to submit a report concerning the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund; reallocating positions and funding within the Department of Education; amending s. 229.551, F.S.; requiring expansion of the common course designation and numbering system; requiring the development of specified guidelines; providing for standard program lengths for postsecondary vocational programs; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development education fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing purposes; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; amending s. 236.081, F.S., relating to funds for operation of schools; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation and funding of each school district's student enrollment; revising provisions relating to calculation and funding of students enrolled in vocational dual enrollment; providing for payment

of costs for enrollment in certain adult secondary education courses; deleting provisions relating to instruction in supplemental vocational courses and adult basic and secondary courses; deleting provisions relating to required adult fees and the adult basic skills adjustment; revising the caps adjustment supplement; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; conforming a cross-reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, and 236.602, F.S.; conforming cross-references and conforming and clarifying provisions; providing an effective date.

The Conference Committee Report was read and on motion by Senator Kirkpatrick was adopted. **CS for CS for SB's 1688, 792, 1334 and 2254** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Jones	Scott
Bronson	Diaz-Balart	Kirkpatrick	Silver
Brown-Waite	Dudley	Klein	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman, Lee

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:57 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:52 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL STAFF RECOGNITION

At the request of President Jennings, the staff of the President, the Secretary, the Sergeant, Senate Committees and the Majority and Minority Offices were seated in the east gallery. The President, on behalf of the entire Senate, thanked the staff for their support and hard work in making the 1997 session a success.

SPECIAL RECOGNITION

Senators Campbell, Clary, Cowin, Klein and Lee, the freshman Senators elected in the 1996 General Election, were granted permission to recognize President Pro Tempore Roberto Casas as their role model, chosen at the conclusion of their first regular session.

POINT OF PERSONAL PRIVILEGE

On motion by Senator Hargrett, the following remarks were ordered spread upon the Journal:

Senator Latvala: Madam President, I rise for a point of personal privilege. I'm afraid we'll get going too fast later on today and the opportunity will escape to do this, so I'm going to do it right now.

I would just like to say how much that I have enjoyed serving during this session under your leadership as President. The inclusiveness, the way that you get each of us involved in things, let us have our way a lot of the time; but when we don't get our way, at least knowing that you appreciate us and that we feel good even when you tell us no. That means a lot. You know we all sacrifice a great deal to be up here in the Senate. We all sacrifice a lot of work, a lot of long hours and so forth. The way in which you have led us this year, the way we are coming down the homestretch here, we are very well prepared to finish this session at an early hour. All of us, at least the members I have talked to, feel very good about the fact that most of their bills are done. Most of the important work is done, and a lot of this is the leadership that you provided to the Senate this year. I just want you to know that I, as an individual member, appreciate that and have very much enjoyed this year.

On motion by Senator McKay, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for HB 703** and **CS for CS for SB 170** was deferred.

CS for CS for HB's 1119 and 1577—A bill to be entitled An act relating to public lands; amending s. 253.03, F.S.; extending the submerged lands lease for certain properties; amending s. 253.034, F.S.; specifying objectives of the management of the state's lands and natural resources; providing requirements for multiple-use land management strategies; providing references to the Land Acquisition and Management Council; revising land-management plan adoption processes; correcting a cross reference; amending s. 253.68, F.S.; modifying authority of local government to object to state aquaculture leases; amending s. 253.7825, F.S.; correcting a cross reference; amending s. 259.032, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain lands through the Conservation and Recreation Lands (CARL) Trust Fund; directing managing agencies to enter into certain contracts or agreements; requiring notice and public hearing on individual management plans; providing for withholding of CARL management funds to certain agencies; providing management objectives for lands acquired under ch. 259, F.S.; increasing the percentage of funds deposited in the Florida Preservation 2000 Trust Fund available for land management and capital improvements; allowing agencies to keep revenues generated from activities on lands they manage; revising provisions relating to payments in lieu of taxes; amending s. 259.035; creating the Land Acquisition and Management Advisory Council; providing responsibility for review of plans for state-owned lands; creating s. 259.036, F.S.; providing for management review teams for certain lands; amending s. 259.101, F.S.; adding historical or archeological sites to Preservation 2000 project criteria; commencing process to close out the Florida Preservation 2000 Program; amending s. 260.015, F.S.; changing certain land acquisition procedures for the Florida Greenways and Trails Program; creating s. 369.255, F.S.; authorizing certain counties and municipalities to create green utilities and adopt fees for certain purposes; amending s. 373.139, F.S.; providing that lands acquired for specified purposes by water management districts shall receive multiple-use management, except under certain conditions; directing the district governing boards to consult with or enter into a memorandum of agreement with specified state agencies with respect to such management; amending s. 373.59, F.S.; providing that a soil and water conservation district shall be considered first as the managing agency with respect to fee-simple acquisitions or acquisitions of less-than-fee interest in certain land through the Water Management Lands Trust Fund; providing for use of land management volunteers; creating s. 373.591, F.S.; creating management review teams for water management district lands; amending s. 704.06, F.S.; clarifying linear facilities ability to cross conservation easements; repealing s. 253.022, F.S., relating to the Land Management Advisory Council; amending s. 373.250, F.S.; revising a date with respect to certain reports by water management districts; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Williams moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 54, between lines 17 and 18, insert:

Section 26. Section 403.075, Florida Statutes, is created to read:

403.075 Legislative findings.—In addition to the declarations contained in s. 403.021, the Legislature finds that:

(1) Ecosystem management is a concept that includes coordinating the planning activities of state and other governmental units, land management, environmental permitting and regulatory programs, and voluntary programs, together with the needs of the business community, private landowners, and the public, as partners in a streamlined and effective program for the protection of the environment. It is particularly in the interest of persons residing and doing business within the boundaries of a particular ecosystem to share in the responsibility of ecosystem restoration or maintenance. The proper stewardship of an ecosystem by its affected residents will, in general, enhance the economic and social welfare of all Floridians by maintaining the natural beauty and functions of that ecosystem, which will, in turn, contribute to the beauty and function of larger inclusive ecosystems and add immeasurably to the quality of life and the economy of all Florida counties dependent on those ecosystems, thus serving a public purpose.

(2) Most ecosystems are subject to multiple governmental jurisdictions. Therefore, there is a need for a unified and stable mechanism to plan for restoration and continued long-term maintenance of ecosystems.

(3) It is in the public interest and serves a public purpose that the Department of Environmental Protection take a leading role among the agencies of the state in developing and implementing comprehensive ecosystem management solutions, in cooperation with both public and private regulated entities, which improves the integration between land use planning and regulation, and which achieves positive environmental results in an efficient and cost-effective manner.

Section 27. Section 403.0752, Florida Statutes, is created to read:

403.0752 Ecosystem management agreements.—

(1) Upon the request of an applicant, the secretary of the department is authorized to enter into an ecosystem management agreement regarding any environmental impacts with regulated entities to better coordinate the legal requirements and timelines applicable to a regulated activity, which may include permit processing, project construction, operations monitoring, enforcement actions, proprietary approvals, and compliance with development orders and regional and local comprehensive plans. Entering into an ecosystem management agreement shall be voluntary for both the regulated entity and the department.

(2) An ecosystem management agreement may be entered into by the department and regulated entities when the department determines that:

(a) Implementation of such agreement meets all applicable standards and criteria so that there is a net ecosystem benefit to the subject ecosystem more favorable than operation under applicable rules;

(b) Entry into such agreement will not interfere with the department's obligations under any federally delegated or approved program;

(c) Implementation of the agreement will result in a reduction in overall risks to human health and the environment compared to activities conducted in the absence of the agreement; and

(d) Each regulated entity has certified to the department that it has in place internal environmental management systems or alternative internal controls sufficient to implement the agreement.

(3)(a) An ecosystem management agreement shall include provision for the department to terminate the agreement by written notice to all other parties to the agreement when the department demonstrates that:

1. There has been a material change in conditions from the original agreement such that the intended net ecosystem benefit is not being, and may not reasonably be expected to be, achieved through continuation of the agreement;

2. Continuation of the agreement will result in economic hardship or competitive disadvantage; or

3. A party has violated the terms of the agreement.

(b) Termination of an ecosystem management agreement by the department shall be subject to the requirements of ss. 120.569 and 120.57.

(c) The applicant for an ecosystem management agreement may terminate such agreement at any time. Governmental parties, other than the department, may withdraw in accordance with the terms of the agreement at any time, but may not terminate the agreement.

(4) An ecosystem management agreement may include incentives for participation and implementation by a regulated entity, including, but not limited to, any or all of the following:

(a) Coordinated regulatory contact per facility.
(b) Permitting process flexibility.
(c) Expedited permit processing.
(d) Alternative monitoring and reporting requirements.
(e) Coordinated permitting and inspections.
(f) Cooperative inspections that provide opportunity for informal resolution of compliance issues before enforcement action is initiated.
(g) Alternative means of environmental protection which provide for equivalent or reduced overall risk to human health and the environment and which are available under existing law such as variances, waivers, or other relief mechanisms.

(5) The Secretary of Community Affairs, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Game and Fresh Water Fish Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

(6) The secretary of the department may form ecosystem management advisory teams for consultation and participation in the preparation of an ecosystem management agreement. The secretary shall request the participation of at least the state and regional and local government entities having regulatory authority over the activities to be subject to the ecosystem management agreement. Such teams may also include representatives of other participating or advisory government agencies, which may include regional planning councils, private landowners, public landowners and managers, public and private utilities, corporations, and environmental interests. Team members shall be selected in a manner that ensures adequate representation of the diverse interests and perspectives within the designated ecosystem. Participation by any department of state government is at the discretion of that agency.

(7) An application for a binding ecosystem management agreement shall include:

(a) The name and address of the applicant;
(b) The location and a description of the project; and
(c) All application materials required for any requested permit, license, approval, variance, or waiver under all applicable statutes and rules.

(8)(a) An applicant for a binding ecosystem management agreement shall, at the applicant's own expense, publish a notice of its request to enter into the agreement in a newspaper of general circulation in the county in which the activity that is the subject of the agreement will be located or take place. Proof of publication shall be provided to the department by the applicant. Actual mailed notice of the application shall also be provided to owners of property adjacent to the activity that is the subject of the agreement and to any other person whose interest is known to the department or the applicant.

(b) A binding ecosystem management agreement is subject to the following requirements:

1. Notice of intent to enter into the agreement shall be published by the regulated entity in a newspaper of general circulation in each county

where the ecosystem management area is located. The notice shall specifically identify any standards, rules, or other legal or regulatory requirements proposed to be subject to variance or waiver under the agreement, and any permit, license, or approval to be granted. The notice shall include the opportunity to request a hearing on the agreement under the provisions of ss. 120.569 and 120.57.

2. Substantially affected persons may challenge the terms of the agreement and the proposed issuance of any permit, license, approval, variance, or waiver contained in the agreement pursuant to ss. 120.569 and 120.57.

3. A substantially affected person may challenge the subsequent issuance of any permit, license, approval, variance, or waiver pursuant to the agreement, but which is not contained in the agreement, pursuant to ss. 120.569 and 120.57. In any such proceeding, any relevant and material elements of the agreement shall be admissible.

4. Any substantial modification or amendment to the agreement shall be subject to the same processes as the original agreement.

(c) The parties to an ecosystem management agreement may elect to enter into a nonbinding agreement that does not constitute agency action. Such agreements shall be considered advisory in nature and are not binding on any party to the agreement. If such election is made, any permit, license, approval, waiver, or variance subsequently issued by an agency shall be subject to the provisions of chapter 120.

(d) Waivers and variances available under applicable statutes and rules may be granted as a part of a binding ecosystem management agreement.

(e) A person who requests a binding ecosystem management agreement and as a part of that request seeks a permit, license, approval, variance, or waiver that is subject to a statutory application review time limit waives his right to a default permit, license, approval, variance, or waiver.

(9) Implementation of this section by the department must be consistent with federally delegated programs and federal law.

(Renumber subsequent section.)

And the title is amended as follows:

On page 58, line 18, after the semicolon (;) insert: creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0752, F.S.; authorizing ecosystem management agreements between the Department of Environmental Protection and regulated entities; providing conditions and requirements; providing for amendment or termination of such agreements; providing incentives; authorizing ecosystem management advisory teams; providing for binding and nonbinding ecosystem management agreements; requiring application procedures; requiring certain notice; providing that the agreements are subject to ss. 120.569 and 120.57, F.S.;

On motion by Senator McKay, **CS for CS for HB's 1119 and 1577** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 546—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing for contributions to be made through an intermediary organization; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 546** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—1

Cowin

CS for CS for SB 170—A bill to be entitled An act relating to criminal justice; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than $1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; amending s. 812.15, F.S., relating to unauthorized reception of cable television services; providing an enhanced penalty for a third or subsequent violation; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; specifying circumstances under which failure upon demand to pay amounts due for the full rental period constitutes such fraudulent intent; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; amending s. 316.1945, F.S.; providing that employees of a parking authority are not authorized to have a vehicle towed, impounded or immobilized; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Gutman, **CS for CS for SB 170** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Cowin	Gutman	Klein	Ostalkiewicz
Crist	Hargrett	Kurth	Rossin
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Forman	Jenne	Meadows	Turner
Grant	Jones	Myers	Williams

Nays—None

On motion by Senator Meadows, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African American, Hispanic American, Asian American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.*

(1) The minority teacher education scholars program shall provide an annual scholarship of $4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.

(2) To assist each participating education institution in the recruitment and retention of minority teacher scholars, the administrators of the Florida Fund for Minority Teachers, Inc., shall implement a systemwide training program. The training program must include an annual conference or series of conferences for students who are in the program or who are identified by a high school or a community college as likely candidates for the program. The training program must also include research about and dissemination concerning successful activities or programs that recruit minority students for teacher education and retain them through graduation, certification, and employment. Staff employed by the corporation may work with each participating education institution to assure that local faculty and administrators receive the benefit of all available research and resources to increase retention of their minority teacher education scholars.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(5) If a minority teacher education scholar graduates and is employed as a teacher by a Florida district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(6) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is $50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 2. *(1) There is created the Florida Fund for Minority Teachers, Inc., which is a not-for-profit statutory corporation housed in the College of Education at the University of Florida. The corporation shall administer and manage the minority teacher education scholars program.*

(2) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on a 7-year plan that would be capable of awarding the following schedule of scholarships:

(a) In the initial year, 700 scholarships of $4,000 each to scholars in the junior year of college.

(b) In the second year, 350 scholarships to new scholars in their junior year and 700 renewal scholarships to the rising seniors.

(c) In each succeeding year, 350 scholarships to new scholars in the junior year and renewal scholarships to the 350 rising seniors.

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that four of the initial members shall serve 1-year terms and four shall serve 2-year terms. At least four members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. The Board of Regents, the State Board of Commu-

nity Colleges, and the State Board of Independent Colleges and Universities shall collaborate to provide the Governor with a list of at least 15 recommendations of members to be appointed to the board. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(a) Hold meetings to implement this section.

(b) Select a chairperson annually.

(c) Make rules for its own government.

(d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.

(e) Maintain a record of its proceedings.

(f) Delegate to the chairperson the responsibility for signing final orders.

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated for the minority teacher education scholars program may be expended for administration, including administration of the required training program.

Section 3. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 1, through page 2, line 8, remove from the title of the bill all of said lines and insert in lieu thereof: A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

WHEREAS, the number of public school students who are African American, Hispanic American, Asian American, and Native American continues to increase, while the number of public school teachers of those races is decreasing rapidly, and

WHEREAS, a Caucasian student is three times as likely to have a teacher of the same race as is an Hispanic American student or an African American student, and

WHEREAS, African American male students number more than 12 percent of the total enrollment in grades kindergarten through 12, and

WHEREAS, African American men enrolled in State University System colleges of education number less than 3 percent of the future teachers, and

WHEREAS, the total number of Hispanic Americans and African Americans who enter the teaching profession is insufficient by far to maintain their current representation level, even though they are currently underrepresented by an alarming proportion, NOW, THEREFORE,

On motion by Senator Meadows, the Senate concurred in the House amendment.

CS for SB 2 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Kirkpatrick
Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1, passed SB 164, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

House Amendment 2 (with title amendment)—On page 3, lines 1-14, remove from the bill all of said lines and insert in lieu thereof:

Section 1. Subsections (1), (5), and (6) of section 775.15, Florida Statutes, 1996 Supplement, are amended to read:

775.15 Time limitations.—

(1)*(a)* A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

(b) A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.

(5)*(a) Prosecution on a charge on which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.*

(b) A prosecution *on a charge on which the defendant has not previously been arrested or served with a summons* is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. *The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state shall not constitute an unreasonable delay.*

(c) If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended 3 months from the time the indictment or information is dismissed or set aside.

(6) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state.~~, but in no case shall~~ This provision *shall not* extend the period of limitation otherwise applicable by more than 3 years, *but shall not be construed to limit the*

prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.

Section 2. For the purpose of incorporating the amendment to section 775.15, Florida Statutes, 1996 Supplement, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

119.011 Definitions.—For the purpose of this chapter:

(3)(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

517.302 Criminal penalties; alternative fine; Anti-Fraud Trust Fund; time limitation for criminal prosecution.—

(4) Criminal prosecution for offenses under this chapter is subject to the time limitations of s. 775.15.

(Renumber subsequent section[s])

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to criminal justice; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; providing that prosecution is commenced upon filing of the charging document when the defendant has previously been arrested or served with summons on the charge; providing that, when the defendant charged by information or indictment with a crime in this state has not been so arrested or served, the failure to execute process or extradite the defendant in another state does not constitute unreasonable delay; providing for inapplicability of a limitation upon prosecution of a defendant who has been timely charged but not arrested due to absence from the state or not extradited, under specified circumstances; reenacting s. 119.011(3) and 517.302(4), F.S., relating to the definition of "criminal intelligence information" for purposes of public records, and criminal prosecution for offenses under chapter 517, the Florida Securities and Investor Protection Act, to incorporate said amendment in references; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

WHEREAS, Florida courts have remanded and, in some cases, reversed the judgment in a capital case because a witness allegedly gave perjured testimony at trial, and

WHEREAS, the Legislature finds that the state is often unable to prosecute a witness who commits perjury in a capital case because evidence of the alleged perjury is only revealed after the 3-year statute of limitations for the prosecution of perjury has elapsed, thereby allowing the witness to commit perjury with legal impunity, and

WHEREAS, Supreme Court Justice Ben Overton, writing separately in Roberts v. State, (21 Fla. L. Weekly s245, June 14, 1996), a case in which the issue of recanted testimony was raised, strongly suggested that the Legislature review the perjury statute and increase from 3 years to 25 years the statute of limitations for prosecuting the offense of perjury in a capital case, and

WHEREAS, the Legislature has reviewed the perjury statute and agrees with Justice Overton that the statute of limitations should be increased for prosecuting a person who commits perjury in a capital case, however, the Legislature finds no reason to limit the time for prosecution to 25 years, and

WHEREAS, it is the intent of the Legislature that there not be a statute of limitations for prosecuting a person who makes a false or perjured statement in a capital case, and

WHEREAS, it is also the intent of the Legislature to severely penalize any person who makes a false or perjured statement in a capital case, NOW, THEREFORE,

On motion by Senator Gutman, the Senate concurred in the House amendment.

SB 164 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones

Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Turner
Latvala	Myers	Silver	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 270, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 270—A bill to be entitled An act relating to clinical laboratory personnel; amending s. 408.033, F.S.; providing an exemption from certain health care facilities assessments for clinical laboratories operated by practitioners for exclusive use; amending s. 483.035, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to personnel of such laboratories; amending s. 483.061, F.S.; authorizing the agency to perform on-site or off-site inspections; amending s. 483.172, F.S.; providing for expiration of the agency's authority to collect a fee from certain laboratories; amending ss. 483.801, 483.813, F.S.; providing for an exemption from regulation for certain practitioners and persons employed by certain laboratories; amending s. 483.803, F.S.; revising the definition of "clinical laboratory personnel"; amending s. 483.811, F.S.; providing application of regulatory provisions to certain clinical laboratories; creating s. 483.824, F.S.; providing qualifications of a clinical laboratory director; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, between lines 18 and 19, insert:

Section 5. Subsection (5) is added to section 483.181, Florida Statutes, to read:

483.181 Acceptance, collection, identification, and examination of specimens.—

(5) A clinical laboratory licensed under this part must accept a human specimen submitted for examination by a practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, or chapter 466, if the specimen and test are the type performed by the clinical laboratory. A clinical laboratory may only refuse a specimen based upon a history of nonpayment for services by the practitioner. A clinical laboratory shall not charge different prices for tests based upon the chapter under which a practitioner submitting a specimen for testing is licensed.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 1, line(s) 15, after the semicolon, insert: amending s. 483.181, F.S.; prohibiting discrimination against certain practitioners in the acceptance of specimens;

House Amendment 2—On page 7, line 2, remove from the bill *an* and insert in lieu thereof: *a regionally*

On motion by Senator Gutman, the Senate concurred in the House amendments.

CS for SB 270 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Gutman	Klein
Bankhead	Cowin	Hargrett	Kurth
Bronson	Crist	Harris	Latvala
Brown-Waite	Dantzler	Holzendorf	Lee
Burt	Diaz-Balart	Horne	Meadows
Campbell	Dudley	Jenne	Myers
Casas	Forman	Jones	Ostalkiewicz
Childers	Grant	Kirkpatrick	Rossin
Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 278, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children

who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; requiring a specified State Attorney's Office to report to the Legislature on the feasibility of expanding the Truancy Intervention Program statewide; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, line 27, remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 39.0145, Florida Statutes, is amended to read:

39.0145 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. *In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure facility as provided under s. 39.4422 if conditions of eligibility are met.*

(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39.041.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver's license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—~~Effective July 1, 1995,~~ There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 2. Subsection (6) of section 39.044, Florida Statutes, 1996 Supplement, is amended to read:

39.044 Detention.—

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 3. Subsection (2) of section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the Department of Juvenile Justice equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 4. Subsection (5) of section 39.422, Florida Statutes, 1996 Supplement, is amended to read:

39.422 Placement of a child from a family in need of services or a child in need of services in a shelter.—

(5) *Except as provided under s. 39.4421,* ~~Under the provisions of this part, placement in a shelter of~~ a child in need of services or a child from a family in need of services *may not be placed in a shelter for* ~~shall be for no~~ longer than 35 days.

Section 5. Subsections (1) and (3) of section 39.423, Florida Statutes, 1996 Supplement, are amended to read:

39.423 Intake.—

(1) Intake shall be performed by the department. A report or complaint alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, *the parent or legal custodian,* the local school district, *a* law enforcement agency, or *the* Department of *Children and Family* ~~Health and Rehabilitative~~ Services, having knowledge of the facts may make a report or complaint.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents or legal custodians, the departmental representative may refer the family or child to an appropriate service and treatment provider. *As part of the intake procedure, the departmental representative shall inform the parent or legal custodian, in writing, of the services and treatment available to the child and family by department providers or community agencies and the rights and responsibilities of the parent or legal guardian under this part.*

Section 6. Subsection (3) of section 39.424, Florida Statutes, 1996 Supplement, is amended to read:

39.424 Services to families in need of services.—

(3) The department shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The department shall set and charge fees for services and treatment provided to clients. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

Section 7. Section 39.426, Florida Statutes, 1996 Supplement, is amended to read:

39.426 Case staffing; services and treatment to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services or treatment if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school *district* and a representative of the Department of Juvenile Justice, and may include a supervisor of the department's contracted provider;~~,~~ a representative from the area of health, mental health, substance abuse, social, or educational services*; a representative of the state attorney;*~~,~~ the alternative sanctions coordinator;~~,~~ and any person recommended by the child, ~~or~~ family, *or department.*

(3) The case staffing committee shall reach a timely decision to provide the child or family with needed services and treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the problems.

(b) Needs of the child.

(c) Needs of the parents, guardian, or legal custodian.

(d) Measurable objectives that address the identified problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) A case manager shall be designated by the case staffing committee to be responsible for implementing the plan. The case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; or

(b) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, guardian, or legal custodian may convene a meeting of the case staffing committee, and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Within 7 days after meeting, the case staffing committee shall provide the parent, guardian, or legal custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

Section 8. Section 39.436, Florida Statutes, 1996 Supplement, is amended to read:

39.436 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department *or by the child's parent, guardian, or legal custodian*. If a child in need of services has been placed in a shelter pursuant to s. 39.422, *the department shall file* the petition ~~shall be filed~~ immediately, *including in the petition* ~~and contain~~ notice of arraignment pursuant to s. 39.44.

(2)*(a)* The department shall file a petition for a child in need of services if the case manager or staffing committee requests that a petition be filed and:

1.~~(a)~~ The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 39.424 and 39.426; or

2.~~(b)~~ The family or child have refused all services described in ss. 39.424 and 39.426 after reasonable efforts by the department to involve the family and child in services and treatment.

(b)~~(3)~~ ~~Effective January 1, 1997,~~ Once the requirements in *paragraph (a)* ~~subsection (2)~~ have been met, the department shall file a petition for a child in need of services within 45 days.

(c)~~(4)~~ The petition shall be in writing, shall state the specific grounds under s. 39.01(12) by which the child is designated a child in need of services, and shall certify that the conditions prescribed in *paragraph (a)* ~~subsection (2)~~ have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 39.426(8).

(b) The parent, guardian, or legal custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. 39.01. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 39.424 and 39.426.

(d) The petition must be signed by the petitioner under oath.

(e) The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

1. The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

2. The subject of a pending referral alleging that the child is delinquent; or

3. Under the current supervision of the department or the Department of Children and Family Services for an adjudication of delinquency or dependency.

(4)~~(5)~~ The form of the petition and *any additional* ~~its~~ contents shall be determined by rules of procedure adopted by the Supreme Court.

(5)~~(6)~~ The department *or the parent, guardian, or legal custodian* may withdraw a petition at any time prior to the child being adjudicated a child in need of services.

Section 9. Subsection (3) of section 39.438, Florida Statutes, 1996 Supplement, is amended to read:

39.438 Response to petition and representation of parties.—

(3) When a petition for a child in need of services has been filed and the parents, guardian, or legal custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for *a disposition* ~~an adjudicatory~~ hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

Section 10. Paragraph (c) of subsection (1) of section 39.44, Florida Statutes, 1996 Supplement, is amended to read:

39.44 Hearings for child-in-need-of-services cases.—

(1) ARRAIGNMENT HEARING.—

(c) If at the arraignment hearing the child *and the*~~,~~ parent, guardian, or custodian consents or admits to the allegations in the petition *and the court determines that the petition meets the requirements of s. 39.436(3)(e)*, the court shall proceed to hold *a disposition* ~~an adjudicatory~~

hearing at the earliest practicable time that will allow for the completion of a predisposition study.

Section 11. Subsections (3) and (4) of section 39.442, Florida Statutes, 1996 Supplement, are amended to read:

39.442 Powers of disposition.—

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, a licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the Department of Juvenile Justice, or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. *The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.*

(4) All payments of fees made to the department pursuant to this part, or child support payments made to the department pursuant to *subsection (3)* ~~subsection (5)~~, shall be deposited in the General Revenue Fund. In cases in which the child is placed in foster care with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, such child support payments shall be deposited in the Foster Care, Group Home, Developmental Training, and Supported Employment Programs Trust Fund.

Section 12. Section 39.4421, Florida Statutes, is created to read:

39.4421 Powers of disposition; placement in a staff-secure shelter.—

(1) Subject to specific legislative appropriation, the court may order that a child adjudicated as a child in need of services be placed for up to 90 days in a staff-secure shelter if:

(a) The child's parent, guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, guardian, or legal custodian; or

(b) The child refuses to remain under the reasonable care and custody of his or her parent, guardian, or legal custodian, as evidenced by repeatedly running away from home. The court may not order that a child be placed in a staff-secure facility unless:

1. The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered sanction; and

2. The child has been placed in a residential program on at least one prior occasion pursuant to a court order under this part.

This subsection applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the court shall stay the placement until a bed is available. The department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.

(2) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(3) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.

(4) If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the staff-secure shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

(5) The department is deemed to have exhausted the reasonable remedies offered under this part if, at the end of the commitment period, the parent, guardian, or legal custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the commitment period, the child is not reunited with his or her parent, guardian, or custodian due solely to the continued refusal of the parent, guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(6) The court shall review the child's commitment once every 45 days as provided in s. 39.44. The court shall determine if the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under parts III and V.

(7) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

Section 13. Section 39.4422, Florida Statutes, is created to read:

39.4422 Pilot program for a physically secure facility; contempt of court.—

(1) Subject to specific legislative appropriation, the Department of Juvenile Justice shall establish a pilot program within a single judicial circuit for the purpose of operating one or more physically secure facilities designated exclusively for the placement of children in need of services who are found in direct contempt or indirect contempt of a valid court order. If any party files a petition that a child is a child in need of services within such judicial circuit, the child must be represented by counsel at each court appearance. If the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 39.041. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.

(2) If a child adjudicated as a child in need of services is held in direct contempt or indirect contempt of a valid court order, as an alternative to placing the child in a staff-secure facility as provided under s. 39.0145 or s. 39.4421, the court may order that the child be placed within the circuit in a physically secure facility operated under the pilot program. A child may be committed to the facility only if the department, or an authorized representative of the department, verifies to the court that a bed is available for the child at the physically secure facility and the child has:

(a) Run away from a staff-secure shelter following placement under s. 39.0145 or s. 39.4421; or

(b) Committed at least two prior acts of direct or indirect contempt.

(3) A child may be placed in a physically secure facility for up to 5 days for the first commitment and up to 15 days for a second or subsequent commitment.

(4) Prior to being committed to a physically secure facility, the child must be afforded all rights of due process required under s. 39.0145. While in the physically secure facility, the child shall receive appropriate assessment, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with family counseling and other support services necessary for reunification.

(5) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(6) The Juvenile Justice Advisory Board shall monitor the operation of the pilot program and issue a preliminary evaluation report to the Legislature by December 1, 1998. The Department of Juvenile Justice and the Juvenile Justice Advisory Board shall issue a joint final report to the Legislature, including any proposed legislation, by December 1, 1999.

Section 14. *(1)(a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Family Services may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.*

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 15. *The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each district and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.*

Section 16. *The Department of Juvenile Justice and the Department of Children and Family Services shall establish a joint work group to develop a proposal for legislative consideration which would eliminate or minimize the duplication of services and jurisdictional conflicts that occur under the current system by which services are provided to children who are locked out of the home and to families of those children. The Secretary of Juvenile Justice and the Secretary of Children and Family Services shall appoint the members of the work group, which must be composed of appropriate personnel from state and local governmental agencies, representatives of private-sector organizations that provide services to children who are locked out of the home and their families, and children and parents from families who are or have been involved in lockout situations. The proposal submitted by the work group must be based on an analysis of service needs and must address strategies by which the Legislature can improve the ability of the Department of Juvenile Justice and the Department of Children and Family Services to work with locked-out children and their families through coordinating services, revising the allocation of funds and available resources, and eliminating other barriers that inhibit the effective delivery of services. The Department of Juvenile Justice and the Department of Children and Family Services shall provide administrative support for the work group from existing resources, and the group need not have statewide representation. The work group shall submit its proposal to the President of the Senate and the Speaker of the House of Representatives by January 15, 1998.*

Section 17. *The Department of Juvenile Justice, in collaboration with the Department of Children and Family Services and the Department of Education, shall develop and publish an information packet that explains the current process under part IV of chapter 39, Florida Statutes, for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents of troubled or runaway children. In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed. Each information packet shall be annually updated and shall be available for distribution by January 1, 1998. The school district shall distribute this information packet to parents of truant children and to other parents upon request or as deemed appropriate by the school district. In addition, the Department of Juvenile Justice shall distribute the information packet to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home or who runs away from home shall make the information available to the parent.*

Section 18. *The Department of Education shall analyze the current methods of collecting data on student attendance and shall develop improved methods of identifying children who are habitually truant. The department shall provide technical assistance to school districts in order to allow each district to accurately identify students whose chronic absence from school may not otherwise be readily apparent to school personnel.*

Section 19. *The Department of Education shall report to the Legislature on the implementation of programs designed to eliminate habitual truancy which were enacted in chapter 96-369, Laws of Florida. The department shall include in its report any statutory changes that are necessary to further reduce the incidence of truancy, including intervention strategies that may be implemented by elementary schools.*

Section 20. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 1, through page 4, line 24, remove the entire title and insert in lieu thereof: A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review

a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; providing an effective date.

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for CS for CS for SB 278 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	Lee
Bankhead	Crist	Harris	Meadows
Bronson	Dantzler	Holzendorf	Myers
Brown-Waite	Diaz-Balart	Jenne	Ostalkiewicz
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Thomas
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams

Nays—None

Vote after roll call:

Yea—Horne

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 286, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 286—A bill to be entitled An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Insurance as the Division of State Group Insurance; creating the Florida State Group Health Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (j) of subsection (2) of section 20.22, Florida Statutes, is amended and subsection (5) is added to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and bureaus within the Department of Management Services are established:

(a) Division of Administration.
(b) Division of Building Construction.
(c) Division of Communications.
(d) Division of Facilities Management.
(e) Division of Information Services.
(f) Division of Motor Pool.
  1. Bureau of Aircraft.
  2. Bureau of Motor Vehicles.
(g) Division of Personnel Management Services.
  1. Office of Labor Relations.
(h) Division of Purchasing.
  1. Bureau of Federal Property Assistance.
(i) Division of Retirement.
(j) Division of State *Group* ~~Employees'~~ Insurance.
(k) Division of Administrative Hearings.
(l) Division of Capitol Police.

(5)(a) The Florida State Group Insurance Council is created within the division for the purpose of providing joint and coordinated oversight of the operation and administration of the state group insurance program. The council shall consist of the state budget director; an individual from the private sector with an extensive health administration background, appointed by the Governor; a member of the Florida Senate, appointed by the President of the Senate; a member of the Florida House of Representatives, appointed by the Speaker of the House of Representatives; a representative of the State University System, appointed by the Board of Regents; the State Insurance Commissioner or his designee; the director of the Division of Retirement; and two representatives of employees and retirees, appointed by the Governor. Members of the council appointed by the Governor shall be appointed to serve terms of 4 years each. Each member of the council shall serve until a successor is appointed. Additionally, the director of the Division of State Employee Insurance shall be a nonvoting member of the council.

(b) Of the two members representing employees, one member must be appointed in such a manner as to represent state-employee bargaining units, and one member must be a retired employee. Each member must be a resident of the state.

(c) The council is assigned to the Division of State Group Insurance for administrative and fiscal accountability purposes, but the council and its staff shall otherwise function independently of the control and direction of the division. The Division of State Group Insurance shall furnish dedicated administrative and secretarial assistance to the council, and other assistance to the council as requested.

(d) The council shall have the primary functions to:

1. Recommend accountability measures and review the implementation of performance-based program budgeting measures under which the Division of State Group Insurance operates.

2. Review and recommend procedures and criteria for contract selection before any contract solicitation.

3. Review and make recommendations regarding insurance benefit packages.

4. Review external audit reports, service organization reports, compliance reviews, or other contractually required management reports relating to third-party administrator activities to determine areas that potentially may require division action.

5. Review third-party administrator management reports leading to conclusions regarding report completion, accuracy, validity, and reasonableness.

6. Review third-party administrator overpayment and refund collection activities to provide assurances that health plan assets are safeguarded.

7. Review use of detailed provider/subscriber surveys designed to detect potential problem areas with the state group insurance program and make recommendations to the director.

8. Review reports and make recommendations to safeguard the financial stability of the group insurance program.

(e) The council or a member thereof may not enter into the day-to-day operation of the division and is specifically prohibited from taking part in:

1. The awarding of contracts.

2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the council may recommend to the director standards and policies governing the procedure for selection and prequalification of consultants and contractors.

3. The employment, promotion, demotion, suspension, transfer, or discharge of any division personnel.

4. The granting, denial, suspension, or revocation of any license or permit issued by the division.

(f)1. The chair and any other officers of the council shall be selected by the council members for a 1-year term but may succeed themselves.

2. The council shall hold a minimum of four regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the council, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the council.

3. A majority of the membership of the council constitutes a quorum at any meeting of the council. An action of the council is not considered adopted unless the action is taken pursuant to the affirmative vote of a majority of the members present, but not fewer than four members of the council at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the council. The proceedings of the council shall be open to the public and the records shall be open for public inspection.

(g) The meetings of the council shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(h) Members of the council are entitled to per diem and travel expenses pursuant to s. 112.061.

Section 2. Paragraph (c) of subsection (2) of section 20.42, Florida Statutes, 1996 Supplement, is amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(c) The Division of State Health Purchasing~~, which~~ shall be responsible for the Medicaid program ~~and the state employee health insurance program functions related to: the procurement of the administrator of the state employee health insurance plan; the development of the plan's benefit design; the establishment of the plan's cost sharing and cost containment requirements; the creation and maintenance of administrative cost controls; the collection and analysis of data; and the monitoring and evaluation of the administrator and provider network performance~~. The division shall also administer the contracts with the Florida Health Access Corporation program and the Florida Health Care Purchasing Cooperative and the Florida Healthy Kids Corporation.

Section 3. Section 110.123, Florida Statutes, 1996 Supplement, is amended to read:

110.123 State group insurance program.—

(1) TITLE.—This section may be cited as the "State Group Insurance Program Law."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Management Services.

(b) "Division" means the Division of State Group Insurance in the department.

(c)~~(b)~~ "Enrollee" means all state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees enrolled in an insurance plan offered by the state group insurance program.

(d)~~(c)~~ "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(e)~~(d)~~ "Health maintenance organization" or "HMO" means an entity certified under part I of chapter 641.

(f)~~(e)~~ "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time workweek established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds.

(g)~~(f)~~ "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment.

(h)~~(g)~~ "State agency" or "agency" means any branch, department, or agency of state government.

(i)~~(h)~~ "State group health insurance plan" means the state self-insured health insurance plan offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section.

(j)~~(i)~~ "State group insurance program" or "programs" means the package of insurance plans offered to state officers and employees, retired state officers and employees, and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan, health maintenance organization plans, and other plans required or authorized by this section.

(k)~~(j)~~ "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(l)~~(k)~~ "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to this section at the time of the death of the deceased officer, employee, or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

(3) STATE GROUP INSURANCE PROGRAM.—

(a) The Division of State Group Insurance is created within the Department of Management Services, to be headed by a director who shall be appointed by the Governor and confirmed by the Senate. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters, except to the extent as provided in chapters 110, 216, 255, 282, and 287 for agencies of the executive branch.

(b) The director shall be a person qualified by training and experience to understand the problems and needs of state employees in the area of health care coverage and insurance issues. The director shall have training and experience in the field of health care reimbursement, insurance or self-insurance programs, and the administration of such programs in the public or private sector.

(c)~~(a)~~ It is the intent of the Legislature to offer a comprehensive package of health insurance benefits for state employees which are provided in a cost-efficient and prudent manner, and to allow state employees the option to choose benefit plans which best suit their individual needs. Therefore, the state group insurance program is established which may include the state group health insurance plan, health maintenance organization plans, group life insurance plans, group accidental death and dismemberment plans, and group disability insurance plans. Furthermore, the *division* ~~department~~ is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plans which are consistent with the provisions of this section.

(d)~~(b)~~ Notwithstanding any provision in this section to the contrary, it is the intent of the Legislature that the *division* ~~Agency for Health Care Administration~~ shall be responsible for all aspects of the purchase of health care for state employees under the state group health insurance plan and the health maintenance organizations plans. Responsibilities shall include, but not be limited to, the development of requests for proposals for state employee health services, the determination of health care benefits to be provided, and the negotiation of contracts for health care and health care administrative services. Prior to the negotiation of contracts for health care services, the Legislature intends that the *division* ~~Agency for Health Care Administration~~ shall develop, in consultation with the Department of Management Services with respect to state collective bargaining issues, the health benefits and terms to be included in the state group health insurance program. The *division* ~~Agency for Health Care Administration~~ shall adopt rules necessary to perform its responsibilities pursuant to this section. It is the intent of the Legislature that the *division* ~~Department of Management Services~~ shall be responsible for the contract management and day-to-day management of the state employee health insurance program, including, but not limited to, employee enrollment, premium collection, payment to health care providers, and other administrative functions related to the program.

(e)1. Notwithstanding the provisions of Chapter 287, Florida Statutes, and the authority of the Division of Purchasing, for the purpose of protecting the health of, and providing medical services to, state employees participating in the State Employees' Health Self-Insurance Plan, the Division of State Group Insurance may contract to retain the services of professional administrators for the State Employees' Health Self-Insurance Plan. The agency shall follow good purchasing practices of state procurement to the extent practicable under the circumstances.

2. Each vendor in a major procurement, and any other vendor if the division deems it necessary to protect the state's financial interests, shall, at the time of executing any contract with the division, post an appropriate bond with the division in an amount determined by the division to be adequate to protect the state's interests but not higher than the full amount estimated to be paid annually to the vendor under the contract.

3. Each major contract entered into by the division pursuant to this section shall contain a provision for payment of liquidated damages to the division for material noncompliance by a vendor with a contract provision. The division may require a liquidated damages provision in any contract if the division deems it necessary to protect the state's financial interests.

4. The provisions of s. 120.57(3) apply to the division's contracting process, except:

a. A formal written protest of any decision, intended decision, or other action subject to protest shall be filed within 72 hours after receipt of notice of the decision, intended decision, or other action.

b. As an alternative to any provision of s. 120.57(3), the division may proceed with the bid selection or contract award process if the director of the department sets forth, in writing, particular facts and circumstances which demonstrate the necessity of continuing the procurement process or the contract award process in order to avoid a substantial disruption to the provision of any scheduled insurance services.

(f)~~(c)~~ Except as provided for in subparagraph *(h)*~~(e)~~2., the percentage of state contribution toward the cost of any plan in the state group insurance program shall be uniform with respect to all state employees in state collective bargaining units participating in the same plan or any similar plan. Nothing contained within this section prohibits the development of separate benefit plans for officers and employees exempt from collective bargaining or the development of separate benefit plans for each collective bargaining unit.

(g)~~(d)~~ Participation by individuals in the program shall be available to all state officers, full-time state employees, and part-time state employees; and such participation in the program or any plan thereof shall be voluntary. Participation in the program shall also be available to retired state officers and employees who elect at the time of retirement to continue coverage under the program, but they may elect to continue all or only part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under the state group health insurance plan or a health maintenance organization plan.

(h)~~(e)~~1. A person eligible to participate in the state group health insurance plan may be authorized by rules ~~approved by the Agency for Health Care Administration and~~ adopted by the *division* ~~department~~, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. ~~Subject to the approval of and supervision by the Agency for Health Care Administration,~~ The *division* ~~department~~ shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. A minimum benefit package to be provided by a participating HMO shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emer-

gency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the *division* ~~department~~. Additional services may be provided subject to the contract between the *division* ~~department~~ and the HMO.

b. A uniform schedule for deductibles and copayments may be established for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the *division* ~~Agency for Health Care Administration~~ shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the *division* ~~Agency for Health Care Administration~~ may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the *division* ~~Agency for Health Care Administration~~ may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the *division* ~~Agency for Health Care Administration~~ shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the *division* ~~Agency for Health Care Administration~~; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the *division* ~~Agency for Health Care Administration~~ from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the *division* ~~Agency for Health Care Administration~~ determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the *division* ~~department~~ for the state group health insurance plan.

e. The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the *division* ~~Agency for Health Care Administration~~ receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ shall establish by rule service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The *division* ~~Agency for Health Care Administration~~ is authorized to negotiate and ~~the department is authorized~~ to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The *division* ~~department~~ may establish, subject to the approval of ~~the Agency for Health Care Administration and~~ the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the *division* ~~department~~ shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the *division* ~~department~~ in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The *division* ~~department~~ is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The *division* ~~department~~ is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the *division* ~~department~~. Open enrollment shall be held at least once each calendar year.

6. Any HMO participating in the state group insurance program shall, upon the request of the *division* ~~Agency for Health Care Administration~~, submit to the *division* ~~Agency for Health Care Administration~~ standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the *division* ~~Agency for Health Care Administration~~ deems necessary to evaluate the performance of participating HMOs shall be *adopted* ~~promulgated~~ by rule.

7. The *division* ~~department~~ shall, after consultation with ~~the Agency for Health Care Administration and~~ representatives from each of the unions representing state and university employees, establish a comprehensive package of insurance benefits including, but not limited to, supplemental health and life coverage, dental care, *long-term care*, and vision care to allow state employees the option to choose the benefit plans which best suit their individual needs.

a. Based upon a desired benefit package, the *division* ~~Agency for Health Care Administration~~ shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the *division* ~~department~~ shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the *division* ~~department or the Agency for Health Care Administration~~ may~~, as either deems appropriate,~~ enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the *division* ~~department~~ in the supplemental insurance benefit plan established by the *division* ~~department or the Agency for Health Care Administration~~ without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the *division* ~~department~~ shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(h)~~(f)~~ The benefits of the insurance authorized by this section shall not be in lieu of any benefits payable under chapter 440, the Workers' Compensation Law. The insurance authorized by this law shall not be

deemed to constitute insurance to secure workers' compensation benefits as required by chapter 440.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

(a) Except as provided in paragraph (e) with respect to law enforcement, correctional, and correctional probation officers, legislative authorization through the appropriations act is required for payment by a state agency of any part of the premium cost of participation in any group insurance plan. However, the state contribution for full-time employees or part-time permanent employees shall continue in the respective proportions for up to 6 months for any such officer or employee who has been granted an approved parental or medical leave of absence without pay.

(b) If a state officer or full-time state employee selects membership in a health maintenance organization as authorized by paragraph (3)*(g)*~~(e)~~, the officer or employee is entitled to a state contribution toward individual and dependent membership as provided by the Legislature through the appropriations act.

(c) During each policy or budget year, no state agency shall contribute a greater percentage of the premium cost for its officers or employees for any type of coverage under the state group insurance program than any other agency, nor shall any greater percentage contribution of premium cost be made for employees in one state collective bargaining unit than for those in any other state collective bargaining unit.

(d) The state contribution for a part-time permanent state employee who elects to participate in the program shall be prorated so that the percentage of the cost contributed for the part-time permanent employee bears that relation to the percentage of cost contributed for a similar full-time employee that the part-time employee's normal workday bears to a full-time employee's normal workday.

(e) No state contribution for the cost of any part of the premium shall be made for retirees or surviving spouses for any type of coverage under the state group insurance program. However, any state agency that employs a full-time law enforcement officer, correctional officer, or correctional probation officer who is killed in the line of duty on or after July 1, 1980, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the state group health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and

2. The surviving child continues to be a dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

(f) Pursuant to the request of each state officer, full-time or part-time state employee, or retiree participating in the state group insurance program, and upon certification of the employing agency approved by the *Division of State Group Insurance* ~~Secretary of Management Services~~, the Comptroller shall deduct from the salary or retirement warrant payable to each participant the amount so certified and shall handle such deductions in accordance with rules established by the *division* ~~department~~.

(g) No administrative or civil proceeding shall be commenced to collect an underpayment or refund an overpayment of premiums collected pursuant to this subsection unless such claim is filed with the Division of State *Group* ~~Employees'~~ Insurance within 2 years after the alleged underpayment or overpayment was made. For purposes of this paragraph, a payroll deduction, salary reduction, or contribution by an agency is deemed to be made on the date the salary warrant is issued.

(5) *DIVISION OF STATE GROUP INSURANCE* ~~DEPARTMENT OF MANAGEMENT SERVICES~~; POWERS AND DUTIES.—The *division* ~~Department of Management Services~~ is responsible for the administration of the state group insurance program. The *division* ~~department~~ shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the *division* ~~department~~ shall, with prior approval by the Legislature ~~and, for state employee health insurance, by the Agency for Health Care Administration~~:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. Such determinations, whether for a contracted plan or a self-insurance plan pursuant to paragraph (c), do not constitute rules within the meaning of s. 120.52 or final orders within the meaning of s. 120.52. Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program. However, in the determination of the design of the program, the *division* ~~department or the Agency for Health Care Administration~~ shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

(b) Prepare, in cooperation with the Department of Insurance ~~and the Agency for Health Care Administration~~, the specifications necessary to implement the program.

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the *division* ~~Department of Management Services~~ may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The *division* ~~department~~ may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the *division* ~~Department of Management Services or, for state employee health insurance, the Agency for Health Care Administration~~ shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. *In determining which entity to contract with, the division shall, at a minimum, consider: the entity's previous experience and expertise in administering group insurance programs of the type it proposes to administer; the entity's ability to specifically perform its contractual obligations in this state and other governmental jurisdictions; the entity's anticipated administrative costs and claims experience; the entity's capability to adequately provide service coverage and sufficient number of experienced and qualified personnel in the areas of claims processing, recordkeeping, and underwriting, as determined by the division; the entity's accessibility to state employees and providers; the financial solvency of the entity, and using accepted business-sector measures of financial performance.* The *division* ~~department, subject to the review and approval of the Agency for Health Care Administration,~~ may contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.

(d) With respect to the state group health insurance plan, be authorized~~, subject to the review and approval of the Agency for Health Care Administration,~~ to require copayments with respect to all providers under the plan.

(e) Have authority to establish~~, subject to the review and approval of the Agency for Health Care Administration,~~ a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

(f) With respect to any contract with an insurance carrier or carriers or professional administrator entered into by the division, require that the state and the enrollees be held harmless and indemnified for any financial loss caused by the failure of the insurance carrier or professional administrator to comply with the terms of the contract.

(g) With respect to any contract with an insurance carrier or carriers, or professional administrator entered into by the division, require that the carrier or professional administrator provide written notice to individual enrollees if any payment due to any health care provider of the enrollee remains unpaid beyond a period of time as specified in the contract.

(h) Have authority to establish a voluntary group long-term care program or other programs to be funded on a pre-tax contribution basis or on a post-tax contribution basis, as the division determines.

Final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated or deemed to have been delegated by the *division* ~~department, except that such decisions shall be subject to the review and approval of the Agency for Health Care Administration~~.

(6) DEPOSIT OF PREMIUMS AND REFUNDS.—Premium dollars collected and not required to pay the costs of the program, prior to being paid to the carrier insurance company, shall be invested, and the earnings from such investment shall be deposited in a trust fund to be designated in the State Treasury and utilized for increased benefits or reduced premiums for the participants or may be used to pay for the administration of the state group insurance program. Any refunds paid the state by the insurance carrier from premium dollar reserves held by the carrier and earned on such refunds shall be deposited in the trust fund and used for such purposes.

(7) CONTINUATION OF AGENCY INSURANCE PLANS.—Nothing contained in this section shall require the discontinuation of any insurance plan provided by any state agency; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such agency plans. Such agency plans shall not be deemed to be included in the state group insurance program.

(8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.—The Legislature may provide coverage for its members and employees under all or any part of the state group insurance program; may provide coverage for its members and employees under a legislative group insurance program in lieu of all or any part of the state group insurance program; and, notwithstanding the provisions of paragraph (4)(c), may assume the cost of any group insurance coverage provided to its members and employees.

(9) PUBLIC RECORDS LAW; EXEMPTION.—Patient medical records and medical claims records of state employees, former employees, and eligible dependents in the custody or control of the state group insurance program are confidential and exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee's legal representative by the party seeking such records.

(10) STATEMENTS OF PURPOSE AND INTENT AND OTHER PROVISIONS REQUIRED FOR QUALIFICATION UNDER THE INTERNAL REVENUE CODE OF THE UNITED STATES.—Any other provisions in this chapter to the contrary notwithstanding:

(a) Any provision in this chapter relating to a state group insurance program shall be construed and administered to *the extent possible to* qualify such program to be a qualified and nondiscriminatory employee benefit plan under existing or hereafter-enacted provisions of the Internal Revenue Code of the United States.

(b) The *division* ~~department~~ may adopt any rule necessary to accomplish the purposes of this subsection not inconsistent with this chapter.

(c) This subsection is declaratory of the legislative intent upon the original enactment of this section and is deemed to have been in effect since that date.

(11) NOTICE BY HEALTH CARE PROVIDERS.—Any health care provider that has entered into a contract with a carrier or professional administrator that has contracted with the division to administer the self-insurance program under this section shall provide written notification to the enrollee and the carrier or administrator at least 10 days before assigning or transferring the responsibility for collecting any payment or debt related to the plan to a collection agency or to any other third party.

Section 4. Subsections (2) and (3) of section 110.12315, Florida Statutes, are amended to read:

110.12315 Prescription drug program.—

(2)(a) Notwithstanding provisions of statute or agency administrative rules that may have been enacted or adopted prior to April 8, 1992, the *Division of State Group Insurance* ~~Department of Management Services~~, in making provision for reimbursement for prescription medicines dispensed to members of the State Group Health Insurance Plan and their dependents, shall allow prescriptions written by health care providers under the plan to be filled by any licensed pharmacy pursuant to contractual claims-processing provisions. Retail pharmacies participating in this program shall be reimbursed at a uniform rate and subject to uniform conditions, according to the terms and conditions of the plan established by the *Division of State Group Insurance* ~~Department of Management Services~~ and relevant provisions of the annual General Appropriations Act and implementing legislation. Nothing in this section shall be construed as prohibiting a mail order prescription drug program distinct from the service provided by retail pharmacies.

(b) The reimbursement schedule developed by the *Division of State Group Insurance* ~~Department of Management Services~~ for a prescription pharmaceutical shall be based on the cost of the generic equivalent drug if a generic equivalent exists, unless the physician prescribing the pharmaceutical clearly states on the prescription that the brand name drug is medically necessary or that the drug product is included on the formulary of drug products that may not be interchanged as provided in chapter 465. In cases in which the physician indicates that a brand name drug is medically necessary, reimbursement shall be based on the cost of the brand name drug as specified in the reimbursement plan adopted by the *Division of State Group Insurance* ~~Department of Management Services~~.

(c) Not later than October 1, 1992, the Department of Management Services shall implement a prescription utilization review program. All pharmacies dispensing medicines to members of the State Group Health Insurance Plan and their dependents shall be required to make records available for this review as a condition of participation in the State Group Health Insurance Plan.

(d) The *Division of State Group Insurance* ~~Department of Management Services~~ shall assure the prompt implementation of this section and may reject all existing contract bids, rebid a pharmaceutical contract, or amend any existing pharmaceutical contract, and exercise any option for terminating any contract that conflicts with these provisions. The *Division of State Group Insurance* ~~Department of Management Services~~ shall incorporate additional cost savings and adjustments required to balance within appropriations provided, including, but not limited to, a trial or starter dose program and dispensing of long-term maintenance medication in lieu of acute therapy medication. This section does not authorize a reduction in the existing benefit configuration or allow premiums, deductions, or copayments to be raised above the levels specified in the 1992-1993 General Appropriations Act.

(3) The current pharmacy dispensing fee shall remain in effect. Additionally, participating pharmacies are required to use a point-of-sale device or an on-line computer system to verify a participant's coverage. The state is not responsible or liable for payment for the prescription of a person whose eligibility has not been verified by the state's contracted administrator or the Division of State *Group* ~~Employee~~ Insurance.

Section 5. Section 110.1232, Florida Statutes, is amended to read:

110.1232 Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, the *Division of State Group Insurance* ~~Department of Management Services~~ shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976, under any of the state-administered retirement systems and who are not covered by social security and for the spouses and surviving spouses of such retirees who are also not covered by social security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 110.123.

Section 6. Section 110.1234, Florida Statutes, is amended to read:

110.1234 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The *Division of State Group Insurance* ~~Department of Management Services~~ shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare

supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The department shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The *Division of State Group Insurance* ~~Department of Management Services~~ shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The *division* ~~department~~ may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

Section 7. Subsections (5), (6), and (7) of section 110.161, Florida Statutes, are amended to read:

110.161 State employees; pretax benefits program.—

(5) The *Division of State Group Insurance* ~~Department of Management Services~~ shall develop rules for the pretax benefits program, which shall specify the benefits to be offered under the program, the continuing tax-exempt status of the program, and any other matters deemed necessary by the department to implement this section. The rules must be approved by a majority vote of the Administration Commission.

(6) The *Division of State Group Insurance* ~~Department of Management Services~~ is authorized to establish a pretax benefits program for all employees whereby employees would receive benefits which are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program shall be implemented in phases. Phase one shall allow employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis unless an employee elects not to participate. Phase two shall allow employees to voluntarily establish expense reimbursement plans from their salaries on a pretax basis to pay for qualified medical and dependent care expenses, including premiums paid by employees for qualified supplemental insurance. Phase two may also provide for the payment of such premiums through a pretax payroll procedure as used in phase one. The Administration Commission and the *Division of State Group Insurance* ~~Department of Management Services~~ are directed to take all actions necessary to preserve the tax-exempt status of the program.

(7) The Legislature recognizes that a substantial amount of the employer savings realized by the implementation of a pretax benefits program will be the result of diminutions in the state's employer contribution to the Federal Insurance Contributions Act tax. There is hereby created the Pretax Benefits Trust Fund in the *Division of State Group Insurance* ~~Department of Management Services~~. Each agency shall transfer to the Pretax Benefits Trust Fund the employer FICA contributions saved by the state as a result of the implementation of the pretax benefits program authorized pursuant to this section. Any moneys forfeited pursuant to employees' salary reduction agreements to participate in phase one or phase two of the program must also be deposited in the Pretax Benefits Trust Fund. Moneys in the Pretax Benefits Trust Fund shall be used for the pretax benefits program, including its administration by the Department of Management Services or a third-party administrator.

Section 8. *All powers, duties, and functions of the Division of State Health Purchasing in the Agency for Health Care Administration relating to its duties described in section 110.123, Florida Statutes, including a proportional allocation of indirect costs and overhead, are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Management Services and shall be assigned to the Division of State Group Insurance.*

Section 9. *It is the Legislature's belief that the state's employees and retirees as well as their dependents are entitled to and deserving of a quality and reliable insurance program. The Legislature also acknowledges that the state has been experiencing performance problems with the present contractor administering the state employees' self insurance program.*

It is the Legislature's intent that the present third party adminstrator should be meeting contract performance standards by June 30, 1997. It is also the intent of the Legislature that the third party administrator shall be capable of sustaining contract performance standards through the remainder of the contract period.

Additionally, it is the Legislature's intent that should the third party administrator fail to meet contract standards by June 30, 1997, or demonstrate inability to sustain contract performance standards, the contract should be terminated and a new, capable, professional administrator should be selected.

Section 10. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 1-31, and on page 2, lines 1-13, remove from the title of the bill all said lines and insert in lieu thereof: An act relating to state group insurance; amending s. 20.22, F.S.; renaming the Division of State Employees' Insurance within the Department of Management Services as the Division of State Group Insurance; creating the Florida State Group Insurance Council within the department; providing its membership; providing its powers and duties; providing for meetings; providing travel and per diem; amending s. 20.42, F.S.; eliminating duties of the Division of State Health Purchasing of the Agency for Health Care Administration with respect to state employee health insurance; amending s. 110.123, F.S.; defining the term "division"; creating the Division of State Group Insurance within the Department of Management Services and requiring that department to provide administrative support and service to the division; excluding the division from control, supervision, or direction by the department; providing for a director of the division; providing requirements; providing for administration of the state group insurance program by the division; providing criteria for division contracts with insuring entities; requiring notice by certain health care providers; authorizing the division to adopt rules; amending s. 110.12315, F.S.; assigning the Division of State Group Insurance duties relating to the prescription drug program; amending s. 110.1232, F.S.; assigning the Division of State Group Insurance duties relating to health insurance coverage for persons retired under state-administered retirement before a specified date; amending s. 110.1234, F.S.; assigning the Division of State Group Insurance duties relating to health insurance for retirees under the Florida Retirement System or Medicare Supplement; amending s. 110.161, F.S.; assigning the Division of State Group Insurance duties relating to the pretax benefits program; providing an effective date.

On motion by Senator Thomas, the Senate concurred in the House amendment.

CS for CS for SB 286 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	Myers
Bankhead	Crist	Holzendorf	Ostalkiewicz
Bronson	Dantzler	Horne	Rossin
Brown-Waite	Diaz-Balart	Jones	Scott
Burt	Dudley	Kirkpatrick	Silver
Campbell	Dyer	Klein	Sullivan
Casas	Forman	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Grant

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 310, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 310—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty

for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences which are eligible for conditional release supervision; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 825.103, Florida Statutes, 1996 Supplement, is amended to read:

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or

2. Has a business relationship with the elderly person or disabled adult; or

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

(2)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $20,000 or more, but less than $100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at ~~$100 or more, but~~ less than $20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(d) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than $100, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, 1996 Supplement, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 403.727(3)(b), relating to environmental control.

3. Section 414.39, relating to public assistance fraud.

4. Section 409.920, relating to Medicaid provider fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Part IV of chapter 501, relating to telemarketing.

7. Chapter 517, relating to sale of securities and investor protection.

8. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

9. Chapter 550, relating to jai alai frontons.

10. Chapter 552, relating to the manufacture, distribution, and use of explosives.

11. Chapter 562, relating to beverage law enforcement.

12. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

13. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

14. Chapter 687, relating to interest and usurious practices.

15. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

16. Chapter 782, relating to homicide.

17. Chapter 784, relating to assault and battery.

18. Chapter 787, relating to kidnapping.

19. Chapter 790, relating to weapons and firearms.

20. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

21. Chapter 806, relating to arson.

22. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

23. Chapter 812, relating to theft, robbery, and related crimes.

24. Chapter 815, relating to computer-related crimes.

25. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

26. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

27.~~26.~~ Section 827.071, relating to commercial sexual exploitation of children.

28.~~27.~~ Chapter 831, relating to forgery and counterfeiting.

29.~~28.~~ Chapter 832, relating to issuance of worthless checks and drafts.

30.~~29.~~ Section 836.05, relating to extortion.

31.~~30.~~ Chapter 837, relating to perjury.

32.~~31.~~ Chapter 838, relating to bribery and misuse of public office.

33.~~32.~~ Chapter 843, relating to obstruction of justice.

34.~~33.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

35.~~34.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

36.~~35.~~ Chapter 874, relating to criminal street gangs.

37.~~36.~~ Chapter 893, relating to drug abuse prevention and control.

38.~~37.~~ Chapter 896, relating to offenses related to financial transactions.

39.~~38.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

40.~~39.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 3. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (a) of subsection (1) of section 16.56, Florida Statutes, 1996 Supplement, is reenacted to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;

5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person; or

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135,

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

Section 4. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (1) of section 27.34, Florida Statutes, 1996 Supplement, is reenacted to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the state attorney to serve as special investigators pursuant to the provisions of s. 27.251. However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances. In addition, a county or municipality may appropriate or contribute funds to pay the salary of one or more assistant state attorneys who are trained in the use of the civil and criminal provisions of the Florida RICO Act, chapter 895, and whose sole function is to investigate and prosecute civil and criminal RICO actions when one or more offenses identified in s. 895.02(1)(a) occur within the boundaries of the municipality or county.

Section 5. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, 1996 Supplement, is reenacted to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(3) As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 6. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (1) of section 896.101, Florida Statutes, 1996 Supplement, is reenacted to read:

896.101 Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—

(1) DEFINITIONS.—As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 7. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, 1996 Supplement, in a reference thereto, section 905.34, Florida Statutes, 1996 Supplement, is reenacted to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(1) Bribery, burglary, carjacking, home-invasion robbery, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;

(2) Crimes involving narcotic or other dangerous drugs;

(3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

(4) Any violation of the provisions of the Florida Anti-Fencing Act;

(5) Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

(6) Any crime involving, or resulting in, fraud or deceit upon any person;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at ~~$100 or more, but~~ less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 9. Effective October 1, 1997, subsections (3) and (4) of section 921.0014, Florida Statutes, as amended by section 22 of chapter 96-388, Laws of Florida, are amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. *Either the office of the state attorney or* the Department of Corrections, *or both where appropriate,* shall prepare the scoresheet or scoresheets, which must be presented to ~~the state attorney and~~ the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

~~(4) The Department of Corrections shall develop and submit the revised sentencing guidelines scoresheet to the Sentencing Commission by June 15 of each year, as necessary. Following the Supreme Court's approval of the revised procedures, the Department of Corrections shall produce the revised scoresheets by no later than December 31 of each year, as necessary. To facilitate the purposes of this subsection, all legislation that affects the sentencing guidelines scoresheet shall have an effective date of January 1.~~

Section 10. Section 947.1405, Florida Statutes, 1996 Supplement, is amended to read:

947.1405 Conditional release program.—

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender *or violent career criminal* pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. *Such supervision shall be applicable to all sentences within the overall term of sentences if the inmate's overall term of sentences includes one or more conditional release eligible sentences as provided herein.* Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the commission shall interview the inmate. The commission representative shall review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the impending release. A commission representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including his planned residence and employment. The results of the interview must be forwarded to the commission in writing.

(6) Upon receipt of notice as required under s. 947.175, the commission shall conduct a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the record. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7) Any inmate who is convicted of a crime committed on or after October 1, 1995, or has been previously convicted of a crime committed on or after October 1, 1995, and who meets the criteria of s. 775.21 or former s. 775.23(2)(a) or (b) shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

(a) A curfew, if appropriate, during hours set by the commission.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

(c) Active participation in and successful completion of a sex offender treatment program, at the releasee's own expense, unless one is not available within a 50-mile radius of the releasee's residence.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the commission.

(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually explicit material.

(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

(8) It is the finding of the Legislature that the population of offenders released from state prison into the community who meet the conditional release criteria poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, the Department of Corrections is to provide intensive supervision by experienced correctional probation officers to conditional release offenders. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 conditional release offenders per officer to provide for enhanced public safety and to effectively monitor conditions of electronic monitoring or curfews, if so ordered by the commission.

Section 11. Section 948.12, Florida Statutes, is created to read:

948.12 Intensive supervision for post prison release of violent offenders.—It is the finding of the Legislature that the population of violent offenders released from state prison into the community poses the greatest threat to the public safety of the groups of offenders under community supervision. Therefore, for the purpose of enhanced public safety, any offender released from state prison who:

(1) Was most recently incarcerated for an offense that is or was contained in category 1 (murder, manslaughter), category 2 (sexual offenses), category 3 (robbery), or category 4 (violent personal crimes) of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(2) Was sentenced as a habitual offender, violent habitual offender, or violent career criminal pursuant to s. 775.084; or

(3) Has been found to be a sexual predator pursuant to s. 775.21,

and who has a term of probation to follow the period of incarceration shall be provided intensive supervision by experienced correctional probation officers. Subject to specific appropriation by the Legislature, caseloads may be restricted to a maximum of 40 offenders per officer to provide for enhanced public safety as well as to effectively monitor conditions of electronic monitoring or curfews, if such was ordered by the court.

Section 12. Paragraph (j) of subsection (4) of section 775.084, Florida Statutes, 1996 Supplement, is amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(4)

(j)1. A defendant sentenced under this section as a habitual felony offender, a habitual violent felony offender, or a violent career criminal is eligible for gain-time granted by the Department of Corrections as provided in *s. 944.275(4)(b)* ~~s. 944.275(4)~~.

2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s. 947.149.

Section 13. Section 921.0017, Florida Statutes, is amended to read:

921.0017 Credit upon recommitment of offender serving split sentence.—Effective for offenses committed on or after January 1, 1994, if an offender's probation or community control is revoked and the offender is serving a split sentence pursuant to s. 948.01, upon recommitment to the Department of Corrections, the court shall order credit for time served *in state prison or county jail* only, without considering any type of gain-time earned before release to supervision, or any type of sentence reduction granted to avoid prison overcrowding, including, but not limited to, any sentence reduction resulting from administrative gain-time, provisional credits, or control release. The court shall determine the amount of jail-time credit to be awarded for time served between the date of arrest as a violator and the date of recommitment, and shall direct the Department of Corrections to compute and apply credit for all other time served previously on the prior sentence for the offense for which the offender is being recommitted. This section does not affect or limit the department's authority to forfeit gain-time under ss. 944.28(1) and 948.06(6).

Section 14. Section 944.279, Florida Statutes, 1996 Supplement, is amended to read:

944.279 *Disciplinary procedures applicable to prisoner* ~~Loss of gain-time~~ for filing frivolous or malicious actions *or bringing false information before court.*—

(1) At any time, and upon its own motion or on motion of a party, a court may conduct an inquiry into whether any action or appeal brought by a prisoner was brought in good faith. A prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal in any court of this state or in any federal court, which is filed after June 30, 1996, or who knowingly or with reckless disregard for the truth brought false information or evidence before the court, is subject to *disciplinary procedures pursuant to the rules of the Department of Corrections* ~~forfeiture of gain-time and the right to earn gain-time~~. The court shall issue a written finding and direct that a certified copy be forwarded to the appropriate institution or facility for disciplinary *procedures pursuant to the rules of the department* ~~action~~ as provided in s. *944.09* ~~944.28(2)~~.

(2) This section does not apply to a criminal proceeding or a collateral criminal proceeding.

(3) For purposes of this section, "prisoner" means a person who is convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing.

Section 15. Subsection (2) of section 944.35, Florida Statutes, 1996 Supplement, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(2) Each employee of the department who either applies physical force or was responsible for making the decision to apply physical force upon an inmate or an offender supervised by the department in the community pursuant to this subsection shall prepare, date, and sign an independent report within 5 working days of the incident. The report shall be delivered to the superintendent or the regional administrator, who shall have an investigation made and shall approve or disapprove the force used. The employee's report, together with the superintendent's or regional administrator's written approval or disapproval of the force used and the reasons therefor, shall be forwarded within 5 working days of the date of the completion of the investigation to the regional director. The regional director shall, in writing, concur in the superintendent's or regional administrator's evaluation or disapprove it. Copies of the employee's report, the superintendent's or regional administrator's evaluation, and the regional director's review shall be kept in the files of ~~both~~ the inmate or the offender supervised by the department in the community~~, and the employee~~. *A notation of each incident involving use of force and the outcome based on the superintendent's or regional director's evaluation and the regional administrator's review shall be kept in the employee's file.*

Section 16. Paragraph (c) of subsection (1) and subsection (2) of section 944.472, Florida Statutes, are amended to read:

944.472 Drug-free corrections; legislative findings and purposes.—

(1) FINDINGS.—The Legislature finds that:

(c) Certain substance abuse testing standards are necessary to ensure uniform and economical application of policy throughout the state's institutions and to protect both inmates and employers participating in random *and reasonable suspicion* substance abuse testing programs.

(2) PURPOSES.—The purposes of the Drug-Free Corrections Act of 1992 are to:

(a) Promote the goal of a drug-free correctional system through fair, economical, and reasonable methods of random *and reasonable suspicion* substance abuse testing of inmates for the protection of inmates, employees, employers, and the public.

(b) Establish an aggressive, routine random substance abuse testing program *and a reasonable suspicion substance abuse testing program* to identify substance-abusing inmates, determine appropriate treatment, and provide a strong deterrent to future substance abuse.

Section 17. Subsections (1) and (3) of section 944.473, Florida Statutes, are amended to read:

944.473 Inmate substance abuse testing program.—

(1) RULES AND PROCEDURES.—The department shall establish *programs* ~~a program~~ for random *and reasonable suspicion* drug and alcohol testing by urinalysis or other noninvasive procedure for inmates to effectively identify those inmates abusing drugs, alcohol, or both. The department shall also adopt rules relating to fair, economical, and accurate operations and procedures of a random inmate substance abuse testing program *and a reasonable suspicion substance abuse testing program* by urinalysis or other noninvasive procedure which enumerate penalties for positive test results, including but not limited to the forfeiture of both basic and incentive gain-time, and which do not limit the number of times an inmate may be tested in any one fiscal or calendar year.

(3) REPORTING REQUIREMENT.—The department shall, as part of its annual report, report the number of random *and reasonable suspicion* substance abuse tests administered in the fiscal year, the number of positive results obtained, the number of negative results obtained, the number of inmates requesting and participating in substance abuse treatment programs as the result of a positive random *or reasonable suspicion* substance abuse test, and the number of repeat substance abuse offenders.

Section 18. Subsection (4) is added to section 944.801, Florida Statutes, 1996 Supplement, to read:

944.801 Education for state prisoners.—

(4) Notwithstanding s. 120.81(3), all inmates under 22 years of age who qualify for special educational services and programs pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. ss. 1400 et seq., and who request a due process hearing as provided by that act shall be entitled to such hearing before the Division of Administrative Hearings. Administrative law judges shall not be required to travel to state or private correctional institutions and facilities in order to conduct these hearings.

Section 19. Section 944.803, Florida Statutes, is created to read:

944.803 Faith-based programs for inmates.—

(1) The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and reduce recidivism.

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(a) measure recidivism rates for inmates who have participated in religious programs;

(b) increase the number of volunteers who minister to inmates from various faith-based institutions in the community;

(c) develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist inmates in their release back into the community; and

(d) fund through the use of the inmate welfare trust fund pursuant to s. 945.215 an adequate number of chaplains and support staff to operate chaplaincy programs in state correctional institutions.

Section 20. *The Department of Corrections shall conduct an in-depth study to measure the effectiveness of faith-based programs in both public and private correctional institutions and facilities, and shall make recommendations to the Legislature on modifications or improvements to existing programs. The study shall include an examination of innovative faith-based programs existing in other states. The findings and recommendations from the study shall be reported to the Legislature by January 1, 1998.*

Section 21. Subsection (11) of section 948.01, Florida Statutes, 1996 Supplement, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(11) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court *may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation of community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082* ~~shall impose a term of incarceration equal to the remaining portion of the order of probation or community control~~. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 22. Subsection (1) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a) through and including *(m)* ~~(n)~~ and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation and parole supervisors as directed.

(b) Permit such supervisors to visit him at his home or elsewhere.

(c) Work faithfully at suitable employment insofar as may be possible.

(d) Remain within a specified place.

(e) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court. The court shall make such reparation or restitution a condition of probation, unless it determines that clear and compelling reasons exist to the contrary. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, it shall state on the record in detail the reasons therefor.

(f) Effective July 1, 1994, and applicable for offenses committed on or after that date, make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the felony probationer while in that detention facility. The court, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the felony probationer, the present and potential future financial needs and earning ability of the probationer, and dependents, and other appropriate factors.

(g) Support his legal dependents to the best of his ability.

(h) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.

(i) Pay any attorney's fees and costs assessed under s. 27.56, subject to modification based on change of circumstances.

(j) Not associate with persons engaged in criminal activities.

(k)1. Submit to random testing as directed by the correctional probation officer or the professional staff of the treatment center where he is receiving treatment to determine the presence or use of alcohol or controlled substances.

2. If the offense was a controlled substance violation and the period of probation immediately follows a period of incarceration in the state correction system, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3).

(l) Be prohibited from possessing, carrying, or owning any firearm unless authorized by the court and consented to by the probation officer.

(m) Be prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician. The probationer or community controlee shall not knowingly visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(n) Attend an HIV/AIDS awareness program consisting of a class of not less than 2 hours or more than 4 hours in length, the cost for which shall be paid by the offender, *if such a program is available in the county of the offender's residence.*

(o) Pay not more than $1 per month during the term of probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections.

Section 23. Section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(1) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his probation or community control in a material respect, any parole or probation supervisor may arrest or request any county or municipal law enforcement officer to arrest such probationer or offender without warrant wherever found and forthwith return him to the court granting such probation or community control. Any committing magistrate may issue a warrant, upon the facts being made known to him by affidavit of one having knowledge of such facts, for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant. The court, upon the probationer or offender being brought before it, shall advise him of such charge of violation and, if such charge is admitted to be true, may forthwith revoke, modify, or continue the probation or community control or place the probationer into a community control program. If probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control. If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation. If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(2) *When the court imposes a subsequent term of supervision following a revocation of probation or community control, it shall not provide credit for time served while on probation or community control toward any subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses before the court for sentencing, would exceed the maximum penalty allowable as provided by s. 775.082.* No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he *or she* shall be sentenced to serve.

(3) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his probation or community control in a material respect may be taken before the court in the county or circuit in which he was arrested. That court shall advise him of such charge of a violation and, if such charge is admitted, shall cause him to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

(4) In any hearing in which the failure of a probationer or offender in community control to pay restitution or the cost of supervision as provided in s. 948.09, as directed, is established by the state, if the probationer or offender asserts his inability to pay restitution or the cost of supervision, it is incumbent upon him to prove by clear and convincing evidence that he does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so. If the probationer or offender cannot pay restitution or the cost of supervision despite sufficient bona fide efforts, the court shall consider alternate measures of punishment other than imprisonment. Only if alternate measures are not adequate to meet the state's interests in punishment and deterrence may the court imprison a probationer or offender in community control who has demonstrated sufficient bona fide efforts to pay restitution or the cost of supervision.

(5) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of ss. 947.22 and 947.23.

(6) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his release on probation, community control, or control release. This subsection does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his treatment program placement term.

Section 24. Section 947.04, Florida Statutes, 1996 Supplement, is amended to read:

947.04 Organization of commission; officers; offices.—

(1) Before July 1 of each even-numbered year, the Governor and Cabinet shall select a chairman who shall serve for a period of 2 years and until a successor is selected and qualified. The Governor and Cabinet shall, at the same time that a chairman is selected, select a vice chairman to serve during the same 2-year period as the chairman, in the absence of the chairman. The chairman may ~~not~~ succeed himself *or herself*. The chairman, as chief administrative officer of the commission, has the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the commission, except those of granting and revoking parole as provided for in this chapter. Subject to approval by the Governor and the Cabinet, the chairman may assign consenting retired commissioners or former commissioners to temporary duty when there is a workload need. Any such commissioner shall be paid $100 for each day or portion of a day spent on the work of the commission and shall be reimbursed for travel expenses as provided in s. 112.061. The chairman is authorized to provide or disseminate information relative to parole by means of documents, seminars, programs, or otherwise as he determines necessary. The chairman shall establish, execute, and be held accountable for all administrative policy decisions. However, decisions to grant or revoke parole shall be made in accordance with the provisions of ss. 947.172, 947.174, and 947.23. The commissioners shall be directly accountable to the chairman in the execution of their duties as commissioners, and the chairman has authority to recommend to the Governor suspension of a commissioner who fails to perform the duties provided for by statute.

(2) Notwithstanding the provisions of s. 20.05(1)(g), the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

(a) Administration.
(b) Operations.
(c) Clemency.

(3) The commissioners shall select from their number a secretary who shall serve for a period of 1 year or until a successor is elected and qualified.

(4) The commission may establish and maintain offices in centrally and conveniently located places in Florida. Headquarters shall be located in Tallahassee. The business of the commission shall be transacted anywhere in the state as provided in s. 947.06. The commission shall keep its official records and papers at the headquarters, which it shall furnish and equip.

(5) Acts and decisions of the chairman may be modified as provided in s. 947.06.

Section 25. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 13, remove from the title of the bill and insert in lieu thereof: A bill to be entitled An act relating to criminal punishment and corrections; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), and 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 921.0014, F.S., relating to the sentencing guidelines scoresheets; providing requirements for the state attorney in preparing a defendant's scoresheet; deleting a requirement that the Department of Corrections develop revised scoresheets for submittal to the Sentencing Commission; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or more sentences that are eligible for conditional release; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; creating s. 944.803, F.S., relating to faith-based programs for inmates; providing legislative intent; requiring the department to conduct a study measuring the effectiveness of faith-based programs and report its findings to the Legislature; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from awarding credit for time served under certain circumstances; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition and requiring oral pronouncement at sentencing; authorizing attendance at an HIV/AIDS awareness program as a condition if such program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; providing an effective date.

On motion by Senator Gutman, the Senate concurred in the House amendment.

CS for CS for SB 310 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 702, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 702—A bill to be entitled An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971, 288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River

Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (5) of section 20.13, Florida Statutes, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(5) A Bureau of Financial and Support Services ~~and a Bureau of Information Systems~~ is created within the Division of Administration.

Section 2. Section 14.30, Florida Statutes, is transferred, renumbered as section 286.30, Florida Statutes, and amended to read:

286.30 ~~14.30~~ Commission on Government Accountability to the People.—

(1) There is created the Commission on Government Accountability to the People.

(2) The commission shall consist of 15 members appointed by the Governor, subject to confirmation by the Senate, with 9 members from the private sector and 6 members from the public sector. The members shall serve 4-year terms. Of the initial appointees, terms shall be staggered as follows: three members shall hold 1-year terms; four members shall hold 2-year terms; four members shall hold 3-year terms; and four members shall hold 4-year terms. The Governor shall fill all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

(3) The Governor shall appoint the initial chair. Subsequent chairs shall be elected by a majority vote of the commission, shall serve 1-year terms, and shall be eligible for reelection. The commission shall elect the vice chair from its membership.

(4) The commission shall hold a minimum of four regular meetings during the calendar year. Additional meetings may be called by the chair, or upon written request of a majority of the members of the commission. All meetings of the commission are public in accordance with the provisions of s. 286.011.

(5) The commission may establish such committees as it deems necessary to execute its powers and duties.

(6) Members of the commission shall not receive compensation for their service; however, they shall be entitled to per diem and travel expenses pursuant to s. 112.061. Public sector members shall perform their commission duties in addition to fulfilling their regular public duties.

(7) The commission shall be assigned to the *Department of Management Services* ~~Executive Office of the Governor~~ for administrative and fiscal accountability purposes, and the *Department of Management Services* ~~Executive Office of the Governor~~ shall provide administrative support and services to the commission; otherwise, the commission shall function independently of the control and direction of the *Department of Management Services* ~~Governor~~.

(8) The commission shall, by majority vote, employ and set the compensation of an executive director, who shall serve at the pleasure of the commission.

(9) The commission may adopt and enforce reasonable procedures necessary to facilitate the studies and reviews it is authorized to perform.

(10) The commission shall track the impact of state agency actions upon the well-being of Florida citizens by:

(a) Serving as a citizen board to review state agency performance, using agency strategic plans, reports from the Auditor General, the Executive Office of the Governor, and state agency internal auditors and inspectors general, and other sources as needed.

(b) Holding public hearings to allow state agencies which are operating under a performance-based program budget pursuant to s. 216.0172 the opportunity to explain factors which contributed to their success or failure in meeting performance measures.

(c) Receiving testimony from the public as to state agency performance.

(d) Assessing the progress of state agencies in meeting their missions, goals, and objectives.

(e) Making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides.

(f) Preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability a report summarizing the activities and findings of all assessments made by the commission.

State agencies shall cooperate with the commission and shall provide data and information available to enable the commission to perform its functions. The Executive Office of the Governor and the Auditor General may provide assistance, within available resources, to the commission as necessary.

Section 3. *Effective July 1, 1997, the Commission on Government Accountability to the People and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, from the Executive Office of the Governor to the Department of Management Services. The administrative rules of the commission which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 4. Subsection (2) of section 14.203, Florida Statutes, as created by section 50 of chapter 94-249, Laws of Florida, is amended to read:

14.203 State Council on Competitive Government.—It is the policy of this state that all state services be performed in the most effective and efficient manner in order to provide the best value to the citizens of the state. The state also recognizes that competition among service providers may improve the quality of services provided, and that competition, innovation, and creativity among service providers should be encouraged.

(2) There is hereby created the State Council on Competitive Government, which shall be composed of the Governor and Cabinet, sitting as the Administration Commission as defined in s. 14.202. The council, on its own initiative, the Office of Program Policy Analysis and Government Accountability, created pursuant to s. 11.51, or the Commission on Government Accountability to the People, created pursuant to *s. 286.30* ~~s. 14.30~~, may identify commercial activities currently being performed by state agencies and, if it is determined that such services may be better provided by requiring competition with private sources or other state agency service providers, may recommend that a state agency engage in any process, including competitive bidding, that creates competition with private sources or other state agency service providers.

Section 5. Subsection (2) of section 27.36, Florida Statutes, is amended to read:

27.36 Office of Prosecution Coordination.—

(2) The office shall coordinate and provide information, assistance, and staff support to the ~~Council on Organized Crime and the~~ various state attorneys.

Section 6. Section 228.0875, Florida Statutes, is amended to read:

228.0875 Governor's Summer Colleges residential programs; scope; objectives~~; colleges council~~.—

(1) There is hereby established the Governor's Summer Colleges, a series of 4-week summer residential programs for highly qualified rising high school seniors to be conducted at selected residential institutions in the state. Each participating student shall be designated as a Governor's Scholar. The Governor's Summer Colleges shall consist of four independent programs in public issues, liberal arts, mathematics and science, and visual and performing arts. Students who are selected to participate in each Governor's Summer College shall be charged no fee for tuition, matriculation, registration, or housing.

(2) The primary educational objectives of each Governor's Summer College shall include, but not be limited to, the following:

(a) Engaging students in active learning projects that will foster intellectual and effective growth, and

(b) Increasing student awareness of problems or issues related to an area of study and encouraging students to address the problems or issues in a manner through which they translate ideas into action.

~~(3)(a) There is created the Governor's Summer Colleges Council. The council shall be composed of eight members, four of whom shall be appointed by the Governor and the Commissioner of Education, respectively. The Governor and the Commissioner of Education shall each appoint a personal representative to the council and one member to represent school districts, one member to represent community colleges, and one member to represent universities. The terms of council members shall be 1 year, and any member may be eligible for reappointment. Members of the council shall receive no compensation, but they shall be entitled to per diem and travel expenses pursuant to s. 112.061. The Governor shall appoint the chair of the council. The council shall meet at the call of the chair or at the request of a majority of the council members.~~

~~(b) The duties of the council shall include, but not be limited to, the following:~~

~~1. Providing general oversight of the programs.~~

~~2. Recommending rules to the State Board of Education regarding procedures for selecting student participants, including the manner in which the number of eligible students shall be assigned to each school district. At least one student from each school district shall be considered for any program conducted within the college.~~

~~3. Recommending rules to the State Board of Education regarding the participation of students who attend nonpublic or developmental research schools.~~

~~4. Recommending rules to the State Board of Education regarding the criteria, requirements, and procedures for selecting participating institutions, including the establishment of the length of the term for which an institution shall host one or more programs. However, an institution shall not consecutively host the same program.~~

~~5. Recommending the selection of participating institutions to the State Board of Education.~~

(3)~~(4)~~ The program shall commence during the 1987-1988 academic year, in the summer of 1988, with a Governor's Summer College of Liberal Arts at New College and a Governor's Summer College of Public Issues at Florida State University. Subsequent locations of each Governor's Summer College shall be designated by the ~~Governor's Summer Colleges Council for selection by the~~ State Board of Education.

Section 7. Section 230.71, Florida Statutes, is amended to read:

230.71 Intergenerational school volunteer programs.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(a) Recognize and unite senior citizens and school children in order to enrich the lives of both.

(b) Promote activities between persons over the age of 50 years and school youth in school and nonschool settings.

(c) Create a mechanism for the development, expansion, and support of effective and innovative intergenerational school volunteer programs in the state.

(2) PROGRAMS.—Intergenerational school volunteer programs for persons over the age of 50 years and school youth from prekindergarten through grade 12 shall be administered, implemented, and conducted by school districts and developmental research schools pursuant to plans developed and approved as provided in this section.

(3) PLANS.—Each school district and developmental research school may submit to the Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ a plan for conducting an intergenerational school volunteer program. To be considered for approval and funding, each school district and developmental research school plan, or amendment to a plan, shall be submitted to the commissioner ~~and advisory board~~ by January 30 of each year. Each plan shall include the following components:

(a) A description of the program to be implemented, including a statement of the program objectives, activities, target population, number of students and seniors to be served, and identification of all federal, state, local, and other educational and noneducational entities involved in the program development. The program shall include activities for senior volunteer involvement aimed at enriching the lives of students and student activities aimed at enriching the lives of seniors. Program strategies shall include, but not be limited to, inducements as described in subsection (4).

(b) All services to be provided.

(c) The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

(d) The method of training senior and student volunteers.

(e) The expected results of the program, including a list of advantages and disadvantages to the senior citizens, students, teachers, community, and district school system.

(f) Evaluation procedures and outcome measures.

(4) INTERAGENCY COOPERATION AND COORDINATION.—School district and developmental research school programs shall cooperate and coordinate to the fullest extent possible with other related federal, state, and local educational and noneducational entities to maximize existing human and fiscal resources. The Commissioner of Education ~~and the Intergenerational School Volunteer Advisory Board provided in subsection (6)~~ shall identify, create, and facilitate mechanisms to ensure the coordination of intergenerational school volunteer program inducements, including, but not limited to, meals in schools, free or reduced tuition for courses offered at participating public educational institutions, and free or reduced-price admission to concerts, plays, or other cultural, educational, social, or health-related activities in the community.

(5) INTERGENERATIONAL SCHOOL VOLUNTEER TRUST FUND.—There is hereby created the Intergenerational School Volunteer Trust Fund from funds specifically appropriated by the Legislature for implementing the provisions of this section. The Department of Education is authorized to accept grants and donations from foundations, private sources, and the Federal Government which shall be deposited in the trust fund to carry out the purposes of this section. The department is authorized and directed to award grants annually no later than October 1 on a competitive basis to school districts and developmental research schools.

~~(6) ADVISORY BOARD.—There is created the Intergenerational School Volunteer Advisory Board to assist and advise the Commissioner of Education in the creation and improvement of intergenerational school volunteer programs.~~

~~(a) The board shall be composed of 22 members. The Governor shall appoint three members, one of whom shall be a school district senior~~

~~volunteer program coordinator. The President of the Senate shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The Speaker of the House of Representatives shall appoint three members, one of whom shall be a school district senior volunteer program coordinator. The president of the Florida Chamber of Commerce shall appoint one member. The chairperson of the Statewide School Volunteer Advisory Council shall appoint three members. The Secretary of Health and Rehabilitative Services shall appoint two members, one of whom shall be a member of the American Association of Retired Persons and one of whom shall be from the retired senior volunteer program. The Commissioner of Education shall appoint four members, to include a representative of the Department of Education's community education program, a school board member, a principal, and a senior participant from an intergenerational school volunteer program. The director of the Division of Cultural Affairs of the Department of State shall appoint one member. The Department of Elderly Affairs shall appoint one member. The director of Grandpeople, Inc., shall appoint one member who shall be a representative of the Foster Grandparent Program.~~

~~(b) The board is assigned to the Department of Education for administrative purposes.~~

~~(c) Board members shall serve for 3-year staggered terms. However, of the initial appointees, seven shall hold 1-year terms, eight shall hold 2-year terms, and seven shall hold 3-year terms. Five members who are appointed for less than a 3-year term may be reappointed.~~

~~(d) A vacancy shall be filled by the official who originally appointed the board member whose seat has become vacant.~~

~~(e) As soon as practicable following appointment of the board, the Commissioner of Education shall call an organizational meeting of the board. By majority vote of all its members, the board shall elect its own chairperson from among its members and adopt bylaws for its own governance. The chairperson shall preside over meetings of the board and perform other duties directed by the board or required by its duly adopted bylaws or operating procedures. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses while engaged in board duties, as provided in s. 112.061.~~

~~(f) The powers and duties of the board shall begin with the 1990-1991 school year and shall include:~~

~~1. Advising the commissioner on the implementation of the provisions of this section.~~

~~2. Identifying and disseminating information about model intergenerational programs in the state.~~

~~3. Evaluating plans for intergenerational activities.~~

~~4. Making recommendations to the commissioner for approval of intergenerational school volunteer programs and the awarding of grants.~~

~~5. Developing a plan for more effective community awareness and support.~~

~~6. Advising the commissioner on the evaluation of current intergenerational school volunteer programs.~~

~~7. Filing with the Legislature by March 1, 1991, and annually thereafter, a report containing progress toward achieving the goals of this section.~~

(6)~~(7)~~ TECHNICAL ASSISTANCE.—The Department of Education shall develop a clearinghouse for any and all intergenerational material dissemination. The department shall develop manuals and guidelines for the development of school district and developmental research school plans and shall provide technical assistance to assist school districts and developmental research schools. The department shall identify exemplary programs in the state to serve as models and shall disseminate information on these programs to all school districts and developmental research schools.

(7)~~(8)~~ EVALUATION.—The Commissioner of Education shall conduct or contract for a study of the effectiveness of intergenerational school volunteer programs.

(8)~~(9)~~ RULES.—The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 8. Subsections (9), (12), (13), and (14) of section 239.505, Florida Statutes, 1996 Supplement, are amended to read:

239.505 Florida constructive youth programs.—

(9) PROGRAM ELIGIBILITY.—Each school board or community college board of trustees requesting funding for a constructive youth program shall submit an application to the ~~Advisory Board on Constructive Youth Programs in accordance with procedures established by the board. The board shall review all applications submitted and forward applications with the board's recommendations to the~~ Department of Education, which is authorized to approve, continue, or terminate constructive youth programs, pursuant to the rules established by the State Board of Education. In addition to other criteria required by this section, each program shall submit continuing data to the department which must include, at a minimum, the following:

(a) Planning data to:

1. Describe the education, training activities and services, and work opportunities that will be provided to participants.

2. Describe the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities.

3. Describe the educational services, job training, supportive services, and other services and activities that will be provided to participants.

4. Describe the manner in which participants will be recruited and selected, including a description of arrangements and agreements that will be made with community-based organizations, state and local educational agencies, federal agencies, public assistance agencies, juvenile courts, foster care agencies, and other applicable public and private agencies or organizations.

5. Describe the special outreach efforts that will be undertaken to recruit eligible young women, including women with dependent children.

6. Describe the special outreach efforts that will be undertaken to recruit eligible young farmworkers or migrant workers.

7. Describe how the proposed program will be coordinated with federal, state, and local programs, including vocational and adult education programs, teenage parent programs, job training programs provided with funds available under the Job Training Partnership Act, housing and economic development projects, and activities or projects that receive assistance under federal and state housing and community development statutes.

8. Provide a tentative budget.

9. Provide assurances that there will be a sufficient number of educational support employees, instructional personnel certified by the state pursuant to s. 231.17, and supervisory personnel in each program, and that these supervisory personnel are adequately trained in the skills needed to carry out the program.

10. Describe all activities that will be undertaken to develop the leadership skills of participants.

11. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(b) Implementation data to:

1. Describe the method of implementing and conducting the program and identify all services that will be made available to participants pursuant to the contents of planning materials submitted pursuant to paragraph (a).

2. Provide a detailed budget.

3. Describe the strategy utilized for interagency coordination in order to maximize existing human and fiscal resources.

4. Provide copies of all contracts and arrangements entered into between the constructive youth program and other agencies or entities.

5. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this program.

(c) Continuation data to:

1. Provide information on evaluation procedures used to measure performance of participants.

2. Provide information on the number of participants who achieve a high school diploma or a high school equivalency diploma prior to completion, upon completion, or within 6 months after completion of the constructive youth program.

3. Provide information on the level of education obtained by participants who do not obtain a high school or high school equivalency diploma.

4. Provide information on the effectiveness of the program, including cost-effectiveness.

5. Provide a detailed anticipated budget for continuation of the program and list all sources of funding requested, both public and private.

6. Describe procedures used for early identification of youths at risk of dropping out of the program and methods for retrieval of these youths.

7. Describe the degree to which the program's objectives and activities are consistent with the goals of this section.

8. Set forth such other assurances, arrangements, and conditions as the department considers appropriate to carry out the purposes of this section.

(d) Dissemination data to:

1. Develop a manual that includes a presentation of the intent and goals of the program, the degree to which the program's objectives have been met, examples of successful practices, identification of resources available to supplement the program's budget, and other information that will assist in the successful implementation of the program by another school district or community college.

2. Provide detailed information on the various programs and activities available to participants and the successful or unsuccessful utilization of the various programs and activities by participants.

3. Provide, in detail, any changes in the basic format of the constructive youth program or its implementation and administration.

~~(12) ADVISORY BOARD.—There is created the Advisory Board on Constructive Youth Programs which shall provide ongoing technical assistance to each school district or community college establishing a constructive youth program. The Commissioner of Education, the Secretary of Health and Rehabilitative Services, the Secretary of Community Affairs, and the Secretary of Labor and Employment Security shall each appoint two members to the advisory board. In addition, a private sector representative of the State Job Training Coordinating Council shall be appointed by the Governor. All members shall be appointed for 4-year terms and may be removed by the State Board of Education for cause or upon the written petition of a majority of the remaining board members. Members shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of s. 112.061. The purpose and function of the board is as follows:~~

~~(a) To propose rules necessary for the implementation of the provisions of this section to the State Board of Education.~~

~~(b) To establish a unified application procedure to streamline the entire application process.~~

~~(c) To establish criteria for recommending programs for approval to the Commissioner of Education.~~

~~(d) To provide recommendations for ongoing technical assistance to school districts and community colleges establishing constructive youth programs.~~

(12)~~(13)~~ REPORT FROM COMMISSIONER OF EDUCATION.—The Commissioner of Education shall report to the Legislature no later than January 1, 1993, recommendations for modifications of statutes or rules of the State Board of Education which are necessary to remove statutory or regulatory barriers that may affect implementation of constructive youth programs.

(13)~~(14)~~ RULES.—The State Board of Education may amend existing rules and adopt new rules~~, including any proposed rule recommended by the Advisory Board on Constructive Youth Programs,~~ necessary to implement the provisions of this section.

Section 9. *(1) Section 288.973, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapters 95-148, 96-230, and 96-348, Laws of Florida; and section 288.974, Florida Statutes, as created by chapter 94-323, Laws of Florida, and amended by chapter 96-348, Laws of Florida, are repealed.*

(2) This section shall take effect October 1, 1997.

Section 10. Effective October 1, 1997, paragraph (d) of subsection (6) of section 288.1045, Florida Statutes, 1996 Supplement, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(6) ADMINISTRATION.—

(d) By *December 1* ~~September 30~~ of each year, the department shall submit a complete and detailed report to the *Governor, the President of the Senate, and the Speaker of the House of Representatives* ~~Defense Conversion and Transition Commission, created under Executive Order 93-118,~~ of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner. ~~By December 1 of each year, the Defense Conversion and Transition Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 11. Section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district or regional area of the agency. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The local health council shall provide each county commission a schedule for appointing council members to ensure that council membership complies with the requirements of this paragraph. The members of the local health council shall elect a chairman. Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council may:

1. Develop a district or regional area health plan that is consistent with the objectives and strategies in the state health plan, but that shall

permit each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the ~~Statewide Health Council and the~~ local health councils. The schedule must provide for coordination between the development of the state health plan and the district health plans and for the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services and Statewide Health Council~~, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(c) Local health councils may conduct public hearings pursuant to s. 408.039(3)(b).

(d) Each local health council shall enter into a memorandum of agreement with each regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, regional planning council, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.

(e) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be compensated in a manner commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(f) Personnel of the local health councils shall provide an annual orientation to council members about council member responsibilities. The orientation shall include presentations and participation by agency staff.

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the agency. The agency shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection *(2)* ~~(3)~~.

~~(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the department; the director of the Health Care Board; the Insurance Commissioner or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:~~

~~(a) Advise the Governor, the Legislature, and the department on state health policy issues, state and local health planning activities, and state health regulation programs;~~

~~(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the secretary of the department, the President of the Senate, and the Speaker of the House of Representatives;~~

~~(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;~~

~~(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;~~

~~(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;~~

~~(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;~~

~~(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;~~

~~(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;~~

~~(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;~~

~~(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the department, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and~~

~~(k) Conduct any other functions or studies and analyses falling under the duties listed above.~~

(2)~~(3)~~ FUNDING.—

(a) The Legislature intends that the cost of local health councils ~~and the Statewide Health Council~~ be borne by application fees for certificates of need and by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics.

(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 400 shall be assessed an annual fee based on number of beds.

2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of $150.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of $2 per bed. However, no such facility shall be assessed more than a total of $500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of $1 per bed. However, no such facility shall be assessed more than a total of $150 under this subsection.

3. The agency shall, by rule, establish an annual fee of $150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of $100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and proceeds from the certificate-of-need application fees which are sufficient to maintain the aggregate funding level for the local health councils ~~and the Statewide Health Council~~ as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the Health Facility and Services Development Act.

(3)~~(4)~~ DUTIES AND RESPONSIBILITIES OF THE *AGENCY* ~~DEPARTMENT~~.—

(a) The *agency* ~~department~~, in conjunction with the ~~Statewide Health Council and the~~ local health councils, is responsible for the planning of all health care services in the state and for ~~assisting the Statewide Health Council in~~ the preparation of the state health plan.

(b) The *agency* ~~department~~ shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The *agency* ~~department~~ or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the *agency* ~~department~~, through rule, to be necessary for meeting the *agency's* ~~department's~~ responsibilities as established in this section.

(c) The *agency* ~~department~~ shall assist personnel of the local health councils in providing an annual orientation to council members about council member responsibilities.

(d) The *agency* ~~department~~ shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the *agency* ~~department~~ that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The *agency* ~~department~~ may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section. The *agency* ~~department~~ may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the *agency* ~~department~~ and local health councils.

Section 12. *Subsection (9) of section 186.003, Florida Statutes, as amended by chapter 95-280, Laws of Florida, and subsection (9) of section 186.503, Florida Statutes, as amended by chapter 95-280, Laws of Florida, are repealed.*

Section 13. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

~~(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;~~

(a)~~(b)~~ The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d); and

(b)~~(c)~~ The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 14. Subsection (1) of section 186.508, Florida Statutes, 1996 Supplement, is amended to read:

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule adopted by rule by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan for consistency with the adopted state comprehensive plan and shall, within 60 days, return the proposed strategic regional policy plan to the council, together with any revisions recommended by the Governor. ~~The Executive Office of the Governor must consider the findings of the Statewide Health Council's review of the consistency of the health elements of the strategic regional policy plans with the health element of the state comprehensive plan in formulating recommended revisions to the strategic regional policy plans if the regional planning council has elected to address health issues in its strategic regional policy plan.~~ The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the strategic regional policy plan shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils within 90 days after receipt of the revisions recommended by the Executive Office of the Governor, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

Section 15. Paragraph (i) of subsection (4) of section 240.5121, Florida Statutes, is amended to read:

240.5121 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan ~~developed by the Statewide Health Council~~ and integrated and coordinated with existing programs in this state.

Section 16. Subsection (1) of section 395.604, Florida Statutes, is amended to read:

395.604 Other rural hospital programs.—

(1) The agency may license rural primary care hospitals subject to federal approval for participation in the Medicare and Medicaid programs. Rural primary care hospitals shall be treated in the same manner as emergency care hospitals and rural hospitals with respect to ss. 395.605(2)-(8)(a), 408.033*(2)*~~(3)~~(b)3., and 408.038.

Section 17. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding ~~the Statewide Health Council,~~ the functions of the local health councils~~,~~ and the activities of the department and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of $5,000.

(2) In addition to the base fee of $5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed $22,000.

Section 18. Paragraph (b) of subsection (4) of section 408.039, Florida Statutes, 1996 Supplement, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(4) STAFF RECOMMENDATIONS.—

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council ~~and the Statewide Health Council~~. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

Section 19. Subsection (1) of section 408.0455, Florida Statutes, is amended to read:

408.0455 Effect of ss. 408.031-408.045; rules; health councils and plans; pending proceedings.—

(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils ~~and the Statewide Health Council~~; or the state health plan; or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.

Section 20. *Chapter 30280, Laws of Florida, 1955, as amended by chapters 77-530, 86-395, and 94-421, Laws of Florida, is repealed.*

Section 21. *Chapter 57-700, Laws of Florida, as amended by chapters 59-875, 61-545, and 67-952, Laws of Florida, is repealed.*

Section 22. *Chapter 59-1939, Laws of Florida, as amended by chapter 83-530, Laws of Florida, is repealed.*

Section 23. *Chapter 67-2027, Laws of Florida, is repealed.*

Section 24. *Chapter 71-926, Laws of Florida, is repealed.*

Section 25. *Section 79 of chapter 90-201, Laws of Florida, is repealed.*

Section 26. *Section 1 of chapter 90-232, Laws of Florida, is repealed.*

Section 27. *The following proviso of section 1 of chapter 91-193, Laws of Florida, is repealed:*

~~There is hereby created a nine (9) member task force on Productivity Enhancement which shall consist of three members appointed by the Governor, three members appointed by the Speaker of the House, and three members appointed by the President of the Senate. The task force shall review all agency productivity plans and make recommendations. Elements of productivity plans that involve automation or innovative technologies, that are on approved IRC plans may be recommended for release by the task force as soon as practicable. Recommendations on productivity enhancement that involve training, salaries and benefits shall be made by January 1, 1992.~~

~~The Productivity Enhancement Plans submitted in accordance with the 1991-92 Governor's Recommended Budget will serve as the catalyst for the task force review, and specific focus shall be given, but~~

~~not limited to, the areas of automation and innovative technologies, employee training, and salary and benefits issues. Each agency shall amend their productivity enhancement plan in accordance with the actual agency budget reduction contained in the 1991-92 General Appropriations Act.~~

~~Each agency may choose to participate in a vacant position reserve pool to increase the resources available for the purpose of implementing their productivity enhancement plans. If a position becomes vacant after July 1, 1991, an agency may request the Office of Planning and Budgeting to place the position, rate, and dollars in a reserve pool to be credited towards the agency's productivity plan. The task force shall consider the funds available in the reserve pool when making recommendations to the Executive Office of the Governor.~~

Section 28. *Section 63 of chapter 93-164, Laws of Florida, is repealed.*

Section 29. *Sections 23 and 24 of chapter 94-292, Laws of Florida, are repealed.*

Section 30. *The proviso following line item 1417A of section 1A of chapter 94-357, Laws of Florida, is repealed:*

~~Funds in Specific Appropriation 1417A are provided to create the Commission on Long-Term Care in Florida, which for administrative purposes, is assigned to the Joint Legislative Management Committee. The commission shall consist of 18 members with the President of the Senate, the Speaker of the House of Representatives, and the Governor appointing four members each. In addition to these appointments, the Director of the Agency for Health Care Administration, the Chairperson of the State Long-Term Care Ombudsman Council and the Secretaries of the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the Department of Insurance, and the Department of Labor and Employment Security, or a designee of any of these officials, shall serve as members of the commission. A chairperson and vice chairperson shall be elected by the members. Members of the commission shall serve without compensation but are entitled to receive reimbursement for per diem and travel as provided in section 112.061, F.S. The commission must submit its first report on December 1, 1994, to the President of the Senate, Speaker of the House of Representatives, and the chairpersons of relevant substantive and appropriations committees of each house of the Legislature.~~

Section 31. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to advisory bodies and other governmental entities; amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance; transferring, renumbering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.973, 288.974, F.S., to terminate the Florida Defense Conversion and Transition Commission and its powers and duties; amending s. 288.1045, F.S., to conform; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Task Force on Productivity Enhancement; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Commission on Long-Term Care in Florida; providing effective dates.

On motion by Senator Williams, the Senate concurred in the House amendment.

SB 702 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Madam President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Gutman	Kurth	Sullivan
Casas	Hargrett	Latvala	Turner
Clary	Harris	Lee	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Childers, Cowin, Grant, McKay, Thomas

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 948, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 948—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are

in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, between line(s) 5 and 6 of the bill insert:

Section 1. Subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of Environmental Health.

(c) Division of Disease Control.

(d) Division of Family Services.

(e) Division of Children's Medical Services.

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 2. Section 11 of Chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, insert after the semicolon: amending s. 20.43, F.S.; providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health; amending s. 11 of chapter 96-403, L.O.F.; providing for the transfer of the functions for complaints, investigations; and prosecutions to the Department of Health;

House Amendment 2—On page 47, line(s) 17-25, remove from the bill all of said lines and insert in lieu thereof:

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action

taken by them *under* ~~pursuant to~~ this section. *The department may impose a fine of $250 per day per case, but not to exceed a total of $1,000 per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.*

On motion by Senator Brown-Waite, the Senate concurred in the House amendments.

CS for SB 948 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB's 1306 and 1934, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 1306 and 1934—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an exception to deadline for receipt of reimbursement applications received pursuant to s. 376.3071, F.S.; providing an effective date.

House Amendment 1—On page 3, line 28, through page 4, line 28, remove from the bill all of said lines and insert in lieu thereof:

376.79 Definitions.—As used in ss. 376.77-376.85, the term:

(1) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) "Antagonistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Brownfield sites" means sites that are generally abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(4) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.

(5) "Contaminated site" means any contiguous land, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(6) "Department" means the Department of Environmental Protection.

(7) "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(8) "Environmental justice" means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(9) "Institutional controls" means the restriction on use of or access to a site to eliminate or minimize exposure to contaminants. Such restrictions may include, but are not limited to, deed restrictions, use restrictions, or restrictive zoning.

(10) "Local pollution control program" means a local pollution control program that has received delegated authority from the Department of Environmental Protection under s. 403.182.

(11) "Natural attenuation" means the verifiable reduction of contaminants through natural processes, which may include diffusion, dispersion, absorption, and biodegradation.

(12) "Person responsible for brownfield site rehabilitation" means the individual or entity that is designated by the local government in its resolution establishing a brownfield area to enter into the brownfield site rehabilitation agreement with the department and enters into an agreement with the local government for redevelopment of the site.

(13) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(14) "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(15) "Source removal" means the removal of free product or contaminants from soil that has been contaminated to the extent that leaching to groundwater has or is occurring.

(16) "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

House Amendment 2—On page 5, line 4, through page 12, line 2; remove from the bill all of said lines and insert in lieu thereof: *purposes of ss. 376.77-376.84. The notification must include a resolution, by the local government body, to which is attached a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041, except that the notice for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2. For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66, except that the notice for the public hearings on the proposed resolution shall be in the form established in s. 125.66(4)(b)2.*

(2)(a) If a local government proposes to designate a brownfield area that is outside community redevelopment areas, enterprise zones, empowerment zones, or designated brownfield pilot project areas, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the

actual public hearing. In determining the areas to be designated, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;

2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;

3. Whether the area has potential to interest the private sector in participating in rehabilitation; and

4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;

2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least ten new jobs, full-time or part-time, which are not associated with the implementation of the rehabilitation agreement or an agreement, between the person responsible for site rehabilitation and the local government with jurisdiction, which contains terms for the redevelopment of the brownfield site or brownfield area;

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

(c) The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield rehabilitation agreement with the department or approved local government.

(3) The local government must at the time of the adoption of the resolution notify the department of the entity that it is designating as the person responsible for brownfield site rehabilitation. If the agency or person who will be responsible for the coordination changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The advisory committee must review and provide recommendations to the board of the local government with jurisdiction on the proposed site rehabilitation agreement provided in s. 376.80(5).

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local environmental program. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement;

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department;

(c) A commitment to conduct site rehabilitation in accordance with an approved comprehensive quality assurance plan under department rules;

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action;

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents;

(f) A commitment to secure site access for the department or approved local environmental program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation;

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.84, and that will improve or enhance the brownfield site rehabilitation process;

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing a loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials;

(i) An agreement between the person responsible for site rehabilitation and the local government with jurisdiction over the brownfield. Such agreement shall contain terms for the redevelopment of the brownfield.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

(a) Meets all certification and license requirements imposed by law; and

(b) Has obtained approval for the comprehensive quality-assurance plan prepared under department rules.

(7) The contractor must certify to the department that the contractor:

(a) Complies with applicable OSHA regulations.

(b) Maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law.

(c) Maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least $1 million per occurrence and $1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from performance of work under the program, designating the state as an additional insured party.

(d) Maintains professional liability insurance of at least $1 million per occurrence and $1 million annual aggregate.

(e) Has the capacity to perform or directly supervise the majority of the work at a site in accordance with s. 489.113(9).

(8) Any professional engineer or geologist providing professional services relating to site rehabilitation program tasks must carry professional liability insurance with a coverage limit of at least $1 million.

(9) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(10) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(11) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfields program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

(a) Have and maintain the administrative organization, staff, financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfields program; and

(b) Provide for the enforcement of the requirements of the delegated brownfields program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfields program as established by the act and the relevant rules and other criteria of the department.

House Amendment 3—On page 18, line 5, through page 24, line 3, remove from the bill all of said lines and insert in lieu thereof:

(1) ELIGIBILITY.—Any person who has not caused or contributed to the contamination of a brownfield site after July 1, 1997, is eligible to participate in the brownfield rehabilitation program established in ss. 376.77-376.84, subject to the following:

(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601, et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended, or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s. 6928(h)), or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(e). A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g).

(b) Persons who have not caused or contributed to the contamination of a brownfield site after July 1, 1997, and who, prior to the department's approval of a brownfield site rehabilitation agreement, are subject to ongoing corrective action or enforcement under state authority established in chapter 376 or chapter 403, including those persons subject to a pending consent order with the state, are eligible for participation in a brownfield corrective action if:

1. The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of ten new jobs, whether permanent or part-time, which are not associated with implementation of the brownfield site corrective-action plan; and

2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective-action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield corrective action.

(d) Petroleum and dry cleaning contamination sites shall not receive both restoration funding assistance available for the discharge under chapter 376 and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and dry cleaning contamination site rehabilitation under ss. 376.30-376.319, or the availability of economic incentives otherwise provided for by law.

(2) LIABILITY PROTECTION.—

(a) Any person, including his or her successors and assigns, who executes and implements to successful completion a brownfield site rehabilitation agreement, shall be relieved of further liability for remediation of the contaminated site or sites to the state and to third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.

(b) This section shall not be construed as a limitation on the right of a third party other than the state to pursue an action for damages to property or person; however, such an action may not compel site rehabilitation in excess of that required in the approved brownfield site rehabilitation agreement or otherwise required by the department or approved local pollution control program.

(c) This section shall not affect the ability or authority to seek contribution from any person who may have liability with respect to the contaminated site and who did not receive cleanup liability protection under this act.

(d) The liability protection provided under this section shall become effective upon execution of a brownfield site rehabilitation agreement and shall remain effective, provided the person responsible for brownfield site rehabilitation complies with the terms of the site rehabilitation agreement. Any statute of limitations that would bar the department from pursuing relief in accordance with its existing authority is tolled from the time the agreement is executed until site rehabilitation is completed or immunity is revoked pursuant to s. 376.80(10).

(e) Completion of the performance of the remediation obligations at the brownfield shall be evidenced by a site rehabilitation completion letter or a "no further action" letter issued by the department or the approved local pollution control program, which letter shall include the following statement: "Based upon the information provided by (property owner) concerning property located at (address), it is the opinion of (the

Florida Department of Environmental Protection or approved local pollution control program) that (party) has successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses."

(f) Compliance with the agreement referenced in s. 376.80(5)(i) must be evidenced by a finding by the local government with jurisdiction over the brownfield that the terms of the agreement have been met.

(g) The Legislature recognizes its limitations in addressing cleanup liability under federal pollution control programs. In an effort to secure federal liability protection for persons willing to undertake remediation responsibility at a brownfield, the department shall attempt to negotiate a memorandum of agreement or similar document with the United States Environmental Protection Agency, whereby the United States Environmental Protection Agency agrees to forego enforcement of federal corrective-action authority at brownfields that have received a site rehabilitation completion or "no further action" determination from the department or the approved local pollution control program or that are in the process of implementing a brownfield site rehabilitation agreement in accordance with this act.

(h) No unit of state or local government may be held liable for implementing corrective actions at a contaminated site within an eligible brownfield as a result of the involuntary ownership of the site through bankruptcy, tax delinquency, abandonment, or other circumstances in which the state or local government involuntarily acquires title by virtue of its function as a sovereign, or as a result of ownership from donation or gift, unless the state or local government has otherwise caused or contributed to a release of a contaminant at the brownfield site.

(i) The Legislature finds and declares that certain brownfields may be redeveloped for open space, or limited recreational, cultural, or historical preservation purposes, and that such facilities enhance the redeveloped environment, attract visitors, and provide wholesome activities for employees and residents of the area. Further, the Legislature finds that purchasers of contaminated sites who are nonprofit conservation organizations acting for the public interest and who did not cause or contribute to the release of contamination on the site warrant protection from liability.

(j) Notwithstanding any provision of this chapter, chapter 403, other laws, or ordinances of local governments, a nonprofit, charitable, federal tax exempt, 501(c)(3) national land conservation corporation which purchases title to property in the state for the purpose of conveying such land to any governmental entity for conservation, historical preservation or cultural resource, park, greenway, or other similar uses shall not be liable to the state, local government, or any third party for penalties or remediation costs in connection with environmental contamination found in the soil or groundwater of such property, provided that such corporation did not cause the original deposit or release of the environmental contaminants, and provided the department and local pollution control program and responsible parties have access to the land for investigation, remediation, or monitoring purposes.

(3) REOPENERS.—Upon completion of site rehabilitation in compliance with ss. 376.77-376.84, no additional site rehabilitation shall be required unless it is demonstrated:

(a) That fraud was committed in demonstrating site conditions or completion of site rehabilitation;

(b) That new information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with s. 376.81, or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment in violation of the terms of ss. 376.77-376.84;

(c) That the remediation efforts failed to achieve the site rehabilitation criteria established under s. 376.81;

(d) That the level of risk is increased beyond the acceptable risk established under s. 376.81 due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use. Any person who changes the land use of the brownfield site thus causing the level of risk to increase beyond the acceptable risk level may be required by the department to undertake additional remediation measures to assure that human health, public safety, and the environment are protected to levels consistent with s. 376.81; or

(e) That a new release occurs at the brownfield site subsequent to a determination of eligibility for participation in the brownfield program established under s. 376.80.

(4) ADDITIONAL LIABILITY PROTECTION FOR LENDERS.—

(a) The Legislature declares that, in order to achieve the economic redevelopment and site rehabilitation of brownfields in accordance with this act, it is imperative to encourage financing of real property transactions involving brownfield site rehabilitation plans. Accordingly, lenders, including those serving as a trustee, personal representative, or in any other fiduciary capacity, in connection with a loan, are entitled to the liability protection established in subsection (2) if they have not caused or contributed to a release of a contaminant at the brownfield.

(b) Lenders who hold indicia of ownership of a parcel within a brownfield primarily to protect a security interest or who own a parcel within a brownfield as a result of foreclosure or a deed in lieu of foreclosure of a security interest and who seek to sell, transfer, or otherwise divest the parcel via sale at the earliest practicable time are not liable for the release or discharge of a contaminant from the parcel; for the failure of the person responsible for brownfield site rehabilitation to comply with the brownfield site rehabilitation agreement; or for future site rehabilitation activities required pursuant to a reopener provision established in subsection (3) where the lender has not divested the borrower of, or otherwise engaged in, decisionmaking control of the site rehabilitation or site operations or undertaken management activities beyond those required to protect its financial interest while making a good faith effort to sell the site as soon as practicable and when an act or omission of the lender has not otherwise caused or contributed to a release of a contaminant at the brownfield.

(c) The economic incentives that were granted to a person responsible for site rehabilitation by state or local governments shall not accrue to a lender who obtains ownership of the brownfield by one of the methods described in this subsection. The economic incentives are abated during the lender's ownership but they may be transferred and reinstated upon the sale of the brownfield.

House Amendment 4—On page 24, line 22, through page 26, line 21 of the bill, remove from the bill all of said lines and insert in lieu thereof:

Section 8. Section 376.84, Florida Statutes, is created to read:

376.84 Brownfield redevelopment economic incentives.—It is the intent of the Legislature that brownfield redevelopment activities be viewed as opportunities to significantly improve the utilization, general condition, and appearance of these sites. Different standards than those in place for new development, as allowed under current state and local laws, should be used to the fullest extent to encourage the redevelopment of a brownfield. State and local governments are encouraged to offer redevelopment incentives for this purpose, as an ongoing public investment in infrastructure and services, to help eliminate the public health and environmental hazards, and to promote the creation of jobs in these areas. Such incentives may include financial, regulatory, and technical assistance to persons and businesses involved in the redevelopment of the brownfield pursuant to this act.

(1) Financial incentives and local incentives for redevelopment may include, but not be limited to:

(a) Tax increment financing through community redevelopment agencies pursuant to part III of chapter 163.

(b) Enterprise zone tax exemptions for businesses pursuant to chapter 196 and chapter 290.

(c) Safe neighborhood improvement districts as provided in ss. 163.501-163.523.

(d) Waiver, reduction, or limitation by line of business with respect to occupational license taxes pursuant to chapter 205.

(e) Tax exemption for historic properties as provided in s. 196.1997.

(f) Residential electricity exemption of up to the first 500 kilowatts of use may be exempted from the municipal public service tax pursuant to s. 166.231.

(g) Minority business enterprise programs as provided in s. 287.0943.

(h) Electric and gas tax exemption as provided in s. 166.231(6).

(i) Economic development tax abatement as provided in s. 196.1995.

(j) Grants, including community development block grants.

(k) Pledging of revenues to secure bonds.

(l) Low-interest revolving loans and zero-interest loan pools.

(m) Local grant programs for facade, storefront, signage, and other business improvements.

(n) Governmental coordination of loan programs with lenders, such as microloans, business reserve fund loans, letter of credit enhancements, gap financing, land lease and sublease loans, and private equity.

(o) Payment schedules over time for payment of fees, within criteria, and marginal cost pricing.

(2) Regulatory incentives may include, but not be limited to:

(a) Cities' absorption of developers' concurrency needs.

(b) Developers' performance of certain analyses.

(c) Exemptions and lessening of state and local review requirements.

(d) Water and sewer regulatory incentives.

(e) Waiver of transportation impact fees and permit fees.

(f) Zoning incentives to reduce review requirements for redevelopment changes in use and occupancy; establishment of code criteria for specific uses; and institution of credits for previous use within the area.

(g) Flexibility in parking standards and buffer zone standards.

(h) Environmental management through specific code criteria and conditions allowed by current law.

(i) Maintenance standards and activities by ordinance and otherwise, and increased security and crime prevention measures available through special assessments.

(j) Traffic-calming measures.

(k) Historic preservation ordinances, loan programs, and review and permitting procedures.

(l) One-stop permitting and streamlined development and permitting process.

(3) Technical assistance incentives may include, but not be limited to:

(a) Expedited development applications.

(b) Formal and informal information on business incentives and financial programs.

(c) Site design assistance.

(d) Marketing and promotion of projects or areas.

Section 9. *(1) The Legislature recognizes that the United States Environmental Protection Agency has created several pilot projects for redevelopment of brownfield areas to gather information on the best ways to return old industrial and commercial sites to productive use in situations where redevelopment is complicated by potential environmental contamination. These pilot project areas will perform initial work to seek developers to restore the sites, and will also incorporate the efforts of lenders, regulators, and other groups. The Environmental Protection Agency initiative is flexible, allowing local governments to use a variety of approaches to rehabilitate abandoned or underutilized sites, neighborhoods, and small regional areas.*

(2) The Legislature has determined that it would be beneficial to provide similar incentives in this state for the rehabilitation and redevelopment of brownfields. Accordingly, the department shall, contingent upon funds being available in the General Appropriations Act for fiscal year 1997-1998, award grants to each United States Environmental Protection national or regional brownfield pilot project.

Section 10. Paragraphs (a), (b), and (d) of subsection (3) of section 288.095, Florida Statutes, 1996 Supplement, are amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve not more than the lesser of $10 million in tax refunds pursuant to ss. 288.104, ~~and~~ 288.106, *and 288.107* or the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to ss. 288.104, ~~and~~ 288.106, *and 288.107* shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the department for tax refunds under ss. 288.104, ~~and~~ 288.106, *and 288.107* in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.104, ~~or~~ s. 288.106, *or s. 288.107.*

Section 11. Section 288.107, Florida Statutes, is created to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

(a) "Account" means the Economic Development Incentives Account as authorized in s. 288.095.

(b) "Brownfield" or "brownfield site" means a parcel or a contiguous area of one or more parcels, which have been designated by local government by resolution, that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination. Such areas may include, but are not limited to, portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency designated brownfield pilot projects.

(c) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(d) "Eligible business" means a qualified target industry business as defined in s. 288.106(2)(o).

(e) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(g) "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—There shall be allowed from the account a bonus refund of $2,500 to any qualified target industry business for each new Florida job created in a brownfield which is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6) and approved by the office as specified in the final order issued by the director.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.

(c) That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106(4) that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the office which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 and the administrative rules and policies for that section.

(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106.

(d) After entering into a tax refund agreement as provided in s. 288.106, an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(3)(c).

(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) The office shall review all applications submitted under s. 288.106 which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The office shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The director, with such assistance as may be required from the office and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

(i) The total amount of the bonus refunds approved by the director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the office for brownfield redevelopment bonus refunds under this section in a fiscal year, the office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(5) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in 288.106(3).

Section 12. *From funds available in the 1997-1998 General Appropriations Act for Brownfields Redevelopment grants shall be made as follows:*

(a) For United States Environmental Protection Agency brownfield pilot projects designated as of May 1, 1997, grants shall be issued in the amount of $500,000 per pilot.

(b) For United States Environmental Protection Agency brownfield pilot projects designated by the effective date of this act grants shall be issued in the amount of $200,000 per pilot. Should funds be insufficient to meet this provision than a pro-rata distribution shall be made among eligible pilot projects.

(c) Remaining funds shall be split on a pro-rata basis to those pilot projects that applied but did not receive the United States Environmental Protection Agency designation. Such grants shall not exceed $200,000.

(d) Should the United States Environmental Protection Agency fail to designate pilot projects by the effective date of this act then remaining funds shall be distributed on a pro-rata share to those pilot projects that applied.

(e) Should funds remain after satisfying the provisions of (a), (b), (c), and (d) then distribution shall be done on a pro-rata basis to sites that applied or have been designated on or before May 1, 1997.

(f) Grant funds awarded pursuant to this section shall be used by local governments to set up and implement a program which promotes brownfield redevelopment.

House Amendment 5—On page 26, lines 25-26, remove from the bill all of said lines and insert in lieu thereof: *the number, size and locations of brownfield sites: that have been remediated under the provisions of this act; that are currently under rehabilitation pursuant to a*

negotiated site rehabilitation agreement with the department or a delegated local program; where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.; and, where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Substitute House Amendment 6—On page 26, line(s) 27, through page 27, line 14, remove from the bill all of said lines and insert in lieu thereof:

Section 10. The introductory paragraph and paragraph (k) of subsection (12) and paragraph (g) of subsection (13) of section 376.3071, Florida Statutes, 1996 Supplement, are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(12) REIMBURSEMENT FOR CLEANUP EXPENSES.—Except as provided in s. 2(3), chapter 95-2, Laws of Florida, this subsection shall not apply to any site rehabilitation program task initiated after March 29, 1995. Effective August 1, 1996, no further site rehabilitation work on sites eligible for state-funded cleanup from the Inland Protection Trust Fund shall be eligible for reimbursement pursuant to this subsection. The person responsible for conducting site rehabilitation may seek reimbursement for site rehabilitation program task work conducted after March 28, 1995, in accordance with s. 2(2) and (3), chapter 95-2, Laws of Florida, regardless of whether the site rehabilitation program task is completed. A site rehabilitation program task shall be considered to be initiated when actual onsite work or engineering design, pursuant to chapter 62-770, Florida Administrative Code, which is integral to performing a site rehabilitation program task has begun and shall not include contract negotiation and execution, site research, or project planning. All reimbursement applications pursuant to this subsection must be submitted to the department by *January 3, 1997* ~~December 31, 1996~~. The department shall not accept any applications for reimbursement or pay any claims on applications for reimbursement received after that date*; provided, however if an application filed on or prior to January 3, 1997 was returned by the department on the grounds of untimely filing, it shall be refiled within 30 days after the effective date of this act in order to be processed*.

(k) Audits.—

1. The department is authorized to perform financial and technical audits in order to certify site restoration costs and ensure compliance with this chapter. The department shall seek recovery of any overpayments based on the findings of these audits. The department must commence any audit within 5 years after the date of reimbursement, except in cases where the department alleges specific facts indicating fraud.

2. Upon determination by the department that any portion of costs which have been reimbursed are disallowed, the department shall give written notice to the applicant setting forth with specificity the allegations of fact which justify the department's proposed action and ordering repayment of disallowed costs within 60 days of notification of the applicant.

3. In the event the applicant does not make payment to the department within 60 days of receipt of such notice, the department shall seek recovery in a court of competent jurisdiction to recover reimbursement overpayments made to the person responsible for conducting site rehabilitation, unless the department finds the amount involved too small or the likelihood of recovery too uncertain.

4. In addition to the amount of any overpayment, the applicant shall be liable to the department for interest of 1 percent per month or the prime rate, whichever is less, on the amount of overpayment, from the date of overpayment by the department until the applicant satisfies the department's request for repayment pursuant to this paragraph. The calculation of interest shall be tolled during the pendency of any litigation.

5. Financial and technical audits frequently are conducted under this section many years after the site rehabilitation activities were performed and the costs examined in the course of the audit were incurred by the person responsible for site rehabilitation. During the intervening span of years, the department's rule requirements and its related guidance and other nonrule policy directives may have changed significantly. The Legislature finds that it may be appropriate for the department to provide relief to persons subject to such requirements in financial and technical audits conducted pursuant to this section.

a. The department is authorized to grant variances and waivers from the documentation requirements of subparagraph (e)2. and from the requirements of rules applicable in technical and financial audits conducted under this section. Variances and waivers shall be granted when the person responsible for site rehabilitation demonstrates to the department that application of a financial or technical auditing requirement would create a substantial hardship or would violate principles of fairness. For purposes of this subsection, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this subsection, "principles of fairness" are violated when the application of a requirement affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are affected by the requirement or when the requirement is being applied retroactively without due notice to the affected parties.

b. A person whose reimbursed costs are subject to a financial and technical audit under this section may file a written request to the department for grant of a variance or waiver. The request shall specify:

(I) The requirement from which a variance or waiver is requested.

(II) The type of action requested.

(III) The specific facts which would justify a waiver or variance.

(IV) The reason or reasons why the requested variance or waiver would serve the purposes of this section.

c. Within 90 days after receipt of a written request for variance or waiver under this subsection, the department shall grant or deny the request. If the request is not granted or denied within 90 days of receipt, the request shall be deemed approved. An order granting or denying the request shall be in writing and shall contain a statement of the relevant facts and reasons supporting the department's action. The department's decision to grant or deny the petition shall be supported by competent substantial evidence and is subject to ss. 120.569 and 120.57. Once adopted, model rules promulgated by the Administration Commission under s. 120.542 shall govern the processing of requests under this provision; however, the department may process requests prior to the adoption of those model rules.

6. The Comptroller may audit the records of persons who receive or who have received payments pursuant to this chapter in order to verify site restoration costs, ensure compliance with this chapter, and verify the accuracy and completeness of audits performed by the department pursuant to this paragraph. The Comptroller may contract with entities or persons to perform audits pursuant to this subparagraph. The Comptroller shall commence any audit within 1 year after the department's completion of an audit conducted pursuant to this paragraph, except in cases where the department or the Comptroller alleges specific facts indicating fraud.

(13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage detection, reporting, and cleanup of contamination caused by discharges of petroleum or petroleum products, the department shall, within the guidelines established in this subsection, implement a cost-sharing cleanup program to provide rehabilitation funding assistance for all property contaminated by discharges of petroleum or petroleum products occurring before January 1, 1995, subject to a copayment provided for in a preapproved site rehabilitation agreement. Eligibility shall be subject to an annual appropriation from the Inland Protection Trust Fund. Additionally, funding for eligible sites shall be contingent upon annual appropriation in subsequent years. Such continued state funding shall not be deemed an entitlement or a vested right under this subsection. Eligibility in the program shall be notwithstanding any other provision of law, consent order, order, judgment, or ordinance to the contrary.

(g) The following shall be excluded from participation in the program:

1. Sites at which the department has been denied reasonable site access to implement the provisions of this section.

2. Sites that were active facilities when owned or operated by the Federal Government.

3. Sites that are identified by the United States Environmental Protection Agency to be on, or which qualify for listing on, the National Priorities List under Superfund. This exception does not apply to those sites for which eligibility has been requested or granted as of the effective date of this act under the Early Detection Incentive Program established pursuant to s. 15, chapter 86-159, Laws of Florida.

4. The contamination is covered under the Early Detection Incentive Program, the Abandoned Tank Restoration Program or the Petroleum Liability and Restoration Insurance Program, in which case site rehabilitation funding assistance shall continue under the respective program.

5. Any person who knowingly acquires title to contaminated property shall not be eligible for restoration funding pursuant to this subsection. The provisions of this subsection do not relieve any person who has acquired title subsequent to July 1, 1992, from the duty to establish by a preponderance of the evidence that he or she undertook, at the time of acquisition, all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice in an effort to minimize liability, as required by s. 376.308(1)(c). *The provisions of this subparagraph do not apply to any person who acquires title by succession or devise.*

Section 11. Subsections (2) and (7) of section 376.30711, Florida Statutes, 1996 Supplement, are amended to read:

376.30711 Preapproved site rehabilitation, effective March 29, 1995.—

(2)(a) *Competitive bidding pursuant to this section shall not be subject to the requirements of s. 287.055.* The department is authorized to use competitive bid procedures or negotiated contracts for preapproving all costs and rehabilitation procedures for site-specific rehabilitation projects through performance-based contracts. Site rehabilitation shall be conducted according to the priority ranking order established pursuant to s. 376.3071(5).

(7) The department shall conduct a pilot project to determine the effectiveness and feasibility of utilizing competitive bid procedures for procuring the services necessary to perform site rehabilitation. *During fiscal year 1997-1998, the department is directed to use competitive bid procedures to procure site rehabilitation services on a minimum of 25 priority sites within availability of funding, where the department has requested that the property owner designate a qualified contractor and a qualified contractor has not been designated or assigned to a state cleanup site prior to July 1, 1997. The provisions of this subsection do not apply to those sites managed by a contracted local program pursuant to s. 376.3073.* ~~The department is directed to select a representative sample of sites such that the results of the project can be compared to other procurement methods.~~ The department shall submit a report, by March 1, 1998, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such report shall contain, at a minimum: the cost-effectiveness of utilizing competitive bid procedures; a feasibility review on the department's experience with competitive bidding; a cost comparison of competitive bidding and negotiated contracts for site rehabilitation tasks; and recommendations concerning the use of competitive bidding.

Section 12. Subsection (3) of section 376.3072, Florida Statutes, 1996 Supplement, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(3) Sites that were certified as insured facilities and that were denied coverage for a discharge under the Petroleum Liability and Restoration Insurance Program may request a reevaluation under the criteria in subsection (2). Such request shall be made by December 31, 1996. If the contamination is redetermined to be eligible, the deductible and coverage limit in effect at the time the discharge was reported shall be applicable. The redetermination shall not affect the department's authority for assessing supplemental deductibles or civil penalties. The department shall not assess a supplemental deductible or civil penalty for alleged failure to report or abate a discharge when the owner or operator can establish no discharge occurred. *Notwithstanding any department order to the contrary, the supplemental deductibles in subparagraph (2)(d)2.f. shall not be applied cumulatively but, rather, the highest applicable supplemental deductible shall be applied.*

Section 13. Subsection (1) of section 403.767, Florida Statutes, is amended to read:

403.767 Certification of used oil transporters.—

(1) Any person who transports over public highways after January 1, 1990, more than 500 gallons annually of used oil must be a certified transporter. *This subsection does not apply to:*

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center.

(b) Persons who transport less than 55 gallons of used oil at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle.

(c) Persons who transport their own used oil, which is generated at their own noncontiguous facilities, to their own central collection facility for storage, processing, or engery recovery. However, such persons shall provide the same proof of liability insurance or other means of financial responsibility for liability which may be incurred in the transport of used oil as provided by certified transporters under subsection (3).

(Renumber subsequent sections.)

House Amendment 7—In the title, on page 1, line(s) 2-20, remove from the bill all of said lines and insert in lieu thereof: An act relating to environmental protection; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; providing duties of a local government that designates a brownfield for rehabilitation and redevelopment; providing for notice to the Department of Environmental Protection; providing for public hearings; providing requirements for such designation and specifying effect thereof; requiring establishment of an advisory committee; providing for a brownfield site rehabilitation agreement and providing requirements with respect thereto; providing requirements for contractors performing site rehabilitation; providing consequences of failure to comply with a rehabilitation agreement; authorizing the Department of Environmental Protection to enter into delegation agreements with local pollution control program; providing requirements for local pollution control programs; creating s. 376.81, F.S.; providing for brownfield contamination cleanup criteria; directing the Department of Environmental Protection to establish by rule criteria for determining tasks that comprise a site rehabilitation program and the level at which tasks and programs may be deemed completed; providing that source removal may be required under certain conditions; creating s. 376.82, F.S.; providing eligibility requirements for participation in brownfield rehabilitation; providing liability protection for persons who successfully complete a rehabilitation agreement; providing requirements for the issuance of a "no further action" letter evidencing completion of rehabilitation; authorizing negotiation with the United States Environmental Protection Agency regarding enforcement; providing certain liability protection for state and local governments and for certain nonprofit land conservation corporations; providing conditions under which further rehabilitation may be required; providing liability protection for certain lenders; creating s. 376.83, F.S.; specifying violations and providing penalties; providing for pilot projects; creating s. 376.84, F.S.; specifying financial, local, regulatory, and technical assistance incentives that may be included; amending s. 288.095, F.S.; to conform; creating s. 288.107, F.S.; creating a brownfield bonus refund program; providing for refunds from the Economic Development Incentive Account to certain qualified target industry businesses for jobs created in a brownfield; providing criteria for participation; providing procedures and requirements for refunds; providing penalties; providing for administration; providing for the disbursement of funds; requiring the Department of Environmental Protection to report annually; amending s. 376.3071, F.S.; revising application deadlines for cleanup reimbursement from the Inland Protection Trust Fund; providing for audits by the Comptroller; revising eligibility criteria relating to the petroleum cleanup participation program; amending s. 376.30711, F.S.; providing for competitive bidding for certain site rehabilitations; amending s. 376.3072, F.S.; specifying the process for applying certain supplemental deductibles; providing an effective date.

House Amendment 8 (with title amendment)—On page 27, between line(s) 14 and 15, of the bill insert:

Section 11. Subparagraph 7. of subsection (11)(a) of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section, which is the only department operation permit for a major source of air pollution required for such source. Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail:

(11) Commencing in 1993, each major source of air pollution permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

7. If the department has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If ~~the department has not received~~ the fee *is not postmarked* by March 1 of the calendar year, *commencing with calendar year 1997,* the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to $50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 20, remove from the title of the bill all of said line and insert in lieu thereof: amending s. 403.0872, F.S.; clarifying permit filing deadlines;

House Amendment 9—On page 12, line 13, through page 17, line 30, remove from the bill all of said lines and insert in lieu thereof:

(1) It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 1998, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall incorporate, to the maximum extent feasible, risk-based corrective-action principles to achieve protection of human health and safety and the environment in a cost-effective manner as provided in this subsection. The rule shall also include protocols for the use of natural attenuation and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of risk-based corrective-action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department is authorized to temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department also is authorized, pursuant to criteria provided for in this section, to temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the brownfield site rehabilitation agreement, if known, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for brownfield site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days of receipt of the notice.

(c) Ensure that the site-specific cleanup goal is that all contaminated brownfield sites and brownfield areas ultimately achieve the applicable cleanup target levels provided in this section. In the circumstances provided below, and after constructive notice and opportunity to comment within 30 days from receipt of the notice to local government, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend, the department may allow concentrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow brownfield site and brownfield area rehabilitation programs to include the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days from receipt of notice is provided to local governments, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the additive effects of contaminants. The synergistic and antagonistic effects shall also be considered when the scientific data become available.

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall consider the following, as appropriate, in establishing the applicable minimum criteria: calculations using a lifetime cancer risk level of

1.0E-6; a hazard index of 1 or less; the best achievable detection limit; the naturally occurring background concentration; or nuisance, organoleptic, and aesthetic considerations.

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants shall be based on the surface water standards as established by department rule. The point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. The department may set alternative cleanup target levels based upon an applicant's demonstration, using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal that has been completed at the site and the practical likelihood of the use of low-yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating away from such localized source, provided human health, public safety, and the environment are protected.

(h) Provide for the department to issue a "no further action order" when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved.

(i) Provide for the department to issue a "no further action order" with conditions, where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved, or when the person responsible for brownfield site rehabilitation can demonstrate that the cleanup target level is unachievable within available technologies. Prior to issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology in the brownfield area.

(j) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall consider the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; or the naturally occurring background concentration. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, that contaminants will not leach into the groundwater at levels which pose a threat to human health, public safety, and the environment.

3. The department may set alternative cleanup target levels based upon an applicant's demonstration, using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected.

(2) The department shall require source removal, if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

On motion by Senator Latvala, the Senate concurred in the House amendments.

CS for CS for SB's 1306 and 1934 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Dudley, McKay

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB's 566 and 626, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 566 and 626—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal

Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term "public assistance" to conform; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (3), (7), and (8) of section 414.0252, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to that section, to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(3) "Department" means the Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(7) "Participant" means an individual who *has applied for or* receives temporary assistance or services under the WAGES Program.

(8) "Public assistance" means benefits paid on the basis of the temporary *cash* ~~family~~ assistance, food stamp, Medicaid, or optional state supplementation program.

(10) "Temporary cash assistance" means cash assistance provided under the state program certified under Title IV-A of the Social Security Act, as amended.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, are amended to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program. *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the WAGES Program State Board of Directors or its employees or agents for any action taken by the board in the performance of its powers and duties under this chapter.*

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of *Children and Family* ~~Health and Rehabilitative~~ Services.

3. The Secretary of Health.

4.~~3.~~ The Secretary of Labor and Employment Security.

5.~~4.~~ The Secretary of Community Affairs.

6. The director of the Office of Tourism, Trade, and Economic Development.

~~5. The Secretary of Commerce.~~

7.~~6.~~ The president of *the* Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~, established under *s. 288.9620* ~~s. 288.0475~~.

8. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

9.~~7.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio *nonvoting* member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole. ~~The list of initial five nominees shall be submitted by the President of the Senate and the Speaker of the House of Representatives by July 1, 1996, and the initial appointments by the Governor shall be made by September 1, 1996.~~

Section 3. Subsection (1) of section 414.027, Florida Statutes, 1996 Supplement, is amended to read:

414.027 WAGES Program statewide implementation plan.—

(1) ~~By December 31, 1996,~~ The WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the statewide implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers.

(b) Directives for creating and chartering local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

(c) The approval of the implementation plans submitted by local WAGES coalitions.

(d) Recommendations for clarifying, or if necessary, modifying the roles of the state agencies charged with implementing the WAGES Program so that all unnecessary duplication is eliminated.

(e) Recommendations for modifying compensation and incentive programs for state employees in order to achieve the performance outcomes necessary for successful implementation of the WAGES Program.

(f) Criteria for allocating WAGES Program resources to local WAGES coalitions. Such criteria must include weighting factors that reflect the relative degree of difficulty associated with securing employment placements for specific subsets of the welfare transition caseload.

(g) The development of a performance-based payment structure to be used for all WAGES Program services, which takes into account the following:

1. The degree of difficulty associated with placing a WAGES Program participant in a job;

2. The quality of the placement with regard to salary, benefits, and opportunities for advancement; and

3. The employee's retention of the placement.

The payment structure shall provide not more than 40 percent of the cost of services provided to a WAGES participant prior to placement, 50 percent upon employment placement, and 10 percent if employment is retained for at least 6 months. The payment structure should provide bonus payments to providers that experience notable success in achieving long-term job retention with WAGES Program participants. The board shall consult with *the* Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~ in developing the WAGES Program statewide implementation plan.

Section 4. Section 414.028, Florida Statutes, 1996 Supplement, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the ~~jobs and education~~ regional *workforce development* board established under the Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county *or municipal* governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(2) A local WAGES coalition and a ~~jobs and education~~ regional *workforce development* board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. *However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.*

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants.

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the ~~jobs and education~~ regional *workforce development* board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *and the Department of Labor and Employment Security* with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the service area in which the childhood birth rate is higher than the state average. *In developing and coordinating the program and financial plan, the local WAGES coalition shall consider issues related to the responsibility of fathers to support noncustodial children. Such consideration shall include, but need not be limited to:*

(a) Activities that will improve the process for establishing paternity, which shall be developed in cooperation with the Division of Child Support Enforcement of the Department of Revenue, the Healthy Start Coalition, the Department of Health, the Commission on Responsible Fatherhood, and the Florida Coalition Against Domestic Violence.

(b) Work activities for noncustodial parents described in s. 414.065(8). In addition to court-ordered activities, the plan may include work activities that facilitate employment of noncustodial parents for whom a court order has not been issued.

To the extent permitted by federal law and determined appropriate by the local WAGES coalition, WAGES Program resources may be used for activities that are designed to encourage noncustodial parents to provide support for their children and that are consistent with program and financial guidelines established by the WAGES Program State Board of Directors. A local WAGES coalition is encouraged to use funding approaches that leverage other federal, state, or local funds, including, but not limited to, funds provided under workforce development programs, teen parent programs, and the Healthy Start Program.

(6) Local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. At the option of the local WAGES coalition, staff support may be provided by another agency or entity if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program.

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under ss. 414.028-414.029.

Section 5. Section 414.029, Florida Statutes, 1996 Supplement, is amended to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES program participants. Registered businesses agree to work with the coalition and to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption *provided under s. 212.08(5)(b) or s. 212.08(7)(ii)* and the number of jobs each has provided for program participants.

Section 6. Paragraphs (b), (d), (e), (f), and (h) of subsection (1), and subsections (2), (3), (4), (5), (6), (7), (9), (10), and (11) of section 414.065, Florida Statutes, 1996 Supplement, are amended to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's *temporary cash* assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy for at least 12 months. The work supplementation agreement must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer provides training needed for the participant to perform the skills required for the position. The employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. The on-the-job training agreement must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department *and the Department of Labor and Employment Security.*

3. Incentive payments.—The department *and the Department of Labor and Employment Security* may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department *and the Department of Labor and Employment Security* shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary *cash* assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. The incentive agreement must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department *and the Department of Labor and Employment Security* shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary *cash* assistance in the form of wages, *which, when combined with the value of food stamps awarded to the participant, is* ~~that are~~ proportional to the amount of time worked. A participant *in the WAGES Program or the Food Stamp Employment and Training program* assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) Job search and job readiness assistance.—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job retention skills.

2. Instruction in completing an application for employment and writing a resume.

3. Instruction in conducting oneself during a job interview, including appropriate dress.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity *for*~~, may not be used in conjunction with other program activities such as work experience, and may not continue~~ longer than the length of time permitted under federal law.

(f) Vocational education or training.—Vocational education or training is education or training designed to provide participants with the

skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1. Vocational education shall not be used as the primary program activity for a period which exceeds 12 months. In addition, use of vocational education or training shall be restricted to not more than 20 percent of adult participants, or subject to other limitation as established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. To the maximum extent possible, a provider of vocational education or training shall use funds provided by funding sources other than the department *or the Department of Labor and Employment Security. Either* ~~The~~ department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Enterprise Florida *workforce development board* ~~Jobs and Education Partnership~~. A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.

(h) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. *The department and* the Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(2) WORK ACTIVITY REQUIREMENTS.—Each adult participant who is not otherwise exempt must participate in a work activity*, except for community service work experience,* for the maximum number of hours allowable under federal law provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. *The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities; or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours.* An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—The following individuals are exempt from work activity requirements:

(a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of *paragraph (1)(i) and* s. 414.125.

(b) An individual who *receives* ~~is eligible for~~ benefits under the *Supplemental* ~~Social~~ Security Income ~~(SSI)~~ program *or the Social Security Disability Insurance program* ~~due to age or disability~~.

(c) Adults who are not included in the calculation of *temporary cash assistance* ~~benefits~~ in child-only cases.

(d) One custodial parent with a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.

(4) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS.—The department *and the Department of Labor and Employment Security* shall establish procedures for administering penalties for nonparticipation in work requirements. If an individual in a family receiving *temporary cash* assistance fails to engage in work activities required in accordance with this section, the following penalties shall apply:

(a) First noncompliance: temporary *cash* assistance shall be terminated for the family until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of *temporary cash* assistance.

(b) Second noncompliance: temporary *cash* assistance and food stamps shall be terminated for the family until the individual demonstrates compliance in the required work activity for a period of 30 days. Upon compliance, *temporary cash* assistance *and food stamps* shall be reinstated to the date of compliance. Prior to the imposition of sanctions for a second noncompliance, the participant shall be interviewed to determine why full compliance has not been achieved. The participant shall be counseled regarding compliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements.

(c) Third noncompliance: temporary *cash* assistance and food stamps shall be terminated for the family for 3 months. The individual shall be required to demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of *temporary cash* assistance *and food stamps*.

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(5) CONTINUATION OF *TEMPORARY CASH* ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(a) Upon the second or third occurrence of noncompliance, *temporary cash* assistance *and food stamps* for the child or children in a family who are under age *16* ~~12~~ may be continued. Any such payments must be made through a protective payee *or, in the case of food stamps, through an authorized representative.* Under no circumstances shall *temporary cash* ~~such~~ assistance *or food stamps* be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may include:

1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.

2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.

3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d)~~(c)~~ If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee *or authorized representative,* such designation may be made, except that a protective payee *or authorized representative* must not be any individual involved in determining eligibility

for *temporary cash* assistance *or food stamps* for the family, staff handling any fiscal processes related to issuance of *temporary cash* assistance *or food stamps*, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(e)~~(d)~~ The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

(f)~~(e)~~ *If* ~~In the event~~ the department is unable to designate a qualified protective payee *or authorized representative*, a referral shall be made under the provisions of chapter 415 for protective intervention.

(6) PROPORTIONAL REDUCTION OF *TEMPORARY CASH* ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions of subsection (4), if an individual is receiving *temporary cash* assistance under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the *temporary cash assistance* ~~benefit~~ received shall be reduced and shall be proportional to the actual participation. *Food stamps may be included in a pay-after-performance arrangement if permitted under federal law.*

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of *temporary cash* assistance:

(a) Noncompliance related to child care.—*Temporary cash* assistance *may* ~~shall~~ not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the department *or to the Department of Labor and Employment Security* an inability to obtain needed child care for one or more of the following reasons:

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.

2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.

3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the Department *of Labor and Employment Security*.

(c) Other good cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The Department *of Labor and Employment Security* may define *by rule* situations that would constitute good cause. These situations *must* ~~shall~~ include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(9) PRIORITIZATION OF WORK REQUIREMENTS.—The Department *of Labor and Employment Security* shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, the Department *of Labor and Employment Security* shall screen participants and assign priority based on the following:

(a) In accordance with federal requirements, at least one adult in each two-parent family shall be assigned priority for full-time work activities.

(b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

(c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

The Department *of Labor and Employment Security* may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements in lieu of the level defined in subsection (2). The department *and the Department of Labor and Employment Security* may develop screening and prioritization procedures within service districts or within counties based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(10) USE OF CONTRACTS.—The Department *of Labor and Employment Security* shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(a) All education and training provided under the WAGES Program shall be provided through agreements with ~~jobs and education~~ regional *workforce development* boards.

(b) A contract must be performance-based. Wherever possible, payment shall be tied to performance outcomes that include factors such as, but not limited to, job entry, job entry at a target wage, and job retention, rather than tied to completion of training or education or any other phase of the program participation process.

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the Department *of Labor and Employment Security*.

(d) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the department *or the Department of Labor and Employment Security*.

(e) The department *or the Department of Labor and Employment Security* may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(f) The administrative costs associated with a contract ~~of the department~~ for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the local WAGES coalition. A list of any exceptions approved must be submitted to the WAGES Program State Board of Directors for review, and the board may rescind approval of the exception. The WAGES Program State Board of Directors may also approve exceptions for any statewide contract for services provided under this section.

(g) The Department *of Labor and Employment Security* may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(h) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(11) *PROTECTIONS FOR PARTICIPANTS* ~~IMPLEMENTATION.~~—

(a) Each participant is subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the WAGES Program.

(b) The Department of Labor and Employment Security shall recommend to the Legislature by December 30, 1997, policies to protect participants from discrimination, unreasonable risk, and unreasonable expectations related to work experience and community service requirements. ~~If federal welfare reform legislation as described in this chapter is not enacted by the Congress, the department shall revise the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan to conform to the provisions of this section and s. 414.15 to the extent permissible under federal law.~~

~~(a) Notwithstanding any provisions of s. 409.029 to the contrary, in areas of the state not covered by a federal waiver which includes waiver of Job Opportunities and Basic Skills Training (JOBS) Plan requirements, the department shall implement changes made to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan upon approval by the federal agency.~~

~~(b) Notwithstanding any provisions of ss. 409.921-409.943 to the contrary, in areas of the state covered by federal waivers which include waiver of Job Opportunities and Basic Skills Training (JOBS) Plan provisions, the department shall request amendment of such waivers to conform to the provisions of this section which are beyond those which are permitted by change to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan.~~

~~(c) In pursuing such waiver, the department may agree to modifications to the waiver terms and conditions that include penalties for noncompliance that begin with removal of the noncompliant individual's benefits upon first occurrence and include incremented penalties upon subsequent occurrences of noncompliance if the department determines that the penalties as specified in this section will not be approved by the federal agency.~~

~~(d) This subsection shall be effective not later than July 1, 1996, and shall be implemented in accordance with changes to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan and changes to federal waivers as specified in this section.~~

Section 7. Section 414.075, Florida Statutes, 1996 Supplement, is amended to read:

414.075 Resource eligibility standards.—For purposes of program simplification and effective program management, certain resource definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.8, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary *cash* assistance *and Medicaid* for needy families, except *that* ~~as to the following~~:

(1) The maximum allowable resources, including liquid and nonliquid resources, of all members of the family may not exceed $2,000.

(2) In determining the resources of a family, the following shall be excluded:

(a) Licensed vehicles needed for *individuals* ~~adults~~ subject to the work participation requirement, not to exceed a combined value of $8,500, and needed for training, employment, or education purposes. For any family without an *individual* ~~adult~~ subject to the work participation requirement, one vehicle valued at not more than $8,500 shall be excluded. Any vehicle that is necessary to transport a physically disabled family member shall be excluded. A vehicle shall be considered necessary for the transportation of a physically disabled family member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle and makes it possible to transport the disabled person.

(b) Funds paid to a homeless shelter which are being held for the family to enable the family to pay deposits or other costs associated with moving to a new shelter arrangement.

(3) A vacation home that annually produces income consistent with its fair market value, and that is excluded as a resource in determining eligibility for food stamps under federal regulations, may not be excluded as a resource in determining a family's eligibility for temporary *cash* assistance.

(4) An individual and the assistance group in which the individual is a current member will be ineligible for a period of 2 years from the original date of a transfer of an asset made for the purpose of qualifying for or maintaining eligibility for temporary cash assistance.

Section 8. Section 414.085, Florida Statutes, 1996 Supplement, is amended to read:

414.085 Income eligibility standards.—For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary *cash* assistance *and Medicaid* for needy families, except as to the following:

(1) Participation in the WAGES Program shall be limited to those families whose gross family income is equal to or less than 130 percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security income under Title *XVI* ~~XCI~~ of the Social Security Act, as amended; or other income security payments as defined by federal law shall be included as income to the extent required or permitted by federal law.

(3) The first $50 of child support paid to a *custodial* ~~noncustodial~~ parent receiving temporary *cash* assistance may not be disregarded in calculating the amount of temporary *cash* assistance for the family, unless such exclusion is required by federal law.

Section 9. Subsections (1), (2), and (3), paragraph (a) of subsection (4), subsections (5), (6), (7), and (8), paragraphs (a), (c), (e), and (f) of subsection (10), and subsections (11), (13), (14), (15), and (17) of section 414.095, Florida Statutes, are amended to read:

414.095 Determining eligibility for the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary *cash* assistance under this chapter, *except that an applicant shall be required to engage in work activities in accordance with s. 414.065 and may receive support services or child care assistance in conjunction with such requirement.* The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary *cash* assistance through *periodic reviews consistent with* the food stamp eligibility process. *Benefits shall not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the WAGES Program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of s. 115 of Pub. L. No. 104-193 that eliminates eligibility for temporary cash assistance and food stamps for any individual convicted of a controlled substance felony.*

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary *cash* assistance *and Medicaid* under the WAGES Program:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under the WAGES Program, or in a setting approved by the department.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the

family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program if all eligibility requirements are met:

1. A minor child who resides with a custodial parent or other adult caretaker relative.

2. The parent of a minor child with whom the child resides.

3. The caretaker relative with whom the minor child resides who chooses to have his needs and income included in the family.

4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary *cash* assistance is paid to an alternative payee.

5. A pregnant woman.

(3) ELIGIBILITY FOR NONCITIZENS.—A qualified noncitizen is an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. A nonqualified noncitizen is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a nonqualified noncitizen includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary *cash* assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary *cash* assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065, *to the extent permitted under federal law*.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by aliens and to verify an alien's eligibility.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible alien or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary *cash* assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 414.065. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the department ~~of Health and Rehabilitative Services~~ shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(5) CARETAKER RELATIVES.—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in s. 414.065. If the caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The *level of temporary cash* assistance ~~level~~ for the minor child shall be based on the shelter obligation *paid to* ~~of~~ the caretaker relative.

(6) PREGNANT WOMAN WITH NO OTHER CHILD.—Temporary *cash* assistance for a pregnant woman is not available until the last month of pregnancy. However, if the department determines that a woman is restricted from work activities by orders of a physician, temporary *cash* assistance shall be available during the last trimester of pregnancy.

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for temporary *cash* assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

(a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;

(b) Assisting in establishing paternity; and

(c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

(8) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of receiving temporary *cash* assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary *cash* assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department *and the Department of Labor and Employment Security* to obtain, documents or information from others in order to establish eligibility.

(c) To be advised of any reduction or termination of *temporary cash assistance or food stamps* ~~benefits~~.

(e) To keep the department *and the Department of Labor and Employment Security* informed of any changes that could affect eligibility.

(f) To use temporary *cash* assistance *and food stamps* for the purpose for which the assistance is intended.

(11) DETERMINATION OF LEVEL OF *TEMPORARY CASH* ASSISTANCE.—Temporary *cash* assistance shall be based on a standard determined by the Legislature, subject to availability of funds. There shall be three assistance levels for a family that contains a specified number of eligible members, based on the following criteria:

(a) A family that does not have a shelter obligation.

(b) A family that has a shelter obligation greater than zero but less than or equal to $50.

(c) A family that has a shelter obligation greater than $50 or that is homeless.

The following chart depicts the *levels of temporary cash* assistance ~~levels~~ for implementation purposes:

THREE-TIER SHELTER PAYMENT STANDARD

Family Size	Zero Shelter Obligation	Greater than Zero Less than or Equal to $50	Greater than $50 Shelter Obligation
1	$95	$153	$180
2	$158	$205	$241
3	$198	$258	$303
4	$254	$309	$364
5	$289	$362	$426
6	$346	$414	$487
7	$392	$467	$549
8	$438	$519	$610
9	$485	$570	$671
10	$534	$623	$733
11	$582	$676	$795
12	$630	$728	$857
13	$678	$781	$919

(13) CALCULATION OF *LEVELS OF TEMPORARY CASH* ASSISTANCE ~~LEVELS~~.—

(a) Temporary *cash* assistance shall be calculated based on average monthly gross family income, earned and unearned, less any applicable disregards. The resulting monthly net income amount shall be subtracted from the applicable payment standard to determine the monthly ~~benefit~~ amount *of temporary cash assistance*.

(b) A deduction may not be allowed for child care payments.

(14) METHODS OF PAYMENT OF *TEMPORARY CASH* ASSISTANCE.—Temporary *cash* assistance may be paid as follows:

(a) Direct payment through state warrant, electronic ~~assistance~~ transfer *of temporary cash assistance*, or voucher.

(b) Payment to an alternative payee.

(c) Payment for subsidized employment.

(d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) A family without a minor child living in the home is not eligible to receive temporary *cash* assistance or services under this chapter. However, a pregnant woman is eligible for temporary *cash* assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary *cash* assistance, without shelter expense, may be available for a teen parent who is less than 19 years of age and for the child. Temporary *cash* assistance may not be paid directly to the teen parent but must be paid, on behalf of the teen parent and child, to an alternative payee who is designated by the department. The alternative payee may not use the temporary *cash* assistance for any purpose other than paying for food, clothing, shelter, and medical care for the teen parent and child and for other necessities required to enable the teen parent to attend school or a training program. In order for the child of the teen parent and the teen parent to be eligible for temporary *cash* assistance, the teen parent must:

1. Attend school or an approved alternative training program, unless the child is less than 12 weeks of age or the teen parent has completed high school; and

2. Reside with a parent, legal guardian, or other adult caretaker relative. The income and resources of the parent shall be included in calculating the *temporary cash* assistance available to the teen parent since the parent is responsible for providing support and care for the child living in the home.

3. Attend parenting and family classes that provide a curriculum specified by the department, *the Department of Labor and Employment Security, or the Department of Health*, as available.

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement.

The department may not delay providing *temporary cash* assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for *temporary cash* assistance so long as the teen parent cooperates with the department, *the Department of Labor and Employment Security, and the Department of Health*. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(d) *Notwithstanding any law to the contrary*, if a parent or caretaker relative *without good cause* does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, *temporary cash* assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (8), *temporary cash* assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food Stamp Act of 1977, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive *temporary cash* assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive *temporary cash* assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to report this information to the department shall be disqualified from receiving temporary *cash* assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary *cash* assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(17) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary *cash* assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the *levels of temporary cash* assistance ~~levels~~ in subsection (11).

Section 10. Section 414.105, Florida Statutes, 1996 Supplement, is amended to read:

414.105 Time limitations of temporary *cash* assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary *cash* assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period

that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary *cash* assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of *temporary cash assistance as an* adult ~~benefits~~, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary *cash* assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the ~~benefit~~ eligibility period *for temporary cash assistance.* The recommendation must be the result of a review which determines that the termination of the child's *temporary cash* assistance would be likely to result in the child being placed into emergency shelter or foster care. *Temporary cash* assistance shall be provided through a protective payee. Staff of the Children and Family Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of *temporary cash* assistance through a protective payee.

Temporary cash assistance under a hardship exemption ~~benefits~~ for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(3) The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(4) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary *cash* assistance as an adult, total no more than 48 months of temporary *cash* assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(5) For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary *cash* assistance shall be the shorter of the respective time limitations used in the two states, and months in which *temporary cash* assistance was received *under a block grant program that provided temporary assistance for needy families* in any state shall count towards the cumulative 48-month benefit limit *for temporary cash assistance.*

(6) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which *temporary cash* assistance was received through the family transition program shall count towards the time limitations under this chapter.

(7) Except when *temporary cash* assistance was received through the family transition program, the calculation of the time limitation for temporary *cash* assistance shall begin with the first month of receipt of *temporary cash* assistance after the effective date of this act.

(8) Child-only cases *are* ~~shall~~ not ~~be~~ subject to time limitations, and *temporary cash assistance* ~~benefits~~ received while *an individual is* a minor child shall not count towards time limitations.

(9) An individual who *receives* ~~is eligible for~~ benefits under the *Supplemental* ~~Social~~ Security Income ~~(SSI)~~ program *or the Social Security Disability Insurance program* ~~due to age or disability~~ is not subject to time limitations.

(10) A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit *for temporary cash assistance* and, if appropriate, shall refer the participant for services that could facilitate employment.

~~(11) This section shall be repealed on July 1, 2001, unless reenacted by the Legislature.~~

Section 11. Section 414.115, Florida Statutes, 1996 Supplement, is amended to read:

414.115 Limited *temporary cash* assistance for children born to families receiving *temporary cash* assistance.—

(1) The department shall provide limited additional temporary *cash* assistance to:

(a) An existing *temporary-cash-assistance* ~~temporary-assistance~~ case due to the birth of a child when the birth occurs more than 10 months after *August 1, 1996* ~~the implementation date of this act~~; or

(b) A new *temporary-cash-assistance* ~~temporary-assistance~~ case when the birth occurs more than 10 months after *August 1, 1996,* ~~both the implementation date of this act~~ and the application or reapplication for temporary *cash* assistance.

For purposes of this subsection, "an existing *temporary-cash-assistance* ~~temporary-assistance~~ case" means a case that is receiving temporary assistance on *August 1, 1996,* ~~the implementation date of this act~~ and, if it closes any time after *August 1, 1996* ~~the implementation date~~, is closed for less than 6 continuous months; "a new *temporary-cash-assistance* ~~temporary-assistance~~ case" means a case that was not receiving benefits on *August 1, 1996* ~~the implementation date of this act~~; "reapplication" means a new application by a parent or other caretaker relative who has previously received temporary *cash* assistance in a case that has been closed for 6 continuous months or more prior to the new application.

(2) Subsection (1) *does* ~~shall~~ not apply:

(a) To a program participant who is a victim of rape or incest if she files a police report on the rape or incest within 30 days after the incident;

(b) To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary *cash* assistance group who as minors become first-time parents;

(c) To a child when parental custody has been legally transferred; or

(d) To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child's parent or parents;

2. The incapacity of the child's parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;

3. Legal transfer of the custody of the child to another individual;

4. Incarceration of the child's parent or parents, except that the child shall not receive *temporary cash* assistance if a parent is subsequently released and reunited with the child; or

5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

(3) A child born subject to this section shall be considered a ~~temporary assistance~~ recipient *of temporary cash assistance* for all purposes, including Medicaid eligibility.

(4) For the first child born to a recipient under subsection (1), the department shall provide temporary *cash* assistance equal to 50 percent of the maximum allowable amount for an individual. This provision *does* ~~shall~~ not apply to a child who is born into a family that does not include other children.

(5) For a second or subsequent child born to a recipient under subsection (1), the department shall provide no additional temporary *cash* assistance.

Section 12. Section 414.122, Florida Statutes, 1996 Supplement, is amended to read:

414.122 Withholding of payments based on evidence of fraud.—The department shall withhold payment from a ~~financial assistance~~ recipient *of temporary cash assistance* when, after redetermination of eligibility or at any other time, the department obtains evidence that may indicate fraud on the part of the recipient. When evidence of such fraud is obtained, the recipient shall be notified~~, by a statement accompanying the recipient's next financial assistance payment,~~ that because of such evidence of fraud the following payment will be withheld unless the recipient meets with a *representative of the department* ~~financial assistance program supervisor~~ by a specified date, which *must* ~~shall~~ be within 10 days after the date of the notice, to discuss and resolve the matter. The department shall make every effort to resolve the matter within a timeframe that will not cause payment to be withheld from an eligible ~~financial assistance~~ recipient *of temporary cash assistance.*

Section 13. Section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary *cash* assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The temporary *cash* assistance must be reinstituted after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

~~(b) The teen has a child under 6 months of age.~~

(b)~~(c)~~ No licensed day care is available for a child of teen parents subject to Learnfare.

(c)~~(d)~~ Prohibitive transportation problems exist (e.g., to and from day care).

(d)~~(e)~~ The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 ~~Fifteen~~ days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each *participant* ~~recipient~~ with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to assure that the *participant* ~~recipient~~ is involved in the child's educational progress and is aware of any existing attendance or academic problems. *A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).*

Section 14. Subsections (1), (3), (4), (5), and (6) of section 414.15, Florida Statutes, 1996 Supplement, are amended to read:

414.15 Diversion.—

(1) A segment of applicants do not need ongoing *temporary cash* ~~financial~~ assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance in meeting a financial obligation while they are securing employment or child support. These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other assistance which will alleviate the applicant's emergency financial need and allow the person to focus on obtaining or continuing employment.

(3) *Before finding an applicant family* ~~To be~~ eligible for up-front diversion funds, *the department must determine that* all requirements of eligibility *would likely* ~~shall~~ be met.

(4) The department shall screen each applicant family on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the family from receiving *temporary cash* assistance on a regular basis. Assistance to overcome a barrier to employment is not limited to cash, but may include vouchers or other in-kind benefits.

(5) The diversion payment shall be limited to an amount not to exceed 2 months' *temporary cash* assistance, based on family size.

(6) The family receiving up-front diversion *must* ~~shall~~ sign an agreement restricting the family from applying for temporary *cash* assistance for 3 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for *temporary cash* assistance with in 3 months after receiving a diversion payment, the diversion payment shall be prorated over the 2-month period and subtracted from any regular ~~assistance~~ payment *of temporary cash assistance* for which the applicant may be eligible.

Section 15. Paragraph (a) of subsection (4) of section 414.16, Florida Statutes, 1996 Supplement, is amended to read:

414.16 Emergency assistance program.—

(4) RENTAL SECURITY DEPOSIT ASSISTANCE.—

(a) The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance provided under paragraph *(3)(d)* ~~(2)(d)~~. Assistance shall be in the form of direct payment of security deposits to landlords of families eligible for emergency assistance. When the family vacates the rental unit, the landlord shall refund to the department the amount of the deposit remaining after subtracting any amount retained for damages pursuant to the lease. The family shall repay to the department the cost of any damages assessed which exceed normal wear and tear. The total amount owed to the department shall be prorated and subtracted from any temporary *cash* assistance for which the family may be eligible.

Section 16. Subsection (1) of section 414.175, Florida Statutes, 1996 Supplement, is amended to read:

414.175 Review of existing waivers.—

(1) The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall review existing waivers granted to the department by the Federal Government and determine if such waivers continue to be necessary based on the flexibility granted to states by federal law. If *it is determined* ~~the department determines~~ that termination of the waivers would reduce or eliminate potential federal cost neutrality liability, the department may take action in accordance with federal requirements. In taking such action, the department may continue research initiated in conjunction with such waivers if the department determines that continuation will provide program findings that will be useful in assessing future welfare reform alternatives.

Section 17. Section 414.20, Florida Statutes, 1996 Supplement, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department *and the Department of Labor and Employment Security* may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary *cash* assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.

(2) ANCILLARY EXPENSES.—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid ~~assistance~~ shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department *and the Department of Labor and Employment Security* shall use services that are available in the community at no additional cost. If these services are not available, the department *and the Department of Labor and Employment Security* may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 18. Section 414.21, Florida Statutes, 1996 Supplement, is amended to read:

414.21 Transitional medical benefits.—

(1) A family that loses its temporary *cash* ~~family~~ assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

(a) The family shall be denied Medicaid during the 12-month period for any month in which the family does not include a dependent child.

(b) The family shall be denied Medicaid if*, during the second 6 months of the 12-month period,* the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The family shall be informed of transitional Medicaid when the family is notified of the termination of temporary *cash* assistance. The notice must include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 19. Section 414.22, Florida Statutes, 1996 Supplement, is amended to read:

414.22 Transitional education and training.—In order to assist current and former participants in continuing their training and upgrading their skills, education, or training, support services may be provided to a participant for up to 2 years after the participant is no longer eligible to participate in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the Department *of Labor and Employment Security* may limit or otherwise prioritize transitional education and training.

(1) Education or training resources available in the community at no additional cost to the Department *of Labor and Employment Security* shall be used whenever possible.

(2) The Department *of Labor and Employment Security* may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is employed full time may receive subsidized child care ~~assistance~~ related to that employment and may also receive additional subsidized child care ~~assistance~~ in conjunction with training to upgrade the participant's skills.

(3) Transitional education or training must be job-related, but may include training to improve job skills in a participant's existing area of employment or may include training to prepare a participant for employment in another occupation.

(4) The Department *of Labor and Employment Security* may enter into an agreement with an employer to share the costs relating to upgrading the skills of participants hired by the employer. For example, the department may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 20. Section 414.23, Florida Statutes, 1996 Supplement, is amended to read:

414.23 Evaluation.—The department *and the Department of Labor and Employment Security* shall arrange for evaluation of programs operated under this chapter, as follows:

(1) If required by federal waivers or other federal requirements, the department *and the Department of Labor and Employment Security* may provide for evaluation according to these requirements.

(2) The department *and the Department of Labor and Employment Security* shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost-effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

(3) The department *and the Department of Labor and Employment Security* may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department *and the Department of Labor and Employment Security* may initiate or participate in additional evaluation or assessment activities that will further the systematic study of issues related to program goals and outcomes.

(5) In providing for evaluation activities, the department *and the Department of Labor and Employment Security* shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department *and the Department of Labor and Employment Security* may use evaluation methodologies that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

(6) The department *and the Department of Labor and Employment Security* may contract with a qualified organization for evaluations conducted under this section.

(7) Evaluations described in this section are exempt from the provisions of s. 402.105.

Section 21. Section 414.24, Florida Statutes, 1996 Supplement, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department *and the Department of Labor and Employment Security* shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, *the Department of Labor and Employment Security,* other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 22. Section 414.25, Florida Statutes, 1996 Supplement, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *are* ~~is~~ exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 1998.

Section 23. Section 414.27, Florida Statutes, 1996 Supplement, is amended to read:

414.27 *Temporary cash* ~~Public~~ assistance; payment on death.—

(1) Upon the death of any person receiving *temporary cash* ~~public~~ assistance through the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, all *temporary cash* ~~public assistance~~ accrued to such person from the date of last payment to *the* date of death shall be paid to the person who shall have been designated by him on a form prescribed by the department and filed with the department during the lifetime of the person making such designation. *If* ~~In the event~~ no designation is made, or the person so designated is no longer living or cannot be found, then payment shall be made to such person as may be designated by the circuit judge of the county where the ~~public assistance~~ recipient *of temporary cash assistance* resided. Designation by the circuit judge may be made on a form provided by the department or by letter or memorandum to the Comptroller. No filing or recording of the designation shall be required, and the circuit judge shall receive no compensation for such service. If a warrant has not been issued and forwarded prior to notice by the department of the recipient's death, upon notice thereof, the department shall promptly requisition the Comptroller to issue a warrant in the amount of the accrued *temporary cash* assistance payable to the person designated to receive it and shall attach to the requisition the original designation of the deceased recipient, or if none, the designation made by the circuit judge, as well as a notice of death. The Comptroller shall issue a warrant in the amount payable.

(2) If a warrant has been issued and not cashed by the recipient payee prior to his death, such warrant shall be promptly returned to the department, together with notice of the death of the recipient. The original warrant shall be endorsed on the back by an authorized employee of the department. The endorsement *must* ~~shall~~ be on a form prescribed by the department and approved by the Comptroller which *must* ~~shall~~ contain the name of the deceased recipient, a statement of his death, and the date thereof and state that it is payable to the order of the designated beneficiary, without recourse. The form shall be signed by the authorized employee or employees of the department, and thereupon such warrant shall be payable to the designated beneficiary as fully and completely as if made payable to him when issued. The department shall furnish to the Comptroller each month a list of such deceased recipients, the designated beneficiaries or persons to whom such warrants are endorsed, and a description of such warrants as herein provided. The department shall cause all persons receiving *temporary cash* ~~public~~ assistance to make the designations as soon as conveniently may be, and shall preserve such designations in a safe place for use.

Section 24. Subsections (8) and (10) of section 414.28, Florida Statutes, 1996 Supplement, are amended to read:

414.28 Public assistance payments to constitute debt of recipient.—

(8) DISPOSITION OF FUNDS RECOVERED.—All funds collected under this section shall be deposited with the Department of Banking and Finance and a report of such deposit made to the department ~~of Health and Rehabilitative Services~~. After payment of costs the sums so collected shall be credited to the department ~~of Health and Rehabilitative Services~~ and used by it.

(10) PUBLIC ASSISTANCE.—For the purposes of this section, the term "public assistance" includes all money payments made to or on behalf of a recipient, including, but not limited to, *temporary cash* assistance received under this chapter, the Medicaid program, and mandatory and optional supplement payments under the Social Security Act.

Section 25. Section 414.29, Florida Statutes, 1996 Supplement, is amended to read:

414.29 *Lists of recipients of temporary cash* ~~Public~~ assistance ~~rolls~~ open.—

(1) The lists of names of all persons who have received ~~public assistance~~ payments *of temporary cash assistance* and the amounts of such payments are a matter of public record. They are available for inspection, subject to the limitations specified in subsection (2), at the local offices in the counties wherein the recipients of such payments reside.

(2)(a) It is unlawful for any person, for himself, or for any other person, body, association, firm, corporation, group, or agency, to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of, any of the lists or parts of such lists of names of ~~public assistance~~ recipients *of temporary cash assistance* ~~herein required to be filed~~ for commercial or political purposes of any nature.

(b) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Paragraph (a) of subsection (1) and subsection (3) of section 414.32, Florida Statutes, 1996 Supplement, are amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary *cash* assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate in establishing the paternity of the child.

(3) REDUCTION OR DENIAL OF TEMPORARY *CASH* ASSISTANCE ~~BENEFITS~~.—The food stamp allotment shall be reduced or terminated as otherwise provided in this chapter if *temporary cash* assistance under the WAGES Program is reduced or denied because an individual in the family fails to perform an action required under the program.

Section 27. Subsection (3) of section 414.35, Florida Statutes, 1996 Supplement, is amended to read:

414.35 Emergency relief.—

(3) In administering emergency food stamp and *other emergency* assistance programs, the department shall cooperate fully with the United States Government and with other departments, instrumentalities, and agencies of this state.

Section 28. Section 414.36, Florida Statutes, 1996 Supplement, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(1) The department ~~of Health and Rehabilitative Services~~ shall develop and implement a plan for the statewide privatization of activities relating to the recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of temporary *cash* assistance under the WAGES Program, food stamps, and aid to families with dependent children.

(2) For purposes of privatization of public assistance overpayment recovery, the department shall enter into contracts consistent with federal law with for-profit corporations, not-for-profit corporations, or other entities capable of providing the ~~benefit recovery~~ services *for recovering public assistance* required under this section. The department shall issue requests for proposals, enter into a competitive bidding process, and negotiate contracts for such services. Contracts for such services may be funded on a contingency fee basis, per fiscal year, based on a percentage of the state-retained share of collections, for *claims for* food *stamps,* ~~stamp and~~ aid to families with dependent children*, and temporary cash assistance* ~~claims~~. This section does not prohibit districts from entering into contracts to carry out the provisions of this section, if that is a cost-effective use of resources.

(3) The Economic *Self-sufficiency* ~~Services~~ Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 29. Subsections (1) and (9), paragraphs (a), (c), (d), and (e) of subsection (10), and subsections (11) and (12) of section 414.38, Florida Statutes, 1996 Supplement, are amended to read:

414.38 Pilot work experience and job training for noncustodial parents program.—

(1) There is established in two judicial circuits a work experience and job training pilot program for noncustodial parents, of which one circuit must be in a circuit with a mandatory family transition program in operation. The program shall be administered by the department ~~of Health and Rehabilitative Services~~.

(9) The department ~~of Health and Rehabilitative Services~~ shall contract with a private service provider for job training, placement, and support services. The department ~~of Health and Rehabilitative Services~~ shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from interested service providers. Each interested service provider seeking a pilot program pursuant to this section must be able to demonstrate:

(a) Experience in executing large-scale social experiments;

(b) Experience in doing research involving waivers of federal AFDC, JOBS, and child support enforcement policies;

(c) An understanding of the demographics and experiences of economically disadvantaged noncustodial parents; and

(d) Experience in working directly with state programs designed to assist disadvantaged noncustodial parents.

(10)(a) The department ~~of Health and Rehabilitative Services~~, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall conduct, or shall contract with one or more entities to conduct, a comprehensive evaluation of the program or programs funded through this section. An initial phase of such evaluation must be designed to monitor the extent to which the local work experience and job training pilot program is being implemented and to make recommendations on how best to expand the local work experience and job training pilot program to other sites, including validation of estimated program costs and savings related to factors such as support services, child support paid, job training and placement, peer support components, staffing ratios, and service integration. The initial phase of the evaluation must provide information on the preliminary outcomes of the program, including rates of job placement and job retention and participant salary levels. The department ~~of Health and Rehabilitative Services~~ shall report results of the initial evaluation within 18 months after the demonstration projects begin.

(c) In order to provide evaluation findings with the highest feasible level of scientific validity, the department ~~of Health and Rehabilitative Services~~ may contract for an evaluation design that includes random assignment of program participants to program groups and control groups. Under such design, members of control groups must be given the level of job training and placement services generally available to noncustodial parents who are not included in the local work experience and job training pilot program areas. The provisions of s. 402.105 or similar provisions of federal or state law do not apply under this section.

~~(d) If the secretary determines that procurement procedures for the evaluation will delay the application or approval of any required federal waivers or would otherwise delay initial implementation of local work experience and job training pilot program beyond January 1, 1996, the secretary may proceed with such procurement, notwithstanding any provisions of chapter 287. However, the professional standards of any contractor selected must be consistent with the provisions of this section, and the amount of the contract must not exceed the funds provided for this purpose.~~

(d)~~(e)~~ A copy of the evaluation report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees of the Legislature by June 30, 1999.

~~(11) The Department of Health and Rehabilitative Services shall obtain the necessary waivers from the United States Department of Health and Human Services in order to implement this section.~~

(11)~~(12)~~ The department ~~of Health and Rehabilitative Services~~, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall adopt rules to implement this section.

Section 30. Subsections (1), (3), (4), (5), (6), (7), (8), (9), and (10) of section 414.39, Florida Statutes, 1996 Supplement, are amended to read:

414.39 Fraud.—

(1) Any person who knowingly:

(a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive *public assistance* ~~aid or benefits~~ under any state or federally funded assistance program;~~, or~~

(b) Fails to disclose a change in circumstances in order to obtain or continue to receive ~~under~~ any such *public assistance* ~~program aid or benefits~~ to which he is not entitled or in an amount larger than that to which he is entitled*; or*~~,~~

(c) ~~or who knowingly~~ Aids and abets another person in the commission of any such act,

is guilty of a crime and shall be punished as provided in subsection (5).

(3) Any person having duties in the administration of a state or federally funded *public* assistance program or in the distribution of *public assistance* ~~benefits~~, or authorizations or identifications to obtain *public assistance* ~~benefits~~, under a state or federally funded *public* assistance program and who:

(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or *public* assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity;~~,~~ or

(b) Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food stamps or for any form of food stamp benefits authorization,

is guilty of a crime and shall be punished as provided in subsection (5).

(4) Any person who:

(a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of *public assistance* ~~benefits~~ under any state or federally funded *public* assistance program for services *that* ~~which~~ were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of *public assistance* ~~benefits~~ under such a program, or his family, for an amount in excess of that provided for by law or regulation;~~, or~~

(b) Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources;~~,~~ or

(c) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other *unauthorized public assistance* ~~benefit~~ or authorization or identification to obtain *public assistance* ~~benefits~~ as provided herein,

is guilty of a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the *public* assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of $200 in any 12 consecutive months, such person *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the value of the *public* assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of $200 or more in any 12 consecutive months, such person *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) As used in this subsection, the value of a food stamp authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.

(d) As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets.

(6) Any person providing service for which compensation is paid under any state or federally funded *public* assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly, from ~~either~~ a recipient of *public* assistance from such *public* assistance program, or from the family of such a recipient, shall notify the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Repayment of *public* assistance *benefits* or services or return of authorization or identification wrongfully obtained *is* ~~shall~~ not ~~constitute~~ a defense to, or ground for dismissal of, criminal charges brought under this section.

(8)(a) The introduction into evidence of a paid state warrant made to the order of the defendant *is* ~~shall be~~ prima facie evidence that the defendant did receive *public* assistance from the state.

(b) The introduction into evidence of a transaction history generated by a Personal Identification Number (PIN) establishing a purchase or withdrawal by electronic benefit transfer is prima facie evidence that the identified recipient received *public* assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the department ~~of Health and Rehabilitative Services~~ and the Agency for Health Care Administration are available for examination by the Division of Public Assistance Fraud of the office of the Auditor General pursuant to s. 11.50 and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. 90.803(6).

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food stamps, Medicaid, and *temporary cash assistance under* the WAGES Program, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 31. Paragraph (d) of subsection (2) of section 414.40, Florida Statutes, 1996 Supplement, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(2) The division is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the Department of Labor and Employment Security, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

Section 32. Subsections (1), (2), (4), and (5) of section 414.41, Florida Statutes, 1996 Supplement, are amended to read:

414.41 Recovery of payments made due to mistake or fraud.—

(1) Whenever it becomes apparent that any person or provider has received any *public* assistance ~~or benefits~~ under this chapter to which he is not entitled, through either simple mistake or fraud *on the part of the department or on the part of the recipient or participant*, the department shall take all necessary steps to recover the overpayment. *Recovery may include Federal Income Tax Refund Offset Program collections activities in conjunction with Food and Consumer Service and the Internal Revenue Service to intercept income tax refunds due to clients who owe food stamp or WAGES debt to the state. The department will follow the guidelines in accordance with federal rules and regulations and consistent with the Food Stamp Program*. The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the *computation and* recovery of such overpayments.

(a) The department will consider an individual who has willfully provided false information or omitted information to become or remain eligible for temporary cash assistance to have committed an intentional program violation.

(b) When the intentional program violation or case facts do not warrant criminal prosecution for fraud as defined in s. 414.39, the department will initiate an administrative disqualification hearing. The administrative disqualification hearing will be initiated regardless of the individual's current eligibility.

(c) Upon a finding through the administrative disqualification hearing process that the individual did commit an intentional program violation, the department will impose a disqualification period consistent with those established for food stamp program purposes.

(2) The department shall determine if recovery of an overpayment as a result of department error regarding *temporary cash* assistance provided under the WAGES Program or benefits provided to a recipient of aid to families with dependent children would create extreme hardship. The department shall provide by rule the circumstances that constitute an extreme hardship. The department may reduce the amount of repayment if a recipient or participant demonstrates to the satisfaction of the department that repayment of the entire overpayment would result in extreme hardship, but the department may not excuse repayment. A determination of extreme hardship is not grounds for a waiver of repayment in whole or in part.

(4) When the *Agency for Health Care Administration* ~~department~~ has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the *agency* ~~department~~, after notice to the provider, may:

(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:

1. Makes repayment in full; or

2. Establishes a repayment plan that is satisfactory to the *Agency for Health Care Administration* ~~department~~.

(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.

If ~~Should~~ a provider *requests* ~~request~~ an administrative hearing pursuant to chapter 120, such hearing *must* ~~shall~~ be conducted within 90 days following receipt by the provider of the final audit report, absent exceptionally good cause shown as determined by the administrative law judge or hearing officer. Upon issuance of a final order, the balance outstanding of the amount determined to constitute the overpayment shall become due. Any withholding of payments by the *Agency for Health Care Administration* ~~department~~ pursuant to this section shall be limited so that the monthly medical assistance payment is not reduced by more than 10 percent.

(5) In all final agency actions and orders issued by administrative law judges or hearing officers that relate to recovery of medical assistance overpayments made due to a mistake of the provider or fraud, the *Agency for Health Care Administration* ~~department~~ shall make a motion to impose an interest penalty at 10 percent per year from the date of final agency action or order by an administrative law judge or a hearing officer until the overpayment is recovered by the *Agency for Health Care Administration* ~~department~~. When the administrative law judge's or hearing officer's decision is that an overpayment was not made in an amount as great as identified by the *Agency for Health Care Administration* ~~department~~, any collections made by the *agency* ~~department~~ pursuant to subsection (4) shall be reimbursed within 60 days to the provider by the *agency* ~~department~~ with interest at 10 percent per year.

Section 33. Section 414.42, Florida Statutes, 1996 Supplement, is amended to read:

414.42 Cause for employee dismissal.—It is cause for dismissal of an employee of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services if the employee knowingly and willfully allows an ineligible person to obtain public assistance.

Section 34. Subsection (1) of section 414.43, Florida Statutes, 1996 Supplement, is amended to read:

414.43 Special needs allowance for families with a disabled family member.—

(1) The department shall establish a special needs allowance which shall be deducted from the calculation of family income in determining the net monthly income for the family in the case of families as described in this section. *The department shall also establish by rule a special needs allowance which shall apply to families with unusually high out-of-pocket expenses related to the disability of a family member. Families with unusually high out-of-pocket expenses related to the disability of a family member may receive a total monthly payment in excess of the payment standard as specified in s. 414.095(11). An additional special needs allowance for families with unusually high out-of-pocket expenses related to the disability of a family member shall be provided subject to the following restrictions:*

(a) Families must have out-of-pocket disability-related expenses which exceed 125 percent of the maximum supplemental security income grant for an individual; and

(b) Not more than 10 percent of the families eligible for the special needs allowance described in this section may be eligible for the additional special needs allowance for families with unusually high out-of-pocket expenses.

Section 35. Section 414.44, Florida Statutes, 1996 Supplement, is amended to read:

414.44 Data collection and reporting.—The department *and the Department of Labor and Employment Security* shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.

Section 36. Section 414.45, Florida Statutes, 1996 Supplement, is amended to read:

414.45 Rulemaking.—The department may adopt, *amend, or repeal* rules, *as provided in chapter 120, to implement, enforce, and interpret* ~~to administer the programs provided for in~~ this chapter. The Department *of Labor and Employment Security may adopt, amend, or repeal rules, as provided in chapter 120, to implement, enforce, and interpret this chapter. The* ~~shall adopt~~ rules *must* ~~that~~ provide protection against discrimination and the opportunity for a participant to request a review by a supervisor or administrator of any decision made by a panel or board of the department, *the Department of Labor and Employment Security,* or the WAGES Program.

Section 37. Section 414.55, Florida Statutes, 1996 Supplement, is amended to read:

414.55 Implementation of *ss. 414.015-414.55* ~~ch. 96-175~~.—Following the effective date of *ss. 414.015-414.55* ~~this act~~:

(1)(a) The Governor may delay implementation of *ss. 414.015-414.55* ~~this act~~ in order to provide the department, *the Department of Labor and Employment Security, the Department of Revenue, and the Department of Health* with the time necessary to prepare to implement new programs.

(b) The Governor may also delay implementation of portions of *ss. 414.015-414.55* ~~this act,~~ in order to allow savings resulting from the *enactment of ss. 414.015-414.55* ~~act~~ to pay for provisions implemented later. If the Governor determines that portions of *ss. 414.015-414.55* ~~this act~~ should be delayed, the priority in implementing *ss. 414.015-414.55* ~~this act~~ shall be, in order of priority:

1. Provisions that provide savings in the first year of implementation.

2. Provisions necessary to the implementation of work activity requirements, time limits, and sanctions.

3. Provisions related to removing marriage penalties and expanding *temporary cash assistance* ~~benefits~~ to stepparent and two-parent families.

4. Provisions related to the reduction of teen pregnancy and out-of-wedlock births.

5. Other provisions.

(2) The programs affected by *ss. 414.015-414.55* ~~this act~~ shall continue to operate under the provisions of law that would be in effect in the absence of *ss. 414.015-414.55* ~~this act~~, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his intention to implement provisions of *ss. 414.015-414.55* ~~this act~~. Notice of intent to implement *ss. 414.015-414.55* ~~provisions of this act~~ shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.

(3) Any changes to a program, activity, or function taken pursuant to this *section* ~~subsection~~ shall be considered a type two transfer pursuant to the provisions of s. 20.06(2).

(4) In implementing ss. 414.015-414.55, the Governor shall minimize the liability of the state by opting out of the special provision related to community work, as described in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by P.L. 104-193. The department and the Department of Labor and Employment Security shall implement the community work program in accordance with ss. 414.015-414.55.

Section 38. *Eligibility for assistance for individuals assigned to the ongoing welfare reform evaluation in Escambia County shall be determined in accordance with the terms and conditions of the evaluation agreement between the Department of Children and Family Services and*

the United States Department of Health and Human Services. The evaluation agreement may continue in effect regardless of the status of federal waivers, and the terms and conditions of the evaluation may be modified, as determined by the Department of Children and Family Services, to accomplish the goals of the evaluation.

Section 39. Subsection (3) of section 402.313, Florida Statutes, 1996 Supplement, is amended, and subsection (10) is added to that section, to read:

402.313 Family day care homes.—

(3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. *402.305(2)* ~~402.305(1)~~ and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator's family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, maintenance of immunization records, minimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Section 40. Subsection (7) of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) "Public assistance" means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary *cash* assistance paid under the WAGES Program.

Section 41. Subsection (3) of section 409.2572, Florida Statutes, 1996 Supplement, is amended to read:

409.2572 Cooperation.—

(3) The Title IV-D staff of the department shall be responsible for determining and reporting to the Title IV-A staff of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services acts of noncooperation by applicants or recipients of cash or medical assistance. Any person who applies for or is receiving public assistance for, or who has the care, custody, or control of, a dependent child and who without good cause fails or refuses to cooperate with the department, a program attorney, or a prosecuting attorney in the course of administering this chapter shall be sanctioned by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services *pursuant to chapter 414* and is ineligible to receive public assistance until such time as the department determines cooperation has been satisfactory. ~~The imposition of sanctions by the Department of Health and Rehabilitative Services shall result in the removal of the financial needs of the applicant or recipient from the public assistance grant. Sanctions shall remain imposed until the Department of Revenue determines that the applicant or recipient has cooperated sufficiently to enable it to be able to take the next necessary action to locate the alleged father or noncustodial parent, to establish paternity or support, or to enforce or modify an existing support obligation. The Department of Health and Rehabilitative Services shall appoint a protective payee to receive the public assistance grant for the dependent child and to use it to purchase the necessities required by the dependent child. The protective payee shall maintain written records of the public assistance receipts and disbursements for review by the department.~~

Section 42. *The Department of Children and Family Services shall conduct a study of the issues related to kinship care and submit recommendations to the Speaker of the House of Representatives, the President of the Senate, and the chairs of the relevant substantive committees by January 1, 1998. Issues addressed in this study shall include, but not necessarily be limited to:*

(1) The adequacy of financial support and other supports provided to grandparents and other caretaker relatives who are raising children and receiving cash assistance through the WAGES Program.

(2) The impact of WAGES Program policies on families and the extent to which such policies best meet the needs of families.

(3) The extent to which grandparents or other caretaker relatives should be provided cash assistance or services through the WAGES Program or through programs providing assistance to families providing substitute care for children who are at risk of abuse or neglect.

(4) The extent to which the needs of grandparents or other caretaker relatives should be addressed through the creation of a program other than the WAGES Program, and the extent to which WAGES requirements should be met as part of such other program.

In studying the issues and formulating the recommendations required by this section, the department shall invite the participation of organizations and individuals with expertise and interest in issues related to kinship care.

Section 43. *Section 112 of chapter 96-175, Laws of Florida, is repealed.*

Section 44. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying maximum work hours in community service activities; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; providing protections for participants; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; providing that benefits are not denied to individuals convicted of controlled substance felonies; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; providing a time limit for appeal; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transi-

tional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending s. 414.43, F.S.; providing for a special needs allowance for high-cost disabilities; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term "public assistance" to conform; amending s. 409.2572, F.S.; conforming terminology to reflect the creation of the Department of Children and Family Services; making language concerning sanctions consistent with ch. 414, F.S.; providing for a study of kinship care; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

House Amendment 3 (with title amendment)—On page 9, line 5 through page 10, line 2, remove from the bill all of said lines and insert in lieu thereof: the state average. *Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.*

And the title is amended as follows:

On page 1, lines 26-31, remove from the title of the bill all of said lines and insert in lieu thereof: coalition members; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; providing immunity from liability for

On motion by Senator Rossin, the Senate concurred in the House amendments.

CS for CS for SB's 566 and 626 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Grant	Kirkpatrick	Ostalkiewicz
Cowin	Gutman	Klein	Rossin
Crist	Hargrett	Kurth	Scott
Dantzler	Harris	Latvala	Silver
Diaz-Balart	Holzendorf	Lee	Sullivan
Dudley	Horne	McKay	Thomas
Dyer	Jenne	Meadows	Turner
Forman	Jones	Myers	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) and concurred in same as amended, and passed HB 1357 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1357—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S, relating to regulation of tanning facilities; amending s. 404.056, F.S.; providing penalties

for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; providing for the transfer of funds to support the local health councils; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising requirements for registration of septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, and 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.; consolidating provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing for fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 13, line 29 through page 15, line 23, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Present paragraphs (h)-(l) of subsection (1) of section 20.43, Florida Statutes, 1996 Supplement, are redesignated as paragraphs (i)-(m), respectively, and a new paragraph (h) is added to that subsection; paragraph (d) of subsection (3) of that section is amended, present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (f) is added to that subsection; and subsection (6) is added to that section, to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter 415.

(3) The following divisions of the Department of Health are established:

(d) Division of Family *Health* Services.

(f) Division of Local Health Planning, Education, and Workforce Development.

(g)~~(f) Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

23. Medical physicists, as provided under part V of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department *may* ~~shall~~ contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

(6) To protect and improve the public health, the department may use state or federal funds to:

(a) Provide incentives, including food coupons or payment for travel expenses, for encouraging disease prevention and patient compliance with medical treatment, such as tuberculosis therapy.

(b) Plan and conduct health education campaigns for the purpose of protecting or improving public health. The department may purchase promotional items and advertising, such as space on billboards or in publications or radio or television time, for health information and promotional messages that recognize that the following behaviors, among others, are detrimental to public health: unprotected sexual intercourse, other than with one's spouse; cigarette smoking; alcohol consumption or other substance abuse during pregnancy; alcohol abuse or other substance abuse; lack of exercise and poor diet and nutrition habits; and failure to recognize and address a genetic tendency to suffer from sickle-cell anemia, diabetes, high blood pressure, cardiovascular disease, or cancer. For purposes of activities under this paragraph, the Department of Health may establish requirements for local matching funds or in-kind contributions to create and distribute advertisements, in either print or electronic format, which are concerned with each of the targeted behaviors, establish an independent evaluation and feedback system for the public health communication campaign, and monitor and evaluate the efforts to determine which of the techniques and methodologies are most effective.

(c) Plan and conduct promotional campaigns to recruit health professionals to be employed by the department or to recruit participants in departmental programs for health practitioners, such as scholarship, loan repayment, or volunteer programs. To this effect the department may purchase promotional items and advertising.

Section 2. Section 11 of chapter 96-403, Laws of Florida, is amended to read:

Section 11. Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, *but not including personnel, property, and unexpended balances of appropriations related to consumer complaints, investigative and prosecutorial services,* ~~including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration,~~ is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 250, line 2, of the amendment after "division;" insert: providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health; amending s. 11 of chapter 96-403, Laws of Florida, providing for the transfer of the functions for complaints, investigations, and prosecutions to the Department of Health;

On motion by Senator Brown-Waite, the Senate concurred in the House amendment to the Senate amendment.

HB 1357 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1366, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1366—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; providing for the erection of markers; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 9 through page 2, line 2, remove from the bill all of said lines and insert in lieu thereof:

WHEREAS, Daniel Carl "Danny" Wuerffel a resident of Destin in Okalossa County is an honor graduate of Fort Walton Beach High School and the recipient of academic honors including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings earned honors on the field including selection as the 1991 USA Today Florida Player of the Year, and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel, became one of the most honored football players ever to attend the University of Florida, and the holder of 32 school, 12 SEC and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard", and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) That portion of State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin is designated "Danny Wuerffel Way."

(2) That portion of State Highway 85 in Okaloosa County commencing at the southern end of the Shoal River Bridge and extending south to the city limits of Niceville is designated the "Robert L.F. Sikes Boulevard."

Section 2. The Department of Transportation is directed to erect suitable markers bearing the designations made by this act.

Section 3. The Secretary of the Senate and the Clerk of the House are directed to prepare for presentation by the local legislature delegation to the Honorees named herein official copies of this act

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, lines 6 and 7, remove from the title of the bill all of said lines and insert in lieu thereof: Wuerffel Way"; designating a portion of State Highway 85 in Okaloosa County as the "Robert L.F. Sikes Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 3, lines 15 and 30, remove from the amendment "Boulevard" and insert in lieu thereof: Parkway

And the title is amended as follows:

On page 4, line 21, of the amendment remove "Boulevard" and insert in lieu thereof: Parkway

House Amendment 2 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *(1) That portion of State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin is designated "Danny Wuerffel Way."*

(2) That portion of State Highway 85 in Okaloosa County commencing at the southern end of the Shoal River Bridge and extending south to the city limits of Niceville is designated the "Robert L.F. Sikes Boulevard."

Section 2. *The Department of Transportation is directed to erect suitable markers bearing the designations made by this act.*

Section 3. *The Secretary of the Senate and the Clerk of the House are directed to prepare for presentation by the local legislature delegation to the Honorees named herein official copies of this act.*

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as "Danny Wuerffel Way"; designating a portion of State Highway 85 in Okaloosa County as the "Robert L.F. Sikes Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Daniel Carl "Danny" Wuerffel, a resident of Destin in Okalossa County, is an honor graduate of Fort Walton Beach High School and the recipient of academic honors, including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS, Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings, earned honors on the field, including selection as the 1991 USA Today Florida Player of the Year and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors

including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy, which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel became one of the most honored football players ever to attend the University of Florida and the holder of 32 school, 12 SEC, and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard," and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, NOW, THEREFORE,

House Amendment 1 (with title amendment) to House Amendment 2 (with title amendment)—On page 2, line 1, insert:

Section 4. *Martin Luther King, Jr., Bridge designated; Department of Transportation to erect suitable markers.—*

(1) The State Road 44/U.S. overpass bridge in New Smyrna Beach is hereby designated as the "Martin Luther King, Jr., Bridge."

(2) The Department of Transportation shall erect suitable markers designating the "Martin Luther King, Jr., Bridge" as described in subsection (1) in the following manner:

(a) One sign shall be located on the southwest side of the bridge.

(b) One sign shall be located on the northeast side of the bridge.

(c) Two signs shall be located on the outside facing of the bridge on the south and north sides of the bridge in such a manner as to provide visibility for the northbound and southbound lanes of U.S. 1.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 2, line 16, of the amendment after the semicolon (;) insert: designating an overpass bridge in New Smyrna Beach as the "Martin Luther King, Jr., Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

WHEREAS, Daniel Carl "Danny" Wuerffel, a resident of Destin in Okalossa County, is an honor graduate of Fort Walton Beach High School and the recipient of academic honors, including, in recognition of his 4.5 GPA, being made a member of the National Honor Society, and

WHEREAS, Danny Wuerffel, while playing quarterback at Fort Walton Beach High School, led their Viking Football Team to a State Championship in 1991 with a perfect 14-0 record, and

WHEREAS, Danny Wuerffel, as a member of the Fort Walton Beach High School Vikings, earned honors on the field, including selection as the 1991 USA Today Florida Player of the Year and selection as a member of the First Team All State, and

WHEREAS, Danny Wuerffel attended and graduated with honors from the University of Florida, and was the recipient of academic honors including a 3.68 GPA, multiple inductions into the College Football Association Scholar-Athlete Team, and the award of the prestigious Draddy Scholarship Trophy, which goes each year to the nation's Number 1 Football Scholar-Athlete, and

WHEREAS, Danny Wuerffel, while compiling a distinguished academic record, led the University of Florida Gator Football Team to four SEC Championships and to the 1996 National Championship, and

WHEREAS, Danny Wuerffel became one of the most honored football players ever to attend the University of Florida and the holder of 32 school, 12 SEC, and 4 NCAA records, and

WHEREAS, Danny Wuerffel was twice nominated and once selected as the recipient of the Heisman Trophy, the premier honor accorded any collegiate football player in the nation, and

WHEREAS, it is both fitting and proper for the Florida Legislature to express its admiration and approval of a record as distinguished in both academics and athletics as that of Danny Wuerffel, and

WHEREAS, the admiration of this Legislature is made all the more profound by the exemplary manner in which Danny Wuerffel conducts himself as an individual of high moral and intellectual integrity, and

WHEREAS, Danny Wuerffel serves as a spiritual inspiration and role model to the youth of our nation, and

WHEREAS, State Road 293, currently Mid-Bay Bridge Road, runs right in front of the new middle school and can serve as an inspiration to the students attending, if named after Danny Wuerffel, and

WHEREAS, as Danny Wuerffel was compiling a personal and athletic record of unmatched distinction, Okaloosa County saw the passing of another alumnus of the University of Florida who left his own distinctive mark, the "He Coon" Congressman Robert Lee Fulton "Bob" Sikes of Crestview, and

WHEREAS, former Congressman Bob Sikes was highly instrumental in the development of transportation corridors within Okaloosa County to include State Highway 85, and

WHEREAS, Eglin Air Force Base Reservation land borders both sides of State Highway 85 from Shoal River to Niceville, and

WHEREAS, the Southern portion of State Highway 85 has already been designated the "Robert L.F. Sikes Boulevard," and

WHEREAS, the designation of portions of vital roadways enhances communications during times of emergency like that seen in Okaloosa County at the approach of Hurricane Opal in 1995, and

WHEREAS, Martin Luther King, Jr., served the people of the United States by leading the fight for racial equality and justice, and

WHEREAS, the loss of this great leader was mourned by all Americans regardless of race, and

WHEREAS, it is fitting and appropriate that the Legislature of the State of Florida honor the memory of Martin Luther King, Jr., NOW, THEREFORE,

On motion by Senator Clary, the Senate concurred in the House amendments.

CS for SB 1366 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Thomas
Casas	Grant	Kurth	Turner
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1486—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Advisory Committee to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *Notwithstanding any other provision of law, prior to June 30, 1998, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 7,500 persons or more but less than 20,000, so long as the area does not increase the overall size of the zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.*

Section 2. *(1) The Office of Tourism, Trade, and Economic Development may, no later than June 30, 1998, modify the boundaries of any enterprise zone that is located within an inland county having a population greater than 500,000, to allow for the expansion of one noncontiguous area, as long as the area added does not exceed 5 square miles and is consistent with the categories, criteria, and limitations imposed by this section and section 290.0055, Florida Statutes, upon the establishment of such an enterprise zone.*

(2) This section is repealed July 1, 1998.

Section 3. Paragraph (e) of subsection (1), paragraphs (a) and (d) of subsection (4), and paragraphs (c) and (e) of subsection (5) of section 373.461, Florida Statutes, 1996 Supplement, are amended, and paragraphs (f) and (g) are added to subsection (5) of said section, to read:

373.461 Lake Apopka improvement and management.—

(1) FINDINGS AND INTENT.—

(e) ~~If funds cannot be identified for acquisition of these agricultural lands,~~ It is the Legislature's intent to provide a process for development of phosphorus discharge limitations that will bring such discharges into compliance with state water quality standards and to provide for interim phosphorus abatement measures designed to further reduce phosphorus discharges from the Zellwood Drainage and Water Control District, which is the largest agricultural entity within the Lake Apopka Basin, *unless both of the timeframes specified in paragraph (4)(a) regarding purchase agreements and completion of purchases are met*. The Legislature finds that it is in the public interest to jointly share in the cost of implementing such interim phosphorus reduction measures with Zellwood.

(4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.—

(a) It is the intent of the Legislature that ~~in the event no funding mechanisms to purchase all the lands within Zellwood are in place by July 1, 1997,~~ construction of stormwater management facilities to store, treat, and recycle Zellwood's agricultural stormwater runoff will be necessary during the interim period while discharge limitations are being established for Lake Apopka, *unless both of the following conditions are met:*

1. Agreements to purchase all the lands within Zellwood are executed by September 30, 1997, or a later execution deadline established by the United States for such agreements before reallocation of Commodity Credit Corporation funds made available to acquire wetland reserve program conservation easements within the Lake Apopka Partnership Project area; and

2. All such purchases are completed pursuant to the terms of such agreements.

The Legislature finds that it is in the public interest for state, regional, and local revenue sources to be used along with Zellwood's revenue sources to finance the costs of acquiring land and constructing such facilities. One-third of the cost of the facilities shall be contributed by Zellwood, one-third by the state, and one-third by the district.

(d) Construction of the stormwater retention and treatment facilities provided for in this section shall begin within 90 days after acquisition of interests in land necessary for the facilities *and the district's delivery of the design of the facilities to Zellwood*, and *shall be* completed within 1 year thereafter. After completion of the facilities, Zellwood shall be responsible for operation and maintenance so long as the facilities are used by Zellwood.

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. *However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the Uniform Standards of Professional Appraisal Practice. This maximum purchase price limitation shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.*

(e) If *all* the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).

(f)1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of northwestern

Orange County and east central Lake County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.

2. The Office of Tourism, Trade, and Economic Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of tangible personal property and which meets the limitations specified in paragraph (h). The authority of the Office of Tourism, Trade, and Economic Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.

3. Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (h).

(g)1. The proceeds of sale of tangible personal property authorized by paragraph (f) shall be distributed as follows: 60 percent to Orange County; 25 percent to the City of Apopka; and 15 percent to Lake County.

2. Such proceeds shall be used to implement the redevelopment plans adopted by the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners.

3. Of the total proceeds, the Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners, may not expend more than:

a. Twenty percent for labor force training related to the redevelopment plan;

b. Thirty-three percent for financial or economic incentives for business location or expansion in the redevelopment area; and

c. Four percent for administration, planning, and marketing the redevelopment plan.

4. The Orange County Board of County Commissioners, Apopka City Commission, and Lake County Board of County Commissioners must spend those revenues not expended under subparagraph 3. for infrastructure needs necessary for the redevelopment plan.

Section 4. *The $20 million appropriation in fiscal year 1996-1997 pursuant to chapter 96-207, Laws of Florida, shall be used for the purpose of purchasing lands described in section 373.461(5)(a), Florida Statutes, and their related facilities.*

Section 5. Section 290.0067, Florida Statutes, is created to read:

290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farmlands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.

Section 6. *Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 245,000, so long as the area does not increase the overall size of the zone by greater than 50 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by section 290.0055, Florida Statutes, upon establishment of the enterprise zone.*

Section 7. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to community redevelopment; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing restrictions; providing for repeal; amending s. 373.461, F.S., relating to Lake Apopka improvement and management; providing legislative intent that interim phosphorus abatement measures be provided and stormwater management facilities be constructed unless specified time requirements for land purchase are met; revising provisions relating to commencement of construction of stormwater facilities; providing a maximum purchase price for certain agricultural lands; providing for sale of certain tangible personal property and for use of the proceeds of such sale; authorizing the Office of Tourism, Trade, and Economic Development to expend such funds; providing for use of an appropriation made by ch. 96-207, Laws of Florida; creating s. 290.0067, F.S.; authorizing Orange County and Apopka to apply for designation of an enterprise zone in areas suffering adverse impacts due to governmental acquisition of Lake Apopka farmlands; authorizing the Office of Tourism, Trade, and Economic Development to designate such zone and providing a termination date; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain areas; providing for severability; providing an effective date.

On motion by Senator Dyer, the Senate concurred in the House amendment.

CS for SB 1486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Harris	McKay
Bankhead	Dantzler	Horne	Meadows
Brown-Waite	Diaz-Balart	Jenne	Myers
Burt	Dudley	Jones	Rossin
Campbell	Dyer	Kirkpatrick	Silver
Casas	Forman	Klein	Sullivan
Childers	Grant	Kurth	Thomas
Clary	Gutman	Latvala	Turner
Cowin	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Bronson, Holzendorf, Ostalkiewicz, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1498, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1498—A bill to be entitled An act relating to Museum of Florida History programs; amending s. 267.072, F.S.; requiring the Division of Historical Resources of the Department of State to establish and administer a program to recognize and record achievements of certain Floridians; providing criteria; providing requirements; providing for nominations and selection; authorizing the division to undertake certain recording and marketing activities; authorizing the division to collect a charge for providing certain materials; providing for deposit of such charges; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, between lines 9 and 10 of the bill, insert:

Section 2. Section 267.075, Florida Statutes, is created to read:

267.075 The Grove Advisory Council; creation; membership; purposes.—

(1) The Call/Collins House, commonly known as "The Grove," located in Tallahassee, Leon County, shall be utilized as a house museum of history for the educational benefit of the citizens of this state. The utilization of The Grove as a museum of history shall emphasize the lives and accomplishments of The Grove's first owner, Richard Keith Call, Florida's last Territorial Governor, and LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins, were the last owners of The Grove. The faithful restoration and maintenance of The Grove undertaken by LeRoy Collins and Mary Call Darby Collins during the nearly six decades of Collins family ownership and stewardship which has preserved the original plan of construction and design of The Grove shall be continued as provided for in this section.

(2) There is created within the Department of State The Grove Advisory Council for the purpose of advising the Division of Historical Resources on the operation, maintenance, preservation, and protection of the Call/Collins House, commonly known as "The Grove," its grounds, cemetery, and all structures thereon; the furniture and furnishings located therein; any changes in the architecture, structure, furnishings, or landscaping deemed necessary or desirable by the council; and the design and development of interpretive programs and exhibits in connection therewith.

(3)(a) The Grove Advisory Council shall be composed of eight members, as follows:

1. Five members shall be private citizens appointed by the Secretary of State.

2. One member shall be the director of the Division of Facilities Management of the Department of Management Services.

3. One member shall be the director of the Division of Historical Resources of the Department of State.

4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.

Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.

(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.

(c) The council shall obtain clerical, expert, technical, or other services from the Division of Historical Resources. The Department of Management Services shall provide reasonable assistance to the Department of State in carrying out the purposes of this section.

(d) Members of the council shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. All expenses of the council shall be paid from appropriations to be made by the Legislature to the Department of State. All vouchers shall be approved by the Division of Historical Resources before being submitted to the Comptroller for payment.

(4)(a) The Division of Historical Resources, with the advice and assistance of the council, shall maintain the structure, style, character, and landscaping of The Grove, its grounds, its private family cemetery, and all structures thereon consistent with the character, plan, and design of The Grove at the time the state takes physical possession of The Grove and its surrounding property from Mary Call Darby Collins. It shall preserve and protect the antique furnishings and other articles of furniture, fixtures, and decorative objects and articles used or displayed in the premises.

(b) The Division of Historical Resources shall catalog and maintain a descriptive, photographic inventory of the furnishings, fixtures, and decorative objects and articles used or displayed in the premises.

(c) The Division of Historical Resources may receive, on behalf of the state, contributions, bequests, and gifts of money, furniture, works of art, memorabilia, or other property consistent with the use of The Grove as described in this section. Title to all property which is received in this manner shall vest in the state and shall be held in trust by the Division of Historical Resources solely to further the purposes of this section. No furniture, furnishings, fixtures, or decorative objects acquired from the Collins family or any of its members shall be used for any purpose except as a permanent part of The Grove's furniture, furnishings, fixtures, or decorative objects, and any such item not so utilized shall forthwith revert to the Collins family member or members from whom it was acquired. No gifts, contributions, or bequests shall be accepted for The Grove without the advice and recommendation of the council.

(d) The Division of Historical Resources shall adopt rules governing the maintenance and use of The Grove, the selection, acquisition, and disposition of furnishings and decorations for the premises, and the acceptance of gifts, contributions, bequests, or loans of property.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: creating s. 267.075, F.S.; creating The Grove Advisory Council within the Department of State; providing membership, meetings, and organization of the council; specifying uses of property; providing requirements of the Division of Historical Resources with respect to specified property; authorizing the division to receive specified funds and property; requiring the division to adopt certain rules;

On motion by Senator Harris, the Senate concurred in the House amendment.

SB 1498 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1682, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1682—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising

requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

House Amendment 1—On page 28, line 22 of the bill, insert before the period: *and to reduce any deficits incurred by the association. No funds received at any time by the association as a result of assessments against insurers may be used in connection with the disease management program*

House Amendment 2—On page 75, line 28 through page 76, line 4, remove from the bill all of said lines and insert in lieu thereof: be made. The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force. If the policy becomes a claim during the grace period before the overdue premium is paid, the amount of such premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.

House Amendment 3—On page 77, lines 17-25, remove from the bill all of said lines after the period on line 17 and insert in lieu thereof: The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force if the demonstration of cognitive impairment is made. If the policy becomes a claim during the 180-day period before the overdue premium is paid, the amount of the premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.

House Amendment 4—On page 78, line 17 of the bill, insert before the period: *; having a level of disability similar, as provided by rule of the Insurance Commissioner, to the insured's ability to perform activities of daily living; or being cognitively impaired as described in paragraph (6)(b)*

House Amendment 5—On page 110, line 23, remove from the bill "*Finance*" and insert in lieu thereof: *Financing*

On motion by Senator Diaz-Balart, the Senate concurred in the House amendments.

CS for SB 1682 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Cowin	Gutman	Kurth
Bankhead	Crist	Harris	Latvala
Bronson	Dantzler	Holzendorf	Lee
Brown-Waite	Diaz-Balart	Horne	McKay
Burt	Dudley	Jenne	Meadows
Campbell	Dyer	Jones	Myers
Childers	Forman	Kirkpatrick	Ostalkiewicz
Clary	Grant	Klein	Rossin

Silver Thomas Turner Williams
Sullivan

Nays—None

Vote after roll call:

Yea—Casas, Hargrett, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1754, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1754—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zone; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements; providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development; deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small

Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school–aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; providing an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry; providing for application; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups, and a trade and academic exchange office; providing severability; requiring a study by the Board of Regents; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. *(1) As used in this section, the term:*

(a) "Authentication instrument" means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) "Florida international notary" means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) A Florida international notary is authorized to issue authentication instruments for use in non–United States jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(5) The authentication instruments of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments.

(b) Procedures for the permanent archiving of authentication instruments.

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's authentication instruments, or the identities or acts of the parties to a transaction.

(f) Other matters necessary for administering this section.

(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 2. Subsections (1) and (3) of section 114 of chapter 96-320, Laws of Florida, are amended to read:

Section 114. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund. *In each fiscal year, at least 55 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).*

(3) For the purposes of this section, matching private funds *shall be divided into two categories. The first category of matching private funds shall include any payment of cash made in response to a solicitation by Enterprise Florida, Inc., and used exclusively by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of*

matching private funds shall include a conveyance of property, ~~employee wages paid during training,~~ or payment or distribution of *property* ~~cash~~ or anything of value, including contributions in-kind having an attributable monetary value in any form, *and including any payment of cash not counted within the first category of matching private funds.* Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 3. Subsection (2) of section 14.2015, Florida Statutes, 1996 Supplement, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.~~

~~(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.~~

(a)~~(c)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(b)~~(d)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(c)~~(e)~~ Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(d)~~(f)~~ Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(e)~~(g)~~ Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(f)~~(h)~~ Plan and conduct *at least three* ~~quarterly~~ meetings *per calendar year* of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(g)~~(i)~~ Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(h)~~(j)~~ Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, *and notwithstanding the provisions of part I of chapter 287,* the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(i)~~(k)~~ Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(j) Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program and the Florida First Business Bond pool.

Section 4. Section 15.182, Florida Statutes, is created to read:

15.182 International travel by state–funded musical, cultural, or artistic organizations; notification to Department of State.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State of its intentions to travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troops, bands, choirs, choral groups, drama troops, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.

(2) The Department of State, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 5. *Enterprise Florida, Inc., in cooperation with the Department of Revenue, shall conduct a study of the advantages and revenue effects of exempting from section 212.031, Florida Statutes, leases of*

property which are part of a federally chartered Foreign Trade zone to persons or entities which engage in or facilitate the business of international trade in goods or services. Enterprise Florida, Inc., shall report the results of such study to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.

Section 6. *The Florida Department of Lottery shall determine the feasibility of marketing the Florida Lottery internationally and issue a report regarding such feasibility to the Legislature by January 2, 1998.*

Section 7. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 Personal service outside state.—

(1) Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any officer authorized to serve process in the state where the person is served. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made. *Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.*

Section 8. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may, for the 1997-1998 fiscal year, establish a pilot matching grant program through which funding will be provided on a competitive basis in order to create employment opportunities for citizens of this state, particularly participants in the Work and Gain Economic Self-sufficiency (WAGES) Program. The grant program shall encourage the submission of innovative, cost-efficient, and performance-based training proposals designed to meet the employment needs of specific businesses or business sectors. An application for funding may be submitted by a private business, an educational institution, a not-for-profit corporation, a local or regional economic development council, or other organization, or an application may be submitted jointly on behalf of a combination of such entities.*

(2) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. Evaluation criteria must include, but need not be limited to:

(a) The number of people to be trained.

(b) The estimated number of jobs that will be created as a result of the training.

(c) The extent to which the proposed training is not currently available through other sources or the extent to which the proposed training improves upon training currently available through other sources.

(d) The forecasts of employment demand for the occupation to which the training will apply.

(e) The commitment of the applicant to hire or to secure employment for participants in the WAGES Program.

(f) The qualifications of the proposed training provider.

(3) Priority shall be given to proposals submitted on behalf of a coalition of businesses.

(4) Funds may not be expended to subsidize the ongoing staff development program of any business or industry.

(5) The Office of Tourism, Trade, and Economic Development may award grants for not more than four applications in any one fiscal year. Each grant awarded under this program is limited to $500,000 and must be matched on a one-for-one basis by nonstate dollars. Matching funds under this section shall not count toward the private matching funds required under s. 114, chapter 96-320, Laws of Florida.

(6) Before allocating funds for any request under this program, the Office of Tourism, Trade, and Economic Development shall prepare a grant agreement between the grant recipient and the Office of Tourism, Trade, and Economic Development. Such agreement must include, but is not limited to, permission for the Office of Tourism, Trade, and Economic Development to access information specific to the job placement and performance of program participants upon the completion of instruction for evaluation purposes. If funds are being allocated directly to a private business or group of private businesses, the agreement prepared under this subsection must provide that 50 percent of the public training funds will be withheld until the Office of Tourism, Trade, and Economic Development determines that the business has or businesses have created the number of positions specified in the agreement and filled those positions with individuals who have completed the training.

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under s. 14.2015(2)(g), Florida Statutes. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

(8) The Office of Tourism, Trade, and Economic Development may not award a grant under this section if the same training proposal provided the basis for training awarded under s. 288.047, Florida Statutes. An applicant awarded a training grant under this section may not thereafter receive training under s. 288.047, Florida Statutes, in connection with the same training proposal.

Section 9. Section 110.191, Florida Statutes, is created to read:

110.191 State Employee Leasing.—

(1) In situations where the legislature has expressly authorized the state, an agency or the judicial branch as defined in s. 110.203 to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions are to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees, however any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased, however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall have the same salaries and benefits provided to employees of the Office of the Governor pursuant to s. 110.205(2)(k)2.

Section 10. Paragraph (u) of subsection (2) of section 110.205, Florida Statutes, is created to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the legislature pursuant to s. 110.191.

Section 11. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 5.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

4.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the refund for which they may qualify. To receive the tax refund or portion of the tax refund, the institution must agree to match these funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and Development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 12. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under *ss. 288.1045* ~~ss. 288.104~~ and 288.106, and local financial support provided under *ss. 288.1045* ~~ss. 288.104~~ and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve ~~not more than the lesser of $10 million in~~ tax refunds pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106. ~~or~~ *The office may not approve tax refunds in excess of* the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to *ss. 288.1045* ~~ss.~~

~~288.104~~ and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~department~~ for tax refunds under *ss. 288.1045* ~~ss. 288.104~~ and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the *office* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065~~, including the finding required by s. 288.106(4)(e)2~~. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under *s. 288.1045* ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 13. Section 288.108, Florida Statutes, is created to read:

288.108 High-impact business.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain high-impact facilities provides widespread economic benefits to Florida citizens through high-quality employment opportunities in the facility and in related facilities attracted to Florida, through the increased tax base provided by the high-impact facility and its related sector businesses, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. It is the policy of this state to stimulate growth of these business sectors and the state economy by enhancing Florida's competitive position and encouraging the location of such major high-impact facilities in the state.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least $100 million and creating at least 100 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least $75 million and creating at least 75 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(b) "Qualified high-impact business" means a business in one of the high-impact sectors that has been certified by the office as a qualified high-impact business to receive a high-impact sector performance grant.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Cumulative investment" means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(f) "Fiscal year" means the fiscal year of the state.

(g) "Jobs" means full-time equivalent positions, as such terms are consistent with terms used by the Department of Labor and Employment Security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. This definition does not include temporary construction jobs involved in the construction of the project facility.

(h) "Commencement of operations" means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the office and specified in the qualified high-impact business agreement.

(i) "Research and development" means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(a) Upon commencement of operations a qualified high-impact business is eligible to receive a high-impact business performance grant in the amount as determined by the office under subsection (5), consistent with eligible amounts as provided in paragraph (b), and specified in the qualified high-impact business agreement. The precise conditions that are considered commencement of operations must be specified in the qualified high-impact business agreement.

(b) The office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the office shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5). A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of $75 million and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of $150 million and creating 150 jobs may be eligible for a qualified high-impact business performance grant of $3.5 million to $4.5 million.

(c) Fifty percent of the performance grant awarded under subsection (5) must be paid to the qualified high-impact business upon certification by the business that operations have commenced.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business' certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the Office of Tourism, Trade, and Economic Development. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The office may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an

additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—

(a) The total amount of active performance grants scheduled for payment by the office in any single fiscal year may not exceed the lesser of $30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, the office shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the office shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) Any eligible business, as defined in subsection (2), shall apply to Enterprise Florida, Inc., for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to, the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(b) Enterprise Florida, Inc., shall review each submitted application and inform the applicant business whether or not its application is complete within 10 working days. Once the application is deemed complete, Enterprise Florida, Inc., has 10 working days within which to evaluate the application and recommend approval or disapproval of the application to the director. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include a recommended grant award amount in its evaluation forwarded to the office.

(c) Upon receipt of the evaluation and recommendation of Enterprise Florida, Inc., the director has 5 working days to enter a final order that either approves or disapproves an applicant business as a qualified high-impact business facility, unless the business requests an extension of the time. The final order shall specify the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, and the schedule for payment of the performance grant.

(d) The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, at its discretion, initiate the process of selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector.

(b) The office has authority, only after recommendation from Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas for the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (6)(c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include nonFlorida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one of the quarterly meetings required in s. 14.2015(2)(h).

(f) If after consideration of the completed study required in paragraph (6)(c) and the input derived from consultation with the sector-business network in paragraph (6)(d) and the quarterly meeting as required in paragraph (6)(e), the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of Enterprise Florida, Inc., may recommend that the office consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph

(6)(c) and a summary of the findings and recommendations of the sector-business network required in paragraph (6)(d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the quarterly meeting as required in paragraph (6)(e), the office shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the director's decision must be in writing and justify the reasons for the decision.

(h) If the office designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development's evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high-impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investment created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report may be combined with the incentives report required in s. 288.095.

(8) RULEMAKING.—The office may adopt rules necessary to carry out the provisions of this section.

Section 14. Section 288.012, Florida Statutes, 1996 Supplement, is amended to read:

288.012 *State of Florida* foreign offices.—*The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.*

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.

(2) By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry-sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry-sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3)~~(2)~~ The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means *the plan developed pursuant to subsection (2)* ~~a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the Office of Tourism, Trade, and Economic Development in a foreign country~~.

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(4)~~(3)~~ Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(5)~~(4)~~ The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development. *To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.*

Section 15. Subsection (3) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(3) Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 16. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 17. Paragraph (h) is added to subsection (2) and paragraph (g) is added to subsection (5) of section 288.1045, Florida Statutes, 1996 Supplement, and paragraph (c) of subsection (4) of said section is amended, to read:

288.1045 Qualified defense contractor tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(c) The agreement shall be signed by the secretary and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3)~~.

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

Section 18. Effective upon this act becoming a law, section 288.065, Florida Statutes, 1996 Supplement, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 19. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended, and paragraphs (r) and (s) are added to subsection (2) of that section, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) "Average *private sector* wage in the area" means the statewide private sector average wage or the average of all *private sector* wages

and salaries in the county or in the standard metropolitan area in which the business is located.

(r) "Rural county" means a county with a population of 75,000 or less.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average *private sector* wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 20. Section 288.7011, Florida Statutes, 1996 Supplement, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts *with* ~~to provide assistance to~~ a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, *to permit such corporation to locate and contract for* ~~in the form of~~ administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. ~~Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that~~ Such assistance and support will cease when the corporation has *received state support in an amount the equivalent of $250,000 per year over a 5 year period beginning July 1, 1997* ~~attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support~~. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General ~~to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support~~.

Section 21. Subsection (2) of section 288.772, Florida Statutes, 1996 Supplement, is amended to read:

288.772 Definitions.—For purposes of ss. 288.771-288.778:

(2) "Board" means the board of directors of the *Florida Export Finance* ~~Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the~~ Corporation.

Section 22. Subsection (1) of section 288.775, Florida Statutes, 1996 Supplement, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The *board* ~~Florida Intergovernmental Relations Foundation, Inc., as established in s. 288.809,~~ shall create the Florida Export Finance

Corporation *Guarantee* Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board.

Section 23. Section 288.776, Florida Statutes, 1996 Supplement, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Comptroller, the Secretary of State, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

(2) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.

(3) The board shall:

(a)~~(1)~~ Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by Enterprise Florida, Inc., prior to final adoption by the board.

(b)~~(2)~~ Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c)~~(3)~~ Issue an annual report to Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1.~~(a)~~ Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2.~~(b)~~ Access of small and medium-sized businesses in this state to federal export financing programs.

3.~~(c)~~ Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4.~~(d)~~ Other economic and social benefits to international programs in this state.

(d)~~(4)~~ Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

1.~~(a)~~ Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

2.~~(b)~~ Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

3.~~(c)~~ Financial assistance shall only be extended when at least one of the following circumstances exists:

a.~~1.~~ The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

b.~~2.~~ No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1).

(e)~~(5)~~ Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(f)~~(6)~~ Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(g)~~(7)~~ Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

(h)~~(8)~~ Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(i)~~(9)~~ Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *paragraph (c)* ~~subsection (3)~~.

Section 24. Subsection (1) of section 288.777, Florida Statutes, 1996 Supplement, is amended to read:

288.777 President of the corporation.—

(1) The board ~~of directors of Enterprise Florida, Inc.,~~ shall appoint a president ~~of the Florida Export Finance Corporation from a list of nominees submitted by the board~~. The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 25. Section 288.7771, Florida Statutes, 1996 Supplement, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By *March 31* ~~December 1~~ of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(1) The evaluation required in s. 288.7772(1).
(2) The report required in s. 288.776(3).
(3) Its assets and liabilities at the end of its most recent fiscal year.

Section 26. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, 1996 Supplement, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local *law* enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. *Florida law enforcement agencies shall inform the Department of State* ~~Such agencies shall be informed that~~ when such arrest or incarceration occurs.~~, the agency must notify~~ The secretary~~, who~~ in turn shall notify the appropriate foreign governmental official. *The secretary shall annually report on*

the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.

Section 27. Subsection (10) is added to section 288.8175, Florida Statutes, 1996 Supplement, to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(10) Linkage institutes may accept and administer moneys provided by the Department of State for research and development of international trade. The Secretary of State shall, by March 1, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in each year in which the Department of State has provided moneys for a linkage institute. The report must detail the purpose of the expenditure by the Department of State and the use of the moneys by the linkage institutes and must include a copy of the research documents or related materials produced, if any.

Section 28. Subsection (2) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce *or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620 of this act.* Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 29. Paragraph (b) of subsection (3) of section 288.9015, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(b) Training, educating, and assisting target populations, such as those who are economically disadvantaged or who *participate in the WAGES Program or otherwise* receive public assistance to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(5) As part of its business development and marketing responsibilities, Enterprise Florida, Inc., shall prepare a business guide and checklist that contains basic information on the federal, state, and local requirements for starting and operating a business in this state. The guide and checklist must describe how additional information can be obtained on any such requirements and shall include, to the extent feasible, the names, addresses, and telephone numbers of appropriate government agency representatives. The guide and checklist must also contain information useful to persons who may be starting a business for the first time, including, but not limited to, information on business structure, financing, and planning.

Section 30. Paragraph (h) of subsection (3) of section 288.903, Florida Statutes, 1996 Supplement, is redesignated as paragraph (i) and a new paragraph (h) is added to subsection (3) of said section to read:

288.903 Board of directors of Enterprise Florida, Inc.; president; employees.—

(3) The president:

(h) Shall coordinate all activities and responsibilities of Enterprise Florida, Inc., with respect to participants in the WAGES Program.

Section 31. Paragraph (b) of subsection (1) of section 288.904, Florida Statutes, 1996 Supplement, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 32. Section 288.905, Florida Statutes, 1996 Supplement, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. ~~In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~ In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to *the Governor,* the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997, *and shall be updated or modified before January 1, 1998, and annually thereafter. The plan must be approved by the board of directors prior to submission to the Governor and Legislature. The plan shall include, but is not limited to:*

(a) Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Including delineation on the amount of funds that should be expended on each component of the plan.

(b) Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.

(c)1. Specific provisions for the stimulation of economic development and job creation in rural areas and mid-size cities and counties of the state. These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all mid-size cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and mid-size cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to

rural cities and counties and mid-size cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and mid-size cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.

2. Enterprise Florida, Inc., shall involve the local governments of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal rural development entities, both public and private, in developing and carrying out any provisions.

(d)1. Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.

2. Enterprise Florida, Inc., shall involve local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out any provisions.

(e) Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.

(g) Promotion of the successful long-term internationalization of this state, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) Promotion of the growth of high technology and other value-added industries and jobs.

(i) Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.

(j) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(3)(a) The strategic plan shall *also* include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. *In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, venture capital dollars invested in small and minority businesses, businesses retained and recruited, employer wage growth, minority business participation in technology assistance and development programs, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.*

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.

2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.

3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.

4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.

5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business startups in this state.

7. Goods produced in this state that are exported to other countries.

8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(c)~~(b)~~ Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.

4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(d)~~(c)~~ Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph *(c)* ~~(b)~~. The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit into African-American-qualified public depositories and Hispanic-American-qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.

(6) Any employee leased by Enterprise Florida, Inc., from the state, or any employee who derives their salary from funds appropriated by the Legislature, may not receive a pay raise or bonus in excess of a pay raise or bonus that is received by similarly situated state employees. However,

this subsection does not prohibit the payment of a pay raise or bonus from funds received from sources other than the Florida Legislature.

Section 33. Subsection (1) of section 288.906, Florida Statutes, 1996 Supplement, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *including, but not limited to* ~~setting forth~~:

(a) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity.* ~~Its operations and accomplishments during the fiscal year;~~

(b) *An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short term and long term, established pursuant to s. 288.905.* ~~Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;~~

(c) *Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards.* ~~Its assets and liabilities at the end of its most recent fiscal year; and~~

(d) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs.* ~~A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.~~

(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.

(f) A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.

(g) An assessment of employee training and job creation that directly benefits participants in the WAGES Program.

(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-*(h)*~~(d)~~, if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 34. Paragraph (g) of subsection (1) of section 288.9414, Florida Statutes, 1996 Supplement, is amended to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 35. *(1)(a) There is created a seven–member grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc., in the grant review process. Three members of the panel shall be appointed by the Governor, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. A panel chair shall be selected by the members of the review panel from among the membership. Review panel members shall serve for a term of three years and may not be reappointed for a period of one year after serving a three year term. Initial appointments shall be staggered, with the Governor appointing one member for a three–year term, one member for a two–year term, and one member for a one–year term. Initial appointments by the President of the Senate and the Speaker of the House of Representatives shall also be staggered, with the President and the Speaker each appointing one member for a three–year term and each appointing one member for a two–year term.*

(b) In appointing members to this panel, appointing officers should cooperate to insure that members represent geographically diversed portions of the state and include representation of minority persons as defined by s. 760.80. Members of the panel may not currently hold public office or be public employees, and must have at least five years experience in business, with expertise in areas relevant to the duties of the panel.

(c) The Governor may remove any member from the review panel for misconduct or malfeasance in office, neglect of duty, permanent inability to perform official duties, or commission of a felony.

(2) Enterprise Florida, Inc., shall establish criteria for reviewing grant applications. Such criteria shall, among other things, insure compliance with federal and state laws, promote participation in grant programs by diverse industries and businesses, and prohibit conflicts of interest in the awarding of such grants. The panel shall review grant applications and make recommendations to the International Trade and Economic Development Board of Enterprise Florida, Inc., concerning the relative merits of the applications. The panel shall provide a forum for public comment prior to voting on any grant application. Members of the panels shall not receive any compensation for their services but may be reimbursed by Enterprise Florida, Inc., for travel and expenses incurred in the performance of their duties.

Section 36. Effective July 1, 1998, section 288.9415, Florida Statutes, is created to read:

288.9415 International Trade Grants.—

(1) The Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor may accept and administer moneys appropriated to the office for providing grants for promotion of international trade.

(2) A county, municipality, economic development council, or a not–for–profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

(3) The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the International Trade and Economic Development Board which are not

funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

Section 37. *(1) For fiscal year 1997-1998 and subject to appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development shall establish a targeted market pilot project grant program, through which funding will be provided on a competitive basis, which successfully matches local businesses in this state with specific international trade opportunities. The Legislature finds that it is in the best interests of the state to encourage and assist businesses in this state to actively participate in international trade. Office of Tourism, Trade, and Economic Development shall consult with the Florida Council of International Development in the development of this program.*

(2) Grant proposals must be submitted by local or regional economic development councils. Proposals must include research assignments to the foreign offices of Enterprise Florida, Inc., identifying potential foreign markets for products now produced in this state, or which may easily be produced by existing businesses in this state. Proposals must also include a list of local businesses that are well suited to participate in the program and the targeted international market or products that the business would pursue. Participating businesses are required to act as mentors, assisting the local or regional economic development councils in matching local businesses to future international trade opportunities.

(3) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of grant proposals for funding. Evaluation criteria must include, but is not limited to:

(a) The quality of the business identification research.

(b) Cost effectiveness and cost per business served.

(c) Comprehensiveness of services offered, including, but not limited to, training and guidance.

(d) Projected employment.

(e) Projected employment of WAGES Program participants.

(f) The extent to which existing grants address the targeted international market.

(4) The Office of Tourism, Trade, and Economic Development shall establish procedures for the identification and validation of targeted international markets by the Florida foreign offices, as established under s. 288.012, Florida Statutes, for use in this program.

(5) The Office of Tourism, Trade, and Economic Development shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 38. Paragraph (h) of subsection (1) of section 288.9514, Florida Statutes, 1996 Supplement, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) The technology development board shall achieve the purposes stated in s. 288.9512 through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(h) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 39. Subsection (8) of section 288.9613, Florida Statutes, 1996 Supplement, is amended to read:

288.9613 Powers and authority of the capital development board.—The capital development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the board, including, but not limited to, the following:

(8) Contract with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 40. *(1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may contract with the Enterprise Florida Capital Development Board or some other appropriate not-for-profit or governmental organization for any action that the office deems necessary to foster the development of microenterprises in the state. As used within this section, microenterprises are extremely small business enterprises which enable low and moderate income individuals to achieve self-sufficiency through self-employment. Microenterprise programs are those which provide at least one of the following: small amounts of capital, business training and technical assistance. Where feasible, the office or organizations under contract with the office shall work in cooperation with other organizations active in the study and support of microenterprises. Such actions may include, but are not limited to:*

(a) Maintaining a network of communication and coordination among existing microenterprise lending and assistance programs throughout the state.

(b) Providing information and technical help to community-based or regional organizations attempting to establish new microenterprise programs.

(c) Encouraging private-sector investment in microenterprises and microenterprise lending programs.

(d) Fostering mentoring and networking relationships among microenterprises and other businesses and public bodies in order to give microenterprises access to management advice and business leads.

(e) Incorporating microenterprise components into the capital development programs and other business development programs operated by Enterprise Florida, Inc., and its affiliates.

(f) Providing organizational, financial, and marketing support for conferences, workshops, or similar events that focus on microenterprise development.

(g) Establishing a program and guidelines for the award of matching grants on a competitive basis to support the operational expenses of not-

for-profit organizations and government agencies that are engaged in microenterprise lending and other microenterprise assistance activities.

(h) Coordinating with other organizations to ensure that participants in the WAGES Program are given opportunities to create microenterprises.

(2) The office shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. The office shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 41. Section 288.9614, Florida Statutes, 1996 Supplement, is amended to read:

288.9614 Authorized programs.—The capital development board may take any action *that* ~~which~~ it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, *to address the needs of microenterprises,* to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 42. Subsection (1) and paragraph (h) of subsection (6) of section 288.9620, Florida Statutes, 1996 Supplement, as amended by section 112 of chapter 96-320, Laws of Florida, are amended to read:

288.9620 Workforce development board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who *are participants in the WAGES Program,* are eligible for public assistance, or are dislocated workers.

(6) The workforce development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, *unless such incentive award is specifically endorsed by a two–thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.*

Section 43. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.049.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake the necessary community development programs. The overall objective is to create viable communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.049 is to assist local governments in carrying out effective community development activities to arrest and reverse community decline and restore community vitality. Community development activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.049. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.049 are public purposes for which public money may be borrowed, expended, loaned, *pledged to guarantee loans,* and granted.

Section 44. Subsections (1), (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant *and loan guarantee* program for carrying out the purposes of *ss. 290.0401-290.049* ~~this act~~.

(2) The department shall distribute such funds as *loan guarantees and* grants to eligible local governments on the basis of a competitive selection process.

(3) The department shall define the broad community development objective to be achieved by the activities in each of the following *grant* program categories, and require applicants for grants to compete against each other in these *grant* program categories:

(a) Housing.
(b) Economic development.
(c) Neighborhood revitalization.
(d) Commercial revitalization.

(4) The percentage of funds distributed in each of the *grant* program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department shall provide for the set-aside of an amount of up to 10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 45. Section 290.0455, Florida Statutes, is created to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to s. 108 of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston–Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee, in whole or in part, the payment of principal and interest on a loan made under the loan guarantee program.

(4) The department must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval, in the order received, subject to the department determining that the application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710, and provided that the applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility.

(5) The maximum amount of loan guarantee commitments that any eligible local government may receive may be limited to $7 million pursuant to 24 C.F.R. s. 570.705, and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to five times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program.

(6) Loans guaranteed by the loan guarantee program must be repaid within 20 years.

(7) Loan guarantees may be used for an activity only if the local government provides evidence to the department that alternative financing services were investigated and were unavailable or insufficient to meet the financing needs of the activity.

(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.

Section 46. Subsections (7) and (8) are added to section 290.047, Florida Statutes, to read

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(7) Grant ceilings do not apply to the loan guarantee program authorized in s. 290.0455.

(8) If an applicant was the sponsor of an activity under the Small Cities Community Development Block Grant Loan Guarantee Program, and the loan for such activity is in default, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the applicant's loan, the department shall reduce the grant ceiling available to such applicant in an amount equal to the amount of the state's grant award required to be used for the loan debt service.

Section 47. Subsection (6) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

Section 48. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, 1996 Supplement, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

Section 49. Subsection (1) of section 311.11, Florida Statutes, 1996 Supplement, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The Office of Tourism, Trade, and Economic Development, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the office. The office *shall* ~~may~~ grant funds appropriated by the Legislature *to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries* ~~to seaport employment training programs for the purpose of training residents in job skills associated with employment opportunities related to economic development activities developed by any seaport member of the council or developed by the private sector in cooperation with any seaport member of the council~~. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The office's contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions ~~from the seaport and its private sector component~~ may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

Section 50. Subsection (4) of section 320.20, Florida Statutes, 1996 Supplement, is renumbered as subsection (5) and new subsection (4) is added to said section, to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 2001, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects which are identified in the 1997/98 Tentative Work Program of the Department of Transportation up to the amounts needed to offset the funding requirements of this section; and

(b) For seaport intermodal access projects as described in 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port, local, private or specifically earmarked federal funds; or

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and s. 320.20(3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of ch. 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

Section 51. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 52. Subsection (6) of section 380.06, Florida Statutes, 1996 Supplement, is amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and *must be* considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

Section 53. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 54. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the agency.*

Section 55. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 56. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of Labor and Employment Security may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 57. Section 624.426, Florida Statutes, is amended to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

(1) Contracts of reinsurance.

(2) Policies of insurance on the rolling stock of railroad companies doing a general freight and passenger business.

(3) United States Customs surety bonds that are issued by a corporate surety approved by the United States Department of Treasury and that name the United States as the beneficiary.

Section 58. *Employing and Training our Youths (ENTRY).—*

(1) DEFINITIONS.—As used in this section:

(a) "Director" means the executive director of the Office of Tourism, Trade, and Economic Development.

(b) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business.

(c) "Eligible youth employee" means a student between the ages of 15 and 18 currently enrolled at a Florida public school, who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed in this section. The youth employee shall be deemed to be employed if the youth performs duties in connection with the operations of the business on a regular basis, provided the youth is performing such duties on an average of at least 12 hours per week each month throughout the year and is being paid for such duties at a rate no less than the minimum wage established pursuant to federal law.

(d) "Fiscal year" means the fiscal year of the state.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Public school" shall have the same meaning as in s. 228.041(1)(a), Florida Statutes.

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) Contingent upon an annual appropriation by the Legislature, the director may approve an eligible business to receive tax refund payments of up to $1,600 per eligible youth employee. An eligible business may not receive tax refund payments for more than five eligible youth employees in any single fiscal year.

(b) After entering into an employment/tax refund agreement under subsection (3), an eligible business may receive refunds for the following taxes or fees due and paid by that business:

1. Taxes on sales, use, and other transactions under part I of chapter 212, Florida Statutes.

2. Corporate income taxes under chapter 220, Florida Statutes.

3. Intangible personal property taxes under chapter 199, Florida Statutes.

4. Emergency excise taxes under chapter 221, Florida Statutes.

5. Excise taxes on documents under chapter 201, Florida Statutes.

6. Ad valorem taxes paid, as defined in section 220.03(1), Florida Statutes.

7. Insurance premium taxes under section 624.509, Florida Statutes.

8. Occupational license fees under chapter 205, Florida Statutes.

However, an eligible business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes or fees. If a refund for such taxes or fees is provided by the office, which taxes or fees are subsequently adjusted by the application of any credit, refund, or exemption granted to the eligible business other than as provided in this section, the business shall reimburse the office for the amount of that credit, refund, or exemption. An eligible business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than the one provided in this section.

(c) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of refund to the office, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited in the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) ADMINISTRATION.—

(a) To apply for tax refunds pursuant to this section, an eligible business must file an employment/tax refund application, developed by the office, at the public school the eligible youth employee attends.

(b) The public school shall forward the application to the office within 5 calendar days after receipt of a complete application. Within 10 calendar days after receipt of the application, the office shall enter a final order that either approves or disapproves the application. The decisions must be in writing and must provide the justifications for approval or disapproval.

(c) An eligible business that has been approved by the office to receive tax refunds may apply to the office for a refund at the end of each calendar quarter the eligible youth employee is employed by the business. An eligible business may not receive refund payments of more than 25 percent of the total tax refunds due such business under this section each calendar quarter. Termination of employment of an eligible youth employee shall result in loss of eligibility for tax refunds for such employee under this section.

(d) The claim for refund by an eligible business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought.

(e) Nothing in this section shall create a presumption that an eligible business will receive any tax refund under this section.

(f) The office is authorized to develop rules and forms, pursuant to chapter 120, Florida Statutes, to implement the provisions of this section. The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(4) REPEAL.—The provisions of this section shall expire and be void on June 30, 2007.

Section 59. *Subsection (7) of section 14.2015, Florida Statutes, 1996 Supplement, sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.*

Section 60. *(1) The sum of $2 million is hereby appropriated from the General Revenue Fund to the Economic Development Trust Fund for fiscal year 1997-1998 to fund tax refunds issued pursuant to the ENTRY Tax Refund Program contained in section 20 of this act. From such funds, the Office of Tourism, Trade, and Economic Development shall initially implement the ENTRY program as a pilot program in three areas of the state. The office shall consider the following in selecting the locations of the pilot areas:*

(a) Geographic diversification and diversity of community size.

(b) Estimated number of students which are expected to be placed relative to the population of potential student participants in the community.

(c) The degree to which local partnerships between the local workforce development board, local education agencies, local business community and other organizations involved in community development will enhance the effectiveness of the ENTRY program.

(d) The degree to which other federal, state, or local funds can be leveraged by tax refunds received under the ENTRY program.

Section 61. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 62. *The Board of Regents is directed to conduct a study and submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 1998, outlining a unified, performance based strategy for the State University System's contribution to the economic development of this state. The study must examine how the State University System can enhance the state's domestic and international economic position.*

Section 63. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line(s) 3, to page 10, line(s) 21, remove from the title of the bill all of said lines and insert in lieu thereof: authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition of "matching private funds"; amending s. 14.2015, F.S.; removing redundant language; removing provisions allowing the Office of Tourism, Trade, and Economic Development to contract and use a percentage of appropriated funds for administrative purposes; authorizing the office to enter into certain contract in connection with fulfilling certain duties; requiring the office to adopt certain rules; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zones; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S.; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the office to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements; providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; conforming statutory cross-references; creating s. 288.108, F.S.; providing definitions; establishing eligibility for performance grants; authorizing the Office of Tourism, Trade, and Economic Development in conjunction with Enterprise Florida, Inc., to approve and award performance grants; establishing an application, certification, and grant agreement process; specifying the selection and designation process; requiring a report; authorizing rulemaking; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; proscribing certain uses of funds for the qualified defense contractor tax refund program; prohibiting the expenditure of certain funds for business relocation; providing for certain prorated tax refunds; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation;

providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; authorizing Enterprise Florida, Inc., to hire certain persons under a lease agreement program of the Department of Management Services; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring specific issues to be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; providing limitations on pay raises or bonuses for certain persons under certain circumstances; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with the Enterprise Florida Capital Development Board to take actions for the development of microenterprises; requiring the office to adopt guidelines to administer the microenterprise development program; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 311.07, F.S.; providing for grant funding for certain seaport intermodal access projects; amending s. 311.11, F.S.; providing that the Seaport Employment Training Grant Program shall grant funds for the purpose of stimulating and supporting seaport training and employment programs; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund for purposes of funding the Florida Seaport Transportation and Economic Development Program and certain seaport intermodal access projects; specifying uses and allocations of such funds; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school-aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing s. 14.2015(7), F.S., relating to authorization for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and functions; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; providing appropriations for programs contained in this act; providing severability; providing an effective date.

On motion by Senator Harris, the Senate concurred in the House amendment.

CS for SB 1754 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Horne, Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1860, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1860—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school

boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, line 6, remove from the bill all of said line and insert in lieu thereof:

Section 2. Effective upon becoming a law, subsection (3) of section 20.04, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-403, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of Children and Family Services, Corrections, *Management Services,* and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 3. Effective upon becoming a law, subsections (2) and (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and *programs* ~~bureaus~~ within the Department of Management Services are established:

(a) Facilities Program.
(b) Information Technology Program.
(c) Workforce Program.
(d)1. Support Program.
2. Federal Property Assistance Program.
(e) Administration Program.
(f) Division of Administrative Hearings.
(g) Division of Retirement.
~~(a) Division of Administration.~~
~~(b) Division of Building Construction.~~
~~(c) Division of Communications.~~
~~(d) Division of Facilities Management.~~
~~(e) Division of Information Services.~~
~~(f) Division of Motor Pool.~~
~~1. Bureau of Aircraft.~~
~~2. Bureau of Motor Vehicles.~~
~~(g) Division of Personnel Management Services.~~
~~1. Office of Labor Relations.~~
~~(h) Division of Purchasing.~~
~~1. Bureau of Federal Property Assistance.~~
~~(i) Division of Retirement.~~
~~(j) Division of State Employees' Insurance.~~
~~(k) Division of Administrative Hearings.~~
~~(l) Division of Capitol Police.~~

(3) The *Information Technology Program* ~~Division of Information Services~~ shall operate and manage the Technology Resource Center.

Section 4. *(1) The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill for presentation to the 1998 Regular Session of the Legislature substituting all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services with a reference to the Department of Management Services. However, no changes shall be made in references to the Division of Administrative Hearings and the Division of Retirement, or to commissions.*

(2) This section shall take effect upon becoming a law.

Section 5. *(1) The administrative rules of the Department of Management Services that are in effect immediately prior to the effective date of this act shall not be affected by this act and shall remain in effect until specifically changed in a manner provided by law.*

(2) This section shall take effect upon becoming a law.

Section 6. Effective upon becoming a law, paragraphs (a) and (b) of subsection (3) of section 110.1127, Florida Statutes, 1996 Supplement, are amended to read:

110.1127 Employee security checks.—

(3)(a) ~~Within the Department of Health and Rehabilitative Services and the Department of Elderly Affairs,~~ All positions in programs providing care to children, the developmentally disabled, disabled adults, or elderly persons for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility, and require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter.

(b) The *employing agency* ~~department~~ may grant exemptions from disqualification from working with children, the developmentally disabled, disabled adults, or elderly persons as provided in s. 435.07.

Section 7. Effective upon becoming a law, subsection (1) of section 110.1165, Florida Statutes, 1996 Supplement, is amended to read:

110.1165 Executive branch personnel errors.—

(1) An agency of the executive branch, including the State University System, shall establish procedures for the receipt, consideration, and disposition of a claim regarding pay or benefits brought by an employee when that employee is damaged as a result of being provided with erroneous written information by the employing agency regarding his or her pay or benefits, and the employee detrimentally relies upon such written information. *In order to qualify for the relief provided by this section, the employee's reliance on the representation must have been reasonable and based only upon the written representations made by those persons authorized by the agency head to make such representations. Furthermore, the erroneous calculation and payment of an employee's salary, wages, or benefits is not among the written representations which will trigger relief under this section. Section 95.11(4) is the statute of limitations for filing any action to recover salary, wages, overtime, benefits, or related damages by or on behalf of a state employee, or any action under this section. No distinctions between the terms "salary" and "wages" in construing the provisions of s. 95.11(4) apply to this section or the statute of limitations for filing any action under this section.*

Section 8. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.201, Florida Statutes, 1996 Supplement, is amended to read:

110.201 Personnel rules, records, and reports.—

(1)(a) ~~By July 1, 1998,~~ The department, in consultation with agencies that must comply with these rules, shall develop uniform personnel rules, guidelines, records, and reports relating to employees and positions *in the career service*~~, which must be reviewed by the Administration Commission and filed with the Department of State~~. ~~State~~ Agencies must comply with the uniform rules, except as provided in this section~~, by July 1, 1999~~. The department may adopt rules that provide alternative requirements. Upon filing with the Department of State, the appropriate uniform rules will constitute the personnel rules for each agency subject to this act unless the Administration Commission grants an exception to a specific rule to an agency upon the agency's request or unless the agency must comply with a statutory provision that conflicts with the uniform rules. If an agency must comply with a statutory provision that conflicts with the uniform rules, the agency must notify the Administration Commission, the Administrative Procedures Committee, and the appropriate standing committees of the Legislature ~~by July 1, 1999,~~ and advise the standing committees whether the agency recommends revision of the statute to conform it to the uniform rules. Agencies are encouraged to propose methods of conforming statutory provisions to the uniform personnel rules. ~~In adopting the rules, the department must consult with the agencies.~~

Section 9. Effective upon becoming a law, paragraph (g) of subsection (1) of section 110.207, Florida Statutes, 1996 Supplement, is amended to read:

110.207 Classification plan.—

(1) The department shall establish and maintain a uniform classification plan applicable to all positions in the career service and shall be responsible for the overall coordination, review, and maintenance of the plan.

(g) *In consultation with the Executive Office of the Governor, the department shall facilitate the statewide planning of the career service broadbanding compensation and classification system.*

1. Upon approval by the Executive Office of the Governor, the department shall begin developing the broadbanding system to ensure agency flexibility and accountability on a statewide basis, and shall have the authority to determine system modifications necessary to permit use by all agencies. The proposed structure shall address all issues raised in the January 1997 report on the "Review of the Department of Transportation Model Classification Plan" submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Department of Management Services shall provide alternatives for a rate funding formula that will not exceed the statewide cost under the current formula and will ensure that agencies are able to effectively recruit and retain employees. The Department of Transportation shall continue to use the model system it developed under the provision of s. 334.0445 until July 1, 1999.

2. Once the Executive Office of the Governor has approved a statewide broadbanding compensation and classification system, state agencies will come under the uniform personnel system based on an implementation schedule developed by the Department of Management Services and approved by the Executive Office of the Governor. ~~Effective July 1, 1996, the department is directed to review the model classification plan established by the Department of Transportation under s. 334.0445, to determine whether the plan is suitable for statewide implementation. The department shall identify and resolve those issues that may affect statewide implementation by all agencies and ensure that the system is compatible with program based budgeting as set forth in s. 216.0166. To assist in the review, the secretary of the Department of Management Services may appoint a task force, which shall include a representative of the Department of Transportation and state agency representatives with personnel, classification, and compensation experience. The department shall prepare a report of recommendations which shall be forwarded to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate legislative committees no later than January 15, 1997.~~

Section 10. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.217, Florida Statutes, 1996 Supplement, is amended to read:

110.217 Appointments and promotion.—

(1)(a) ~~By July 1, 1998,~~ The department, in consultation with agencies that must comply with these rules, shall develop uniform rules regarding appointment, promotion, demotion, reassignment, separation, and status which must be used by employing agencies ~~by July 1, 1999~~. Such rules must be approved by the Administration Commission before their adoption by the department.

Section 11. Effective upon becoming a law, paragraph (c) of subsection (1) of section 110.403, Florida Statutes, 1996 Supplement, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. ~~The Department of Management Services shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.~~

Section 12. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.406, Florida Statutes, 1996 Supplement, is amended to read:

110.406 Senior Management Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, *as needed,* the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Senior Management Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Senior Management Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Senior Management Service, indicating the mean salary for each classification within the Senior Management Service and the deviation from such mean with respect to each agency's salary practice in each classification; a review of the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and an opinion as to whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Senior Management Service.

Section 13. Effective upon becoming a law, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) *and (5)* and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. *The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking.* In no event shall the number of positions included in the Selected Exempt Service, excluding those positions *designated as professional or nonmanagerial/nonpolicymaking* ~~exempt under s. 110.205(2)(q)~~, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 14. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.606, Florida Statutes, 1996 Supplement, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, *as needed* ~~in each even-numbered year~~, the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 15. Effective upon becoming a law, section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; *intent;* definitions; *composition and responsibilities of* ~~intent;~~ State Innovation Committee; responsibilities *of the Department of Management Services, the Information Resource Commission, and the review board*; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the "Innovation Investment Program Act."

(2) *The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency's normal business processes; effectuate a significant change in the accomplishment of the agency's activities; address an important problem of public concern; and have the potential of being replicated by other state agencies.* The Legislature *further* finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any *eligible* savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) "Commission" means the Information Resource Commission.

(c)~~(b)~~ "Committee" means the State Innovation Committee.

(d)~~(c)~~ "Department" means the Department of Management Services.

~~(d) "Innovative project" means a project that represents a change in the normal business processes of the agency and which produces a cost savings or improves the delivery of public services.~~

(e) "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative *investment* projects *submitted* under this section shall be funded. Such committee shall be comprised of *five* ~~four~~ members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

(a) The Lieutenant Governor.

(b) The director of the Governor's Office of Planning and Budgeting.

(c) The *Comptroller* ~~Secretary of Management Services~~.

(d) One representative of the private sector appointed by the Commission on Government Accountability to the People.

(e) One representative appointed by Enterprise Florida, Inc.

The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.

(5) *Agencies shall submit proposed innovative investment projects to the department by a date established and in the format prescribed by the department* ~~Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section~~. Such *innovative investment project* proposals shall include, but not be limited to:

(a) The identification of a specific innovative *investment* project.

(b) The name of the *agency's* innovative *investment* project administrator.

(c) A cost/benefit analysis *which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other-personal-services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).*

(d) *The approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager* ~~A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation~~.

~~(e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.~~

~~All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the information resource manager prior to submission to the department.~~

(6) *Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The department shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success.* ~~Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the Information Resource Commission for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:~~

~~(a) The identification of the specific project, as defined in s. 282.303.~~

~~(b) A statement as to the innovative project's consistency with the agency's strategic plan for information resources management.~~

~~(c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.~~

~~(d) A planning and analysis methodology that provides a high level of confidence in successful implementation.~~

~~(e) If applicable, a description of the transferability of the technology to other agencies.~~

~~Based on the components required by this subsection to be included in innovative project proposals, the Information Resource Commission shall evaluate the innovative project's technical feasibility and shall make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the Information Resource Commission than those applications that do not have a transferable benefit.~~

(7) The department shall select a review board composed of private and public members. Terms of review board members shall be for 1 year~~, with such terms~~ beginning on *a date established by the department* ~~April 15~~. Review board members may serve more than one term. The board shall evaluate innovative *investment projects* ~~project proposals~~ and shall make recommendations to the committee as to which innovative projects should be considered for funding.

(8) When evaluating ~~proposals for innovative~~ projects, the committee and the review board shall consider *whether the innovative investment project meets* the following criteria:

(a) ~~Whether the innovative project~~ Increases the quality of public services *by the agency*.

(b) ~~Whether the innovative project~~ Reduces costs *for the agency*.

(c) ~~Whether the innovative project~~ Involves a cooperative effort with *another public entity or* the private sector.

(d) ~~Whether the innovative project~~ Reduces the need for hiring additional employees *or avoids other operating costs incurred by the agency in the future*.

~~(e) Whether the innovative project enhances the agency's ability to provide customer-oriented services.~~

(9) *The committee shall allocate* funds ~~shall be allocated~~ based on a competitive evaluation process *and* ~~designed to~~ award funds to agencies for *innovative investment projects* demonstrating ~~innovative changes to their operations which will show~~ quantifiable savings *to the state, or improved customer service delivery*~~, cost avoidance, or increased productivity~~.

(10) The *awarded agency* ~~department~~ shall monitor and evaluate the ~~implementation of innovative~~ projects to determine if the anticipated results were achieved. ~~For innovative projects involving information technology resources, the Information Resource Commission shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.~~

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. *The department may transfer funds from the annual appropriation as necessary to administer the program*.

Section 16. Effective upon becoming a law, section 255.21, Florida Statutes, is amended to read:

255.21 Special facilities for physically disabled.—

(1) Any building or facility intended for use by the general public which, in whole or in part, is constructed or altered or operated as a lessee, by or on behalf of the state or any political subdivision, municipality, or special district thereof or any public administrative board or authority of the state shall, with respect to the altered or newly constructed or leased portion of such building or facility, comply with standards and specifications established by *part V of chapter 553* ~~s. 553.48~~.

(2) The Department of Management Services shall establish, by rule, a standing code panel to consider modification or waivers to ~~handicapped standards and other~~ codes and standards, *except handicapped standards*, for state building designs.

Section 17. *Effective upon becoming a law, section 110.1097, Florida Statutes, as amended by section 30 of chapter 96-399, Laws of Florida, is repealed.*

Section 18. Effective upon becoming a law, section 255.507, Florida Statutes, is amended to read:

255.507 Determination of qualified facilities.—The Division of Facilities Management, *in making determinations under s. 255.502(14)(b), shall determine a facility to be a qualified facility if the facility meets either of the following standards:*

(1) The facility is in compliance with the fire safety standards established by the State Fire Marshal for state-owned buildings, is in compliance with flood management criteria if it is located in a flood-prone area, and is in good operating condition in relation to its intended use.

(2) The facility's economic benefit to the pool will be equal to or greater than the cost of restoring the facility to the condition described in subsection (1). For purposes of this paragraph, achieving such economic benefit means that the rent to be paid by the occupants of the facility will be adequate to repay the restoration costs within 5 years ~~shall adopt rules establishing the standards for a qualified facility, which rules shall take into account the intended use of such facility and, with respect to those qualified facilities described in s. 255.502(14)(b), shall take into account the economic benefit of such facility to the pool as compared to the cost to the pool of restoring such facility to the condition stated in s. 255.502(14)(a)~~.

Section 19. Effective upon becoming a law, subsection (4) is added to section 282.105, Florida Statutes, 1996 Supplement, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(4) Institutions qualified pursuant to s. 240.605 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the division. Such entities shall not be required to satisfy the other criteria of this section.

Section 20. Effective upon becoming a law, paragraph (a) of subsection (2) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(2)(a) To plan and coordinate purchases in volume and to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a federal, county, municipality, *institutions qualified pursuant to s. 240.605*, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency may make purchases. The division may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Minority Business Advocacy and Assistance Office may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The division, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive sealed bid requirements otherwise applying to their purchases.

Section 21. Effective upon becoming a law, paragraph (k) of subsection (1) of section 364.511, Florida Statutes, is amended to read:

364.511 Powers of the Board of Directors of the Florida Distance Learning Network.—

(1) In order to enable it to carry out the purposes of ss. 364.506-364.514, the Board of Directors of the Florida Distance Learning Network has the power of a body corporate and shall have the power to:

(k) The Department of Management Services shall manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All *net* revenue realized through the leasing of available transponder time, *after deducting the costs of performing the management function*, shall be recycled to support the Florida Distance Learning Network.

Section 22. *Effective upon becoming a law, section 282.1021, Florida Statutes, is repealed.*

Section 23. Effective upon becoming a law, paragraph (b) of subsection (2) of section 282.307, Florida Statutes, is amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance.—

(2)

(b) The commission shall review and approve or disapprove the plan of each department no later than August 1 of each even-numbered year. Upon approval, copies of the plan shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. Copies of the communications components of

each plan shall be provided to the Division of Communications of the Department of Management Services ~~for use in developing the State Implementation Plan for Communications Services required under s. 282.1021~~. When a plan is disapproved, the basis for disapproval shall be presented to the information resource manager in writing. If the reasons for disapproval cannot be resolved within 30 days after receiving the basis for disapproval, the information resource manager shall notify the commission in writing why the department is unable to resolve the problems identified. Within 15 days after receiving the manager's response, the commission shall notify the information resource manager, in writing, of what actions are necessary for approval of the plan.

Section 24. *(1) There is created the Workforce 2000 Study Commission for the purpose of advising the Legislature and the Governor on appropriate executive, statutory, and constitutional measures in the formulation and implementation of an innovative, efficient retirement and benefits program along with setting appropriate personnel administrative policy.*

(a) The commission membership shall be as follows:

1. Three members appointed by the Governor who represent issues and interests relating to personnel and retirement matters in both the public and private sectors.

2. Three members appointed by the President of the Senate.

3. Three members appointed by the Speaker of the House of Representatives.

(b) The members shall elect one member to serve as chair of the commission.

(2) It is the duty of the commission to:

(a) Review various benefit plans as applied in the private sector and recommend innovative and efficient benefit plan options with the objectives of minimizing cost while maximizing motivation and work initiative among public employees.

(b) Identify and recommend specific retirement initiatives that complement efficient use of tax dollars.

(c) Identify and recommend appropriate personnel administrative policy relating to technical, professional, and managerial personnel.

(d) Review and recommend specific alternative benefit plans for nonpermanent employees in the public sector.

(3) The commission shall make its recommendations in an official report, adopted by the commission and transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 1, 1997.

(4) Commission members shall be appointed no later than July 1, 1997, and shall convene to organize immediately after the appointments have been completed. In the event member appointments have not been completed by July 1, 1997, those members appointed by that time shall select the remaining members.

(5) Members of the commission shall serve without compensation. Members of the commission shall be entitled to receive reimbursement for travel and per diem as provided by section 112.061, Florida Statutes, while carrying out official business of the commission.

(6) The commission shall hold meetings within the state when deemed necessary. Meetings of the commission shall be public. The commission shall have the power to require the attendance of witnesses before it and to require the production of records and other data for its examination in the manner prescribed by section 11.143, Florida Statutes.

(7) This section shall take effect upon becoming a law.

Section 25. *(1) The Department of Management Services shall furnish staff services to the Workforce 2000 Study Commission.*

(2) This section shall take effect upon becoming a law.

Section 26. Effective upon becoming a law, subsection (6) is added to section 957.03, Florida Statutes, 1996 Supplement, to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.—The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters 110, 216, 255, 282, and 287 for agencies of the executive branch. The Executive Director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 27. Except as otherwise provided herein, this act shall take effect October 1, 1997.

And the title is amended as follows:

On page 1, line 14, remove from the title of the bill all of said line and insert in lieu thereof: amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending s. 255.507, F.S.; providing criteria for determinations by the Division of Facilities Management that certain facilities are qualified facilities for certain purposes; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing effective dates.

House Amendment 2 (with title amendment)—On page 2, lines 4-6, remove from the bill all of said lines and insert in lieu thereof: *selection process pursuant to subsections (3), (4), and (5) for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during*

the selection of the design-build firm the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a

And the title is amended as follows:

On page 1, lines 11-14, remove from the title of the bill all of said lines and insert in lieu thereof: to standards for public announcement and qualification procedures, competitive selection, and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing requirements with respect thereto;

On motion by Senator Lee, the Senate concurred in the House amendments.

CS for SB 1860 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1930, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; requiring such offender to submit to HIV testing; requiring such offender to submit to electronic monitoring; providing an effective date.

House Amendment 1—On page 9, lines 10-14, remove from the bill all of said lines and insert in lieu thereof:

(5)*(a)* Effective for probationers or community controlees

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 1930 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1956, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1956—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

House Amendment 1 (with title amendment)—On page 6, between line(s) 11 and 12 of the bill, insert:

Section 3. *Notwithstanding the provisions of sections 1 and 2 of this act, implementation shall be contingent upon legislative appropriation for this purpose or the identification of federal funds which can be specifically used for this purpose.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing a contingency for the implementation of the act;

House Amendment 3 (with title amendment)—On page 6, between lines 11 and 12, insert:

Section 3. *The amendments to section 409.908(21), Florida Statutes, contained in HB 1965, enacted by the 1997 Regular Session of the Florida Legislature, are repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: repealing the amendments to s. 409.908(21), F.S., contained in HB 1965, relating to Medicaid provider agreements for school districts;

On motion by Senator Lee, the Senate concurred in the House amendments.

CS for SB 1956 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Madam President	Dantzler	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Rossin
Brown-Waite	Dudley	Jenne	Silver
Burt	Dyer	Kirkpatrick	Sullivan
Campbell	Forman	Klein	Turner
Casas	Grant	Kurth	Williams
Clary	Gutman	Latvala	
Cowin	Hargrett	Lee	
Crist	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Childers, McKay, Scott

SENATOR HORNE PRESIDING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 2013 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 2013—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; correcting a cross reference, to conform; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; correcting a cross reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; correcting a cross reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs and controlled substances; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; creating ss. 458.351 and 459.025, F.S.; requiring serious incident reports; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing conditions under which resident physicians may prescribe medicinal drugs; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; correcting a cross reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising

and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising language relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S., and transferring and amending s. 468.362, F.S.; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; correcting a cross reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 274, line 17, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1), subsection (4), and paragraph (g) of subsection (8) of section 402.48, Florida Statutes, 1996 Supplement, are amended to read:

402.48 Health care services pools.—

(1) As used in this section, the term:

(a) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(4) Each registration shall be for a period of *2 years* ~~1 year~~. A new registration is required upon the sale of a controlling interest in a health care services pool.

(8)

(g) Meeting the financial responsibility requirements of this section must be established at the time of issuance or renewal of a certificate of registration ~~on or after January 1, 1991~~.

Section 2. Subsections (2), (4), and (9) of section 455.225, Florida Statutes, 1996 Supplement, are amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, shall complete the report of its initial investigative findings and recommendations concerning the existence of*

probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits in this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. *If within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.* If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction, if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(9)*(a)* The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint, including:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action is taken.

(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

Section 3. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

Section 4. Section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts, that employs acupuncture diagno-

sis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body.

(2) "Acupuncturist" means any person *licensed* ~~certified~~ as provided in this chapter to practice acupuncture as a primary health care provider.

(3) "Board" means the Board of Acupuncture.

(4) "*License* ~~Certificate~~" means the document of authorization issued by the department for a person to engage in the practice of acupuncture.

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 5. Subsection (1) of section 457.103, Florida Statutes, is amended to read:

457.103 Board of Acupuncture; membership; appointment and terms.—

(1) The Board of Acupuncture is created within the department and shall consist of five members, to be appointed by the Governor and confirmed by the Senate. Three members of the board must be *licensed* ~~certified~~ Florida acupuncturists. Two members must be laypersons who are not and who have never been acupuncturists or members of any closely related profession. Members shall be appointed for 4-year terms or for the remainder of the unexpired term of a vacancy.

Section 6. Section 457.105, Florida Statutes, is amended to read:

457.105 *Licensure* ~~Certification~~ qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been *licensed* ~~certified~~ by the board, is in a board-approved ~~tutorial program or~~ course of study, or is otherwise exempted by this chapter.

(2) A person may become *licensed* ~~certified~~ to practice acupuncture if the *person applies to the department and* ~~applicant~~:

(a) Is 18 years of age or older ~~and meets one of the following criteria:~~

~~1. He is a citizen of the United States;~~

~~2. He is a permanent resident of the United States; or~~

~~3. He is a legal alien who has resided in the United States for 6 months immediately prior to qualifying for examination~~;

(b) Has completed *60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture, and has completed a 3-year course of study in acupuncture, and effective July 31, 2001, a 4-year course of study in acupuncture, which meets standards established by the board by rule, which standards include successful completion of academic courses in western anatomy, western physiology, western pathology, and western biomedical terminology. However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only* ~~the following:~~

~~1.~~ a 2-year course of study which meets standards established by the board by rule, which standards *must* ~~shall~~ include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

~~2. A 2-year tutorial program which meets standards established by the board by rule, which standards shall include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology. Prior to entrance in a tutorial program, an individual shall have been approved by the board, registered with the department, and paid a registration fee not to exceed $200 as set by rule of the board. Such tutorial program shall be of a continuous nature for not less than 2 years under the supervision of an acupuncturist certified under this chapter and shall have commenced after October 1, 1986. A person enrolled in a tutorial program approved by the board prior to October 1, 1986, may complete that program to meet the requirement for such training; or~~

~~3. At least 5 years of experience as an acupuncturist pursuant to standards and criteria established by board rule;~~

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state *that* ~~which~~ has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice acupuncture, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

2. Application fee: *$300* ~~$750~~.

3. Reexamination fee: *$500* ~~$1,000~~ plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from ~~the National Commission for the Certification of Acupuncturists or~~ a ~~similar~~ national organization *approved by the board*.

4. Initial biennial *licensure* ~~certification~~ fee: *$400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium* ~~$2,000~~.

Section 7. Section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of *licenses* ~~certificates~~; continuing education.—

(1) The department shall renew a *license* ~~certificate~~ upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$700* ~~$1,000~~.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of *licenses* ~~certificates~~.

(3) The board shall by rule prescribe continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a *license* ~~certificate~~. The criteria for such programs or courses shall be approved by the board. In order to meet continuing education requirements, prior approval by the board of such programs or courses is required. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. The board shall have the authority to set a fee, not to exceed $100, for each continuing education provider or program submitted for approval.

Section 8. Section 457.108, Florida Statutes, is amended to read:

457.108 Inactive status; expiration; reactivation of *licenses* ~~certificates~~.—

(1) A *license* ~~certificate~~ that has become inactive may be reactivated under this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate~~. The continuing education requirements for reactivating a *license* ~~certificate~~ must not exceed 10 classroom hours for each year the *license* ~~certificate~~ was inactive, in addition to completion of the number of hours required for renewal on the date the *license* ~~certificate~~ became inactive.

(2) The board shall adopt rules relating to application procedures for inactive status, renewal of inactive *licenses* ~~certificates~~, and reactivation of *licenses* ~~certificates~~. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a *license* ~~certificate~~. None of these

fees may exceed the biennial renewal fee established by the board for an active *license* ~~certificate~~.

(3) The department shall not reactivate a *license* ~~certificate~~ unless the inactive or delinquent *licensee* ~~certificateholder~~ has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 9. Section 457.1085, Florida Statutes, is amended to read:

457.1085 Infection control.—Prior to November 1, 1986, the board shall adopt rules relating to the prevention of infection, ~~the sterilization of needles and other equipment or materials capable of transmitting possible infection,~~ the safe disposal of any potentially infectious materials, and other requirements to protect the health, safety, and welfare of the public. *Beginning October 1, 1997, all acupuncture needles that are to be used on a patient must be sterile and disposable, and each needle may be used only once.* ~~Acupuncture needles shall be thoroughly cleansed with an antiseptic solution and hot water prior to sterilization by autoclave. Presterilized, prewrapped, disposable needles may be used.~~

Section 10. Section 457.109, Florida Statutes, is amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a *license* ~~certificate~~ to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a *license* ~~certificate~~ to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of *licensure* ~~certification~~, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the *licensee* ~~certificateholder~~ knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any *unlicensed* ~~uncertified~~ person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a *licensed* ~~certified~~ acupuncturist.

(i) Making or filing a report which the *licensee* ~~certificateholder~~ knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a *licensed* ~~certified~~ acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the *licensee* ~~certificateholder~~ or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his designee that probable cause exists to believe that the *licensee* ~~certificateholder~~ is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the *licensee* ~~certificateholder~~ to submit to a mental or physical examination by a physician designated by the department. If the *licensee* ~~certificateholder~~ refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the *licensee* ~~certificateholder~~ resides or serves as an acupuncturist. The *licensee* ~~certificateholder~~ against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the *licensee* ~~certificateholder~~ knows or has reason to know that he is not competent to perform.

(r) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder~~ delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or *licensure* ~~certification~~ to perform them.

(s) Violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another *licensee* ~~certificateholder~~ from lawfully advertising his services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a ~~tutorial program or a~~ course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a *license* ~~certificate~~.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.

(3) The department shall not reinstate the *license* ~~certificate~~ of an acupuncturist, or cause a *license* ~~certificate~~ to be issued to a person it has deemed to be unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in the final order and that he is capable of safely engaging in the practice of acupuncture.

Section 11. Section 457.116, Florida Statutes, is amended to read:

457.116 Prohibited acts; penalty.—

(1) It is unlawful for any person to:

(a) Hold himself out as a certified or licensed acupuncturist unless *licensed under this chapter* ~~certified as provided herein~~.

(b) Practice ~~acupuncture~~ or attempt to practice acupuncture without an active *license* ~~certificate or as otherwise permitted by board rule established under the authority of s. 457.105(2)(b)~~ or as otherwise provided by this chapter.

(c) *Obtain or* attempt to obtain or obtain a *license* ~~certificate~~ to practice acupuncture by fraudulent misrepresentation.

(d) Permit an employed person to engage in the practice of acupuncture unless such person holds an active *license* ~~certificate~~ as an acupuncturist, except as otherwise provided by this chapter.

(2) Any person who violates any provision of this section *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Subsection (2) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a ~~physician's trained assistant, a~~ registered nurse~~,~~ or a licensed practical nurse, if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a *medical assistant* ~~physician's trained assistant~~ in accordance with the provisions of *s. 458.3485* ~~this subsection~~.

Section 13. Subsection (2) of section 458.305, Florida Statutes, is amended to read:

458.305 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 14. Subsections (2) and (5) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(2)~~(a)~~ Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine for at least 4 years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. The remaining three members must be residents of the state who are not, and never have been, licensed health care practitioners. One member must be a hospital risk manager certified under part IX of chapter 626. At least one member of the board must be 60 years of age or older.

~~(b) The board shall establish at least one, but not more than two, probable cause panels to meet the responsibilities set out in s. 455.225(4). Each probable cause panel shall be composed of three members, one of whom shall be a lay member. One physician member may, if provided for in administrative rule, be a past board member who is not currently appointed to the board.~~

(5) During the time members are appointed to a probable cause panel, they shall attempt to complete their work on every case presented to them. In the event that consideration of a case is begun but not completed during the term of those members on the panel, they may reconvene as a probable cause panel~~, in addition to the panels established under paragraph (2)(b),~~ for the purpose of completing their deliberations on that case.

Section 15. Section 455.206, Florida Statutes, is amended to read:

455.206 Board members.—Notwithstanding any provision of law to the contrary, any person who otherwise meets the requirements of law for board membership and who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income. However, this section shall not apply to the physicians required by s. 458.307(2)~~(a)~~ to be on the faculty of a medical school in this state or on the full-time staff of a teaching hospital in this state.

Section 16. Paragraph (f) of subsection (1) and subsection (2) of section 458.311, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to said section, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(f) Meets one of the following medical education and postgraduate training requirements:

1.a. Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education *or is a graduate of an allopathic medical school or allopathic college within a territorial jurisdiction of the United States recognized by the accrediting agency of the governmental body of that jurisdiction*;

b. If the language of instruction of the medical school is other than English, has demonstrated competency in English through presentation of a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

2.a. Is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to s. 458.314 as having met the standards required to accredit medical schools in the United States or reasonably comparable standards;

b. If the language of instruction of the foreign medical school is other than English, has demonstrated competency in English through presentation of the Educational Commission *for* ~~on~~ Foreign Medical Graduates English proficiency certificate or by a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

3.a. Is a graduate of a foreign medical school which has not been certified pursuant to s. 458.314;

b. Has had his medical credentials evaluated by the *Educational* ~~Education~~ Commission *for* ~~on~~ Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the examination utilized by that commission; and

c. Has completed an approved residency of at least 1 year; however, after October 1, 1992, the applicant shall have completed an approved residency *or fellowship* of at least *2* ~~3~~ years in one specialty area. *However, to be acceptable, the fellowship experience and training must be counted toward regular or subspecialty certification by a board recognized and certified by the American Board of Medical Specialties.*

(2) *As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~Every applicant who is otherwise qualified may take the licensing examination five times after October 1, 1986, notwithstanding the number of times the examination has been previously failed. If an applicant fails the examination taken after October 1, 1986, five times, he shall no longer be eligible for licensure.~~

(10) Notwithstanding any other provision of this section, the department shall examine any person who meets the criteria set forth in sub-subparagraph (1)(f)1.a., sub-subparagraphs (1)(f)3.a. and b., or subsection (3), if the person:

(a) Submits proof of successful completion of Steps I and II of the United States Medical Licensing Examination or the equivalent, as defined by rule of the board;

(b) Is participating in an allocated slot in an allopathic training program in this state on a full-time basis at the time of examination;

(c) Makes a written request to the department that he or she be administered the examination without applying for a license as a physician in this state; and

(d) Remits a nonrefundable administration fee not to exceed $50 and an examination fee not to exceed $300 plus the actual cost per person to the department for the purchase of the examination from the Federation of State Medical Boards of the United States or a similar national organization. The examination fee is refundable if the person is found to be ineligible to take the examination.

Section 17. Section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $500 set by the board, ~~demonstrates to~~ the board *certifies* ~~that he~~:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(f);

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), *or of* the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided *the board certifies as eligible for licensure by endorsement any applicant who took the required examinations more than 10 years prior to application* ~~that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section~~; and

(c) *Has submitted* ~~Shows~~ evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or *evidence of successful* completion of *either* board-approved postgraduate training*, or a board-approved clinical competency examination,* within the year preceding the filing of an application for licensure. *For purposes of this paragraph, "active licensed practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, medical directors under s. 641.495(11) who are practicing medicine, and those on the active teaching faculty of an accredited medical school.*

(2)*(a) As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time.* ~~The board may require oral examinations of any applicant under the provisions of this section. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.~~

(b) The board may require an applicant for licensure by endorsement to take and pass the appropriate licensure examination prior to certifying the applicant as eligible for licensure.

(3) The department and the board shall *ensure* ~~assure~~ that applicants for licensure by endorsement meet applicable criteria in this chapter through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(1) and the department or board has reason to believe that the applicant does not meet the criteria, the secretary or his designee may issue a 90-day licensure delay which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(1).

~~(4) If the applicant has not actively practiced medicine or been on the active teaching faculty of an accredited medical school within the previous 4 years, the board shall certify the applicant to the department for licensure by endorsement subject to the condition that the applicant work under the supervision of another physician for a period, not to exceed 1 year, as determined by the board based on its determination of the licensee's ability to practice medicine. The supervising physician shall have had no probable cause findings against him within the previous 3 years.~~

(4)~~(5)~~ The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(5)~~(6)~~ Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter.

(6)~~(7)~~ The department shall not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, ~~then~~ the board may enter an order imposing one or more of the terms set forth in subsection *(7)* ~~(8)~~.

(7)~~(8)~~ When the board determines that any applicant for licensure by endorsement has failed to meet, to the board's satisfaction, each of the appropriate requirements set forth in this section, it may enter an order requiring one or more of the following terms:

(a) Refusal to certify to the department an application for licensure, certification, or registration;

(b) Certification to the department of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or

(c) Certification to the department of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

(8) The department shall reactivate the license of any physician whose license has become void by failure to practice in Florida for a

period of 1 year within 3 years after issuance of the license by endorsement, if the physician was issued a license by endorsement prior to 1989, has actively practiced medicine in another state for the last 4 years, applies for licensure before October 1, 1998, pays the applicable fees, and otherwise meets any continuing education requirements for reactivation of the license as determined by the board.

Section 18. Paragraphs (a) and (b) of subsection (1) of section 458.317, Florida Statutes, are amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years ~~and has retired or intends to retire from the practice of medicine~~ and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. *However, a physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive ~~monetary~~ compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.*

2. Meet the requirements in s. 458.311(1)(b)-(f) and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(b) After approval of an application under this section, no license shall be issued until the applicant provides to the board an affidavit that ~~the applicant has in fact retired from the practice of medicine in this or any other jurisdiction in which the applicant holds a license and that~~ there have been no substantial changes in status since initial application.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 19. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, and a fee not to exceed $500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed $100 per annum. If the licensee has not actively practiced medicine *for at least 2 years of the immediately preceding* ~~within the previous~~ 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine.

Section 20. Paragraphs (a) and (g) of subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, are amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 21. Paragraphs (m), (cc), and (ii) of subsection (1) of section 458.331, Florida Statutes, 1996 Supplement, are amended, and paragraph (ll) is added to said subsection, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(m) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ii) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under this chapter or ~~osteopathic physician licensed~~ under chapter 459 who the physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician *or physician assistant* also provides services.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

Section 22. Section 458.3312, Florida Statutes, is created to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency approved by the board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician.

Section 23. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; *prescribing of medicinal drugs;* penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall, on January 1 and July 1 of each year, furnish the department with a list of *the hospital's* ~~its~~ employees and such other information as the board may direct. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.*

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training which leads to a subspecialty board certification in a hospital of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed $300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training which leads to subspecialty board certification shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7)~~(5)~~ Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (2) of section 458.346, Florida Statutes, is amended to read:

458.346 Public Sector Physician Advisory Committee.—

(2) PUBLIC SECTOR PHYSICIAN ADVISORY COMMITTEE.—There is hereby created a Public Sector Physician Advisory Committee which shall be comprised of three physicians. One physician shall be appointed by the *chair* ~~chairman~~ of the Board of Medicine. The two remaining physicians shall be appointed by the secretary of the department from recommendations of the appropriate organization, if any, representing such physicians for the purpose of collective bargaining. The *chair* ~~chairman~~ of the committee shall be one of the two public sector physicians who shall be elected by majority vote of the committee members. Members of the committee shall serve 3-year terms and *shall* meet at least *once each year or upon the call of the committee chair* ~~on a quarterly basis~~. The initial term for one public sector physician shall be for 2 years, and the other for 3 years. Members of the committee are subject to reappointment. Committee members shall receive reimbursement for per diem and travel expenses.

Section 25. Section 458.347, Florida Statutes, 1996 Supplement, is amended to read:

458.347 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of physicians or groups of physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to paragraph (f). A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. *459.022* ~~458.022~~, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to

this chapter or chapter 459. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.* Any educational institution offering a physician assistant program approved by the boards pursuant to this paragraph may also offer the physician assistant program authorized in paragraph (c) for unlicensed physicians.

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(c) Any community college with the approval of the State Board of Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation, or its successor organization, and which may admit unlicensed physicians, as authorized in subsection (7), who are graduates of foreign medical schools listed with the World Health Organization. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the *department* ~~agency~~ shall examine each applicant who the Board of Medicine certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the *department* ~~agency~~ to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The *department* ~~agency~~ shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided the applicant demonstrates to the *department* ~~agency~~ the ability to communicate orally in basic English.

b. Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), (3), (4), and (5), with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates.

c. Was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991.

d. Was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990.

2. The *department* ~~agency~~ may grant temporary certification to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. A temporary certificate expires upon receipt and notice of scores to the certificateholder from the first available examination specified in subparagraph 1. following certification by the *department* ~~agency~~. An applicant who fails the proficiency examination is no longer temporarily certified, but may apply for a one-time extension of temporary certification after reapplying for the next available examination. Extended certification shall expire upon failure of the certificateholder to sit for the next available examination or upon receipt and notice of scores to the certificateholder from such examination.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the *department* ~~agency~~ only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at intervals determined by the *department* ~~agency~~ after the reporting of the scores of the first examination. For the purposes of this paragraph, the *department* ~~agency~~ may develop, contract for the development of, purchase, or approve an examination, including a practical component, that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the *department* ~~agency~~, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such

examination. Any applicant who passes the examination and meets the requirements of this section shall be certified as a physician assistant with all rights defined thereby.

(c) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(d) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(e) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(f) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (e). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.227 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 26. Subsections (1) and (2) of section 458.3485, Florida Statutes, are amended to read:

458.3485 Medical assistant.—

(1) DEFINITION.—As used in this section, "medical assistant" means a professional multiskilled person dedicated to assisting in all

aspects of medical practice under the direct *supervision and* responsibility of a physician. This practitioner assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a medical assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

(2) DUTIES.—Under the direct *supervision and* responsibility of a licensed physician, ~~the duties of~~ a medical assistant *may undertake the following duties* ~~are to~~:

(a) *Performing* ~~Perform~~ clinical procedures, to include:
1. Performing aseptic procedures.
2. Taking vital signs.
3. Preparing patients for the physician's care.
4. *Performing* venipunctures and nonintravenous injections.
5. Observing and reporting patients' signs or symptoms.
(b) Administering basic first aid.
(c) Assisting with patient examinations or treatments.
(d) Operating office medical equipment.
(e) Collecting routine laboratory specimens as directed by the physician.
(f) Administering medication as directed by the physician.
(g) Performing basic laboratory procedures.
(h) Performing office procedures including all general administrative duties required by the physician.
(i) *Performing* ~~Perform~~ dialysis procedures, including home dialysis.

Section 27. Subsection (2) of section 459.003, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

459.003 Definitions.—As used in this chapter:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(5) "Doctor of Osteopathy" and "Doctor of Osteopathic Medicine," when referring to degrees, shall be construed to be equivalent and equal degrees.

Section 28. Subsections (1) and (3) and paragraph (b) of subsection (5) of section 459.021, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of *Osteopathic Medicine* ~~Osteopathy~~ from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification *shall designate a person who* shall furnish, in January and July of each year, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. *The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.*

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital, and also for the superintendent, administrator, and other person or persons having administrative authority in a hospital:

(b) To fail to furnish to the department the list *and information* required by subsection (3).

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to the hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 29. Subsection (1) of section 459.0075, Florida Statutes, is amended to read:

459.0075 Limited licenses.—

(1) Any person desiring to obtain a limited license shall:

(a) Submit to the board a licensure application and fee required by this chapter. *However, an osteopathic physician who is not fully retired in all jurisdictions, may use a limited license only for noncompensated practice.* ~~However,~~ If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of osteopathic medicine, the application fee and all licensure fees shall be waived. *However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of osteopathic medicine.*

(b) Submit an affidavit that such osteopathic physician has been licensed to practice osteopathic medicine in any jurisdiction in the United States in good standing and pursuant to law for at least 10 years ~~and has now retired and that he was in good standing at the time of his retirement~~.

(c) Complete an amount of continuing education established by the board.

Section 30. Paragraphs (a) and (g) of subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, are amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, *or its* ~~and~~ subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28*(15)*~~(14)~~.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail

that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to ~~either~~ post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and* ~~or~~ provide a written statement to any person to whom medical services are being provided. *A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.* Such sign *and* ~~or~~ statement shall state ~~that~~: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 31. Paragraphs (o), (gg), and (ll) of subsection (1) of section 459.015, Florida Statutes, 1996 Supplement, are amended, and paragraph (nn) is added to said subsection, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(o) Failing to keep *legible, as defined by department rule in consultation with the board,* ~~written~~ medical records *that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify* ~~justifying~~ the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome ~~in children~~ characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(ll) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under this chapter who the osteopathic physician *or physician assistant* knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician *or physician assistant* also provides services.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

Section 32. Section 459.0152, Florida Statutes, is created to read:

459.0152 Specialties.—An osteopathic physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the osteopathic physician has successfully completed the requirements for certification by the American Osteopathic Association or the Accreditation Council on Graduate Medical Education and is certified as a specialist by a certifying agency approved by the board. However, an osteopathic physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the osteopathic physician.

Section 33. Section 459.022, Florida Statutes, 1996 Supplement, is amended to read:

459.022 Physician assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of osteopathic physicians or groups of osteopathic physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, a physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by osteopathic physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

~~(a) "Agency" means the Agency for Health Care Administration.~~

(a)~~(b)~~ "Approved program" means a program, formally approved by the boards, for the education of physician assistants.

(b)~~(c)~~ "Boards" means the Board of Medicine and the Board of Osteopathic Medicine.

(c)~~(d)~~ "Council" means the Council on Physician Assistants.

(d)~~(e)~~ "Trainee" means a person who is currently enrolled in an approved program.

(e)~~(f)~~ "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is certified to perform medical services delegated by the supervising physician.

(f)~~(g)~~ "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The boards shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g)~~(h)~~ "Proficiency examination" means an entry-level examination approved by the boards, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h)~~(i)~~ "Continuing medical education" means courses recognized and approved by the boards, the American Academy of Physician Assistants, the American Medical Association, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or group of physicians supervising a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently certified physician assistants at any one time.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by certified physician assistants.

(c) Certified physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a certified physician assistant, pursuant to a written protocol, the authority to act according to s. 154.04(1)*(c)*~~(d)~~. Such delegated authority is limited to the supervising physician's practice in connection with a county ~~public~~ health *department* ~~unit~~ as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county ~~public~~ health *departments* ~~units~~.

(e) A supervisory physician may delegate to a fully certified physician assistant the authority to prescribe any medication used in the supervisory physician's practice if such medication is listed on the formulary created pursuant to s. 458.347. A fully certified physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the *department* ~~agency~~ of his intent to delegate, on *a department-approved* ~~an agency-approved~~ form, before delegating such authority and with each certification renewal application filed by the physician assistant.

3. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the *department* ~~agency~~, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the *department* ~~agency~~ a signed affidavit that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each certification renewal application.

6. The *department* ~~agency~~ shall issue certification and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

(f)1. There is created a five-member committee appointed by the Director of Health Care Administration. The committee must be composed of one fully certified physician assistant certified pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully certified physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the *department* ~~agency~~ shall mail a copy of such formulary to each fully certified physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed $200 to fund the provisions of this paragraph and paragraph (e).

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The boards shall approve programs, based on recommendations by the council, for the education and training of physician assistants which meet standards established by rule of the boards. *The council may recommend only those physician assistant programs that hold full accreditation or provisional accreditation from the Commission on Accreditation of Allied Health Programs or its successor organization.*

(b) The boards shall adopt and publish standards to ensure that such programs operate in a manner that does not endanger the health or welfare of the patients who receive services within the scope of the programs. The boards shall review the quality of the curricula, faculties,

and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified as a physician assistant must apply to the *department* ~~agency~~. The *department* ~~agency~~ shall issue a certificate to any person certified by the council as having met the following requirements:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants. *If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants to be eligible for certification.*

3. Has completed the application form and remitted an application fee not to exceed $300 as set by the boards. An application for certification made by a physician assistant must include:

a. A certificate of completion of a physician assistant training program specified in subsection (6).

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

(b) The certification must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(c) Each certified physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(d) Upon employment as a physician assistant, a certified physician assistant must notify the *department* ~~agency~~ in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(e) Notwithstanding subparagraph (a)2., the *department* ~~agency~~ may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the council, the *department* ~~agency~~ may grant temporary certification to practice to physician assistant applicants based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be certified prior to employment, but must comply with paragraph (d). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. An applicant may not be granted more than two temporary certificates and may not be certified as a physician assistant until he passes the examination administered by the National Commission on Certification of Physician Assistants. As prescribed by board rule, the council may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.227 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 455.

(8) DELEGATION OF POWERS AND DUTIES.—The boards may delegate such powers and duties to the council as they may deem proper.

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the *department* ~~Agency for Health Care Administration~~.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician~~, supervises a physician assistant in the physician's practice,~~ and ~~is~~ a member of the Board of Osteopathic Medicine.

3. The *secretary of the department* ~~head of the agency~~ or his designee shall appoint a fully certified physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the *department* ~~agency~~ the certification of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of certified physician assistants.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. 455.271.

(11) PENALTY.—Any person who has not been certified by the council and approved by the *department* ~~agency~~ and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(12) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The boards may deny, suspend, or revoke a physician assistant certification if a board determines that the physician assistant has violated this chapter.

(13) RULES.—The boards shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or groups of physicians.

(14) EXISTING PROGRAMS.—This section does not eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(15) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. 455.221(1).

(17) FEES.—The *department* ~~agency~~ shall allocate the fees collected under this section to the council.

Section 34. Subsection (1) of section 240.4067, Florida Statutes, is amended to read:

240.4067 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner or physician's assistant certification. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of *osteopathic medicine* ~~osteopathy~~ with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health and Rehabilitative Services.

Section 35. Subsection (5) of section 390.011, Florida Statutes, is amended to read:

390.011 Definitions.—As used in this act:

(5) "Physician" means a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or *osteopathic medicine* ~~osteopathy~~ in the employment of the United States or this state.

Section 36. Subsection (1) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.—

(1) No licensed facility, in considering and acting upon an application for staff membership or clinical privileges, shall deny the application of a qualified doctor of medicine licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapter 459, a doctor of dentistry licensed under chapter 466, a doctor of podiatry licensed under chapter 461, or a psychologist licensed under chapter 490 for such staff membership or clinical privileges within the scope of his or her respective licensure solely because the applicant is licensed under any of such chapters.

Section 37. Paragraph (g) of subsection (1) of section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

(1) The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and services, hospices, and health maintenance organizations in context with the following criteria:

(g) The need for research and educational facilities, including, but not limited to, institutional training programs and community training programs for health care practitioners and for doctors of *osteopathic medicine* ~~osteopathy~~ and medicine at the student, internship, and residency training levels.

Section 38. Subsection (9) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(9) PHYSICIAN SERVICES.—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or *osteopathic medicine* ~~osteopathy~~. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or *osteopathic medicine* ~~osteopathy~~ as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

Section 39. Subsection (33) of section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(33) "Specified medical personnel" means licensed or certified physicians, *osteopathic physicians* ~~osteopaths~~, nurses, paramedics, advanced registered nurse practitioners, psychologists, psychiatrists, mental health professionals, or any other licensed or certified medical personnel.

Section 40. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 41. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, 1996 Supplement, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, *osteopathic physician* ~~osteopath~~, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 42. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of *Medicine* ~~Medical Examiners~~ as set forth in chapter 458, the Board of Osteopathic *Medicine* ~~Medical Examiners~~ as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or other practitioner.

Section 43. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, 1996 Supplement, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(r) "Physician" or "doctor" means ~~a medical doctor or doctor of osteopathy licensed under chapter 458,~~ a physician licensed under chapter 458, an *osteopathic physician* ~~osteopath~~ licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 44. Paragraphs (i) and (k) of subsection (1) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(i) "Medical care coordinator" means a primary care provider within a provider network who is responsible for managing the medical care of an injured worker including determining other health care providers and health care facilities to which the injured employee will be referred for evaluation or treatment. A medical care coordinator shall be a physician licensed under chapter 458 or an *osteopathic physician* ~~osteopath~~ licensed under chapter 459.

(k) "Primary care provider" means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 45. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, 1996 Supplement, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of *osteopathic medicine* ~~osteopathy~~ licensed under chapters 458 and 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 46. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use

hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, chiropractor, *osteopathic physician* ~~osteopath~~, or physician of medicine.

Section 47. Subsection (1) of section 459.006, Florida Statutes, is amended to read:

459.006 Licensure by examination.—Any person desiring to be licensed by examination shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant. This requirement may be waived for applicants who matriculated in a college of *osteopathic medicine* ~~osteopathy~~ during or before 1948.

Section 48. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) "Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic, nor shall the provisions of this law in any manner apply to or affect the practice of *osteopathic medicine* ~~osteopathy~~, chiropractic, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 49. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, *osteopathic medicine* ~~osteopathy~~, naturopathy, or chiropractic in this state.

Section 50. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, 1996 Supplement, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, *osteopathic medicine* ~~osteopathy~~, chiropody, podiatry, or chiropractic or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 51. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, naturopathy, or podiatry;

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;

(3) Licensed nurses under the laws of this state;

(4) Persons practicing cosmetology under the laws of this state;

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases; ~~or~~

(6) Persons who practice only shampooing as defined in s. 477.013 and whose practice is limited to the acts described therein*; or*~~.~~

(7) Persons whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails of any person when said cutting, trimming, polishing, or cleansing is done in a barbershop licensed pursuant to this chapter which is carrying on a regular and customary business of barbering, and such individual has been practicing the activities set forth in this subsection prior to October 1, 1985.

Section 52. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, *osteopathic medicine* ~~osteopathy~~, chiropractic, massage, naturopathy, or podiatry.

Section 53. Paragraph (a) of subsection (8) of section 483.291, Florida Statutes, is amended to read:

483.291 Powers and duties of the agency; rules.—The agency shall adopt rules to implement this part, which rules must include the following:

(8) PERSONNEL.—The agency shall prescribe minimum qualifications for center personnel. A center may employ as a medical assistant a person who has at least one of the following qualifications:

(a) Prior experience of not less than 6 months as a medical assistant in the office of a licensed medical doctor or *osteopathic physician* ~~osteopath~~ or in a hospital, an ambulatory surgical center, a home health agency, or a health maintenance organization.

Section 54. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, chiropractors, dentists, *osteopathic physicians* ~~osteopaths~~, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 55. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, 1996 Supplement, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed

under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 56. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Health care provider" means any:
1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant certified, under chapter 458.
3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.
4. Podiatrist licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.
6. Ambulatory surgical center licensed under chapter 395.
7. Chiropractor licensed under chapter 460.
8. Psychologist licensed under chapter 490.
9. Optometrist licensed under chapter 463.
10. Dentist licensed under chapter 466.
11. Pharmacist licensed under chapter 465.
12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.
13. Other medical facility.
14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 57. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an *osteopathic physician* ~~osteopath~~ licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 58. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by him thereunto lawfully authorized.

Section 59. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, 1996 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term "health care providers" means physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractors licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 60. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his informed consent when:

(a)1. The action of the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized among other physicians, *osteopathic physicians* ~~osteopaths~~, chiropractors, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he been advised by the physician, *osteopathic physician* ~~osteopath~~, chiropractor, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 61. Paragraphs (b) and (i) of subsection (1) and paragraph (e) of subsection (2) of section 766.105, Florida Statutes, 1996 Supplement, are amended to read:

766.105 Florida Patient's Compensation Fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(b) The term "health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant certified, under chapter 458.

3. *Osteopathic physician* ~~Osteopath~~ licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. "Other medical facility" as defined in paragraph (c).

8. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(i) The term "house physician" means any physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist except: a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist with staff privileges at a hospital; a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist providing emergency room services; an anesthesiologist, pathologist, or radiologist; or a physician, *osteopathic physician* ~~osteopath~~, podiatrist, or dentist who performs a service for a fee.

(2) COVERAGE.—

(e) The coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, trainees, committee members (including physicians, *osteopathic physicians* ~~osteopaths~~, podiatrists, and dentists), and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458, physician assistants licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, dentists licensed under chapter 466, and podiatrists licensed under chapter 461. However, the coverage afforded by the fund for a participating hospital shall apply to house physicians, interns, employed physician residents in a resident training program, or physicians performing purely administrative duties for the participating hospitals other than the treatment of patients. This coverage shall apply to the hospital or ambulatory surgical center and those included in this subsection as one health care provider.

Section 62. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than $1.5 million per claim, $5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, *osteopathic physicians* ~~osteopaths~~ licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 63. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, *osteopathic physician* ~~osteopath~~ licensed under chapter 459, chiropractor licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, *osteopathic physician* ~~osteopath~~, chiropractor, or practitioner.

Section 64. Subsection (1) of section 945.047, Florida Statutes, is amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and chiropractors employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, *osteopathic medicine* ~~osteopathy~~, or chiropractic in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

Section 65. Subsection (1) of section 460.403, Florida Statutes, 1996 Supplement, is amended to read:

460.403 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 66. Paragraphs (bb) and (cc) of subsection (1) of section 460.413, Florida Statutes, 1996 Supplement, are repealed, paragraphs (q) and (gg) of subsection (1) and subsection (2) of that section are amended, and subsections (6) and (7) are added to that section, to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(q) Being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings.* A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of chiropractic with reasonable skill and safety to patients.

(gg) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the chiropractic physician *or chiropractic physician's assistant* knows has violated the grounds

for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician *or chiropractic physician's assistant* also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.

(g) Imposition of costs of the investigation and prosecution.

(h) Requirement that the chiropractic physician undergo remedial education.

(i) Issuance of a letter of concern.

(j) Corrective action.

(k) Refund of fees billed to and collected from the patient or a third party.

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

(6) In any administrative action against a chiropractic physician which does not involve revocation or suspension of license, the department shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The department shall establish grounds for revocation or suspension of license by clear and convincing evidence.

(7) If any chiropractic physician is guilty of such unprofessional conduct, negligence, or mental or physical incapacity or impairment that the department determines that the chiropractic physician is unable to practice with reasonable skill and safety and presents a danger to patients, the department shall be authorized to maintain an action in circuit court enjoining such chiropractic physician from providing medical services to the public until the chiropractic physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.

Section 67. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (9) of section 320.0848, Florida Statutes, is reenacted to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(9) A violation of this section is grounds for disciplinary action under s. 458.331, s. 459.015, s. 460.413, or s. 461.013, as applicable.

Section 68. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, paragraph (g) of subsection (4) of section 455.236, Florida Statutes, is reenacted to read:

455.236 Financial arrangements between referring health care providers and providers of health care services.—

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the Department of Health and Rehabilitative Services pursuant to s. 395.0185(2).

Section 69. For the purpose of incorporating the amendment to section 460.413, Florida Statutes, 1996 Supplement, in a reference thereto, subsection (2) of section 766.111, Florida Statutes, is reenacted to read:

766.111 Engaging in unnecessary diagnostic testing; penalties.—

(2) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, s. 461.013, or s. 466.028, as applicable.

Section 70. Paragraph (a) of subsection (8) of section 460.4165, Florida Statutes, is amended to read:

460.4165 Chiropractic physician's assistants.—

(8) FEES.—

(a) A fee not to exceed $100 set by the board shall accompany the ~~annual~~ application by a chiropractic physician ~~or group of chiropractic physicians~~ for authorization to supervise a certified chiropractic physician's assistant.

Section 71. Subsection (1) of section 461.003, Florida Statutes, is amended to read:

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 72. Paragraph (aa) of subsection (1) of section 461.013, Florida Statutes, is amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(aa) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the podiatrist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatrist also provides services.

Section 73. Section 461.018, Florida Statutes, 1996 Supplement, is amended to read:

461.018 Limited scope of practice; area of need.—Those persons holding valid certificates on October 1, 1991, who were certified pursuant to chapters 88-205 and 88-392, Laws of Florida, and who have been practicing under a board-approved protocol for at least 2 years are eligible to receive a *podiatry* license to practice without supervision under their present limited scope of practice of the nonsurgical treatment of corns, calluses, and ingrown toenails in a specially designated area of need as provided by rule of the board.

Section 74. Subsection (1) and paragraph (c) of subsection (3) of section 464.003, Florida Statutes, 1996 Supplement, are amended to read:

464.003 Definitions.—As used in this chapter:

(1) "*Department* ~~Agency~~" means the *Department of* ~~Agency for~~ Health ~~Care Administration~~.

(3)

(c) "Advanced or specialized nursing practice" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom shall be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom shall have had work experience with advanced registered nurse practitioners; and the *secretary* ~~director~~ of the *department* ~~agency~~ or the *secretary's* ~~director's~~ designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts shall be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The *department* ~~agency~~ may, by rule, require that a copy of the protocol be filed with the *department* ~~agency~~ along with the notice required by s. 458.348.

Section 75. Subsection (1) of section 464.004, Florida Statutes, 1996 Supplement, is amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(1) The Board of Nursing is created within the *department* ~~agency~~ and shall consist of 13 members to be appointed by the Governor and confirmed by the Senate.

Section 76. Subsection (1) of section 464.008, Florida Statutes, 1996 Supplement, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the *department* ~~agency~~ to take the licensure examination. The *department* ~~agency~~ shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed $150 and has remitted an examination fee set by the board not to exceed $75 plus the actual per applicant cost to the *department* ~~agency~~ for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the *department* ~~agency~~ for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the *department* ~~agency~~.

Section 77. Subsections (1) and (3) of section 464.009, Florida Statutes, 1996 Supplement, are amended to read:

464.009 Licensure by endorsement.—

(1) The *department* ~~agency~~ shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the *department* ~~agency~~ and remitting a fee set by the board not to exceed $100, demonstrates to the board that he:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the *department* ~~agency~~.

(3) The *department* ~~agency~~ shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 78. Subsections (1) and (5) of section 464.012, Florida Statutes, 1996 Supplement, are amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the *department* ~~agency~~ and submit proof that he holds a current license to practice professional nursing and that he meets one or more of the following requirements as determined by the board:

(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.

(b) Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(c) Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

(5) The board shall certify, and the *department* ~~agency~~ shall issue a certificate to, any nurse meeting the qualifications in this section. The board shall establish an application fee not to exceed $100 and a biennial renewal fee not to exceed $50. The board is authorized to adopt such other rules as are necessary to implement the provisions of this section.

Section 79. Subsections (1) and (2) of section 464.013, Florida Statutes, 1996 Supplement, are amended to read:

464.013 Renewal of license or certificate.—

(1) The *department* ~~agency~~ shall renew a license upon receipt of the renewal application and fee.

(2) The *department* ~~agency~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

Section 80. Subsection (2) of section 464.014, Florida Statutes, 1996 Supplement, is amended to read:

464.014 Inactive status.—

(2) The *department* ~~agency~~ may not reactivate a license unless the inactive or delinquent licensee has paid any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 81. Paragraphs (a), (c), (j), (k), (l), and (m) of subsection (1) and paragraph (a) of subsection (2) of section 464.018, Florida Statutes, 1996 Supplement, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the *department* ~~agency~~ or the board.

(c) Being *convicted or* found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the *department* ~~agency~~ shall have, upon a finding of the *secretary* ~~director~~ or *the secretary's* ~~his~~ designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the *department* ~~agency~~. If the licensee refuses to comply with such order, the *department's* ~~agency's~~ order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The *department* ~~agency~~ shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the *department* ~~agency~~ any person who the licensee knows is in violation of this chapter or of the rules of the *department* ~~agency~~ or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this chapter, a rule of the board or the *department* ~~agency~~, or a lawful order of the board or *department* ~~agency~~ previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the *department* ~~agency~~.

(m) Failing to report to the *department* ~~Division of Health Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the *department* ~~agency~~ an application for licensure.

Section 82. Subsections (1), (3), and (4) of section 464.019, Florida Statutes, 1996 Supplement, are amended to read:

464.019 Approval of nursing programs.—

(1) An institution desiring to conduct an approved program for the education of professional or practical nurses shall apply to the *department* ~~agency~~ and submit such evidence as may be required to show that it complies with the provisions of this chapter and with the rules of the board. *The application shall include a program review fee, as set by the board, not to exceed $1,000.*

(3) The *department* ~~agency~~ shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this chapter and rules pursuant thereto, it shall certify the program for approval and the *department* ~~agency~~ shall approve the program.

(4) If the board, through an investigation by the *department* ~~agency~~, finds that an approved program no longer meets the required standards, it may place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within a specified period of time, the board may rescind the approval. Any program having its approval rescinded shall have the right to reapply.

Section 83. Section 464.0205, Florida Statutes, is created to read:

464.0205 Retired volunteer nurse certificate.—

(1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:

(a) A complete application.
(b) An application and processing fee of $25.
(c) Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).
(d) Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.

(2) All related administrative costs shall be borne by the applicant.

(3) The board may deny a retired volunteer nurse certificate to any applicant who has committed, or who is under investigation or prosecution for, any act that would constitute a ground for disciplinary action under s. 464.018.

(4) A retired volunteer nurse receiving certification from the board shall:

(a) Work under the direct supervision of the director of a county health department, a physician working under a limited license issued pursuant to s. 458.317 or s. 459.0075, a physician licensed under chapter 458 or chapter 459, an advanced registered nurse practitioner certified under s. 464.012, or a registered nurse licensed under s. 464.008 or s. 464.009.
(b) Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018, except that the scope of practice for certified volunteers shall be limited to primary and preventive health care, or as further defined by board rule.
(c) Work only in a setting for which there are provisions for professional liability coverage for acts or omissions of the retired volunteer nurse.
(d) Provide services under the certificate only in settings whose sponsors have been approved by the board.

(5) A retired volunteer nurse receiving certification from the board shall not:

(a) Administer controlled substances.
(b) Supervise other nurses.
(c) Receive monetary compensation.

(6) A retired volunteer nurse certified under this section may practice only in board-approved settings in public agencies or institutions or in nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in areas of critical nursing need as determined by the board. Determination of underserved areas shall be made by the board after consultation with the Department of Health, the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Elderly Affairs; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services. The sponsoring agencies desiring to use certified retired volunteer nurses shall submit

to the board verification of their status under s. 501(c)(3) of the Internal Revenue Code, the sites at which such volunteer nurses would work, the duties and scope of practice intended for such volunteer nurses, and the training or skills validation for such volunteer nurses.

(7) The retired volunteer nurse certificate shall be valid for 2 years, and a certificateholder may reapply for a certificate so long as the certificateholder continues to meet the eligibility requirements of this section. Any legislatively mandated continuing education on specific topics must be completed by the certificateholder prior to renewal; otherwise, the provisions of s. 464.013 do not apply.

Section 84. Subsection (12) is added to section 464.022, Florida Statutes, to read:

464.022 Exceptions.—No provision of this chapter shall be construed to prohibit:

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.

Section 85. Subsections (4) and (10) of section 465.003, Florida Statutes, are amended to read:

465.003 Definitions.—As used in this chapter, the term:

(4) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(10)*(a)* "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, and a special pharmacy.

1.~~(a)~~ The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2.~~(b)~~ The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3.~~(c)~~ The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4.~~(d)~~ The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

Section 86. Subsections (1) and (2) of section 465.004, Florida Statutes, are amended to read:

465.004 Board of Pharmacy.—

(1) The Board of Pharmacy is created within the department and shall consist of *nine* ~~seven~~ members to be appointed by the Governor and confirmed by the Senate.

(2) *Seven* ~~Five~~ members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years *and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, one must be currently engaged in the practice of pharmacy in a community pharmacy, one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and five shall be pharmacists licensed in this state irrespective of practice setting.* The remaining two members must be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person may be appointed as a *consumer* ~~lay~~ member who is in any way connected with a drug manufacturer or wholesaler. At least one member of the board must be 60 years of age or older.

Section 87. Section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees*; responsibilities; rules*.—

(1) The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application which conforms to the requirements for consultant pharmacist initial licensure or renewal as promulgated by the board by rule and a fee set by the board not to exceed $250. The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for ordering and evaluating any laboratory or clinical testing when, in the judgment of the consultant pharmacist, such activity is necessary for the proper performance of the consultant pharmacist's responsibilities. Such laboratory or clinical testing may be ordered only with regard to patients residing in a nursing home facility, and then only when authorized by the medical director of the nursing home facility. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the board ~~of Pharmacy~~ in addition to licensure as a registered pharmacist. ~~The board shall promulgate rules necessary to implement and administer this section.~~

(2) Notwithstanding the provisions of subsection (1), a consultant pharmacist or a doctor of pharmacy licensed in this state may also be responsible for ordering and evaluating any laboratory or clinical testing for persons under the care of a licensed home health agency when, in the judgment of the consultant pharmacist or doctor of pharmacy, such activity is necessary for the proper performance of his or her responsibilities and only when authorized by a practitioner licensed under chapter 458, chapter 459, chapter 461, or chapter 466. In order for the consultant pharmacist or doctor of pharmacy to qualify and accept this authority, he or she must receive 3 hours of continuing education relating to laboratory and clinical testing as established by the board.

(3) The board shall promulgate rules necessary to implement and administer this section.

Section 88. Subsection (1) of section 465.0156, Florida Statutes, is amended to read:

465.0156 Registration of nonresident pharmacies.—

(1) Any pharmacy which is located outside this state and which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident pharmacy, shall be registered with the board, *shall* provide pharmacy services at a high level of protection and competence, and *shall* disclose to the board the following specific information:

(a) That it maintains at all times a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(b) The location, names, and titles of all principal corporate officers and *the pharmacist who serves as the prescription department manager for* ~~all pharmacists who are~~ dispensing medicinal drugs to residents of this state. This disclosure shall be made ~~on an annual basis and~~ within 30 days after any change of ~~office~~ location, corporate officer, or pharmacist *serving as the prescription department manager for dispensing medicinal drugs to residents of this state*;

(c) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(d) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed; and

(e) That during its regular hours of operation but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drugs.

Section 89. Paragraph (o) of subsection (1) and paragraph (e) of subsection (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(o) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed~~ under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.

Section 90. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(10)(a)*1.*, *2.*~~(b)~~, and *3.*~~(c)~~ shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

Section 91. Section 465.026, Florida Statutes, is amended to read:

465.026 Filling of certain prescriptions.—Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state from filling or refilling a valid prescription which is on file in a pharmacy located in this state or in another state and has been transferred from one pharmacy to another by any means, including *any electronic means* ~~transfer by way of electronic data processing equipment~~, under the following conditions:

(1) Prior to dispensing *any transferred* ~~pursuant to any such~~ prescription, the dispensing pharmacist *must, either verbally or by any electronic means, do all of the following* ~~shall~~:

(a) Advise the patient that the prescription on file at *the* ~~such~~ other pharmacy must be canceled before *it may be filled or refilled* ~~he will be able to fill or refill it~~.

(b) Determine ~~from the requested pharmacist~~ that the prescription is valid and on file at *the* ~~such~~ other pharmacy and that *the* ~~such~~ prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on *the* ~~such~~ prescription.

(c) Notify the pharmacist *or* ~~at the~~ pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing, *or by any electronic means,* ~~or cause to be recorded by data processing equipment~~ the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the *dispensing pharmacist's* professional judgment ~~of the dispensing pharmacist~~, so requires. Any interference with the professional judgment of the dispensing pharmacist by any *pharmacist or* pharmacy permittee, *or* its agents~~,~~ or employees, shall be grounds for *discipline* ~~revocation or suspension of the permit issued to the pharmacy~~.

(2) Upon receipt of a ~~request for~~ prescription *transfer request* ~~information set forth in paragraph (1)(d)~~, if the ~~requested~~ pharmacist is satisfied in his professional judgment that *the* ~~such~~ request is valid, *or if the request has been validated by any electronic means,* the ~~requested~~ pharmacist *or pharmacy must do all of the following* ~~shall~~:

(a) *Transfer the information required by paragraph (1)(d)* ~~Provide such information~~ accurately and completely.

(b) Record on the prescription, *or by any electronic means,* ~~or record with data processing equipment the name of~~ the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by *electronic means or by* recording the word "void" on the prescription record. No further prescription information shall be given or medication dispensed pursuant to *the* ~~said~~ original prescription.

(3) *If a transferred prescription is not dispensed within a reasonable time, the pharmacist shall, by any means, so notify the transferring pharmacy.* ~~In the event that, after the information set forth in paragraph (1)(d) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which said information was obtained;~~ Such notice shall serve to revalidate the *canceled* ~~voided~~ prescription. The pharmacist who has served such notice shall then cancel the prescription in the same manner as set forth in paragraph (2)(c).

(4) In the case of a prescription to be transferred from or to a pharmacy located *in another* ~~outside of the~~ state, it shall be the responsibility of the pharmacist *or pharmacy* located in the State of Florida to *verify, whether by electronic means or otherwise,* ~~assure~~ that the person *or entity involved in the* ~~performing the act of~~ transfer *is a licensed pharmacist or pharmacy in the other state* ~~from outside the state is a practitioner licensed to practice pharmacy in the jurisdiction wherein the non-Florida pharmacy involved is located~~.

(5) Electronic transfers of prescriptions are permitted regardless of whether the transferor or transferee pharmacy is open for business.

(6)~~(5)~~ The transfer of a prescription for medicinal drugs listed in Schedules III, IV, and V appearing in chapter 893 for the purpose of refill dispensing is permissible, ~~between pharmacies on a one-time basis~~ subject to the requirements of this section and federal law. Compliance with federal law shall be deemed compliance with the requirements of this section.

Section 92. Section 465.035, Florida Statutes, is amended to read:

465.035 Dispensing of *medicinal* ~~medical~~ drugs pursuant to facsimile of prescription.—

(1) Notwithstanding any other provision of this chapter, it is lawful for a pharmacy to dispense medicinal drugs, *including controlled substances authorized under subsection (2),* based on reception of an electronic facsimile of the original prescription if all of the following conditions are met:

(a) In the course of the transaction the pharmacy complies with laws and administrative rules relating to pharmacies and pharmacists.

(b) Except in the case of the transmission of a prescription by a person authorized by law to prescribe medicinal drugs:

1. The facsimile system making the transmission provides the pharmacy receiving the transmission with audio communication via telephonic, electronic, or similar means with the person presenting the prescription.

2. At the time of the delivery of the medicinal drugs, the pharmacy has in its possession the original prescription for the medicinal drug involved.

3. The recipient of the prescription shall sign a log and shall indicate the name and address of both the recipient and the patient for whom the medicinal drug was prescribed.

(2) ~~This section does not apply to the dispensing of~~ Controlled substances listed in Schedule II as defined in s. 893.03(2) *may be dispensed as provided in this section to the extent allowed by 21 C.F.R. s. 1306.11.*

Section 93. Subsection (1) of section 465.186, Florida Statutes, is amended to read:

465.186 Pharmacist's order for medicinal drugs; dispensing procedure; development of formulary.—

(1) There is hereby created a committee composed of two members of the Board of Medicine licensed under chapter 458 chosen by said board, one member of the Board of Osteopathic Medicine licensed under chapter 459 chosen by said board, three members of the Board of Pharmacy licensed under this chapter and chosen by said board, and one additional person with a background in health care or pharmacology chosen by the committee. The committee shall establish a formulary of medicinal drug products and dispensing procedures which shall be used by a pharmacist when ordering and dispensing such drug products to the public. Dispensing procedures may include matters related to reception of patient, description of his *or her* condition, patient interview, patient physician referral, product selection, and dispensing and use limitations. In developing the formulary of medicinal drug products, the committee may include products falling within the following categories:

(a) Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the United States Food and Drug Administration.

(b) Any medicinal drug recommended by the United States Food and Drug Administration Advisory Panel for transfer to over-the-counter status pending approval by the United States Food and Drug Administration.

(c) Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination.

(d) Any medicinal drug containing fluoride in any strength.

(e) Any medicinal drug containing lindane in any strength.

(f) Any over-the-counter proprietary drug under federal law that has been approved for reimbursement by the Florida Medicaid Program.

(g) Any topical anti-infectives excluding eye and ear topical anti-infectives.

However, any drug which is sold as an over-the-counter proprietary drug under federal law shall not be included in the formulary or otherwise affected by this section.

Section 94. Paragraph (iii) is added to subsection (4) of section 893.03, Florida Statutes, 1996 Supplement, to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(iii) Butorphanol tartrate.

Section 95. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 316.193, Florida Statutes, 1996 Supplement, is reenacted to read:

316.193 Driving under the influence; penalties.—

(5) The court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course licensed by the department; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If an offender referred to treatment under this subsection fails to report for or complete such treatment or fails to complete the substance abuse education course, the DUI program shall notify the court and the department of the failure. Upon receipt of the notice, the department shall cancel the offender's driving privilege. The department shall reinstate the driving privilege when the offender completes the substance abuse education course or enters treatment required under this subsection. The organization that conducts the substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department determines, in accordance with its rules, that the service provider that conducts the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. All DUI treatment programs providing treatment services on January 1, 1994, shall be allowed to continue to provide such services until the department determines whether a waiver should be granted. A statistical referral report shall be submitted quarterly to the department by each organization authorized to provide services under this section.

Section 96. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (5) of section 327.35, Florida Statutes, 1996 Supplement, is reenacted to read:

327.35 Boating under the influence; penalties.—

(5) In addition to any sentence or fine, the court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance

abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03.

Section 97. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (11) of section 440.102, Florida Statutes, 1996 Supplement, is reenacted to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR SPECIAL-RISK POSITIONS.—

(b) An employee who is employed by a public employer in a special-risk position may be discharged or disciplined by a public employer for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or safety-sensitive position of the public employer, but may be assigned to a position other than a safety-sensitive position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.

Section 98. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (3) of section 458.326, Florida Statutes, is reenacted to read:

458.326 Intractable pain; authorized treatment.—

(3) Notwithstanding any other provision of law, a physician may prescribe or administer any controlled substance under Schedules II-V, as provided for in s. 893.03, to a person for the treatment of intractable pain, provided the physician does so in accordance with that level of care, skill, and treatment recognized by a reasonably prudent physician under similar conditions and circumstances.

Section 99. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (1) of section 817.563, Florida Statutes, is reenacted to read:

817.563 Controlled substance named or described in s. 893.03; sale of substance in lieu thereof.—It is unlawful for any person to agree, consent, or in any manner offer to unlawfully sell to any person a controlled substance named or described in s. 893.03 and then sell to such person any other substance in lieu of such controlled substance. Any person who violates this section with respect to:

(1) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 100. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, section 831.31, Florida Statutes, is reenacted to read:

831.31 Counterfeit controlled substance; sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver.—

(1) It is unlawful for any person to sell, manufacture, or deliver, or to possess with intent to sell, manufacture, or deliver, a counterfeit controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1), (2), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) For purposes of this section, "counterfeit controlled substance" means:

(a) A controlled substance named or described in s. 893.03 which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, or number, or any likeness thereof, of a manufacturer other than the person who in fact manufactured the controlled substance; or

(b) Any substance which is falsely identified as a controlled substance named or described in s. 893.03.

Section 101. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (d) of subsection (1) of section 856.015, Florida Statutes, is reenacted to read:

856.015 Open house parties.—

(1) Definitions.—As used in this section:

(d) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

Section 102. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, subsection (4) of section 893.02, Florida Statutes, is reenacted to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(4) "Controlled substance" means any substance named or described in Schedules I through V of s. 893.03. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

Section 103. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraph (b) of subsection (1) of section 893.08, Florida Statutes, is reenacted to read:

893.08 Exceptions.—

(1) The following may be distributed at retail without a prescription, but only by a registered pharmacist:

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance described in s. 893.03(2)(a) or (c) except any amphetamine drug or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to this chapter; in s. 893.03(3)(a); or in Schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and

2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

Section 104. For the purpose of incorporating the amendment to section 893.03, Florida Statutes, 1996 Supplement, in references thereto, paragraphs (a), (c), and (d) of subsection (1), paragraph (a) of subsection (2), paragraph (b) of subsection (4), and paragraph (b) of subsection (5) of section 893.13, Florida Statutes, 1996 Supplement, are reenacted to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and must be sentenced to a minimum term of imprisonment of 3 calendar years.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public housing facility, within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution, or within 200 feet of any public park. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 105. Subsection (7) of section 466.003, Florida Statutes, is amended to read:

466.003 Definitions.—As used in this chapter:

(7) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 106. Subsection (3) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(3) If an applicant is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) or of a dental college or school not approved by the board, he shall not be entitled to take the examinations required in this section to practice dentistry until he ~~meets the following requirements:~~

~~(a) Furnishes evidence to the board of a score on the examination of the National Board of Dental Examiners taken within 10 years of the date of application, which score is at least equal to the minimum score required for certification by that board. If the applicant fails to attain the score needed for certification on part I of the national board examination in two attempts, or fails to attain the score needed for certification on part II of the national board examination in two attempts, he shall not be entitled to take the laboratory model examination authorized in paragraph (c).~~

~~(b) Submits, upon meeting the requirements of paragraph (a), the following credentials for review by the board:~~

~~1. Transcripts of predental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and~~

~~2. A dental school diploma.~~

~~The board shall not review the credentials specified in this paragraph until the applicant has furnished to the board evidence of satisfactory completion of the National Board of Dental Examiners examination as required by paragraph (a). Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant hereto. The provisions of this paragraph notwithstanding, an applicant who cannot produce the credentials required by this paragraph as a result of political or other conditions in the country in which he received his education may seek approval by the board of his educational background prior to complying with the provisions of paragraph (a) by submitting such other reasonable and reliable evidence as may be set forth by rule of the board in lieu of the credentials required in this paragraph. The board shall not accept such alternative evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.~~

~~(c)~~ satisfies one of the following:

(a)~~1.~~ Completes a program of study, as defined by the board by rule, at an accredited American dental school and demonstrates receipt of a D.D.S. or D.M.D. from said school; *or*

(b)~~2.~~ Completes a 2-year supplemental dental education program at an accredited dental school and receives a dental diploma, degree, or certificate as evidence of program completion.~~; or~~

~~3. Exhibits manual skills on a laboratory model pursuant to rules of the board. The board may charge a reasonable fee, not to exceed $250, to cover the costs of administering the exhibition of competency in manual skills. If the applicant fails to exhibit competent clinical skills in two attempts, he shall not be entitled to take the examinations authorized in subsection (4). Effective December 31, 1991, no applicant may fulfill the requirements of this paragraph by taking the laboratory model exam. On or after said date, applicants must complete the educational requirements set forth in subparagraph 1. or subparagraph 2.~~

~~The provisions of paragraph (a) and subparagraph (c)3. notwithstanding, an applicant who is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) and who has failed to pass part I or part II of the national board examination in two attempts may take the laboratory model exam required in subparagraph (c)3. if the board finds that he has taken remedial training in the subject areas in which he tested below standard on said national board examination and that he has subsequently passed that part of such exam which he had previously failed, provided that no applicant shall be entitled to this exception who fails either part of the national board examination a total of three times. Further, an applicant who has failed to pass the laboratory model exam required in subparagraph (c)3. in two attempts may be allowed by the board to make a third and final attempt if the board finds that he has taken remedial training in clinical subjects in which he tested below standard. Upon passing said laboratory model exam, the applicant may take the licensure examinations required in subsection (4). Further, the educational requirements found in subparagraph (b)1. do not apply to persons who began dental education prior to October 1, 1983, and such persons shall be governed by the educational requirements in existence on September 30, 1983.~~

Section 107. Section 466.017, Florida Statutes, is amended to read:

466.017 Prescription of drugs; anesthesia.—

(1) A dentist shall have the right to prescribe drugs or medicine, subject to limitations imposed by law; perform surgical operations within the scope of his practice and training; administer general or local anesthesia or sedation, subject to limitations imposed by law; and use such appliances as may be necessary to the proper practice of dentistry.

(2) Pharmacists licensed pursuant to chapter 465 may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry.

(3) The board shall adopt rules which:

(a) Define general anesthesia.

(b) Specify which *methods of* general or local anesthesia or sedation, if any, are limited or prohibited for use by dentists.

(c) Establish minimal training, education, experience, or certification for a dentist to use general anesthesia or sedation, which rules may exclude, in the board's discretion, those dentists using general anesthesia or sedation in a competent and effective manner as of the effective date of the rules.

(d) Establish further requirements relating to the use of general anesthesia or sedation, including, but not limited to, office equipment and the training of dental assistants or dental hygienists who work with dentists using general anesthesia or sedation.

(e) Establish an administrative mechanism enabling the board to verify compliance with training, education, experience, equipment, or certification requirements of dentists, dental hygienists, and dental assistants adopted pursuant to this subsection. The board may charge a fee to defray the cost of verifying compliance with requirements adopted pursuant to this paragraph.

~~(4)(a) A licensed dentist who has been utilizing general anesthesia on a regular and routine basis in a competent and effective manner for a 10-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for general anesthesia.~~

~~(b) A licensed dentist who has been utilizing parenteral conscious sedation on an outpatient basis on a regular and routine basis in a competent and effective manner for the 3-year period preceding January 1, 1980, shall be deemed to have fulfilled the training requirements required by subsection (3) for parenteral conscious sedation.~~

(4)~~(5)~~ A dentist who administers or employs the use of any form of anesthesia must possess a certification in either basic cardiopulmonary resuscitation for health professionals or advanced cardiac life support approved by the American Heart Association or the American Red Cross or an equivalent agency-sponsored course with recertification every 2 years. Each dental office which uses any form of anesthesia must have immediately available and in good working order such resuscitative equipment, oxygen, and other resuscitative drugs as are specified by rule of the board in order to manage possible adverse reactions.

(5)~~(6)~~ A licensed dentist may utilize an X-ray machine, expose dental X-ray films, and interpret or read such films. The provisions of part IV of chapter 468 to the contrary notwithstanding, a licensed dentist may authorize or direct a dental assistant to operate such equipment and expose such films under his direction and supervision, pursuant to rules adopted by the board in accordance with s. 466.024 which ensure that said assistant is competent by reason of training and experience to operate said equipment in a safe and efficient manner. The board may charge a fee not to exceed $35 to defray the cost of verifying compliance with requirements adopted pursuant to this section.

(6)~~(7)~~ The provisions of s. 465.0276 notwithstanding, a dentist need not register with the board or comply with the continuing education requirements of that section if the dentist confines his dispensing activity to the dispensing of fluorides and chlorohexidine rinse solutions; provided that the dentist complies with and is subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chapters 465, 499, and 893, and all applicable federal laws and regulations, when dispensing such products.

Section 108. Paragraphs (r) and (hh) of subsection (1) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is *a Schedule II* ~~an~~ amphetamine or *a Schedule II* sympathomimetic amine drug or a compound *thereof* ~~designated as a Schedule II controlled substance~~, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(hh) Failing to report to the *department* ~~Division of Medical Quality Assurance~~ any *licensee* ~~physician licensed~~ under chapter 458 or ~~osteopathic physician licensed under~~ chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that *person* ~~physician or osteopathic physician~~ is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

Section 109. Subsection (2) of section 468.1115, Florida Statutes, is amended to read:

468.1115 Exemptions.—

(2) The provisions of this part shall not apply to:

(a) Students actively engaged in a training program, if such persons are acting under the direct supervision of a licensed speech-language pathologist or a licensed audiologist.

(b) Persons practicing a licensed profession or operating within the scope of their profession, such as doctors of medicine, clinical psychologists, nurses, or hearing aid specialists, who are properly licensed under the laws of this state.

(c) *Persons certified in the areas of speech-language impairment or hearing impairment* ~~A person licensed~~ in this state under chapter 231 when engaging in the profession for which *they are certified* ~~he is licensed~~, or any person under the direct supervision of *such a certified person, or of a licensee under this chapter, when the person under such supervision is performing hearing screenings in a school setting for prekindergarten through grade 12* ~~the licensee when rendering services within the scope of the profession of the licensee~~.

(d) Laryngectomized individuals, rendering guidance and instruction to other laryngectomized individuals, who are under the supervision of a speech-language pathologist licensed under this part or of a physician licensed under chapter 458 or chapter 459 and qualified to perform this surgical procedure.

(e) Persons licensed by another state as a speech-language pathologist or audiologist who provide services within the applicable scope of practice set forth in s. 468.1125(6) or (7) for no more than 5 calendar days per month or 15 calendar days per year under the direct supervision of a Florida-licensed speech-language pathologist or audiologist. A person whose state of residence does not license speech-language pathologists or audiologists may also qualify for this exemption, if the person holds a certificate of clinical competence from the American Speech-Language and Hearing Association and meets all other requirements of this paragraph. In either case, the board shall hold the supervising Florida licensee fully accountable for the services provided by the out-of-state licensee.

(f) Nonlicensed persons working in a hospital setting who provide newborn infant hearing screenings, so long as training, clinical interpretation of the screenings, and the protocol for followup of infants who fail in-hospital screenings are provided by a licensed audiologist.

Section 110. Subsection (5) of section 468.1125, Florida Statutes, is amended to read:

468.1125 Definitions.—As used in this part, the term:

(5) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 111. Section 468.1155, Florida Statutes, is amended to read:

468.1155 Provisional license; requirements.—

(1)*(a)* A provisional license shall be required *of all applicants who cannot document 9 months of supervised professional employment experience and a passing score on the national examination.*

(b) Individuals who are required to hold a provisional license under paragraph (a) shall apply to the department and be certified by the board for licensure prior to initiating the professional employment experience required pursuant to s. 468.1165. ~~Any person desiring a provisional license to practice speech-language pathology or audiology shall apply to the department.~~

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in speech-language pathology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant *must* ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in speech-language pathology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of speech-language pathology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Received a master's degree with a major emphasis in audiology from an institution of higher learning which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must* ~~shall~~ present documentation of the determination of equivalency to *standards established* ~~programs accredited~~ by the Commission on Recognition of Postsecondary Accreditation in order to qualify. The applicant *must* ~~shall~~ have completed ~~a total of~~ 60 semester hours *that* ~~which~~ include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language;~~, and~~ information about training in management of speech, hearing, and language disorders;~~,~~ and ~~which provide~~ information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of *the required 60* ~~these~~ semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken,~~.~~ of *which* ~~these 30 semester hours,~~ 24 semester hours *must* ~~shall~~ be in audiology.

(c) Completed 300 *supervised clinical* clock hours ~~of supervised clinical practice~~ with 200 clock hours in the area of audiology. The supervised clinical *clock hours* ~~practice~~ shall be completed within the training institution or one of its cooperating programs.

(4) An applicant for a provisional license who has received a master's degree with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

(5)~~(4)~~ The board, by rule, shall establish requirements for the renewal of a provisional license. However, ~~no person shall obtain~~ a provisional license *may not exceed* ~~for~~ a period *of* ~~which exceeds~~ 24 months.

Section 112. Paragraph (a) of subsection (2) and subsection (3) of section 468.1185, Florida Statutes, are amended to read:

468.1185 Licensure.—

(2) The board shall certify for licensure any applicant who has:

(a) Satisfied the education and supervised clinical *clock hour* ~~practice~~ requirements of s. 468.1155.

(3) The board shall certify as qualified for a license by endorsement as a speech-language pathologist or audiologist an applicant who:

(a) Holds a valid license or certificate in another state *or territory of the United States* to practice the profession for which the application for licensure is made, if the criteria for issuance of such license were substantially equivalent to or more stringent than the licensure criteria which existed in this state at the time the license was issued; or

(b) Has received the certificate of clinical competence of the American Speech-Language and Hearing Association.

Section 113. Section 468.1195, Florida Statutes, is amended to read:

468.1195 Renewal of license or certificate; continuing education requirements*; standards for approval of continuing education providers.*—

(1) The department shall renew a license or certificate upon receipt of the renewal application, renewal fee, and proof satisfactory to the board that~~, during the 2 years prior to the application for renewal,~~ the licensee or certificateholder *has completed the* ~~participated in not less than 20 hours of~~ continuing education *requirements established by the*

board ~~in each area of licensure or certification~~. *A licensee or certificate-holder who receives initial licensure or certification 6 months or less before the end of the biennial licensure cycle is exempt from the continuing education requirements for the first renewal of the license or certificate.*

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses and certificates.

(3) The board *may prescribe* ~~shall~~ by rule ~~prescribe~~ continuing education, *not to exceed 60 hours biennially in each area of licensure or certification,* as a condition for renewal of a license or a certificate. *The board may establish by rule standards for the approval of such continuing education activities.* The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board may establish by rule standards for the approval of providers of continuing education activities.

Section 114. Section 468.1201, Florida Statutes, is created to read:

468.1201 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—The board shall require, as a condition of granting a license under this part, that an applicant making initial application for licensure complete an education course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete this requirement.

Section 115. Subsections (2), (3), and (4) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(2) The department shall issue a certificate as a speech-language pathology assistant or as an audiology assistant to each applicant *who* ~~whom~~ the board certifies has:

(a) Completed the application form and remitted *the required fees, including* a nonrefundable application fee.

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation.

(3) The board, by rule, shall establish minimum education *and on-the-job training and supervision* requirements for certification as a speech-language pathology assistant or audiology assistant.

(4) The provisions of this section shall not apply to any student, intern, or trainee performing speech-language pathology or audiology services while completing the supervised clinical *clock hours* ~~experience~~ as required in s. 468.1155.

Section 116. Subsection (2) of section 468.1245, Florida Statutes, is amended to read:

468.1245 Itemized listing of prices; delivery of hearing aid; *receipt* ~~contract~~; guarantee; packaging; disclaimer.—

(2) Any licensee who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a *receipt* ~~contract~~ containing the seller's signature, the address of his regular place of business, and his license or certification number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The *receipt* ~~contract~~ also shall specify whether the hearing aid is new, used, or rebuilt, and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the *receipt* ~~contract~~ shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries, and other accessories, and the cost of any services. Notice of the availability of this service *must* ~~shall~~ be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and *its* guarantee ~~therefor~~, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the *department* ~~Agency for Health Care Administration~~. The address and telephone number of such office shall be stated on the *receipt* ~~contract~~.

Section 117. Section 468.1295, Florida Statutes, is amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.228:~~.~~

(a) *Procuring or* attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, *employing,* or advising any *licensee or business entity* ~~licensed person~~ to practice speech-language pathology or audiology contrary to this part, *chapter 455,* or *any* ~~to a~~ rule *adopted pursuant thereto* ~~of the department or the board~~.

(m) *Violating any provision* ~~Violation or repeated violation~~ of this part or ~~of~~ chapter 455~~,~~ or any *rule* ~~rules~~ adopted pursuant thereto.

(n) *Misrepresenting the* ~~Misrepresentation of~~ professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or *using* ~~use of~~ any other term or title which might connote the availability of professional services when such use is not accurate.

(o) *Representing, advertising, or implying* ~~Representation, advertisement, or implication~~ that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual ~~person~~, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) *Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change* ~~Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board~~.

(v) Failing to provide all information as described in *ss. 468.1225(5)(b),* ~~s.~~ 468.1245(1)*, and 468.1246*.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:

(a) *Refusal to certify, or to certify with restrictions,* ~~Denial of~~ an application for licensure.

(b) ~~Revocation or~~ Suspension *or permanent revocation* of a license.

(c)~~(d)~~ Issuance of a reprimand.

(d)~~(f)~~ Restriction of the authorized scope of practice.

(e)~~(c)~~ Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(f)~~(e)~~ Placement of the licensee *or certificateholder* on probation for a period of time and subject to such conditions as the board may specify. *Those conditions may include, but are not limited to,* ~~including~~ requiring the *licensee or certificateholder* ~~speech-language pathologist or audiologist~~ to *undergo treatment,* attend continuing education courses, *submit to be reexamined,* ~~or to~~ work under the supervision of another *licensee, or satisfy any terms which are reasonably tailored to the violation found* ~~speech-language pathologist or audiologist~~.

(g) Corrective action.

(3) The department shall reissue the license *or certificate which* ~~of a speech-language pathologist or audiologist who~~ has been *suspended or revoked* ~~disciplined~~ upon certification by the board that the *licensee or certificateholder* ~~person~~ has complied with all of the terms and conditions set forth in the final order.

Section 118. Section 468.1296, Florida Statutes, is created to read:

468.1296 Sexual misconduct.—Sexual misconduct by any person licensed or certified in the practice of his or her profession is prohibited. Sexual misconduct means to induce or to attempt to induce the patient to engage, or to engage or to attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

Section 119. Subsection (2) of section 468.1655, Florida Statutes, is amended to read:

468.1655 Definitions.—As used in this part:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 120. Subsection (1) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the department to take the licensure examination. The examination shall be given at least *two* ~~four~~ times a year and shall include, but not be limited to, questions on the subjects of nursing home administration such as:

(a) Applicable standards of nursing home health and safety;
(b) Federal, state, and local health and safety laws and rules;
(c) General administration;
(d) Psychology of patient care;
(e) Principles of medical care;
(f) Personal and social care;
(g) Therapeutic and supportive care and services in long-term care;
(h) Departmental organization and management;
(i) Community interrelationships; and
(j) Terminology.

The board may, by rule, adopt use of a national examination in lieu of part or all of the examination required by this part.

Section 121. Subsections (2), (4), and (5) of section 468.203, Florida Statutes, are amended to read:

468.203 Definitions.—As used in this act, the term:

(2) "Board" means the Board of *Occupational Therapy Practice* ~~Medicine~~.

(4) "Occupational therapy" means *the use of purposeful activity or interventions to achieve functional outcomes.*

(a) For the purposes of this subsection:

1. "Achieving functional outcomes" means to maximize the independence and the maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition.

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

(b) Occupational therapy services include, but are not limited to:

1. The assessment, treatment, and education of or consultation with the individual, family, or other persons.

2. Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills.

3. Providing for the development of: sensory-motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or psychosocial components of performance.

These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness ~~the evaluation and treatment of individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability. The treatment utilizes task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual. Specific occupational therapy techniques include, but are not limited to, activities of daily living (ADL), the fabrication and application of splints, perceptual-motor activities, the use of specifically designed crafts, guidance in the selection and use of adaptive equipment, exercises to enhance functional performance, and prevocational evaluation and treatment. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems~~.

(c) The use of devices subject to 21 C.F.R. s. 801.109 and identified by the board is expressly prohibited except by an occupational therapist or occupational therapy assistant who has received training as specified by the board. The board shall adopt rules to carry out the purpose of this provision.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of a ~~person~~ licensed *occupational therapist or* ~~to practice~~ occupational therapy *assistant*, and whose activities require *a general* ~~an~~ understanding of occupational therapy *pursuant to board rules* ~~but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy~~.

Section 122. Section 468.205, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.205, F.S., for present text.)

468.205 Board of Occupational Therapy Practice.—

(1) There is created within the department the Board of Occupational Therapy Practice, composed of seven members appointed by the Governor, subject to confirmation by the Senate.

(2) Four members shall be licensed occupational therapists in good standing in this state who are residents of this state and have been engaged in the practice of occupational therapy for at least 4 years immediately prior to their appointment. One member shall be a licensed occupational therapy assistant in good standing in this state who is a resident of the state and has been engaged in the practice of occupational therapy for at least 4 years immediately prior to the appointment. Two members shall be consumers who are residents of the state who are not connected with the practice of occupational therapy.

(3) Within 90 days after the effective date of this act, the Governor shall appoint the board as follows:

(a) Two members for terms of 2 years each.
(b) Two members for terms of 3 years each.
(c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years and such members shall serve until their successors are appointed.

(5) All provisions of chapter 455 relating to activities of the board shall apply.

Section 123. Section 468.209, Florida Statutes, is amended to read:

468.209 Requirements for licensure.—

(1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application, accompanied by the application for licensure fee prescribed in s. 468.221, on forms provided by the *department* ~~board~~, showing to the satisfaction of the board that he:

(a) Is of good moral character.

(b) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology, and sociology, and with education in selected manual skills. ~~For an occupational therapist,~~ Such a program shall be accredited by the American ~~Medical Association in collaboration with the American~~ Occupational Therapy *Association's Accreditation Council for Occupational Therapy Education, or its successor* ~~Association~~. ~~For an occupational therapy assistant, such a program shall be approved by the American Occupational Therapy Association.~~

(c) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he met the academic requirements. For an occupational therapist, a minimum of 6 months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork experience is required.

(d) Has passed an examination conducted or adopted by the board as provided in s. 468.211.

(2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, *prior to January 24, 1988,* ~~has~~ completed a minimum of 6 months of supervised *occupational-therapist-level* fieldwork experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(b).

(3) If the board determines that an applicant is qualified to be licensed by endorsement under s. 468.213, the board may issue the applicant a temporary permit to practice occupational therapy until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit *by endorsement* shall be issued to an applicant, and it shall not be renewable.

(4) If the board determines that the applicant has not passed an examination, which examination is recognized by the board, to determine competence to practice occupational therapy and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of this section and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing him to practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice occupational therapy under his temporary permit until the next meeting of the board. An individual who has failed the examination shall not continue to practice occupational therapy under his temporary permit; and such permit shall be deemed revoked upon notification

to the board of the examination results and the subsequent, immediate notification by the board to the applicant of the revocation. Only one temporary permit *by examination* shall be issued to an applicant, and it shall not be renewable. *However, applicants enrolled in a full-time advanced master's occupational therapy education program who have completed all requirements for licensure except examination shall, upon written request, be granted a temporary permit valid for 6 months even if that period extends beyond the next examination, provided the applicant has not failed the examination. This permit shall remain valid only while the applicant remains a full-time student and, upon written request, shall be renewed once for an additional 6 months.*

(5) An applicant seeking reentry into the profession who has not been in active practice within the last 5 years must, prior to applying for licensure, submit to the board documentation of continuing education as prescribed by rule.

Section 124. Subsection (6) is added to section 468.211, Florida Statutes, to read:

468.211 Examination for licensure.—

(6) If an applicant fails to pass the examination in three attempts, the applicant shall not be eligible for reexamination unless the applicant completes additional education or training requirements prescribed by the board. An applicant who has completed the additional education or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, the applicant is no longer eligible to take the examination.

Section 125. Section 468.213, Florida Statutes, is amended to read:

468.213 Licensure by endorsement.—

(1) The board may waive the examination and grant a license to any person who presents proof of current certification as an occupational therapist or occupational therapy assistant by *a national certifying organization* ~~the American Occupational Therapy Association~~ if the board determines the requirements for such certification to be equivalent to the requirements for licensure in this act.

(2) The board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or *any* ~~a~~ territory *or jurisdiction* of the United States *or foreign national jurisdiction* which requires standards for licensure determined by the board to be equivalent to the requirements for licensure in this act.

Section 126. Section 468.225, Florida Statutes, is amended to read:

468.225 *Exemptions* ~~Persons and practices not affected~~.—

(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed.

(b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed.

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee.

(d) Any person fulfilling the supervised fieldwork experience requirements of s. 468.209, if such activities and services constitute a part of the experience necessary to meet the requirements of that section.

~~(e) Any person employed by, or working under the direct supervision of, an occupational therapist as an occupational therapy aide.~~

(2) No provision of this act shall be construed to prohibit physicians, *physician assistants,* nurses, physical therapists, osteopathic physicians or surgeons, ~~or~~ clinical psychologists, *speech-language pathologists, or audiologists* from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

Section 127. Section 468.351, Florida Statutes, is amended to read:

468.351 Purpose and intent; application.—

(1)(a) The purpose in enacting this part is to provide for the *licensure* ~~certification and registration~~ of persons who deliver respiratory care services and who meet certain requirements. The delivery of respiratory care services by persons *licensed* ~~certified or registered~~ pursuant to this part shall not be construed to permit the practice of medicine.

(b) It is the finding of the Legislature that the delivery of respiratory care services by unskilled and incompetent persons presents a danger to the public health and safety. Because it is difficult for the public to make informed choices related to respiratory care services and since the consequences of wrong choices can seriously endanger public health and safety, it is the intent of the Legislature to prohibit the delivery of respiratory care services by persons who are determined to possess less than minimum competencies or who otherwise present a danger to the public.

(2) It is the intent of the Legislature that the department ~~of Health and Rehabilitative Services shall continue to~~ regulate blood gas laboratories and that the supervision of *health* ~~respiratory~~ care practitioners~~, clinical laboratory personnel, and other persons~~ performing blood gas analysis and specimen collection for the purpose of such analysis be specified in rules pursuant to *the applicable practice act* ~~chapter 483~~. Further, it is the intent of the Legislature that personnel *licensed* ~~certified or registered~~ pursuant to this part shall be exempt from the licensure provisions of chapter 483.

Section 128. Subsections (2), (8), and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(8) "Respiratory therapist" means any person *licensed* ~~registered~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) "Respiratory care practitioner" means any person *licensed* ~~certified~~ pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.

Section 129. Paragraph (a) of subsection (5) of section 468.354, Florida Statutes, is amended to read:

468.354 Advisory Council on Respiratory Care; organization; function.—

(5)(a) The council shall recommend to the department a code of ethics for those persons *licensed* ~~certified or registered~~ pursuant to this part.

Section 130. Section 468.355, Florida Statutes, is amended to read:

468.355 Eligibility for *licensure* ~~certification or registration~~; temporary *licensure* ~~certification~~.—

(1) To be eligible for *licensure* ~~certification~~ by the board as a respiratory care practitioner, an applicant must:

(a) Be at least 18 years old.
(b) Possess a high school diploma or a graduate equivalency diploma.
(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Certified Respiratory Therapy Technician" certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

4. The applicant is currently employed in this state as a respiratory care practitioner or respiratory therapist on October 1, 1984.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for *licensure* ~~registration~~ by the board as a respiratory therapist, an applicant must:

(a) Be at least 18 years old.
(b) Possess a high school diploma or a graduate equivalency diploma.
(c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapists approved by the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs* ~~and Accreditation of the American Medical Association~~, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a "Registered Respiratory Therapist" registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall annually review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(3) With respect to the delivery of respiratory care services, the board shall establish procedures for temporary *licensure* ~~certification~~ of eligible individuals entering the state and temporary *licensure* ~~certification~~ of those persons who have graduated from a program approved by the board. Such temporary *licensure* ~~certification~~ shall be for a period not to exceed 1 year.

Section 131. Section 468.356, Florida Statutes, is amended to read:

468.356 Approval of educational programs.—

(1) Approval of educational programs shall be in accordance with the Joint Review Committee for Respiratory Therapy Education through the *Commission* ~~Committee~~ on *Accreditation of* Allied Health Education *Programs, or other accrediting agency recognized by the United States Office of Education* ~~and Accreditation of the American Medical Association~~.

(2) In the event that an educational program has not yet received full American Medical Association approval, the board, at its discretion, may require appropriate documentation of the intent to achieve full accreditation within a specified time period. Temporary approval for graduates of such programs to sit for state *licensure* ~~certification or registration~~ examinations may then be granted by the board.

Section 132. Section 468.357, Florida Statutes, is amended to read:

468.357 *Licensure* ~~Certification~~ by examination.—

(1) A person who desires to be *licensed* ~~certified~~ as a respiratory care practitioner may submit an application to the *department* ~~board~~ to take the examination to be administered by the department.

(a) The department shall examine each applicant who is determined by the board to have:

1. Completed the application form and remitted the *applicable* ~~application~~ fee set by the board;

2. Submitted required documentation as required in s. 468.355; and

3. Remitted an examination fee set by the board.

(b) The department shall conduct examinations for *licensure* ~~certification~~ of respiratory care practitioners no less than two times a year in such geographical locations as are deemed advantageous to the majority of the applicants. ~~However, the examination shall be conducted no less than three times a year through 1988 and in such geographical locations as are deemed advantageous to the majority of the applicants.~~

(c) The examination given for respiratory care practitioners shall be the same as that given by the National Board for Respiratory Care for entry-level certification of respiratory therapy technicians. However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to *licensure* ~~certification~~ as a respiratory care practitioner, and the department shall issue a *license* ~~certificate~~ pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a *license* ~~certificate~~ to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

(3)~~(a)~~ Any person who was employed in this state on or before September 30, 1983, as a respiratory therapy technician or respiratory therapist, and who has performed services in such professional capacity for 4 years or more by October 1, 1987, under the supervision of a licensed physician or in a hospital or licensed health care facility, shall be issued a *license* ~~certificate~~ without examination, if such person provides acceptable documentation of performance of such services to the board. Such documentation shall include certification by a physician licensed pursuant to chapter 458 or chapter 459 who has direct knowledge of the practice of, or who has supervised, the person. If such person is not determined to have performed critical care respiratory services for at least 4 years, the board may limit the *license* ~~certificate~~ of such person to the performance of noncritical care respiratory services. ~~Any person issued a certificate pursuant to this paragraph shall complete at least 20 contact hours of continuing education each year.~~

~~(b) Any person first employed in this state as a respiratory therapy technician or respiratory therapist on or after October 1, 1984, and prior to October 1, 1987, shall have until December 31, 1988, to pass the examination for certification under this part if the person has applied to take the examination before March 1, 1988, and such person shall be permitted to continue to perform respiratory care services until December 31, 1988.~~

Section 133. Section 468.358, Florida Statutes, is amended to read:

468.358 *Licensure* ~~Certification or registration~~ by endorsement.—

(1) *Licensure* ~~Certification~~ as a respiratory care practitioner shall be granted by endorsement to an individual who holds the "Certified Respiratory Therapy Technician" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Certification~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) *Licensure* ~~Registration~~ as a respiratory therapist shall be granted by endorsement to an individual who holds the "Registered Respiratory Therapist" credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. *Licensure* ~~Registration~~ by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(3) An individual who has been granted *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services in another state or country may petition the board for consideration for *licensure* ~~certification or registration~~ in this state and, upon verification by oath and submission of evidence of *licensure,* certification, registration, or other authority acceptable to the board, may be granted *licensure* ~~certification or registration~~ by endorsement.

(4) *Licensure* ~~Certification or registration~~ shall not be granted by endorsement as provided in this section without the submission of a proper application and the payment of the requisite fees therefor.

Section 134. Subsections (1), (2), and (5) of section 468.359, Florida Statutes, are amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are *licensed* ~~certified~~ pursuant to this part as respiratory care practitioners have the right to use the title "Respiratory Care Practitioner" and the abbreviation "RCP."

(2) Only persons who are *licensed* ~~registered~~ pursuant to this part as respiratory therapists have the right to use the title "*Registered* Respiratory Therapist" and the abbreviation "RRT," provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care.

(5) No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner or respiratory therapist; or use the abbreviation "RCP" or take any other action that would lead the public to believe that such person is *licensed* ~~certified or registered~~ pursuant to this part unless such person is so *licensed* ~~certified or registered~~.

Section 135. Section 468.36, Florida Statutes, is amended to read:

468.36 Primary place of service delivery; notice of address or change of address.—Every *licensee* ~~certificateholder or registrant~~ shall file with the department the *licensee's current residence* address *as defined by board rule* ~~of his primary place of service delivery within the state prior to engaging in such service delivery. Prior to changing such address, he shall notify the department of the address of his new primary place of service delivery, whether or not within the state~~.

Section 136. Section 468.362, Florida Statutes, is repealed, and section 468.361, Florida Statutes, is amended to read:

468.361 Renewal of *licensure* ~~certification or registration~~; continuing education.—

(1) The department shall provide by rule a method for the biennial renewal of *licensure* ~~certification or registration~~ at fees set by the board.

(2) The board shall prescribe by rule continuing education requirements, not to exceed 24 hours biennially, as a condition for renewal of *licensure* ~~certification or registration~~. The program criteria with respect thereto shall be approved by the board.

(3) The board shall approve continuing education courses which may be accepted in meeting the requirements of this part. Providers of such courses shall also be approved by the board.

(4) The board may make exceptions from the requirements of this section in emergency or hardship cases.

Section 137. Section 468.363, Florida Statutes, is amended to read:

468.363 Reactivation of *licensure* ~~certification or registration~~; continuing education.—The board shall prescribe by rule continuing education requirements as a condition of reactivating a *license* ~~certificate or registration~~. The continuing education requirements for reactivating a *license* ~~certificate or registration~~ may not exceed 12 classroom hours for each year the *license* ~~certificate or registration~~ was inactive.

Section 138. Subsection (1) of section 468.364, Florida Statutes, is amended to read:

468.364 Fees; establishment; disposition.—

(1) The board shall establish by rule fees for the following purposes:

(a) Application, ~~fee:~~ a fee not to exceed $50.

(b) Examination, ~~fee:~~ a fee not to exceed $125 plus the actual per applicant cost to the department for purchase of the examination from the National Board for Respiratory Care or a similar national organization.

(c) Initial *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200.

(d) Renewal of *licensure,* ~~certification or registration fee:~~ a fee not to exceed $200 biennially.

(e) Renewal of inactive *licensure,* ~~certification or registration:~~ a fee not to exceed $50.

(f) Reactivation, ~~fee:~~ a fee not to exceed $50.

Section 139. Section 468.365, Florida Statutes, is amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Procuring, attempting to procure, or renewing a *license* ~~certificate or registration~~ as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having *licensure,* certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of *licensure,* certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board and the Advisory Council on Respiratory Care in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) Willfully or repeatedly violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.

(j) Violation of any rule adopted pursuant to this part or chapter 455.

(k) Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive *license* ~~certificate or registration~~.

(l) Permitting, aiding, assisting, procuring, or advising any person who is not *licensed* ~~certified or registered~~ pursuant to this part, contrary to this part or to any rule of the department or the board.

(m) Failing to perform any statutory or legal obligation placed upon a ~~certified~~ respiratory care practitioner or ~~a~~ respiratory therapist *licensed* ~~registered~~ pursuant to this part.

(n) Accepting and performing professional responsibilities which the *licensee* ~~certificateholder or registrant~~ knows, or has reason to know, he is not competent to perform.

(o) Delegating professional responsibilities to a person when the *licensee* ~~certificateholder or registrant~~ delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or *licensure* ~~certification or registration~~ to perform them.

(p) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respira-

tory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(q) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the *licensee* ~~certificateholder or registrant~~ from receiving a fee for professional consultation services.

(r) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(s) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other *licensees* ~~certificateholders or registrants~~ within the community.

(t) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(u) Failing to keep written respiratory care records justifying the reason for the action taken by the *licensee* ~~certificateholder or registrant~~.

(v) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the *licensee* ~~certificateholder or registrant~~ or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(w) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(x) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the *licensee* ~~certificateholder or registrant~~ being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent delivery of respiratory care services with reasonable skill and safety to his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(2) If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for *licensure* ~~certification or registration~~.

(b) Revocation or suspension of *licensure* ~~certification or registration~~.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, *but not limited to,* requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.

(e) Issuance of a reprimand.

(3) The board shall not reinstate *licensure* ~~certification or registration~~, or cause a *license* ~~certificate or registration~~ to be issued to a person it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that the respiratory care practitioner or respiratory therapist is capable of safely engaging in the delivery of respiratory care services.

(4) The board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a *license* ~~certificate or registration~~.

Section 140. Subsection (1) of section 468.366, Florida Statutes, is amended to read:

468.366 Penalties for violations.—

(1) It is a violation of law for any person, including any firm, association, or corporation, to:

(a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, ~~certificate, registration,~~ or record, or aid or abet in the sale, procurement, or attempted procurement thereof.

(b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, ~~certificate, registration,~~ or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly *licensed* ~~certified or registered~~ to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.

(d) Use, in connection with his name, any designation tending to imply that he is a respiratory care practitioner or a respiratory therapist, duly *licensed* ~~certified or registered~~ under the provisions of this part, unless he is so *licensed* ~~certified or registered~~.

(e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.

(f) Knowingly employ *unlicensed* ~~uncertified or unregistered~~ persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

Section 141. Subsection (8) of section 468.368, Florida Statutes, is amended to read:

468.368 Exemptions.—Nothing in this part shall be construed to prohibit:

(8) The employment by a health care facility of a student enrolled in the clinical portion of an approved respiratory care educational program (who has demonstrated such enrollment to the board by submission of evidence satisfactory to the board) to deliver limited respiratory care support services under the supervision of personnel *licensed* ~~certified or registered~~ pursuant to this part. Such exemption shall also apply to the graduates of such programs until the receipt of temporary *licensure* ~~certification~~ issued pursuant to the provisions of s. 468.355(3). However, such employees shall not perform invasive procedures or procedures related to critical respiratory care, including therapeutic, diagnostic, and palliative procedures, nor shall they participate in delivering certain services requiring unsupervised patient contact, as determined by the board.

Section 142. Subsection (3) of section 478.42, Florida Statutes, is amended to read:

478.42 Definitions.—As used in this chapter, the term:

(3) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 143. Section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 18 years old.
(b) Is of good moral character.
~~(c) Is a resident of the state.~~
(c)~~(d)~~ Possesses a high school diploma or a graduate equivalency diploma.
(d)~~(e)~~ Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.
(e)~~(f)1.~~ Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board~~; or~~

~~2. Was engaged in the practice of electrology prior to October 1, 1991, and filed an application for licensure within 90 days after the date established by the board or by February 1, 1995, whichever comes last~~.

(2) Each applicant for licensure shall successfully pass a written examination developed by the department or a national examination *that has*~~, both of which have~~ been approved by the board. The examinations shall test the applicant's knowledge relating to the practice of electrology, including the applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects which are useful to determine the applicant's fitness to practice.

(3) The department, upon approval of the board, may adopt *a* ~~the American Electrology Association examination or any other~~ national examination in lieu of any part of the examination required by this section. The board, with the assistance of the council, shall establish standards for acceptable performance.

(4) The department shall issue a license to practice electrology to any applicant who passes the examination, pays the licensure fee as set forth in s. 478.55, and otherwise meets the requirements of this chapter.

(5) The department shall conduct licensure examinations at least *two times a year* ~~biannually at locations set by the board. However, such examinations may be conducted at least three times each year through 1995~~. The *department* ~~board~~ shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to board rule.

(6) The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would be a violation of this chapter, until such investigation is complete. Upon completion of such investigation, if the applicant is found guilty of such offense, the board shall apply the applicable provisions of s. 478.52.

Section 144. Subsection (1) of section 478.46, Florida Statutes, is amended to read:

478.46 Temporary permits.—

(1) If the *department* ~~executive director of the board~~ determines that an applicant is qualified to be licensed under s. *478.47* ~~478.45~~, the *department* ~~board~~ may issue the applicant a temporary permit to practice *electrolysis* ~~electrology~~ until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

Section 145. Section 478.47, Florida Statutes, is amended to read:

478.47 Licensure by endorsement.—The department shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 and who ~~the board certifies has met the qualifications of s. 478.45(1) or who~~ holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state.

Section 146. Paragraph (d) of subsection (2) of section 478.52, Florida Statutes, is amended, and paragraph (u) is added to subsection (1) of said section, to read:

478.52 Disciplinary proceedings.—

(1) The following acts are grounds for which the disciplinary actions in subsection (2) may be taken:

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, *but not limited to,* requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.

Section 147. Subsections (1) and (2) of section 480.033, Florida Statutes, are amended to read:

480.033 Definitions.—As used in this act:

(1) "Board" means the Board of Massage *Therapy*.

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 148. Section 480.034, Florida Statutes, is amended to read:

480.034 Exemptions.—

(1) Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.

(2) Athletic trainers employed by or on behalf of a professional athletic team performing or training within this state shall be exempt from the provisions of this act.

(3) The state and its political subdivisions are exempt from the registration requirements of this act.

~~(4) Treatments for the purpose of cleansing and beautifying the skin or in conjunction with a weight loss program, including herbal wraps, body scrubs, paraffin wax treatments, and seaweed wraps, shall be exempt from the provisions of this act.~~

(4)~~(5)~~ An exemption granted is effective to the extent that an exempted person's practice or profession overlaps with the practice of massage.

Section 149. Subsection (1) of section 480.035, Florida Statutes, is amended to read:

480.035 Board of Massage *Therapy*.—

(1) The Board of Massage *Therapy* is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.

Section 150. Section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement~~; provisional licensure~~.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least 18 years of age or has received a high school diploma or graduate equivalency diploma;

(b) Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and

(c) Has received a passing grade on an examination administered by the department.

(2) Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.

(3) Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage.

~~(4)(a) The board may issue to an applicant, without examination, a provisional license to practice massage, provided such applicant meets all other conditions and requirements relating to qualification for licensure and submits a fee pursuant to s. 480.044. Such applicant for a provisional license shall be associated with a licensed massage therapist and shall practice only under the supervision of such licensed massage therapist at a licensed establishment.~~

~~(b) The provisional license, when granted, shall include the name and address of the licensed massage therapist with whom the applicant is associated. No licensed massage therapist may supervise more than one provisional licenseholder at the same time.~~

~~(c) The applicant must appear at the next examination for licensure for which the applicant can be scheduled according to the rules of the board and department. The provisional license shall expire upon written notification by the department that the applicant has failed the examination or on the date of the scheduled examination, should the applicant fail to appear. Acceptance of a provisional license by an applicant shall be deemed to be consent for expiration of that license in accordance with the provisions of this chapter.~~

~~(d) No more than one provisional license may be issued to an individual. No provisional license shall be issued to an applicant who has previously failed the examination.~~

(4)~~(5)~~ The board shall adopt rules:

(a) Establishing a minimum training program for apprentices.

~~(b) Specifying standards and procedures for issuance of a provisional license.~~

(b)~~(c)~~ Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(6), by massage therapists.

(c)~~(d)~~ Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 151. Section 480.0415, Florida Statutes, is amended to read:

480.0415 License renewal.—The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed *25* ~~12~~ classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

Section 152. Subsection (1) of section 480.042, Florida Statutes, is amended to read:

480.042 Examinations.—

(1) The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure ~~both~~ an applicant's competency ~~and his knowledge of related statutory requirements~~. Professional testing services may be utilized to formulate the examinations.

Section 153. *Section 480.0425, Florida Statutes, as amended by chapter 94-119, Laws of Florida, is repealed.*

Section 154. Subsection (7) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection.—

(7)*(a)* Once issued, no license for operation of a massage establishment may be transferred from one *owner* ~~person, corporation, name, or location~~ to another.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

Section 155. Subsection (1) of section 480.044, Florida Statutes, is amended to read:

480.044 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) Massage therapist application and examination fee: not to exceed $250.
(b) Massage therapist initial licensure fee: not to exceed $150.
(c) Establishment application fee: not to exceed $200.
(d) Establishment licensure fee: not to exceed $150.
(e) Biennial establishment renewal fee: not to exceed $150.
(f) Biennial massage therapist licensure renewal fee: not to exceed $200.
(g) Massage therapist reexamination fee: not to exceed $250.
(h) Fee for apprentice: not to exceed $100.
(i) Colonics examination fee: not to exceed $100.
(j) Colonics reexamination fee: not to exceed $100.
~~(k) Application and provisional licensure fee: not to exceed $50.~~
(k)~~(l)~~ Application and reactivation for inactive status of a massage therapist license fee: not to exceed $250.
(l)~~(m)~~ Renewal fee for inactive status: not to exceed $250.

Section 156. Paragraph (a) of subsection (1) of section 480.047, Florida Statutes, is amended to read:

480.047 Penalties.—

(1) It is unlawful for any person to:

(a) Hold himself *or herself* out as a massage therapist *or to practice massage* unless duly licensed *under this chapter or unless otherwise specifically exempted from licensure under this chapter* ~~as provided herein~~.

Section 157. Section 480.0485, Florida Statutes, is created to read:

480.0485 Sexual misconduct in the practice of massage therapy.—The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of massage therapy is prohibited.

Section 158. Paragraph (f) of subsection (3) of section 20.43, Florida Statutes, 1996 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(f) ~~Effective July 1, 1997,~~ Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part XIV of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage *Therapy*, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483.

23. Medical physicists, as provided under part *IV* ~~V~~ of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 159. Paragraph (b) of subsection (2) of section 381.81, Florida Statutes, is amended to read:

381.81 Minority Health Improvement Act.—

(2) DEFINITIONS.—As used in this section, the following words and terms shall have the following meanings, unless the context indicates another meaning or intent:

(b) "Health profession" means any regulated health profession, including occupational therapy, as regulated under part III of chapter 468; respiratory therapy, as regulated under part V of chapter 468; physical therapy, as regulated under chapter 486; midwifery, as regulated under chapter 467; dietetics and nutrition practice, as regulated under part X of chapter 468; electrolysis, as regulated under chapter 478; nursing assistants, as regulated under s. 400.211; and those professions regulated by: the Board of Medicine, created under chapter 458; the Board of Osteopathic Medicine, created under chapter 459; the Board of Acupuncture, created under chapter 457; the Board of Chiropractic, created under chapter 460; the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491; the Board of Dentistry, created under chapter 466; the Board of Optometry, created under chapter 463; the Board of Podiatric Medicine, created under chapter 461; the Board of Nursing, created by chapter 464; the Board of Psychological Examiners, created under chapter 490; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468; the Board of Nursing Home Administrators, created under part II of chapter 468; the Board of Clinical Laboratory Personnel, created under part *III* ~~IV~~ of chapter 483; ~~and~~ the Board of Opticianry, created under part I of chapter 484*; and the Board of Hearing Aid Specialists, created under part II of chapter 484*.

Section 160. Section 483.800, Florida Statutes, is amended to read:

483.800 Declaration of policy and statement of purpose.—The purpose of this part is to protect the public health, safety, and welfare of the people of this state from the hazards of improper performance by clinical laboratory personnel. Clinical laboratories provide essential services to practitioners of the healing arts by furnishing vital information that is essential to a determination of the nature, cause, and extent of the condition involved. Unreliable and inaccurate reports may cause unnecessary anxiety, suffering, and financial burdens and may even contribute directly to death. The protection of public and individual health requires the licensure of clinical laboratory personnel who meet minimum requirements for safe practice. The Legislature finds that laboratory testing technology continues to advance rapidly. The Legislature also finds that a hospital training program under the direction of the hospital clinical laboratory director offers an opportunity for individuals already trained in health care professions to expand the scope of their careers. The Legislature further finds that there is an immediate need for properly trained personnel to ensure patient access to testing. Therefore, the Legislature recognizes the patient-focused benefits of hospital-based training for laboratory and nonlaboratory personnel for testing within *hospitals and commercial laboratories* ~~the laboratory and at alternate sites,~~ and recognizes the benefits of a training program approved by the Board of Clinical Laboratory Personnel under the direction of the hospital clinical laboratory director.

Section 161. Subsection (3) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(3) Advanced registered nurse practitioners licensed under chapter 464 who perform provider-performed microscopy procedures (PPMP) in an exclusive-use laboratory setting.

Section 162. Section 483.803, Florida Statutes, is amended to read:

483.803 Definitions.—As used in this part, the term:

(1) "Board" means the Board of Clinical Laboratory Personnel.

(2) "Clinical laboratory" means a clinical laboratory as defined in s. 483.041(2).

(3) "Clinical laboratory examination" means an examination performed on materials or specimens of the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition.

(4)~~(3)~~ "Clinical laboratory personnel" includes a clinical laboratory director, supervisor, technologist, blood gas analyst, or technician who performs or is responsible for laboratory test procedures, but the term does not include trainees, persons who perform screening for blood banks or plasmapheresis centers, phlebotomists, or persons employed by a clinical laboratory to perform manual pretesting duties or clerical, personnel, or other administrative responsibilities.

(5)~~(4)~~ "Clinical laboratory trainee" means any person having qualifying education who is enrolled in a clinical laboratory training program approved pursuant to s. 483.811 and who is seeking experience required to meet minimum qualifications for licensing in this state. Trainees may perform procedures under direct and responsible supervision of duly licensed clinical laboratory personnel, but they may not report test results.

(6)~~(5)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(7)~~(6)~~ "Licensed practitioner of the healing arts" means a physician licensed pursuant to chapter 458, chapter 459, or chapter 460; a dentist licensed pursuant to chapter 466; or a person licensed pursuant to chapter 461 or chapter 462.

(8) "Public health laboratory scientist" means any licensed director, supervisor, technologist, or technician engaged in laboratory testing of human specimens in a state, county, or municipal public health laboratory.

Section 163. Subsections (1) and (2) of section 483.809, Florida Statutes, are amended to read:

483.809 Licensure; examinations; registration of trainees; approval of curricula.—

(1) LICENSING~~; QUALIFICATIONS~~.—

~~(a)~~ The department shall provide biennial licensure of all clinical laboratory personnel *who the board certifies have met* ~~meeting~~ the requirements of this part ~~and shall prescribe the qualifications necessary for such licensure~~. The license of any person who fails to pay a required fee or otherwise fails to qualify within 60 days after the date of expiration of such license shall be automatically canceled without notice or further proceedings unless the individual has made application for inactive status pursuant to s. 483.819.

~~(b) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.~~

(2) EXAMINATIONS.—The department shall conduct examinations required by board rules to determine in part the qualification of clinical laboratory personnel for licensure. *An approved national certification examination may be accepted in lieu of state examination for public health scientists.*

Section 164. Section 483.812, Florida Statutes, is created to read:

483.812 Public health laboratory scientists; licensure.—

(1) Applicants at the director and supervisor level in the category of public health who are registered by the National Registry of Clinical Chemistry Certification or the American Society of Microbiology may qualify under board rules by passing the appropriate supervision and administration examination.

(2)(a) A technologist applicant for licensure in the category of public health microbiology, with a baccalaureate degree in one of the biological sciences from an accredited institution, may use the American Society of Microbiology or the National Registry of Microbiology Certification in Public Health Microbiology to qualify for a technologist license in public health microbiology. Such a technologist may work in a public health microbiology laboratory.

(b) A technologist applicant for licensure in the category of public health chemistry, with a baccalaureate degree in one of the chemical, biological, or physical sciences from an accredited institution, may use the National Registry of Clinical Chemistry Certification to qualify for a technologist license in public health chemistry. Such a technologist may work in a public health chemistry laboratory.

(c) A technician applicant for licensure in the category of public health, with a baccalaureate degree in one of the chemical or biological sciences from an accredited institution, may obtain a one-time, 3-year, conditional public health technician license pending national certification by the American Society of Microbiology or the National Registry of Clinical Chemistry Certification. Such a technician may perform testing only under the direct supervision of a licensed pathologist, director, supervisor, or technologist.

(3) A person licensed by the Board of Clinical Laboratory Personnel may work in a public health laboratory at the appropriate level and specialty.

Section 165. Section 483.813, Florida Statutes, is amended to read:

483.813 Clinical laboratory personnel license.—A person may not conduct a clinical laboratory examination or report the results of such examination unless such person is licensed under this part to perform such procedures. However, this provision does not apply to any practitioner of the healing arts authorized to practice in this state. The department may grant a temporary license to any candidate it deems properly qualified, for a period not to exceed *1 year, or a conditional license for a period not to exceed 3 years* ~~6 months~~.

Section 166. Section 483.823, Florida Statutes, is amended to read:

483.823 Qualifications of clinical laboratory personnel.—

(1) The board shall prescribe minimal qualifications for clinical laboratory personnel and shall issue a license to any person who meets the minimum qualifications and who demonstrates that he possesses the character, training, and ability to qualify in those areas for which the license is sought.

(2) Personnel qualifications may require appropriate education, training, or experience or the passing of an examination in appropriate subjects or any combination of these, but no practitioner of the healing arts licensed to practice in this state is required to obtain any license under this part or to pay any fee hereunder except the fee required for clinical laboratory licensure.

Section 167. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action ~~against clinical laboratory personnel~~.—The following acts constitute grounds for which disciplinary actions specified in s. 483.827 may be taken against *applicants, registrants, and licensees under this part* ~~clinical laboratory personnel~~:

(1) *Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board* ~~Making a fraudulent statement on an application for a license or any other document required by the department~~.

(2) Engaging in or attempting to engage in, or representing himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to his license.

(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(5) Having been convicted of a felony or of any crime involving moral turpitude under the laws of any state or of the United States. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(6) Having been adjudged mentally or physically incompetent.

(7) Violating or aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.

(8) Reporting a test result when no laboratory test was performed on a clinical specimen.

(9) Knowingly advertising false services or credentials.

(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. *The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.*

(11) Failing to report to the board, in writing, within 30 days if action under subsection (10) has been taken against one's license to practice as clinical laboratory personnel in another state, territory, or country.

(12) Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.

Section 168. Section 483.828, Florida Statutes, is created to read:

483.828 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

(2) Each of the following act constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Knowingly concealing information relating to violations of this part.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this part.

(c) Leading the public to believe that one is licensed as clinical laboratory personnel, or is engaged in licensed practice as clinical laboratory personnel, without holding a valid, active license.

Section 169. Section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(1) SHORT TITLE.—This section may be cited as the "Florida Medical Physicists Act."

(2) DECLARATION OF LEGISLATIVE POLICY.—The Legislature finds that the practice of medical physics by incompetent persons is a threat to the public health and safety. It is, therefore, the responsibility of this state to protect the public health and safety from the harmful effects of excessive and unnecessary radiation by ensuring that the practice of medical physics is entrusted only to persons who are licensed under this section.

(3) DEFINITIONS.—As used in this section, the term:

~~(a) "Agency" means the Agency for Health Care Administration or its successor.~~

(a)~~(b)~~ "Council" means the Advisory Council of Medical Physicists in the *Department of Health* ~~Agency for Health Care Administration~~.

(b) "Department" means the Department of Health.

(c) "Diagnostic radiological physics" means the specialty of medical physics which deals with the diagnostic application and safe use of X rays, gamma rays from sealed sources, ultrasonic radiation, radio frequency radiation, or magnetic fields, and the use of equipment associated with the production, use, measurement, and evaluation of the radiation and the quality of the diagnostic image resulting from its production and use.

(d) "License" means a certificate issued by the *department* ~~agency~~ which authorizes the holder to practice medical physics.

(e) "Licensed medical physicist" means a person who holds a license issued under this section.

(f) "Medical health physics" means the specialty of medical physics which deals with the safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, radionuclides, and radiation from sealed sources, for both diagnostic and therapeutic purposes in human beings and the use of equipment required to perform appropriate tests and measurements *that do not involve the direct application of radiation to humans for diagnostic or therapeutic procedures.*

(g) "Medical nuclear radiological physics" means the specialty of medical physics which deals with the therapeutic and diagnostic application and safe use of radionuclides, except those used in sealed sources for therapeutic purposes, and the use of equipment associated with the production, use, measurement, and evaluation of radionuclides.

(h) "Medical physics" means the branch of physics which is associated with the practice of medicine. It includes the fields of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, and medical health physics.

(i) "Physician" means a doctor of medicine, *osteopathic medicine* ~~osteopathy~~, podiatry, dentistry, or chiropractic who is licensed in this state and who prescribes a radiological procedure.

(j) "Practice of medical physics" means the use of principles and accepted protocols of physics to *ensure* ~~assure~~ the correct quality, quantity, and placement of radiation during the performance of a radiological procedure prescribed by a physician which will protect the patient and others from harmful excessive radiation. The term includes radiation beam calibration and characterization quality assurance, instrument specification, acceptance testing, shielding design, protection analysis on radiation-emitting equipment and radiopharmaceuticals, and consultation with a physician to *ensure* ~~assure~~ accurate radiation dosage to a specific patient.

(k) "Radiation" means ionizing or nonionizing radiation above background levels which is used to perform a diagnostic or therapeutic medical or dental radiological procedure.

(l) "Radiological procedure" means a test, measurement, calculation, or radiation exposure used in the diagnosis or treatment of diseases or other medical or dental conditions in human beings that includes therapeutic radiation, diagnostic radiation, nuclear magnetic resonance, or nuclear medicine procedures.

(m) "Therapeutic radiological physics" means that specialty of medical physics which deals with the therapeutic application and safe use of X rays, gamma rays, electron or other charged particle beams, neutrons, or radiation from radionuclide sources, and the use of equipment associated with the production, use, measurement, and evaluation of that radiation.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the *Department of Health* ~~Agency for Health Care Administra-~~

~~tion~~ to *advise the department in regulating* ~~regulate~~ the practice of medical physics in this state.

(a) The council shall be composed of *nine* ~~seven~~ members appointed by the *secretary of the department* ~~director~~ as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.

2. A licensed medical physicist who specializes in therapeutic radiological physics.

3. A licensed medical physicist who specializes in medical nuclear radiological physics.

4. A physician who is board certified by the American Board of Radiology or its equivalent.

5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.

6. A physician who is board certified by the American *Chiropractic Radiology* Board ~~of Chiropractic Radiology~~ or its equivalent.

7. *Three* ~~A~~ consumer *members* ~~member~~ who *are* ~~is~~ not, and *have* ~~has~~ never been, licensed as a medical physicist or licensed in any closely related profession.

(b) The *secretary of the department* ~~director~~ shall appoint the medical physicist members of the council from a list of candidates who are licensed to practice medical physics.

(c) The *secretary of the department* ~~director~~ shall appoint the physician *members* ~~member~~ of the council from a list of candidates who are licensed to practice medicine in this state and are board certified in diagnostic radiology, therapeutic radiology, or radiation oncology.

(d) The *secretary of the department* ~~director~~ shall appoint the public *members* ~~member~~ of the council.

(e) As the term of each member expires, the *secretary of the department* ~~director~~ shall appoint the successor for a term of *4* ~~3~~ years. A member shall serve until *the member's* ~~his~~ successor is appointed, unless physically unable to do so.

(f) An individual is ineligible to serve more than two full consecutive *4-year* ~~3-year~~ terms.

(g) If a vacancy on the council occurs, the director shall appoint a member to serve for a *4-year* ~~3-year~~ term.

(h) A council member must be a United States citizen and must have been a resident of this state for 2 consecutive years immediately before being appointed.

1. A member of the council who is a medical physicist must have practiced for at least 6 years before being appointed or be board certified for the specialty in which the member practices.

2. A member of the council who is a physician must be licensed to practice medicine in this state and must have practiced diagnostic radiology or radiation oncology in this state for at least 2 years before being appointed.

3. The public *members* ~~member~~ of the council must not have a financial interest in any endeavor related to the practice of medical physics.

(i) Notwithstanding any other provision of this subsection, no later than January 1, 1996, the *secretary of the department* ~~director~~ shall make the initial appointments to the council as follows:

1. One member who is engaged in the practice of medical physics, *one physician member,* and one public member, each of whom is to be appointed to serve until June 30, 1996;

2. One member who is engaged in the practice of medical physics and one physician member, each of whom is to be appointed to serve until June 30, 1997; and

3. One member who is engaged in the practice of medical physics *and one physician member, each of whom is* to be appointed to serve until June 30, 1998.

(j) A council member may be removed from the council if the member:

1. Did not have the required qualifications at the time of appointment;

2. Does not maintain the required qualifications while serving on the council; or

3. Fails to attend the regularly scheduled council meetings in a calendar year as required by s. 455.207.

(k) Members of the council may not receive compensation for their services; however, they are entitled to reimbursement, from funds deposited in the *Medical Quality Assurance* ~~Health Care~~ Trust Fund, for necessary travel expenses as specified in s. 112.061 for each day they engage in the business of the council.

(l) At the first regularly scheduled meeting of each calendar year, the council shall elect a presiding officer and an assistant presiding officer from among its members. The council shall meet at least once each year and at other times in accordance with *department requirements* ~~agency rules~~.

(m) The *department* ~~agency~~ shall provide administrative support to the council for all licensing activities.

(n) The council may conduct its meetings electronically.

(5) POWERS OF COUNCIL.—The council shall:

(a) Recommend rules to administer this section.

(b) Recommend practice standards for the practice of medical physics which are consistent with the Guidelines for Ethical Practice for Medical Physicists prepared by the American Association of Physicists in Medicine and disciplinary guidelines adopted under s. 455.2273.

(c) Develop and recommend continuing education requirements for licensed medical physicists.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the *department* ~~agency~~ for the appropriate specialty.

(a) The *department* ~~agency~~ shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the *department* ~~agency~~ continuing education requirements that shall be a condition of license renewal. The *department* ~~agency~~ shall require a minimum of 24 hours *per biennium* of continuing education offered by an organization recommended by the council *and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.*

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the *department* ~~agency~~. The application must be on a form prescribed by the *department* ~~agency~~ and must be accompanied by a nonrefundable application fee for each specialty.

(c) *The department may issue a license to an eligible applicant if the applicant meets all license requirements.* At any time before the *department* ~~agency~~ issues ~~or renews~~ a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The *department* ~~agency~~ shall review each completed application for a license which the *department* ~~agency~~ receives.

~~(e) The agency may issue a license to an eligible applicant if the applicant meets all license requirements.~~

~~1. Licenses must be uniform and must include:~~

~~a. The name of the licensee;~~

~~b. The medical physics specialty that the licensee may practice; and~~

~~c. The expiration date of the license.~~

~~2. A license certificate is the property of the agency and must be surrendered on demand.~~

~~3. The agency shall adopt rules establishing a procedure for the biennial renewal of licenses.~~

~~4. A person may renew an unexpired license by meeting the renewal requirements, paying the nonrefundable renewal fee before the expiration of the license, and meeting continuing education requirements.~~

~~5. The cost to renew a license within 90 days after the license has expired is the normal renewal fee plus a penalty in the amount of half the renewal fee.~~

~~6. The cost to renew a license that has been expired for more than 90 days but less than 2 years is the normal renewal fee plus a penalty in the amount of the renewal fee.~~

~~7. A license may not be renewed after it has been expired for more than 2 years. To be relicensed, a person must comply with all current application requirements to practice medical physics and must submit a new application and nonrefundable application fee to the agency.~~

(e)~~(f)~~ On receipt of an application and fee as specified in this section, the *department* ~~agency~~ may issue a license to practice medical physics in this state:

1. Until October 1, 1997, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experience in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

~~1. Until October 1, 1997, to a person who has earned from an accredited college or university a master's degree or doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering, and has at least 2 years of experience in the practice of the medical physics specialty for which application is made during the 4 years immediately before the application is made.~~

2. *On or* after October 1, 1997, to a person who~~:~~

~~a. Holds a license to practice medical physics in this state; or~~

~~b.~~ is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the *department* ~~agency~~.

(f)~~(g)~~ A licensee shall:

1. Display the license in a place accessible to the public; and

2. Report immediately any change in the licensee's address or name to the *department* ~~agency~~.

(g) The following acts are grounds for which the disciplinary actions in paragraph (h) may be taken:

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.

8. Failing to perform any statutory or legal obligation placed upon a licensee.

9. Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

10. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

11. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

12. Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.

13. Judicially determined mental incompetency.

14. Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the

licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

(h) When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

1. Deny the application for licensure.

2. Revoke or suspend the license.

3. Impose an administrative fine for each count or separate offense.

4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.

5. Restrict a licensee's practice.

6. Issue a reprimand to the licensee.

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

~~(h) The agency may refuse to issue or renew a license, suspend or revoke a license, or reprimand the licensee for the following:~~

~~1. Obtaining or renewing a license by means of fraud, misrepresentation, or concealment of material fact;~~

~~2. Having made an application for or held a license issued by the licensing authority of another state, territory, or jurisdiction which was denied, suspended, or revoked by that licensing authority without so informing the agency;~~

~~3. Engaging in unprofessional conduct related to the practice of medical physics that has endangered or is likely to endanger the health, safety, or welfare of the public;~~

~~4. Violating this section, a rule of the agency, or the practice standards for medical physics; or~~

~~5. Being convicted of a felony or of a misdemeanor that directly relates to a person's duties and responsibilities as a licensed medical physicist.~~

(j)~~(i)~~ The *department* ~~agency~~ may issue a temporary license to an applicant pending completion of the application process.

(7) FEES.—The fee for the initial license application shall be $500 and is nonrefundable. The fee for license renewal may not be more than $500. These fees may cover only the costs incurred by the *department* ~~agency~~ and the council to administer this section. By July 1 each year, the *department* ~~agency~~ shall advise the council if the fees are insufficient to administer this section.

(8) DISPOSITION OF FEES.—The *department* ~~agency~~ shall deposit all funds received into the Health Care Trust Fund.

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

~~(9) OFFENSES.—A person is in violation of this section if the person intentionally or knowingly:~~

~~(a) Practices medical physics in violation of this section; or~~

~~(b) Uses letters, terminology, symbols, or signs to indicate or imply qualifications or licensure to practice medical physics in any manner for which the person is not licensed.~~

~~(10) PENALTIES.—~~

~~(a) A person who violates this section or any rule adopted under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(b) The agency may modify, deny, suspend, or revoke a license, or may impose an administrative fine not to exceed $1,000 per violation, for the violation of any provision of this section, rule adopted under this section, or terms or conditions of any license issued by the agency. The agency shall develop specific disciplinary guidelines in accordance with s. 455.2273.~~

~~1. In determining the amount of a fine that is to be levied for a violation, the following factors must be considered:~~

~~a. The severity of the violation and the extent to which this section, any rule adopted under this section, or any term or condition of any license was violated.~~

~~b. Any action taken by the licensee to correct the violation.~~

~~c. Any previous violation by the licensee.~~

~~2. All amounts collected under this section must be deposited in the Health Care Trust Fund.~~

~~(c) If the agency determines that the licensee presents a clear and present danger to the public health or safety, the agency may issue an emergency order that immediately suspends or revokes his license.~~

(10)~~(11)~~ EXEMPTIONS.—This section does not apply to:

(a) A physician who is licensed by this state to the extent that *the physician* ~~he~~ practices within the scope of *the physician's* ~~his~~ training, education, and licensure;

(b) A person who is licensed under part IV of chapter 468 to the extent that *the person* ~~he~~ practices within the scope of *the person's* ~~his~~ training, education, and licensure;

(c) A person who performs beam calibration and characterization, quality assurance, instrument specification, acceptance testing, shielding design, or protection analysis on radiation-emitting equipment or radiopharmaceuticals in connection with procedures that are not involved with the diagnosis or treatment of disease or other medical or dental conditions in humans;

(d) A person who is employed by a federal or state regulatory agency and is performing duties within the scope of the person's employment;

(e) A student or intern who practices medical physics in conjunction with a program at an accredited college or university to the extent that the student or intern is adequately supervised by a licensed medical physicist or licensed physician; or

(f) A dentist or any person working under *the dentist's* ~~his~~ supervision pursuant to chapter 466 to the extent that the dentist or the person supervised by the dentist is practicing within the scope of his *or her* training, education, and licensure.

~~(12) LICENSURE EXCEPTION.—Notwithstanding the provisions of subsections (1)-(11), any medical physicist who, as of July 1, 1995, has practiced medical physics for 5 years or longer is entitled to continue to so practice and need not be licensed as a medical physicist.~~

Section 170. Subsection (2) of section 484.041, Florida Statutes, is amended to read:

484.041 Definitions.—As used in this part, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 171. Subsection (1) of section 484.042, Florida Statutes, is amended to read:

484.042 Board of Hearing Aid Specialists; membership, appointment, terms.—

(1) The Board of Hearing Aid Specialists is created within the Department of *Health* ~~Business and Professional Regulation~~ and shall consist of nine members to be appointed by the Governor and confirmed by the Senate.

Section 172. Subsection (2) of section 484.051, Florida Statutes, is amended to read:

484.051 Itemization of prices; delivery of hearing aid; receipt, packaging, disclaimer, guarantee.—

(2) Any person who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a receipt containing the seller's signature, the address of his regular place of business, and his license or trainee registration number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The receipt also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the receipt shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, earmold, batteries and other accessories, and any services. Notice of the availability of this service shall be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the Department of *Health* ~~Business and Professional Regulation~~. The address and telephone number of such office shall be stated on the receipt.

Section 173. Subsection (2) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(2) "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

Section 174. Section 486.023, Florida Statutes, is amended to read:

486.023 Board of Physical Therapy Practice.—

(1) There is created within the department the Board of Physical Therapy Practice, composed of seven members~~, recommended by the Florida Physical Therapy Association and~~ appointed by the Governor *and*~~,~~ subject to confirmation by the Senate.

(2) Five board members shall be licensed physical therapists in good standing in this state who are residents of this state and *who* have been engaged in the practice of physical therapy for at least 4 years immediately prior to their appointment. One licensed physical therapist board member may be a full-time faculty member teaching in a physical therapy curriculum in an educational institution in this state. ~~One of~~ The two remaining members shall be *residents* ~~a resident~~ of this state who *have* ~~has~~ never been ~~a~~ licensed health care *practitioners* ~~practitioner~~. ~~One of the two remaining members shall be a health care practitioner licensed under chapter 458 or chapter 459 who is a resident of this state and has been engaged as a licensed health care practitioner for at least 4 years immediately prior to his or her appointment.~~

~~(3) Within 90 days after October 1, 1989, the Governor shall appoint the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4)~~(5)~~ All provisions of chapter 455 relating to activities of the board shall apply.

Section 175. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist; licensing requirements.—To be eligible for licensing as a physical therapist, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed, to the satisfaction of the board, *the American Registry Examination prior to 1971 or a national* ~~an~~ examination *approved* ~~administered~~ by the *board* ~~department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; ~~or~~

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 176. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to practice physical therapy before becoming licensed through examination, he shall apply ~~to the board~~ for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination and practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 177. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapist; examination of applicant.~~—The department shall provide for examination of applicants for licensing as physical therapists at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examinations of an applicant for licensing as a physical therapist shall be ~~administered by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the

examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 178. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of license without examination to person passing examination of another authorized examining board; temporary permit; fee.—

(1) The board may cause a license to be issued through the department without examination to any applicant who presents evidence satisfactory to the board of having passed *the American Registry Examination prior to 1971 or* an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure in physical therapy in such other state, district, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist" or "physiotherapist," or the letters "P.T.," in connection with his name or place of business to denote his licensure hereunder.

(2) At the time of making application for licensure without examination pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $175 as fixed by the board, no part of which will be returned.

(3) If a person desires to practice physical therapy before becoming licensed through endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter. A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable.

Section 179. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(1) Be at least 18 years old;

(2) Be of good moral character; and

(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation ~~(formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)~~ or the United States Department of Education at the time of his graduation and have passed to the satisfaction of the board an examination ~~administered by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; ~~or~~

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination ~~conducted by the department~~ to determine his fitness for practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 180. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant; application for license; fee; temporary permit.—

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the *department* ~~board~~ in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed $100, as fixed by the board~~, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned~~.

(2) If a person desires to work as a physical therapist assistant before being licensed through examination, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter.

(a) A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.

(b) An applicant for licensure by examination who is practicing under a temporary permit shall do so only under the direct supervision of a licensed physical therapist.

Section 181. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant; examination of applicant.— ~~The department shall provide for examination of applicants for licensing as physical therapist assistants at least once a year, and more often at the discretion of the board, at a time and place to be determined by the department.~~ The examination of an applicant for licensing as a physical therapist assistant shall be ~~provided by the department,~~ in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a ~~written~~ test by the applicant. If an applicant fails to pass the examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, he is no longer eligible to take the examination.

Section 182. Section 486.123, Florida Statutes, is created to read:

486.123 Sexual misconduct in the practice of physical therapy.—The physical therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of physical therapy means violation of the physical therapist-patient relationship through which the physical therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of physical therapy is prohibited.

Section 183. Paragraph (g) is added to subsection (2) of section 486.125, Florida Statutes, to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(g) Recovery of actual costs of investigation and prosecution.

Section 184. Subsection (11) is added to section 641.495, Florida Statutes, 1996 Supplement, to read:

641.495 Requirements for issuance and maintenance of certificate.—

(11) The organization shall designate a medical director who is a physician licensed under chapter 458 or chapter 459.

Section 185. Subsection (3) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(3)~~(a)~~ A person that engages in wholesale distribution of prescription drugs in this state must have a wholesale distributor's permit issued by the department, *except as noted in this section. Each establishment must be separately permitted except as noted in this subsection.*

(a) A separate establishment permit is not required when a permitted prescription drug wholesaler consigns a prescription drug to a pharmacy that is permitted under chapter 465 and located in this state, provided that:

1. The consignor wholesaler notifies the department in writing of the contract to consign prescription drugs to a pharmacy along with the identity and location of each consignee pharmacy;

2. The pharmacy maintains its permit under chapter 465;

3. The consignor wholesaler, which has no legal authority to dispense prescription drugs, complies with all wholesale distribution requirements of s. 499.0121 with respect to the consigned drugs and maintains records documenting the transfer of title or other completion of the wholesale distribution of the consigned prescription drugs;

4. The distribution of the prescription drug is otherwise lawful under this chapter and other applicable law;

5. Open packages containing prescription drugs within a pharmacy are the responsibility of the pharmacy, regardless of how the drugs are titled; and

6. The pharmacy dispenses the consigned prescription drug in accordance with the limitations of its permit under chapter 465 or returns the consigned prescription drug to the consignor wholesaler. In addition, a person who holds title to prescription drugs may transfer the drugs to a person permitted or licensed to handle the reverse distribution or destruction of drugs. Any other distribution by and means of the consigned prescription drug by any person, not limited to the consignor wholesaler or consignee pharmacy, to any other person is prohibited.

(b) A wholesale distributor's permit is not required for the one-time transfer of title of a pharmacy's lawfully acquired prescription drug inventory by a pharmacy with a valid permit issued under chapter 465 to a consignor prescription drug wholesaler, permitted under this chapter, in accordance with a written consignment agreement between the pharmacy and that wholesaler if: the permitted pharmacy and the permitted prescription drug wholesaler comply with all of the provisions of paragraph (3)(a) and the prescription drugs continue to be within the permitted pharmacy's inventory for dispensing in accordance with the limitations of the pharmacy permit under chapter 465. A consignor drug wholesaler may not use the pharmacy as a wholesale distributor through which it distributes the legend drugs to other pharmacies. Nothing in this section is intended to prevent a wholesale drug distributor from obtaining this inventory in the event of nonpayment by the pharmacy.

(c)~~(b)~~ The department shall require information from each wholesale distributor as part of the permit and renewal of such permit, as required under s. 499.01.

Section 186. *The Board of Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 187. *The Board of Osteopathic Medicine shall adopt rules to establish practice guidelines for physicians to safely prescribe phentermine, fenfluramine, and other drugs used to treat obesity.*

Section 188. Subsections (6) through (11) of section 409.9122, Florida Statutes, 1996 Supplement, are redesignated as subsections (7) through (12), respectively, and a new subsection (6) is added to that section to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to four visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits must be by prior authorization by the MediPass primary care provider. However, nothing in this subsection may be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act.

Section 189. *(1) There is created within the Department of Health a Task Force on Exemptions from Licensure under section 468.505(1)(k), Florida Statutes. The Department of Health shall provide staff support for the task force. The task force shall consist of not more than 15 members nominated by the associations and entities named in this section and appointed by the Secretary of Health. Members of the task force shall not receive compensation, per diem, or reimbursement for travel expenses for service on the task force. Participation in the task force is optional and at the discretion of each identified group or entity. If all identified groups and entities participate, the task force shall include:*

(a) One representative from each of the following associations:

1. The Florida Dietetic Association.
2. The Florida Health Care Association.
3. The Florida Association of Homes for the Aging.
4. The Florida Assisted Living Association.
5. The Florida League of Health Systems.
6. The Association of Community Hospitals and Health Systems of Florida, Inc.
7. The Florida Hospital Association.
8. The Florida Medical Association.
9. The Florida Osteopathic Medical Association.

(b) One representative from each of the following entities:

1. The Department of Health.
2. The Dietetics and Nutrition Practice Council.
3. The Board of Medicine, which representative must be a member of the board who is licensed under chapter 458, Florida Statutes.
4. The Board of Osteopathic Medicine, which representative must be a member of the board who is licensed under chapter 459, Florida Statutes.
5. The Department of Elderly Affairs.
6. The Agency for Health Care Administration.

(2) The task force shall hold its first meeting no later than August 1, 1997, and shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance not later than December 31, 1997. All task force meetings must be held in Tallahassee at the Department of Health in order to minimize costs to the state.

(3) The task force shall be charged with the responsibility to:

(a) Determine the number of licensed dietitians, the number of registered dietitians, and the number of dietitians who are neither licensed nor registered who are employed by or under contract with a hospital licensed under chapter 395, Florida Statutes, a nursing home or assisted living facility licensed under part II or part III of chapter 400, Florida Statutes, or a continuing care facility certified under chapter 651, Florida Statutes; and

(b) Assess the need and make recommendations for retaining the exemptions from licensure under section 468.505(1)(k), Florida Statutes, in light of the legislative purpose and intent of licensure as set forth in section 468.502, Florida Statutes, and review the quality of dietetic and nutrition services provided in the settings set forth in section 468.505(1)(k), Florida Statutes.

(4) The task force is dissolved effective January 1, 1998.

Section 190. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his *or her* supervision. *A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill*

authorization requests. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than *three* ~~two~~ pharmacy technicians.

Section 191. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 274, line 25, through page 291, line 24, of the amendment remove all of said lines and insert in lieu thereof: A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss. 464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 466.003, F.S.; updating the definition

of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; changing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; amending s. 499.012, F.S.; clarifying and providing for additional wholesale distribution exceptions; requiring the Board of Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; requiring the Board of Osteopathic Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; amending s. 409.9122, F.S.; providing for chiropractic and podiatric services under the MediPass program; creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force; amending s. 465.014, F.S.; amending the duties of pharmacy technicians; increasing the number of pharmacy technicians a licensed pharmacist may supervise; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 233, between lines 24 and 25, of the amendment insert:

Section 191. Subsection (3) of section 456.32, Florida Statutes, is amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatry, chiropody, *psychology, clinical social work, marriage and family therapy, mental health counseling,* or optometry within the scope of his professional training and competence and within the purview of the statutes applicable to his respective profession, and who may refer a patient for

treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 192. Section 490.003, Florida Statutes, is amended to read:

490.003 Definitions.—*As used in this chapter:*

(1)~~(2)~~ "Board" means the Board of Psychology.

(2)~~(1)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(3)~~(7)~~(a) Prior to July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., *an* ~~and~~ Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.

(b) Effective July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an agency recognized and approved by the United States Department of Education.

(4) "Practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health. The ethical practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, including evaluation of mental competency to manage one's affairs and to participate in legal proceedings; counseling, psychoanalysis, all forms of psychotherapy, sex therapy, hypnosis, biofeedback, and behavioral analysis and therapy; psychoeducational evaluation, therapy, remediation, and consultation; and use of psychological methods to diagnose and treat mental, nervous, psychological, marital, or emotional disorders, illness, or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability, including neuropsychological evaluation, diagnosis, prognosis, etiology, and treatment.

(a) Psychological services may be rendered to individuals, couples, families, groups, and the public without regard to place of service.

(b) The use of specific modalities within the practice of psychology is restricted to psychologists appropriately trained in the use of such modalities.

(c) The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is requested or received for services rendered.

(5)~~(6)~~ "Practice of school psychology" means the rendering or offering to render to an individual, a group, an organization, a government agency, or the public any of the following services:

(a) Assessment, which includes psychoeducational, developmental, and vocational assessment; evaluation and interpretation of intelligence, aptitudes, interests, academic achievement, adjustment, and motivations, or any other attributes, in individuals or groups, that relate to learning, educational, or adjustment needs.

(b) Counseling, which includes short-term situation-oriented professional interaction with children, parents, or other adults for amelioration or prevention of learning and adjustment problems. Counseling services relative to the practice of school psychology include verbal interaction, interviewing, behavior techniques, developmental and vocational intervention, environmental management, and group processes.

(c) Consultation, which includes psychoeducational, developmental, and vocational assistance or direct educational services to schools, agencies, organizations, families, or individuals related to learning problems and adjustments to those problems.

(d) Development of programs, which includes designing, implementing, or evaluating educationally and psychologically sound learning environments; acting as a catalyst for teacher involvement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

(6) "Provisional psychologist licensee" means a person provisionally licensed under this chapter to provide psychological services under supervision.

(7)~~(3)~~ "Psychologist" means a person licensed pursuant to s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida.

(8)~~(5)~~ "School psychologist" means a person licensed pursuant to s. 490.005(2), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, chapter 81-235, Laws of Florida.

Section 193. Paragraph (b) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003*(3)*~~(7)~~;

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003*(3)*~~(7)~~, from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant; or

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education.

Section 194. Section 490.0051, Florida Statutes, is created to read:

490.0051 Provisional licensure; requirements.—

(1) The department shall issue a provisional psychology license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $250, as set by board rule.

(b) Earned a doctoral degree in psychology as defined in s. 490.003(3).

(c) Met any additional requirements established by board rule.

(2) A provisional licensee must work under the supervision of a licensed psychologist until the provisional licensee is in receipt of a license

or a letter from the department stating that he or she is licensed as a psychologist.

(3) A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

Section 195. *Section 490.008, Florida Statutes, as amended by chapter 94-119, Laws of Florida, is repealed.*

Section 196. Section 490.009, Florida Statutes, 1996 Supplement, is amended to read:

490.009 Discipline.—

(1) When the department or, in the case of psychologists, the board finds that an applicant, *provisional licensee,* or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, either temporarily or permanently.

(b) Revocation of an application for licensure, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.

(d) Immediate suspension of a license pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.

(h) Restriction of practice.

(2) The following acts of a licensee, *provisional licensee,* or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person *who* ~~whom~~ the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he can resume the competent practice for which he is licensed with reasonable skill and safety to patients.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(v) Failing to maintain in confidence a communication made by a patient or client in the context of such services, except *as provided in s. 490.0147* ~~by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others~~.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

Section 197. Section 490.012, Florida Statutes, is amended to read:

490.012 Violations; penalties; injunction.—

(1)(a) No person shall hold himself out by any title or description incorporating the words, or permutations of them, "psychologist," "psychology," "psychological," "psychodiagnostic," or "school psychologist," or describe any test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.

(b) No person shall hold himself out by any title or description incorporating the word, or a permutation of the word, "psychotherapy" unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in *psychiatric mental* ~~psychiatric/mental~~ health ~~nursing~~.

(c) No person licensed *or provisionally licensed* pursuant to this chapter shall hold himself out by any title or description which indicates licensure other than that which has been granted to him.

(2)*(a) A licensed psychologist shall conspicuously display the valid, active license issued by the department or a true copy thereof at each location at which the licensee practices his or her profession.*

(b) A licensed psychologist shall include the words "licensed psychologist" ~~and his license number~~ on all professional advertisements, including, but not limited to, advertisements in any newspaper, magazine, other print medium, airwave or broadcast transmission, or phone directory listing purchased by or on behalf of a person licensed according to this chapter.

(3)(a) A person provisionally licensed under this chapter as a provisional psychologist licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

(b) A provisional psychologist licensee shall include the words "provisional psychologist licensee" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the provisional licensee.

(4)~~(3)~~ Any person who violates any provision of this section, *except for subsections (2) and (3),* commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *Any person who violates any provision of subsection (2) or subsection (3) is subject to disciplinary action under s. 490.009.*

(5)~~(4)~~ The department may institute appropriate proceedings to enjoin violation of subsection (1).

(6)~~(5)~~ ~~Beginning October 1, 1992,~~ No person shall practice psychology in this state, as such practice is defined in s. 490.003(4), for compensation, unless such person holds an active, valid license to practice psychology issued pursuant to this chapter. Nothing in this subsection shall be construed to limit the practice of school psychology, as such practice is defined in s. 490.003*(5)*~~(6)~~.

(7)~~(6)~~ ~~Beginning October 1, 1992,~~ No person shall practice school psychology in this state, as such practice is defined in s. 490.003*(5)*~~(6)~~, for compensation, unless such person holds an active, valid license to practice school psychology issued pursuant to this chapter.

Section 198. Section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed *or provisionally licensed* under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management *program*, or child care resource and referral program~~,~~ operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he was trained and hired.

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or clergyman of any religious denomination or sect when engaging in activities which are within the scope of the performance of his regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

(4) Nothing in this section shall exempt any person from the provision of s. 490.012(1)(a)-(b).

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

~~(5) Any person who is not licensed under this chapter by October 1, 1992, and who desires to become so licensed shall register with the department that person's intent to become fully licensed no later than October 1, 1995. The costs to the department of such registration shall be borne by the registrant. The department may require affidavits and supporting documentation sufficient to demonstrate that the registrant is preparing for examination by October 1, 1995, under this chapter. The department may adopt rules to implement this section. Upon receipt of the department's notice of registration, the registrant may practice services as defined in s. 490.003(4) and (6), provided that the registrant uses "trainee" or "intern" with any title or description of the registrant's work and on any business correspondence and work product, including, but not limited to, a business card, letterhead, sign, billing, or report unless exempt pursuant to this chapter.~~

Section 199. Section 491.003, Florida Statutes, is amended to read:

491.003 Definitions.—As used in this chapter:

(1)~~(2)~~ "Board" means the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

(2)~~(3)~~ "Clinical social worker" means a person licensed under this chapter to practice clinical social work.

(3)~~(4)~~ "Clinical social work experience" is defined as a period during which the applicant provides clinical social work services, including assessment, diagnosis, treatment, and evaluation of clients; provided that at least 50 percent of the hours worked consist of providing psychotherapy and counseling services directly to clients.

(4)~~(1)~~ "Department" means the Department of *Health* ~~Business and Professional Regulation~~.

(5) "Marriage and family therapist" means a person licensed under this chapter to practice marriage and family therapy.

(6) "Mental health counselor" means a person licensed under this chapter to practice mental health counseling.

(7) The "practice of clinical social work" is defined as the use of scientific and applied knowledge, theories, and methods for the purpose of describing, preventing, evaluating, and treating individual, couple, marital, family, or group behavior, based on the person-in-situation perspective of psychosocial development, normal and abnormal behavior, psychopathology, unconscious motivation, interpersonal relationships, environmental stress, differential assessment, differential planning, and data gathering. The purpose of such services is the prevention and treatment of undesired behavior and enhancement of mental health. *The* ~~Such~~ practice *of clinical social work* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ sexual dysfunction,~~;~~ behavioral disorders,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of clinical social work includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The practice of clinical social work also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, or substance abuse.* The practice of clinical social work may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Clinical social work treatment includes, but is not limited to:~~

~~1. Counseling.~~
~~2. Psychotherapy.~~
~~3. Behavior modification.~~
~~4. Hypnotherapy.~~
~~5. Sex therapy.~~
~~6. Consultation.~~
~~7. Client-centered advocacy.~~
~~8. Crisis intervention.~~
~~9. Providing needed information and education to clients.~~

(a)~~(b)~~ Clinical social work may be rendered to individuals, including individuals affected by the termination of marriage, and to marriages, couples, families, groups, organizations, and communities.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of clinical social work is restricted to clinical social workers appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which clinical social workers are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d)~~(e)~~ The definition of "clinical social work" contained in this subsection includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(8) The "practice of marriage and family therapy" is defined as the use of scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior, within the context of marital and family systems, including the context of marital formation and dissolution, and is based on marriage and family systems theory, marriage and family development, human development, normal and abnormal behavior, psychopathology, human sexuality, psychotherapeutic and marriage and family therapy theories and techniques. *The* ~~Such~~ practice *of marriage and family therapy* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders or dysfunctions~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ sexual dysfunction,~~;~~ behavioral disorders,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of marriage and family therapy includes, but is not limited to, marriage and family therapy, psychotherapy, including behavioral family therapy, hypnotherapy, and sex therapy. The practice of marriage and family therapy also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, or substance abuse.* The practice of marriage and family therapy may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Marriage and family therapy treatment includes, but is not limited to:~~

~~1. Marriage and family therapy.~~
~~2. Counseling.~~
~~3. Psychotherapy, including behavioral family therapy.~~
~~4. Behavior modification.~~
~~5. Hypnotherapy.~~
~~6. Sex therapy.~~
~~7. Consultation.~~
~~8. Client advocacy.~~
~~9. Crisis intervention.~~
~~10. Providing needed information and education to clients.~~

(a)~~(b)~~ Marriage and family therapy may be rendered to individuals, including individuals affected by termination of marriage, to couples, whether married or unmarried, to families, or to groups.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which marriage and family therapists are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d)~~(e)~~ The definition of "marriage and family therapy" contained in *this subsection* ~~paragraphs (a)-(d)~~ includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(9) The "practice of mental health counseling" is defined as the use of scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behavior and enhancing mental health and human development *and is based on the person-in-situation perspectives derived from research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The* ~~Such~~ practice *of mental health counseling* includes ~~the use of~~ methods of a psychological nature *used* to evaluate, assess, diagnose, and treat emotional and mental dysfunctions or disorders~~,~~ *(*whether cognitive, affective, or behavioral*)*,~~;~~ behavioral disorders,~~;~~ interpersonal relationships,~~;~~ sexual dysfunction,~~;~~ alcoholism,~~;~~ and substance abuse. *The practice of mental health counseling includes, but is not limited to, psychotherapy, hypnotherapy, and sex therapy. The practice of mental health counseling also includes counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients, when using methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral), behavioral disorders, sexual dysfunction, alcoholism, or substance abuse.* The practice of mental health counseling may also include clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.

~~(a) Mental health counseling treatment includes, but is not limited to:~~

~~1. Counseling.~~
~~2. Psychotherapy.~~
~~3. Behavior modification.~~
~~4. Hypnotherapy.~~
~~5. Sex therapy.~~
~~6. Consultation.~~
~~7. Client advocacy.~~
~~8. Crisis intervention.~~
~~9. Providing needed information and education to clients.~~

(a)~~(b)~~ Mental health counseling may be rendered to individuals, including individuals affected by the termination of marriage, and to couples, families, groups, organizations, and communities.

(b)~~(c)~~ The use of specific methods, techniques, or modalities within the practice of mental health counseling is restricted to mental health counselors appropriately trained in the use of such methods, techniques, or modalities.

(c)~~(d)~~ The terms "diagnose" and "treat," as used in this chapter, when considered in isolation or in conjunction with any provision of the rules of the board, shall not be construed to permit the performance of any act which mental health counselors are not educated and trained to perform, including, but not limited to, admitting persons to hospitals for treatment of the foregoing conditions, treating persons in hospitals without medical supervision, prescribing medicinal drugs as defined in chapter 465, authorizing clinical laboratory procedures pursuant to chapter 483, or radiological procedures, or use of electroconvulsive therapy. In addition, this definition shall not be construed to permit any person licensed, *provisionally licensed, registered, or certified* pursuant to this chapter to describe or label any test, report, or procedure as "psychological," except to relate specifically to the definition of practice authorized in this subsection.

(d) The definition of "mental health counseling" contained in this subsection includes all services offered directly to the general public or through organizations, whether public or private, and applies whether payment is requested or received for services rendered.

(10) "Provisional clinical social worker licensee" means a person provisionally licensed under this chapter to provide clinical social work services under supervision.

(11) "Provisional marriage and family therapist licensee" means a person provisionally licensed under this chapter to provide marriage and family therapy services under supervision.

(12) "Provisional mental health counselor licensee" means a person provisionally licensed under this chapter to provide mental health counseling services under supervision.

(13)~~(10)~~ "Psychotherapist" means a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to this chapter.

(14) "Registered clinical social worker intern" means a person registered under this chapter who is completing the postgraduate clinical social work experience requirement specified in s. 491.005(1)(c).

(15) "Registered marriage and family therapist intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(3)(c).

(16) "Registered mental health counselor intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(4)(c).

Section 200. Section 491.0045, Florida Statutes, is created to read:

491.0045 Intern registration; requirements.—

(1) Effective January 1, 1998, an individual who intends to practice in Florida to satisfy the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure prior to commencing the experience requirement.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule;

(b) Completed the education requirements as specified in s. 491.005 for the profession for which he or she is applying for licensure; and

(c) Identified a qualified supervisor.

(3) An individual registered under this section must remain under supervision until he or she is in receipt of a license or a letter from the department stating that he or she is licensed to practice the profession for which he or she applied.

Section 201. Section 491.0046, Florida Statutes, is created to read:

491.0046 Provisional license; requirements.—

(1) An individual who has satisfied the clinical experience requirements of s. 491.005 intending to provide clinical social work, marriage and family therapy, or mental health counseling services in Florida while satisfying coursework or examination requirements for licensure must be provisionally licensed in the profession for which he or she is seeking licensure prior to beginning practice.

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist license, or provisional

mental health counselor license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $100, as set by board rule; and

(b)1. Earned a graduate degree in social work, a graduate degree with a major emphasis in marriage and family therapy or a closely related field, or a graduate degree in a major related to the practice of mental health counseling, and satisfied the clinical experience requirements for licensure pursuant to s. 491.005; or

2. Been approved for examination under the provisions for licensure by endorsement pursuant to s. 491.006.

(3) A provisional licensee must work under the supervision of a licensed mental health professional, as defined by the board, until the provisional licensee is in receipt of a license or a letter from the department stating that he or she is licensed as a clinical social worker, marriage and family therapist, or mental health counselor.

(4) A provisional license expires 24 months after the date it is issued and may not be renewed or reissued.

Section 202. Section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

(1) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization, the department shall issue a license as a clinical social worker to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or has received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a.~~1.~~ Was accredited by the Council on Social Work Education;

b.~~2.~~ Was accredited by the Canadian Association of Schools of Social Work; or

c.~~3.~~ Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program must have emphasized direct clinical patient or client health care services, ~~as provided in subsection (2),~~ including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. *The applicant's graduate program must have included all of the following coursework:*

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 37 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology taken in a school of social work accredited or approved pursuant to subparagraph (b)1.

3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

(c) Has had *not less than 2* ~~at least 3~~ years of clinical social work experience, ~~2 years of which must be experience~~ which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice.* If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in s. 491.003, the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the *clinical social work experience* ~~supervision~~ requirement. The experience requirement may be met by work performed on or off the premises of the supervising clinical social worker *or the equivalent,* provided the off-premises work is not the independent private practice rendering of clinical social work that does not have a licensed *mental health professional* ~~clinical social worker or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services.*

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(2)*(a)* ~~The applicant's program shall be considered to be a program which emphasized direct clinical patient or client health care services if it included all of the following coursework:~~

~~(a) A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.~~

~~(b)1. Completion of 24 semester hours or 37 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology taken in a school of social work accredited by the Council on Social Work Education. However, applicants who had completed the required graduate level degree in social work prior to October 1, 1990, and who submit a completed application for licensure prior to January 1, 1993, shall be required to complete only 21 of the 24 required semester hours or 31 of the 37 required quarter hours in clinically oriented services. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.~~

~~2.~~ Notwithstanding the provisions of *paragraph (1)(b)* ~~subparagraph 1.~~, coursework which was taken at a baccalaureate level shall not be considered toward completion of education requirements for licensure unless an official of the graduate program certifies in writing on the graduate school's stationery that a specific course, which students enrolled in the same graduate program were ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level. If this condition is met, the board shall apply the baccalaureate course named toward the education requirements.

(b) An applicant from a master's or doctoral program in social work which did not emphasize direct patient or client services may complete the clinical curriculum content requirement by returning to a graduate program accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work, or to a clinical social work graduate program with comparable standards, in order to complete the education requirements for examination. However, a maximum of 6 semester or 9 quarter hours of the clinical curriculum content requirement may be completed by credit awarded for independent study coursework as defined by board rule.

(3) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

a.~~1.~~ Twenty-seven semester hours or 41 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory; psychopathology; human sexuality theory and counseling techniques; general counseling theory and techniques; and psychosocial theory. Content may be combined, provided no more than two of the nine content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of coursework was devoted to each content area. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

b.~~2.~~ A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

c.~~3.~~ A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d.~~4.~~ A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board *shall* ~~may~~ require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) Has had not less than *2* ~~3~~ years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, ~~2 years of~~ which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field that did not include all the coursework required under sub-subparagraphs (b)1.a.-c., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of 10 of the courses required under sub-subparagraphs (b)1.a.-c., as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.* Within the 3 years of required experience ~~for licensure as a marriage and family therapist~~, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the *clinical experience* ~~supervision~~ requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising marriage and family therapist *or the equivalent*, provided the off-premises work is not the independent private practice rendering of marriage and family therapy services that does not have a licensed *mental health professional* ~~marriage and family therapist or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services.*

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(4) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b)*1.* Has received a minimum of an earned master's degree with a major related to the practice of mental health counseling, and has completed all of the following requirements:

a.~~1.~~ Twenty-one semester hours or 32 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in each of the following seven content areas: counseling theories and practice; human development theories; personality theory; psychopathology or abnormal psychology; human sexuality theories; group theories and practice; and individual evaluation and assessment. Content may be combined, provided no more than two of the seven content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of content was devoted to each content area. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b.~~2.~~ A minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in research or in career or vocational counseling. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

c.~~3.~~ A minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals and objectives of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity of counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d.~~4.~~ A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a graduate-level practicum in a clinical mental health counseling setting currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Except as provided in *sub-subparagraph 1.d.* ~~subparagraph 4.~~, education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board *shall* ~~may~~ require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had *not less than 2 years of* ~~a minimum of 3 years'~~ clinical experience in mental health counseling, ~~2 years of~~ which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. *An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (b)1.a.-c., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a.-c., as determined by the board, one of which must be a course in psychopathology or abnormal psychology.* A doctoral internship may be applied toward the *clinical experience* ~~supervision~~ requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor *or the equivalent*, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health *professional* ~~counselor or the equivalent~~, as determined by the board, ~~as a member of the group actually rendering services~~ on the premises *at the same time the intern is providing services*.

(d) Has passed *a theory and practice* ~~an~~ examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 203. Effective January 1, 2001, paragraph (b) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 491.005, Florida Statutes, as amended by this act, are amended to read:

491.005 Licensure by examination.—

(3) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(b)1. Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

a. *Thirty-six* ~~Twenty-seven~~ semester hours or *48* ~~41~~ quarter hours of graduate coursework, which must include a minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory *or general counseling theory and techniques*; psychopathology; human sexuality theory and counseling techniques; ~~general counseling theory and techniques; and~~ psychosocial theory*; and substance abuse theory and counseling techniques*. ~~Content may be combined, provided no more than two of the nine content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of coursework was devoted to each content area.~~ Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of one graduate-level course of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

c. A minimum of one graduate-level course of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one *3-semester-hour* ~~2-semester-hour~~ or *4-quarter-hour* ~~3-quarter-hour~~ graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting

body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(4) Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(b)1. Has ~~received~~ a minimum of an earned master's degree *from a* ~~with a major related to the practice of~~ mental health counseling *program accredited by the Council for the Accreditation of Counseling and Related Educational Programs that consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must meet*~~, and has completed all of~~ the following requirements:

a. *Thirty-six* ~~Twenty-one~~ semester hours or *48* ~~32~~ quarter hours of graduate coursework, which must include a minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level coursework in each of the following *12* ~~seven~~ content areas: counseling theories and practice; human *growth and* development ~~theories; personality theory~~; *diagnosis and treatment of* psychopathology ~~or abnormal psychology~~; human sexuality ~~theories~~; group theories and practice; ~~and~~ individual evaluation and assessment*; career and lifestyle assessment; research and program evaluation; social and cultural foundations; foundations of mental health counseling; counseling in community settings; and substance abuse*. ~~Content may be combined, provided no more than two of the seven content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of content was devoted to each content area.~~ Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

~~b. A minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in research or in career or vocational counseling. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.~~

b.~~c.~~ A minimum of *3* ~~2~~ semester hours or *4* ~~3~~ quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals, ~~and~~ objectives*, and practices* of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity *and professional obligations* of *mental health* counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

c.~~d.~~ *The equivalent of at least 1,000 hours of university-sponsored* ~~A minimum of one~~ supervised *clinical* practicum, internship, or field experience *as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. If the academic practicum, internship, or field experience was less than 1,000 hours, experience gained outside the academic arena in clinical mental health settings under the supervision of a qualified supervisor as determined by the board may be applied. This experience may not be used to satisfy the post-master's clinical experience requirement* ~~in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a graduate-level practicum in a clinical mental health counseling setting currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university~~.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

~~Except as provided in subparagraph 4.,~~ Education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had not less than 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling that did not include all the coursework required under sub-subparagraphs *(b)1.a.-b.* ~~(b)1.a.-c.~~, credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs *(b)1.a.-b.* ~~(b)1.a.-c.~~, as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor or the equivalent, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health professional, as determined by the board, on the premises at the same time the intern is providing services.

Section 204. Section 491.0057, Florida Statutes, is created to read:

491.0057 Dual licensure as a marriage and family therapist.—The department shall license as a marriage and family therapist any person who demonstrates to the board that he or she:

(1) Holds a valid, active license as a psychologist under chapter 490 or as a clinical social worker or mental health counselor under this chapter, or is certified under s. 464.012 as an advanced registered nurse practitioner who has been determined by the Board of Nursing as a specialist in psychiatric mental health.

(2) Has held a valid, active license for at least 3 years.

(3) Has passed the examination provided by the department for marriage and family therapy.

Section 205. Subsection (3) is added to section 491.007, Florida Statutes, to read:

491.007 Renewal of license*, registration*, or certificate.—

(3) The board or department shall prescribe by rule a method for the biennial renewal of an intern registration at a fee set by rule, not to exceed $100.

Section 206. Section 491.009, Florida Statutes, 1996 Supplement, is amended to read:

491.009 Discipline.—

(1) When the department or the board finds that an applicant, licensee, *provisional licensee, registered intern,* or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, *registration,* or certification, either temporarily or permanently.

(b) Revocation of an application for licensure, *registration,* or certification, either temporarily or permanently.

(c) Suspension for a period of up to 5 years or revocation of a license, *registration,* or certificate, after hearing.

(d) Immediate suspension of a license, *registration,* or certificate pursuant to s. 120.60(6).

(e) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(f) Issuance of a public reprimand.

(g) Placement of an applicant, licensee, *registered intern,* or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, *registered intern,* or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.

(h) Restriction of practice.

(2) The following acts of a licensee, *provisional licensee, registered intern,* certificateholder, or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license, *registration,* or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.

(b) Having a license, *registration,* or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person *who* ~~whom~~ the applicant, licensee, *registered intern,* or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, *nonregistered,* or noncertified person to hold himself out as licensed, *registered,* or certified under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, *registered,* or certified under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, *registered,* or certified under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, *registered,* or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, *registered intern,* or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, *registered intern's,* or ~~the~~ certificateholder's conduct or background.

(p) Being unable to practice the profession for which he is licensed, *registered,* or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his designee, or the board that probable cause exists to believe that the licensee, *registered intern,* or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee, *registered intern,* or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, *registered intern,* or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, *registered intern,* or certificateholder resides or does business. The licensee, *registered intern,* or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, *registered intern,* or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice for which he is licensed, *registered,* or certified with reasonable skill and safety to patients.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee,

registered intern, or certificateholder is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee, *registered intern,* or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

(v) Failure of the licensee, *registered intern,* or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except *as provided in s. 491.0147* ~~by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or to others~~.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

Section 207. Section 491.012, Florida Statutes, is amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(a) Use the following titles or any combination thereof, unless he holds a valid, active license as a clinical social worker issued pursuant to this chapter:

1. "Licensed clinical social worker."
2. "Clinical social worker."
3. "Licensed social worker."
4. "Psychiatric social worker."
5. "Psychosocial worker."

(b) Use the following titles or any combination thereof, unless he holds a valid, active license as a marriage and family therapist issued pursuant to this chapter:

1. "Licensed marriage and family therapist."
2. "Marriage and family therapist."
3. "Marriage counselor."
4. "Marriage consultant."
5. "Family therapist."
6. "Family counselor."
7. "Family consultant."

(c) Use the following titles *or any combination thereof,* unless he holds a valid, active license as a mental health counselor *issued pursuant to this chapter*:

1. "Licensed mental health counselor."
2. "Mental health counselor."
3. "Mental health therapist."
4. "Mental health consultant."

(d) Use the terms psychotherapist or sex therapist, unless such person is licensed pursuant to this chapter or chapter 490, or is certified under s. 464.012 as an advanced registered nurse practitioner *who has been determined by the Board of Nursing as a specialist* in ~~the category of~~ psychiatric mental health and the use of such terms is within the scope of his practice based on education, training, and licensure.

(e) Present as his own the clinical social work, marriage and family therapy, or mental health counseling license of another.

(f) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license.

(g) Use or attempt to use a license issued pursuant to this chapter which has been revoked or is under suspension.

(h) Knowingly conceal information relative to violations of this chapter.

(i) ~~Beginning October 1, 1992,~~ Practice clinical social work in this state, as the practice is defined in s. 491.003(7), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice clinical social work issued pursuant to this chapter.

(j) ~~Beginning October 1, 1992,~~ Practice marriage and family therapy in this state, as the practice is defined in s. 491.003(8), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice marriage and family therapy issued pursuant to this chapter.

(k) ~~Beginning October 1, 1992,~~ Practice mental health counseling in this state, as the practice is defined in s. 491.003(9), for compensation, unless the person holds *a valid,* ~~an~~ active license to practice mental health counseling issued pursuant to this chapter.

(l) Use the following titles or any combination thereof, unless he or she holds a valid registration as an intern issued pursuant to this chapter:

1. "Registered clinical social worker intern."
2. "Registered marriage and family therapist intern."
3. "Registered mental health counselor intern."

(m) Use the following titles or any combination thereof, unless he or she holds a valid provisional license issued pursuant to this chapter:

1. "Provisional clinical social worker licensee."
2. "Provisional marriage and family therapist licensee."
3. "Provisional mental health counselor licensee."

(2) It is unlawful and a violation of this chapter for any person to describe his services using the following terms or any derivative thereof, unless such person holds a valid, active license under this chapter or chapter 490, or is certified *under s. 464.012* as an advanced registered nurse practitioner *who has been determined by the Board of Nursing as a specialist* in ~~the category of~~ psychiatric mental health ~~under s. 464.012,~~ and the use of such terms is within the scope of his practice based on education, training, and licensure:

(a) "Psychotherapy."
(b) "Sex therapy."
(c) "Sex counseling."
(d) "Clinical social work."
(e) "Psychiatric social work."
(f) "Marriage and family therapy."
(g) "Marriage and family counseling."
(h) "Marriage counseling."
(i) "Family counseling."
(j) "Mental health counseling."

(3) Any person who violates any provision of subsection (1) or subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) The department may institute appropriate judicial proceedings to enjoin violation of this section.

Section 208. Section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(1) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459, or psychologists licensed pursuant to chapter 490, so long as they do not unlawfully hold themselves out to the public as possessing a license, *provisional license, registration,* or certificate issued pursuant to this chapter or use a professional title protected by this chapter.

(2) No provision of this chapter shall be construed to limit the practice of nursing, school psychology, or psychology, or to prevent qualified members of other professions from doing work of a nature consistent with their training and licensure, so long as they do not hold themselves out to the public as possessing a license, *provisional license, registration,* or certificate issued pursuant to this chapter or use a title protected by this chapter.

(3) No provision of this chapter shall be construed to limit the performance of activities of a rabbi, priest, minister, or clergyman of any religious denomination or sect, or use of the terms "Christian counselor" or "Christian clinical counselor" when the activities are within the scope

of the performance of his regular or specialized ministerial duties and no compensation is received by him, or when such activities are performed, with or without compensation, by a person for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(4) No person shall be required to be licensed, *provisionally licensed, registered,* or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management *program,* or child care resource and referral program~~,~~ operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he was trained and hired.

(c) Is a student *providing services regulated under this chapter* who is pursuing a course of study which leads to a degree in ~~medicine or~~ a profession regulated by this chapter, ~~who~~ is providing services in a training setting, provided such ~~activities or~~ services *and associated activities* constitute part of a supervised course of study, *and* ~~or is a graduate accumulating the experience required for any licensure or certification under this chapter, provided such graduate or student~~ is designated by *the* ~~a~~ title ~~such as~~ "*student* intern." ~~or "trainee" which clearly indicates the in-training status of the student.~~

(d) Is not a resident of this state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified to practice the services provided by a state or territory of the United States or by a foreign country or province.

(5) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

(6) Nothing in subsections (2)-(4) shall exempt any person from the provisions of s. 491.012(1)(a)-(c)*, (l), and (m).*

~~(7) Any person who is not licensed under this chapter by October 1, 1992, and who desires to become so licensed shall register with the department that person's intent to become fully licensed no later than October 1, 1995. The costs to the department of such registration shall be borne by the registrant. The department may require affidavits and supporting documentation sufficient to demonstrate that the registrant is preparing for examination by October 1, 1995, under this chapter. The department may adopt rules to implement this section. Upon receipt of the department's notice of registration, the registrant may practice services as defined in s. 491.003(7), (8), and (9), provided that the registrant uses "trainee" or "intern" with any title or description of the registrant's work and on any business correspondence and work product, including, but not limited to, a business card, letterhead, sign, billing, or report unless exempt pursuant to this chapter.~~

(7)~~(8)~~ *Except as stipulated by the board,* the exemptions contained in *this section* ~~subsection (4)~~ do not apply to any person licensed under this chapter whose license has been suspended or revoked by *the board or* another jurisdiction.

(8)~~(9)~~ Nothing in this section shall be construed to exempt a person from meeting the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the person is not qualified by training or experience.

Section 209. Section 491.0149, Florida Statutes, is amended to read:

491.0149 Display of license; use of professional title on promotional materials.—

(1)*(a)* A person licensed under this chapter as a clinical social worker, marriage and family therapist, or mental health counselor, or certified as a master social worker shall conspicuously display the valid license issued by the department or a true copy thereof at each location at which the licensee practices his profession.

(b)1.~~(2)~~ A licensed clinical social worker shall include the words "licensed clinical social worker" or the letters "LCSW" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

2.~~(4)~~ A licensed marriage and family therapist shall include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

3.~~(3)~~ A licensed mental health counselor shall include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the licensee.

(2)(a) A person registered under this chapter as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern shall conspicuously display the valid registration issued by the department or a true copy thereof at each location at which the registered intern is completing the experience requirements.

(b) A registered clinical social worker intern shall include the words "registered clinical social worker intern," a registered marriage and family therapist intern shall include the words "registered marriage and family therapist intern," and a registered mental health counselor intern shall include the words "registered mental health counselor intern" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the registered intern.

(3)(a) A person provisionally licensed under this chapter as a provisional clinical social worker licensee, provisional marriage and family therapist licensee, or provisional mental health counselor licensee shall conspicuously display the valid provisional license issued by the department or a true copy thereof at each location at which the provisional licensee is providing services.

(b) A provisional clinical social worker licensee shall include the words "provisional clinical social worker licensee," a provisional marriage and family therapist licensee shall include the words "provisional marriage and family therapist licensee," and a provisional mental health counselor licensee shall include the words "provisional mental health counselor licensee" on all promotional materials, including cards, brochures, stationery, advertisements, and signs, naming the provisional licensee.

Section 210. Paragraph (b) of subsection (4) of section 232.02, Florida Statutes, is amended to read:

232.02 Regular school attendance.—Regular attendance is the actual attendance of a pupil during the school day as defined by law and regulations of the state board. Regular attendance within the intent of s. 232.01 may be achieved by attendance in:

(4) A home education program as defined in s. 228.041, provided that at least one of the following conditions is met:

(b) The parent does not hold a valid regular Florida certificate to teach and complies with the following requirements:

1. Notifies the superintendent of schools of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the superintendent's office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in the superintendent's office within 30 days of said termination.

2. Maintains a portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used and samples of any writings, worksheets, workbooks, and creative materials used or developed by the student. The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the superintendent, or the superintendent's agent, upon 15 days' written notice.

3. Provides for an annual educational evaluation in which is documented the pupil's demonstration of educational progress at a level commensurate with her or his ability. A copy of the evaluation shall be filed annually with the district school board office in the county in which the pupil resides. The annual educational evaluation shall consist of one of the following:

a. A teacher selected by the parent shall evaluate the pupil's educational progress upon review of the portfolio and discussion with the pupil. Such teacher shall hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level. The teacher shall submit a written evaluation to the school superintendent;

b. The pupil shall take any nationally normed student achievement test used by the district and administered by a certified teacher. Such test results shall be reported to the school superintendent;

c. The pupil shall take a state student assessment test. Such test results shall be reported to the school superintendent;

d. The pupil shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. 490.003*(7)*~~(3)~~ or *(8)*~~(5)~~. Such results shall be reported to the school superintendent; or

e. The pupil shall be evaluated with any other valid measurement tool as mutually agreed upon by the school superintendent of the district in which the pupil resides and the pupil's parent or guardian. Such results shall be reported to the superintendent.

The school superintendent shall review and accept the results of the annual educational evaluation of the pupil in a home education program. If the pupil does not demonstrate educational progress at a level commensurate with her or his ability, the superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the pupil. At the end of the 1-year probationary period, the pupil shall be reevaluated as specified in this subparagraph. Continuation in a home education program shall be contingent upon the pupil demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

Section 211. Subsection (2) of section 394.455, Florida Statutes, 1996 Supplement, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(2) "Clinical psychologist" means a psychologist as defined in s. 490.003*(7)*~~(3)~~ with 3 years of postdoctoral experience in the practice of clinical psychology, inclusive of the experience required for licensure, or a psychologist employed by a facility operated by the United States Department of Veterans Affairs that qualifies as a receiving or treatment facility under this part. (

Renumber subsequent section[s])

And the title is amended as follows:

On page 248, line 22, of the amendment after the semicolon (;) insert: amending s. 456.32, F.S.; including specified mental health professionals within the definition of "practitioner of the healing arts"; amending s. 490.003, F.S.; revising and providing definitions relating to the regulation of psychological services; amending s. 490.005, F.S.; conforming cross-references; creating s. 490.0051, F.S.; providing for provisional licensure; repealing s. 490.008, F.S., relating to inactive status; amending s. 490.009, F.S.; revising and providing grounds for disciplinary action; amending s. 490.012, F.S.; providing requirements for display of licenses and provisional licenses; eliminating a requirement relating to use of the license number on professional advertisements; providing requirements for promotional materials of provisional licensees; conforming cross-references; providing penalties; amending s. 490.014, F.S.; clarifying applicability of exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.003, F.S.; revising and providing definitions relating to the regulation of clinical, counseling, and psychotherapy services; creating s. 491.0045, F.S.; requiring registration of interns and providing requirements thereof; creating s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; revising requirements for licensure by examination; providing for additional educational requirements at a future date; creating s. 491.0057, F.S.; providing for dual licensure as a marriage and family therapist; amending s. 491.007, F.S.; providing for biennial renewal of registrations; providing for fees; amending s. 491.009, F.S.; revising and providing grounds for disciplinary action; amending s. 491.012, F.S.; prohibiting the use of certain titles under certain circumstances; providing a penalty; amending s. 491.014, F.S.; revising and clarifying exemption provisions; removing an obsolete licensing exemption that required registration of certain trainees or interns; amending s. 491.0149, F.S.; requiring display of registrations and provisional licenses and use of applicable professional titles on promotional materials; amending ss. 232.02, 394.455, F.S.; conforming cross-references;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 233, between lines 24 and 25, of the amendment insert:

Section 191. Section 458.3124, Florida Statutes, is created to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

(a) Legally practiced medicine for at least 5 years in the country in which the school is located;

(b) Has passed Steps I and II of the United States Medical Licensing Examination;

(c) Is certified by the Education Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;

(d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate chapters 455 or 458; and

(e) Has been a resident of this state since July 1, 1996.

(2) A person applying for licensure under this section must submit to the Department of Health on or before December 31, 1998:

(a) A completed application and documentation required by the Board of Medicine to prove compliance with subsection (1); and

(b) A nonrefundable application fee not to exceed $500 and a nonrefundable examination fee not to exceed $300 plus the actual cost to purchase and administer the examination.

(3) A person applying under this section may take the examination a maximum of 5 times within 5 years.

(4) A restricted licensee under this section must practice under the supervision of a licensee approved by the board, with the first year of licensure under direct supervision and the second year in community service under indirect supervision, including practicing with organizations that serve indigent populations, such as section 501(c)(3) agencies, public health units, prisons, or other organizations approved by the board.

(5) Notwithstanding s. 458.311(1)(f), a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

(6) The board shall adopt rules to implement this section.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 248, line 22, of the amendment after the semicolon (;) insert: creating s. 458.3124, F.S.; providing for certain foreign-trained and licensed physicians to take certain licensure examinations; providing restrictions and establishing fees; restricting the practice of such persons; providing for eligibility for full licensure; providing for the adoption of rules;

House Amendment 3 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, between lines 17 and 18, of the amendment insert:

Section 1. Subsection (2) of section 468.1645, Florida Statutes, is amended to read:

468.1645 Administrator license required.—

(2) Nothing in this part or in the rules adopted hereunder shall require an administrator of any facility or institution operated by *and* ~~a recognized church or religious denomination~~ for persons who rely exclusively upon treatment by spiritual means through prayer, *in accordance with the creed or tenets of any organized church or religious denomination, to be licensed as a nursing home administrator if the administrator* ~~who~~ is employed only to administer *in such facilities or* institutions ~~accredited by such church or denomination~~ for the care and treatment of the sick ~~in accordance with its teachings, to be licensed as a nursing home administrator~~.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 234, line 6, of the amendment after the semicolon (;) insert: amending s. 468.1645, F.S.; revising an exemption from licensure as a nursing home administrator relating to persons employed to administer in facilities or institutions operated by and for persons who rely exclusively upon treatment by spiritual means through prayer;

House Amendment 4 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, between lines 17 and 18, insert:

Section 1. Effective upon this act becoming a law, paragraph (c) of subsection (1) of section 458.3115, Florida Statutes, 1996 Supplement, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; ~~or~~ upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; *or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;*

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 234, line 6, after the semicolon (;) insert: amending s. 458.3115, F.S.; revising requirements for the development of examinations administered to certain foreign-licensed physicians; prescribing eligibility requirements for certain foreign-trained physicians to take a restricted-license examination;

On motion by Senator Jones, the Senate concurred in the House amendments to the Senate amendment.

HB 2013 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Jenne	Myers
Bronson	Dantzler	Jones	Ostalkiewicz
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dudley	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—1

Holzendorf

Vote after roll call:

Yea—Scott

Yea to Nay—Hargrett

CONSENT CALENDAR, continued

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for HB 83—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining "prior conviction"; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

—which was previously considered this day.

On motion by Senator Cowin, by two-thirds vote **CS for HB 83** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Madam President	Crist	Horne	Rossin
Bankhead	Dantzler	Jenne	Silver
Bronson	Diaz-Balart	Jones	Thomas
Brown-Waite	Dudley	Kirkpatrick	Turner
Burt	Dyer	Klein	Williams
Childers	Grant	Lee	
Clary	Gutman	McKay	
Cowin	Harris	Ostalkiewicz	

Nays—8

Campbell	Hargrett	Meadows	Scott
Forman	Kurth	Myers	Sullivan

Vote after roll call:

Yea—Casas

Nay to Yea—Scott

On motion by Senator Meadows, by two-thirds vote **HB 1099** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Meadows—

HB 1099—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance to employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a $3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1880** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **HB 1099** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	

Nays—None

SENATOR BURT PRESIDING

CS for CS for SB 514—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 775.21, F.S.; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Meadows and failed:

Amendment 1 (with title amendment)—On page 32, between lines 15 and 16, insert:

Section 14. *(1) There is appropriated to the Florida Department of Law Enforcement the sum of $311,680 from the General Revenue Fund,*

and five positions are allocated to the department, for fiscal year 1997-1998. Of the funds appropriated to the Department of Law Enforcement, the sum of $209,750 may be expended for recurring costs.

(2) There is appropriated to the Department of Corrections the sum of $141,160 from the General Revenue Fund for fiscal year 1997-1998. Of the funds appropriated to the Department of Corrections, the sum of $31,200 may be expended for recurring costs.

(3) There is appropriated to the Department of Highway Safety and Motor Vehicles the sum of $31,748 from the Highway Safety Operating Trust Fund for fiscal year 1997-1998.

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 10, after the semicolon (;) insert: providing appropriations; providing for uses of certain appropriations;

Senator Meadows moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (13) is added to section 943.03, Florida Statutes, 1996 Supplement, to read:

943.03 Department of Law Enforcement.—

(13) The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, under s. 943.08, an information system that supports the administration of the state's criminal and juvenile justice system in compliance with s. 943.05 and other provisions of law.

Section 2. Subsection (11) of section 20.315, Florida Statutes, 1996 Supplement, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(11) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be only one offender-based information and records system maintained by the Department of Corrections for the joint use of the department and the Parole Commission. This data system is managed through the Justice Data Center, which is hereby transferred to the department under this act pursuant to a type two transfer authorized under s. 20.06(2). The department shall develop *and maintain*, in consultation with the Criminal and Juvenile Justice Information Systems Council, *under s. 943.08,* such offender-based information system designed to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 3. Paragraphs (a) and (f) of subsection (6) of section 20.316, Florida Statutes, 1996 Supplement, are amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(a) The Department of Juvenile Justice shall develop *in consultation with the Criminal and Juvenile Justice Information Systems Council, under s. 943.08,* a juvenile justice information system which shall provide information concerning the department's activities and programs.

(f) The department shall provide an annual report on the juvenile justice information system to the Joint Information Technology Resources Committee ~~and the Criminal and Juvenile Justice Information Systems Council~~. The committee ~~and the council~~ shall review and ~~reach consensus on the report and shall~~ forward the report, along with *its* ~~the consensus~~ comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.

Section 4. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;

(b) The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph *(c)* ~~(d)~~; and

(c) The findings *and recommendations* of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 5. Subsections (2) and (5) of section 216.0445, Florida Statutes, 1996 Supplement, are amended to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(2) The executive *director* ~~administrator~~ of the Information Resource Commission shall make recommendations to the Executive Office of the Governor and the appropriations committees of the Legislature on projects that should be considered for special monitoring under s. 282.322. In making such recommendations, the executive *director* ~~administrator~~ shall consider, at a minimum, the scale of the project, the risks associated with its development and implementation, the proposed schedule for implementing the project, and the estimated project costs. Such recommendations shall be made concurrently with the commission's legislative budget recommendations pursuant to subsection (1).

(5) The *executive director shall consider any findings and recommendations made by* ~~chair of~~ the Criminal and Juvenile Justice Information Systems Council ~~shall identify and make recommendations~~ regarding related public safety system information technology resources management issues that affect multiple agencies.

Section 6. Paragraph (a) of subsection (2) of section 282.1095, Florida Statutes, 1996 Supplement, is amended to read:

282.1095 State agency law enforcement radio system.—

(2)

(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of *eight* ~~nine~~ members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Game and Fresh Water Fish Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Insurance who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

~~9. A representative of the Criminal and Juvenile Justice Information Systems Council who shall be appointed by the chair of the council.~~

Section 7. Subsection (5) of section 282.111, Florida Statutes, 1996 Supplement, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(5) No law enforcement communications system shall be established or present system expanded after July 1, 1972, without the prior approval of the Division of Communications. ~~After January 1, 1997, the Division of Communications shall consult with the Criminal and Juvenile Justice Information Systems Council before approving any law enforcement communications system or system expansion.~~

Section 8. Section 943.08, Florida Statutes, 1996 Supplement, is amended to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(1) The council shall facilitate the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies.

(2) The council shall review ~~proposed rules and operating policies and procedures, and amendments thereto, of the Division of Criminal Justice Information Systems and make recommendations to the executive director which shall be represented in the meeting minutes of the council. In addition, the council shall review~~ proposed *plans and* policies, ~~rules, and procedures~~ relating to the information system of *the Department of Corrections, the Department of Highway Safety and Motor Vehicles,* the Department of Juvenile Justice, *and the Department of Law Enforcement for the purpose of determining whether the departments' strategic information technology resource development efforts will facilitate the effective identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies. The council shall make recommendations as it deems appropriate to the executive director and the secretaries of these departments* ~~and make recommendations to the Secretary of Juvenile Justice or designated assistant who shall attend council meetings~~. Those recommendations shall relate to the following areas:

(a) The management control of criminal *and juvenile* justice information systems *and applications supported by the departments*~~, criminal intelligence information systems, and criminal investigative information systems maintained by the department~~.

(b) The installation and operation of criminal *and juvenile* justice information systems~~, criminal intelligence information systems, and criminal investigative information systems~~ by the *departments* ~~department~~ and the exchange of such information with other criminal *and juvenile* justice agencies of this state and other states, including federal agencies.

(c) The operation and maintenance of computer hardware and software within criminal *and juvenile* justice information systems~~, criminal intelligence information systems, and criminal investigative information systems~~ maintained by the *departments* ~~department~~.

(d) ~~The operation, maintenance, and use of an automated fingerprint identification system, including interfacing with existing automated systems.~~

~~(e)~~ The physical security of the *systems* ~~system~~, to prevent unauthorized disclosure of information contained in the *systems* ~~system~~ and to ensure that the criminal *and juvenile* justice information in the *systems* ~~system~~ is *accurately updated in a timely manner* ~~currently and accurately revised to include subsequently revised information~~.

(e)~~(f)~~ The security of the *systems* ~~system~~, to ensure that criminal *and juvenile* justice information *is*~~, criminal intelligence information, and criminal investigative information will be~~ collected, processed, stored, and disseminated in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid by unauthorized individuals or agencies.

(f)~~(g)~~ The purging, expunging, or sealing of criminal *and juvenile* justice information upon order of a court of competent jurisdiction or when authorized by law.

(g)~~(h)~~ The dissemination of criminal *and juvenile* justice information to persons or agencies not associated with criminal justice when such dissemination is authorized by law.

(h)~~(i)~~ The access to criminal *and juvenile* justice information maintained by any criminal *or juvenile* justice agency by any person about whom such information is maintained for the purpose of challenge, correction, or addition of explanatory material.

(i)~~(j)~~ The training, which *should* ~~may~~ be provided *to* ~~pursuant to s. 943.25, of~~ employees of the *departments* ~~department~~ and other state and local criminal *and juvenile* justice agencies in the proper use and control of criminal *and juvenile* justice information.

(j)~~(k)~~ The characteristics, structures, and *communications technologies* ~~linkages~~ needed to allow the *transmittal of, sharing of,* access *to,* and utilization of information among the various state, local, private, and federal agencies, organizations, and institutions in the *criminal and juvenile justice systems.* ~~public safety system, including, but not limited to, recommendations regarding:~~

~~1. The management control and administration of juvenile justice data and information.~~
~~2. The installation and operation of local area networks.~~
~~3. The installation and operation of statewide area networks.~~
~~4. Electronic mail and file transport.~~
~~5. The operation and maintenance of hardware and software.~~
~~6. Access to juvenile justice information.~~
~~7. The security and integrity of the information system.~~
~~8. Training of information system users and user groups.~~

(k) The installation and operation of a statewide telecommunications and data network, to be called the Florida Criminal Justice Intranet Service Network, for which the Department of Law Enforcement will serve as custodial manager and which will be capable of electronically transmitting text and image data, including electronic mail and file transport, among criminal justice agencies within the state.

(l) The participation, by July 1, 1998, of a majority of the local law enforcement agencies, courts, clerks of the court, state law enforcement agencies, and the Department of Corrections and the Department of Juvenile Justice in the Florida Criminal Justice Intranet Service Network.

(m) The installation and operation, when feasible, of equipment in each of the judicial circuits capable of electronically transmitting over the Florida Criminal Justice Intranet Service Network digitized photographs and live-scan fingerprint images of each criminal defendant convicted or found guilty, at the time and place of such disposition.

(n)~~(l)~~ Such other areas as relate to the collection, processing, storage, and dissemination of criminal and juvenile justice and other public safety system information, ~~criminal intelligence information, and criminal justice investigative information,~~ including the development of criteria, policies, and procedures for the standardization of criminal *and juvenile* justice data and *information transfer protocols to transmit* ~~electronic transmission of~~ such data.

(3) It is the policy of this state and the intent of the Legislature that all further installation, enhancement, and planned utilization of equipment capable of transmitting telecommunications and data performed by any state court, the clerks of the court, state or local law enforcement agencies, or the departments referred to in this section be implemented in a manner to assure that such equipment is compatible with the Florida Criminal Justice Intranet Service Network standards.

Section 9. Subsection (9) of section 943.10, Florida Statutes, is amended, and subsections (19), (20), and (21) are added to that section, to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(9) "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility. *In a correctional institution or a jail, an auxiliary certified officer may not have direct inmate supervision unless accompanied by a fully certified officer.*

(19) "Part-time correctional probation officer" means a person who is employed less than full time by the state and whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or in the community.

(20) "Diverse populations" includes people of different ethnic, racial, or national origins, or of different religious beliefs, living within the same geographic area.

(21) "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.

Section 10. Section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a *full-time, part-time, or auxiliary* correctional probation officer; and on or after October 1, 1986, any person employed as a *full-time, part-time, or auxiliary* correctional officer by a private entity under contract to the Department of Corrections, ~~or~~ to a county commission, *or to the Correctional Privatization Commission* shall:

(1) Be at least 19 years of age.

(2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.

(3) Be a high school graduate or its "equivalent" as the *commission has defined the* term *by rule* ~~may be determined by the commission~~.

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

(5) Have *documentation of* his *or her* processed fingerprints on file with the employing agency or, if a private correctional officer, have *documentation of* his *or her processed* fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4) and (6)-(9), he *or she* may be employed or appointed for a period not to exceed 1 calendar year from the date he *or she* was employed or appointed or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first.

(6) Have passed a physical examination by a licensed physician, based on specifications established by the commission.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The affidavit shall be retained by the employing agency.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government; and

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least one year

is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline. *However, an applicant for employment as an auxiliary officer is not required to take the applicable officer certification examination.*

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 11. Paragraphs (a) and (b) of subsection (1) of section 943.131, Florida Statutes, are amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must *attend* ~~enroll in~~ the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his *or her* employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and *is attending* ~~who has enrolled in~~ the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails ~~to successfully complete,~~ or withdraws from~~,~~ any course of the basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

Section 12. Subsections (2), (3), and (4) of section 943.133, Florida Statutes, are amended to read:

943.133 Responsibilities of employing agency, commission, and division with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief.—

(2) Prior to the employment or appointment of any officer, the chief law enforcement or correctional officer administrator or probation and parole regional administrator of the employing agency, or his designee, is required to execute and maintain *a registration* ~~an~~ affidavit-of-compliance form adopted by the commission, attesting to compliance by the employing agency with subsection (1). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. *The information contained in the registration* ~~A copy of the~~ affidavit-of-compliance form must be submitted, or electronically transmitted, to the commission.

(3) The commission shall adopt rules that establish procedures for conducting background investigations. The rules must specify a form for employing agencies to use to document the findings of the background investigation. Before employing or appointing any officer, the employing agency must conduct a thorough background investigation in accordance with the rules. The background information should include information setting forth the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. For the purposes of this subsection, "separation from employment or appointment" includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from any salaried or nonsalaried position. The employing agency must maintain the original background investigation form, which must be signed by the administrator of the employing agency or his designee. ~~A copy of the background investigation form must be submitted, or electronically transmitted, to the commission.~~

(4) When the employing agency is a private entity under contract to the county or the state pursuant to s. 944.105, ~~or~~ s. 951.062*, or chapter 957*, the contracting agency shall be responsible for meeting the requirements of subsections (1), (2), and (3).

Section 13. Subsections (1) and (2) of section 943.139, Florida Statutes, are amended to read:

943.139 Notice of employment, appointment, or separation; response by the officer; duty of commission.—

(1) An employing agency shall immediately notify the commission in writing, on a form adopted by the commission, of the employment or appointment, or separation from employment or appointment, of any officer. The employing agency must maintain the original form and submit, or electronically transmit, *this information* ~~a copy of the form~~ to the commission. Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence of any officer.

(2) In a case of separation from employment or appointment, the employing agency shall execute and maintain an affidavit-of-separation form adopted by the commission, setting forth in detail the facts and reasons for such separation. *The information contained in* ~~A copy of~~ the affidavit-of-separation form must be submitted, or electronically transmitted, to the commission. If the officer is separated for his *or her* failure to comply with s. 943.13, the notice must so specify. The affidavit must be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. Any officer who has separated from employment or appointment must be permitted to respond to the separation, in writing, to the commission, setting forth the facts and reasons for the separation as he understands them.

Section 14. Section 943.1715, Florida Statutes, is amended to read:

943.1715 Basic skills training relating to *diverse populations* ~~racial and ethnic minorities~~.—

~~(1) As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)~~ The commission shall establish *and maintain* standards for instruction of ~~law enforcement~~ officers in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences. Every basic skills course required in order for ~~law enforcement~~ officers to obtain initial certification *must* ~~shall, after January 1, 1993,~~ include a minimum of 8 hours training in interpersonal skills with *diverse populations* ~~racial and ethnic minorities~~.

Section 15. Section 943.1716, Florida Statutes, is amended to read:

943.1716 Continued employment training relating to *diverse populations* ~~racial and ethnic minorities~~.—

~~(1) As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)~~ The commission shall by rule *require that* ~~adopt a program by January 1, 1993, which shall be implemented by July 1, 1993, that requires~~ each officer ~~to~~ receive, as part of the 40 hours of required instruction for continued employment or appointment as *an* ~~a law enforcement~~ officer, 8 hours of instruction in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences.

Section 16. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice and specialized training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. Specialized training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice and specialized training programs or courses need not be approved by the commission.

(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of *a* ~~an inservice or~~ specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.

(3) ~~Each inservice or specialized training course that is approved by the commission and successfully completed by an officer shall be identified as such in any record the commission maintains on the officer. Commission-approved inservice and specialized training courses will be acceptable for the provisions of s. 943.135.~~

~~(4)~~ Inservice or specialized training courses or programs shall not be part of the programs *or* ~~of~~ courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 17. Paragraphs (b) and (c) of subsection (1) of section 943.1755, Florida Statutes, are amended to read:

943.1755 Florida Criminal Justice Executive Institute.—

(1)

(b) The Legislature further finds that there exists a need to improve relationships between law enforcement agencies and the *diverse populations* ~~racial and ethnic minorities~~ they serve. To this end the Florida Criminal Justice Executive Institute shall conduct research projects, utilizing the resources of community colleges and universities, for the

purpose of improving law enforcement interaction and intervention in ~~the~~ communities of *diverse populations* ~~racial and ethnic minorities~~.

~~(c) As used in this subsection:~~

~~1. "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~2. "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.~~

Section 18. Section 943.1757, Florida Statutes, is amended to read:

943.1757 Criminal justice executives; training; policy report.—

(1) ~~As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Criminal justice executive" includes executives of law enforcement, correctional, and correctional probation agencies.~~

~~(2)~~ The Legislature finds that there exists a need to provide training to criminal justice executives in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences.

(2)~~(3)~~ The policy board of the Criminal Justice Executive Institute shall identify the needs of criminal justice executives *regarding issues related to diverse populations* ~~in racially and ethnically sensitive areas,~~ and ensure that such needs are met through appropriate training. Beginning January 1, 1995, and every 5 years thereafter, the policy board shall provide to the appropriate substantive committees of each house a report describing executive training needs. In addition, the policy board shall prepare a biennial report to the appropriate substantive committees of each house describing how these needs are being met through training by the Criminal Justice Executive Institute.

Section 19. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for *diverse populations* ~~racial and ethnic minorities~~; skills training.—

(1) ~~As used in this section:~~

~~(a) "Racial and ethnic minorities" means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) "Law enforcement officer" includes law enforcement officers, correctional officers, and correctional probation officers.~~

~~(2)(a)~~ The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~ into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between ~~law enforcement~~ officers and *members of diverse populations* ~~racial and ethnic minorities. Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in racial and ethnic minorities-related training shall be used as instructional materials~~.

(2)~~(b)~~ The commission shall develop and implement, as part of its ~~law enforcement~~ instructor training programs, standardized instruction in the subject of interpersonal skills relating to *diverse populations* ~~racial and ethnic minorities~~.

Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in *diverse-population-related* ~~racial and ethnic minorities-related~~ training shall be used as instructional materials.

~~(3) A report detailing the racial and ethnic minorities-related curriculum for recruits, employment, and instructors shall be submitted by the commission to the chairs of the relevant substantive committees of both houses of the Legislature no later than December 1, 1992, and the revised criminal justice standards and training curriculum for recruits and instructors shall be implemented no later than January 1, 1993.~~

Section 20. *Section 775.0121, Florida Statutes, as created by section 1 of chapter 96-388, Laws of Florida, is repealed.*

Section 21. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location *that* ~~which~~ a reasonable person would believe to be secure or shall secure it with a trigger lock *or a firearm-mounted push-button combination lock*, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

Section 22. Paragraph (g) of subsection (1) of section 112.532, Florida Statutes, is amended to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements. *In addition to any recording made by the agency, the officer being interrogated must be given a copy of the recording of the interrogation session no later than the end of the next business day following said interrogation.*

Section 23. Present subsection (3) of section 112.533, Florida Statutes, 1996 Supplement, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

112.533 Receipt and processing of complaints.—

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file and must be sent a copy of any derogatory material that is placed in the file.

Section 24. Subsection (4) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(4)*(a) Notwithstanding any other provision of law, any person holding active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), who resigns his or her position as law enforcement officer, correctional officer, or correctional probation officer for the sole purpose of serving in an office to which the person has been elected or appointed and to thereby avoid the prohibition against dual officeholding established in s. 5(a) of Art. II of the State Constitution may be allowed to retain active certification in a special status during the tenure of the elected or appointed office if at the time of resignation, the person:*

1. Was employed by or associated with an employing agency in a manner authorized by chapter 943;

2. Was not subject to an internal investigation or employment action to discipline or dismiss by the employing agency;

3. Was not subject to criminal investigation or prosecution by any state or federal authority; and

4. Was not subject to an investigation or action against his or her certification by the Criminal Justice Standards and Training Commission,

and that subsequent to the resignation the person otherwise complies with this subsection.

(b) Any person who qualifies under paragraph (a) may, for purposes of meeting the minimum mandatory continuing training or education requirements of this section, at the option of an employing agency, associate with that agency for the sole purpose of securing continuing training or education as required by this section and for allowing the agency to report completion of the education or training to the Criminal Justice Standards and Training Commission. The employing agency with which the person has associated shall submit proof of completion of any education or training so obtained for purposes of demonstrating compliance with this section and shall indicate that the person for whom the credits are reported has secured the training under the special status authorized by this section. An employing agency may require any person so associated to attend continuing training or education at the person's own expense and may determine the courses or training that a person is to attend while associated with the agency. Any person who is permitted to associate with an employing agency for purposes of obtaining and reporting education or continuing training credits while serving in an elected or appointed public office shall not be considered to be employed by the employing agency or considered by the association with the employing agency to maintain an office under s. 4(d) of Art. II of the State Constitution.

(c) The period of time a person serves in an elected or appointed office and thereby maintains the special certification status authorized by this section may not be considered in calculating whether the person is considered to have incurred a break in service for purposes of maintaining active certification by the Criminal Justice Standards and Training Commission.

(d) An employing agency that receives a resignation from a person for the purpose of avoiding the dual office holding prohibition as discussed in this subsection shall verify that the person who has resigned is in fact serving in an elected or public office and report the verification including an indication of the office in which the person is serving to the Criminal Justice Standards and Training Commission via the affidavit of separation of employment used by the commission.

(e) Any person seeking the benefit of this subsection shall, upon request, provide to the Criminal Justice Standards and Training Commission any documentation or proof required by the commission to evaluate the person's eligibility under this subsection, to evaluate a submission of continuing training or education credits as authorized by this subsection, or to determine the duration of any tenure in an elected or appointed public office, including any extension of the status by reason of re-election or re-appointment or by election or appointment to a different office. ~~The commission is authorized to develop this program for implementation on July 1, 1985, for full-time, part-time, or auxiliary law enforcement officers and correctional officers and a program for correctional probation officers for implementation on July 1, 1987.~~

Section 25. Section 960.003, Florida Statutes, 1996 Supplement, is amended to read:

960.003 Human immunodeficiency virus testing for persons *when probable cause exists that such persons* ~~charged with or alleged by petition for delinquency to~~ have committed certain offenses; disclosure of results to victims.—

(1) LEGISLATIVE INTENT.—The Legislature finds that a victim of a criminal *episode that* ~~offense which~~ involves the transmission of body fluids is entitled to know at the earliest possible opportunity whether the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed the offense has tested positive for human immunodeficiency virus (HIV) infection. The Legislature finds that to deny victims access to HIV test results causes unnecessary mental anguish in persons who have already suffered trauma. The Legislature further finds that since medical science now recognizes that early diagnosis is a critical factor in the treatment of HIV infection, both the victim and the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed the offense benefit from prompt disclosure of HIV test results.

(2) TESTING OF PERSON *WHEN PROBABLE CAUSE EXISTS THAT SUCH PERSON* ~~CHARGED WITH OR ALLEGED BY PETITION FOR DELINQUENCY TO HAVE~~ COMMITTED CERTAIN OFFENSES.—In any case in which *probable cause exists that* a person has ~~been charged by information or indictment with or alleged by petition for delinquency to have~~ committed any offense enumerated in s. 775.0877(1)(a)-(n), which involves the transmission of body fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. The testing shall be performed under the direction of the Department of Health ~~and Rehabilitative Services~~ in accordance with s. 381.004. The results of an HIV test performed on a defendant or juvenile offender pursuant to this subsection shall not be admissible in any criminal or juvenile proceeding arising out of the alleged offense.

(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed, under the direction of the Department of Health ~~and Rehabilitative Services~~, to the person ~~charged with or~~ alleged ~~by petition for delinquency~~ to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(n), which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. Otherwise, HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to any other person except as expressly authorized by law or court order.

(b) At the time that the results are disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. 381.004(3)(e) to those who undergo HIV testing shall also be afforded to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor.

(4) POSTCONVICTION TESTING.—If, for any reason, the testing requested under subsection (2) has not been undertaken, then upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order the offender to undergo HIV testing following conviction or delinquency adjudication. The testing shall be performed under the direction of the Department of Health ~~and Rehabilitative Services~~, and the results shall be disclosed in accordance with the provisions of subsection (3).

(5) EXCEPTIONS.—The provisions of subsections (2) and (4) do not apply if:

(a) The person ~~charged with or convicted of or~~ alleged ~~by petition for delinquency~~ to have committed ~~or been adjudicated delinquent for~~ an offense described in subsection (2) has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(3)(i)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of

criminal defendants, inmates, or juvenile offenders, subsequent to his arrest, conviction, or delinquency adjudication for the offense for which he was ~~charged or~~ alleged ~~by petition for delinquency~~ to have committed; and

(b) The results of such HIV testing have been furnished to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

(6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT; DISCLOSURE.—In any case in which a person convicted of or adjudicated delinquent for an offense described in subsection (2) has not been tested under subsection (2), but undergoes HIV testing during his incarceration, detention, or placement, the results of the initial HIV testing shall be disclosed in accordance with the provisions of subsection (3). Except as otherwise requested by the victim or the victim's legal guardian, or the parent or guardian of the victim if the victim is a minor, if the initial test is conducted within the first year of the imprisonment, detention, or placement, the request for disclosure shall be considered a standing request for any subsequent HIV test results obtained within 1 year after the initial HIV test performed, and need not be repeated for each test administration. Where the inmate or juvenile offender has previously been tested pursuant to subsection (2) the request for disclosure under this subsection shall be considered a standing request for subsequent HIV results conducted within 1 year of the test performed pursuant to subsection (2). If the HIV testing is performed by an agency other than the Department of Health ~~and Rehabilitative Services~~, that agency shall be responsible for forwarding the test results to the Department of Health ~~and Rehabilitative Services~~ for disclosure in accordance with the provisions of subsection (3). This subsection shall not be limited to results of HIV tests administered subsequent to June 27, 1990, but shall also apply to the results of all HIV tests performed on inmates convicted of or juvenile offenders adjudicated delinquent for sex offenses as described in subsection (2) during their incarceration, detention, or placement prior to June 27, 1990.

Section 26. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, paragraphs (g) and (i) of subsection (3) of section 381.004, Florida Statutes, 1996 Supplement, are reenacted to read:

381.004 Testing for human immunodeficiency virus.—

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(g) Except as provided in this section, the identity of a person upon whom a test has been performed is confidential and exempt from the provisions of s. 119.07(1). No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection and by ss. 951.27 and 960.003. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days, except that this notice shall not be required for disclosures made pursuant to subparagraphs (f)3. and 4.

(i) Notwithstanding the provisions of paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.

b. Testing for HIV by a medical examiner in accordance with s. 406.11.

2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.

3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies when the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. Posttest counseling is required.

4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, obtaining informed consent would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. Posttest counseling is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without informed consent.

5. When HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.

6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to the provisions of s. 775.0877, s. 951.27, or s. 960.003; however, the results of any HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.

7. When an HIV test is mandated by court order.

8. For epidemiological research pursuant to s. 381.0032, for research consistent with institutional review boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 732.9185 or enucleation of the eyes as authorized by s. 732.919.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is taken from that individual voluntarily by medical personnel for other purposes. "Medical personnel" includes a licensed or certified health care professional; an employee of a health care professional, health care facility, or blood bank; and a paramedic or emergency medical technician as defined in s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. The individual's refusal to consent and all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made and all attempts must be documented. If the individual cannot be found, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of any HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel must either be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test prior to the testing. The individual's refusal to consent, and all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

12. For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant when, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant shall reflect the reason consent of the parent was not initially obtained. Test results and posttest counseling shall be provided to the parent when the parent is located.

Section 27. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, subsection (2) of section 775.0877, Florida Statutes, 1996 Supplement, is reenacted and amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(2) The results of the HIV test must be disclosed under the direction of the Department of Health ~~and Rehabilitative Services~~, to the offender who has been convicted of or pled nolo contendere or guilty to an offense specified in subsection (1), the public health agency of the county in which the conviction occurred and, if different, the county of residence of the offender, and, upon request pursuant to s. 960.003, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

Section 28. For the purpose of incorporating the amendments to section 960.003, Florida Statutes, 1996 Supplement, in references thereto, subsection (2) of section 951.27, Florida Statutes, 1996 Supplement, is reenacted and amended to read:

951.27 Blood tests of inmates.—

(2) Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, and as provided in ss. 775.0877 and 960.003. In addition, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the results of any HIV test performed on an inmate who has been arrested for any sexual offense involving oral, anal, or vaginal penetration by, or union with, the sexual organ of another, shall be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health ~~and Rehabilitative Services~~, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3).

Section 29. Subsection (2) of section 384.34, Florida Statutes, 1996 Supplement, is amended to read:

384.34 Penalties.—

(2) Any person who violates the provisions of s. 384.26 or s. 384.29 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. *Notwithstanding any other provision of law, a first offense for violation of s. 384.29 is subject to a monetary penalty of $5,000, and a second offense is subject to a monetary penalty of $10,000, as provided in s. 775.083(1)(g).*

Section 30. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to law enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; conforming a cross-reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning the participation of specified entities in the Intranet Service Network; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.10,

F.S.; prohibiting an auxiliary certified correctional officer from directly supervising inmates without accompaniment by a fully certified officer; defining the terms "part-time correctional probation officer," "diverse population," and "criminal justice executive" with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; providing that applicants for auxiliary officers are not required to take a certification examination; amending s. 943.131, F.S.; revising requirements for officers' temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance with employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in an officer's affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting provisions regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting provisions regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; repealing s. 775.0121, F.S., relating to a continuous revision cycle of criminal penalties; amending s. 790.174, F.S.; revising requirements for the safe storage of firearms; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement officer or correctional officer; amending s. 112.533, F.S.; providing rights of such officers to review their personnel files, attach a response, and receive a copy of certain material; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; amending s. 960.003, F.S.; revising legislative intent and guidelines with respect to human immunodeficiency virus testing in connection with a criminal episode; revising criteria for persons subject to such testing to provide for testing under certain circumstances when probable cause exists that a person has committed an offense enumerated under specified provisions relating to criminal transmission of HIV; providing conforming language with respect to disclosures of results to the alleged offender and victim; reenacting s. 381.004(3)(g) and (i), F.S., relating to HIV testing, s. 775.0877(2), F.S., relating to criminal transmission of HIV, and s. 951.27(2), F.S., relating to blood tests of inmates, to incorporate the amendments to s. 960.003, F.S., in references thereto; amending s. 384.34, F.S.; providing additional monetary penalties for certain violations; providing an effective date.

Senator Silver moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (with title amendment)—On page 23, between lines 5 and 6, insert:

Section 20. Subsection (3) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. However, such assessment shall not be imposed in addition to civil penalties provided in s. 318.18. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall *remain in the respective trust fund until the following year* ~~be deposited, for redistribution, in the Additional Court Cost Clearing Trust Fund. However, revenues generated from officer certification examination fees shall not revert to the Additional Court Cost Clearing Trust Fund and shall remain in the Criminal Justice Standards and Training Trust Fund~~.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with subsection (10).

Section 21. Subsection (11) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(11) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

For pedestrian infractions . . . . . $ 3.
For nonmoving traffic infractions . . . . . $ 6.
For moving traffic infractions . . . . . $10.

In no event may court costs imposed under this subsection exceed $30. Court costs must include the costs provided in s. 943.25(3). A regional criminal justice assessment center or other local criminal justice access and assessment center may be funded from these court costs. Where a local ordinance is enacted pursuant to s. 943.25(13), $2 in court costs must be imposed for the purposes described in that subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 43, line 22, after the semicolon (;) insert: amending s. 943.25, F.S., relating to criminal justice trust funds; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing a limitation on court costs imposed for traffic offenses; requiring court costs to include a $3 court cost relating to officer training as provided; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; authorizing a $2 court cost to be imposed for municipal and county law enforcement as provided if authorized by local ordinance;

Senator Turner moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (with title amendment)—On page 39, between lines 27 and 28, insert:

Section 30. Effective October 1, 1997, paragraphs (a) and (b) of subsection (2) of section 790.115, Florida Statutes, as amended by section 20 of Committee Substitute for House Bill 1309 and others, 2nd Engrossed, which was enacted by the 1997 Regular Session of the Florida Legislature, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife *with a blade length greater than 4 inches*, except as authorized in support of school-sanctioned activities, on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a vocational school having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife *with a blade length greater than 4 inches*, except as authorized in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

And the title is amended as follows:

On page 44, line 26, after the semicolon (;) insert: amending s. 790.115, F.S.; clarifying language with respect to a prohibition against possessing certain weapons on school property;

Amendment 2 as amended was adopted.

On motion by Senator Meadows, by two-thirds vote **CS for CS for SB 514** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President

THE PRESIDENT PRESIDING

On motion by Senator Lee, by two-thirds vote **CS for HB's 845 and 1255** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

On motion by Senator Lee—

CS for HB's 845 and 1255—A bill to be entitled An act relating to tobacco products; amending s. 20.165, F.S.; authorizing employees of the Division of Alcoholic Beverages and Tobacco who are certified as law enforcement officers to investigate, enforce, and prosecute certain violations relating to tobacco products; redesignating chapter 569, F.S., as "Tobacco Products"; amending and renumbering s. 859.06, F.S., to clarify language; providing increased penalty for a second or subsequent violation for illegally selling or giving tobacco products to certain persons; amending s. 569.002, F.S.; revising the definition of "tobacco products"; revising definition language to exclude certain classes of persons from definition of "under age 18"; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to knowingly possess any tobacco product or to misrepresent age or military service to acquire or purchase any tobacco product; providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for jurisdiction and enforcement and local tobacco product enforcement officers; providing for enforcement by correctional probation officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, and 569.006, F.S.; clarifying language; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify language; providing for instructional material; authorizing use of electronic or automated systems upon approval by the division; providing penalties; amending s. 569.007, F.S.; providing restrictions on the sale or delivery of tobacco products; providing exceptions; creating s. 569.0075, F.S.; prohibiting the gift of sample tobacco products to persons under the age of 18; providing for penalties; amending s. 569.008, F.S.; requiring tobacco products dealers to exercise diligent management and supervision in the management and supervision of their premises and in supervision and training of their employees, agents, or servants; conforming and clarifying language relating to responsible tobacco product dealers; amending s. 569.009, F.S.; conforming and clarifying language relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, drivers' licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; providing a suspended or revoked driver's license as a result of violation, shall not result in increased automobile insurance premiums or in assessment of points against person's driving record; creating s. 569.19, F.S.; providing for an annual report; requiring notification to licensees and permittees of the provisions included in this legislation; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1964 and 1742** and read the second time by title.

SENATOR JENNE PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Lee, by two-thirds vote **CS for HB's 845 and 1255** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Diaz-Balart	Jones	Myers
Bankhead	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Horne	Meadows	

Nays—6

Campbell	Hargrett	Ostalkiewicz	Williams
Dantzler	Holzendorf		

Vote after roll call:

Yea—Crist

Nay—Jenne

The Senate resumed consideration of—

SB 1906—A bill to be entitled An act relating to waiver of court costs for indigent persons; amending s. 57.081, F.S.; requiring that the certification of indigency for purposes of waiving court costs be based on an affidavit which certifies that no person has been paid or promised payment for services in connection with the action or proceeding; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, by two-thirds vote **SB 1906** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Brown-Waite, Jenne

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2086** and **SB 1270** was deferred.

On motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB's 297 and 325** was withdrawn from the Committees on Health Care; Banking and Insurance; and Ways and Means.

On motion by Senator Brown-Waite—

CS for CS for HB's 297 and 325—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; providing an exemption from the definition of "prepaid limited health service organization"; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; creating s. 641.316, F.S.; providing for regulation of fiscal intermediary services organizations; providing requirements and restrictions; requiring a bond; requiring registration with the Department of Insurance; providing exemptions; providing for rules; creating the Florida Commission on Integrated Health Care Delivery Systems; providing membership and duties; requiring recommendations to the Legislature; providing for future repeal; amending s. 641.47, F.S.; providing definitions; amending s. 641.495, F.S.; requiring designation of a licensed physician as medical director; amending s. 641.51, F.S.; requiring development of policies relating to out-of-network referrals; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring publication of data; requiring adoption of certain recommendations and goals for preventive pediatric health care; amending s. 641.511, F.S.; specifying procedures, requirements, and timeframes for addressing subscriber grievances; requiring certain notice to subscribers; providing for review of adverse determinations; providing for certain referral to the Statewide Provider and Subscriber Assistance Program; providing for expedited review of urgent grievances; authorizing administrative sanctions for noncompliance with grievance procedure requirements; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing effective dates.

—a companion measure, was substituted for **CS for SB 2066** and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB's 297 and 325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Jenne

SENATOR BANKHEAD PRESIDING

CS for SB 2086—A bill to be entitled An act relating to juvenile justice; creating chapter 985, F.S., relating to certain juvenile proceedings; creating s. 985.01, F.S.; providing purposes and intent; creating s. 985.02, F.S.; providing legislative intent for the juvenile justice system; creating s. 985.03, F.S.; providing definitions; renumbering and amending s. 39.045, F.S., relating to oaths, records, and confidential information; creating s. 985.05, F.S.; providing for court records; renumbering and amending s. 39.0573, F.S., relating to statewide information sharing; renumbering s. 39.0574, F.S., relating to school district and law enforcement information sharing; renumbering and amending s. 39.0585, F.S., relating to information systems; renumbering and amending s. 39.022, F.S., relating to court jurisdiction; renumbering and amending s. 39.014, F.S., relating to legal representation for delinquency cases; renumbering and amending s. 39.041, F.S., relating to the right to counsel; renumbering s. 39.0476, F.S., relating to powers with respect to certain children; creating s. 985.205, F.S.; providing that hearings are open to the public; renumbering and amending s. 39.0515, F.S., relating to rights of victims; renumbering and amending s. 39.037, F.S., relating to taking a child into custody; renumbering and amending s. 39.064, F.S., relating to detention of furloughed children or escapees; renumbering s. 39.0471, F.S., relating to juvenile justice assessment centers; renumbering and amending s. 39.047, F.S., relating to intake and case management; renumbering and amending s. 39.038, F.S., relating to release or delivery from custody; renumbering and amending s. 39.039, F.S., relating to fingerprinting and photographing a minor; renumbering and amending s. 39.042, F.S., relating to the use of detention; renumbering s. 39.043, F.S., relating to prohibited uses of detention; renumbering and amending s. 39.044, F.S., relating to detention; transferring and renumbering s. 39.0145, F.S., relating to punishment for contempt of court; renumbering and amending s. 39.0445, F.S., relating to juvenile domestic violence offenders; renumbering s. 39.048, F.S., relating to petitions for delinquency; renumbering and amending s. 39.049, F.S., relating to process and service; renumbering and amending s. 39.0495, F.S., relating to threatening or dismissing employees; renumbering s. 39.073, F.S., relating to court and witness fees; renumbering s. 39.051, F.S., relating to answers to petitions; renumbering and amending s. 39.0517, F.S., relating to incompetency in juvenile delinquency cases; renumbering and amending s. 39.046, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examinations and treatment; creating s. 985.225, F.S.; providing for indictment of a juvenile; providing for sentencing; creating s. 985.226, F.S.; providing criteria for waiver of juvenile court jurisdiction; creating s. 985.227, F.S.; providing for prosecution of juveniles as adults; creating s. 985.228, F.S.; providing for adjudicatory hearings, withheld adjudications, and orders of adjudication; creating s. 985.229, F.S.; providing for predisposition reports; creating s. 985.23, F.S.; providing for disposition hearings in delinquency cases; creating s. 985.231, F.S.; providing powers of disposition in delinquency cases; renumbering s. 39.078, F.S., relating to commitment forms; creating s. 985.233, F.S.; providing dispositional powers and procedures and alternatives for juveniles prosecuted as adults; renumbering s. 39.069, F.S., relating to appeals; renumbering

s. 39.0711, F.S., relating to additional grounds for appeals by the state; renumbering s. 39.072, F.S., relating to orders or decisions when the state appeals; renumbering and amending s. 39.0255, F.S., relating to civil citations; renumbering s. 39.019, F.S., relating to teen courts; renumbering and amending s. 39.0361, F.S., relating to the Neighborhood Restorative Justice Act; renumbering and amending s. 39.026, F.S., relating to community arbitration; renumbering and amending s. 39.055, F.S., relating to early delinquency intervention; renumbering s. 39.0475, F.S., relating to delinquency pretrial intervention; renumbering s. 39.0551, F.S., relating to juvenile assignment centers; renumbering s. 39.0571, F.S., relating to juvenile sexual offender commitment programs; renumbering and amending s. 39.057, F.S., relating to boot camps for children; renumbering and amending s. 39.058, F.S., relating to serious or habitual juvenile offenders; renumbering and amending s. 39.0582, F.S., relating to intensive residential treatment; renumbering and amending s. 39.0583, F.S., relating to intensive residential treatment programs; renumbering s. 39.0581, F.S., relating to maximum-risk residential programs; renumbering and amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; renumbering and amending s. 39.05841, F.S., relating to vocational work training programs; renumbering s. 39.067, F.S., relating to furlough and intensive aftercare; renumbering and amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; renumbering s. 39.085, F.S., relating to the Alternative Education Institute; renumbering s. 39.0572, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering and amending s. 39.021, F.S., relating to administering the juvenile justice continuum; creating s. 985.405, F.S.; requiring the Department of Juvenile Justice to adopt rules; renumbering s. 39.024, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Training Trust Fund; renumbering s. 39.076, F.S., relating to contracting and personnel; renumbering s. 39.075, F.S., relating to consultants; creating s. 985.409, F.S.; providing for participation in the Florida Casualty Insurance Risk Management Trust Fund; renumbering s. 39.074, F.S., relating to facilities siting; renumbering and amending s. 39.0215, F.S., relating to county and municipal delinquency programs and facilities; creating s. 985.412, F.S.; providing for quality assurance; renumbering and amending s. 39.025, F.S., relating to district juvenile justice boards; creating s. 985.414, F.S.; providing for county juvenile justice councils; creating s. 985.415, F.S.; providing for county juvenile justice partnership grants; creating s. 985.416, F.S.; providing for innovation zones; renumbering s. 39.062, F.S., relating to transferring children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 39.063, F.S., relating to transferring children to other treatment services; renumbering s. 39.065, F.S., relating to contracts for the transfer of children under federal custody; renumbering s. 39.51, F.S., relating to the Interstate Compact on Juveniles; renumbering s. 39.511, F.S., relating to execution of the compact; renumbering s. 39.512, F.S., relating to the juvenile compact administrator; renumbering s. 39.513, F.S., relating to supplementary agreements; renumbering s. 39.514, F.S., relating to financial arrangements; renumbering s. 39.515, F.S., relating to responsibility of state departments, agencies, and officers; renumbering s. 39.516, F.S., relating to additional procedures with respect to the compact; creating s. 984.01, F.S.; providing purposes and intent with respect to children and families in need of services; creating s. 984.02, F.S.; providing legislative intent; creating s. 984.03, F.S.; providing definitions; renumbering and amending s. 39.42, F.S., relating to children in need of services and families in need of services; renumbering and amending s. 39.015, F.S., relating to rules relating to habitual truants; renumbering and amending s. 39.4451, F.S., relating to oaths, records, and confidential information; renumbering s. 39.447, F.S., relating to appointed counsel; renumbering and amending s. 39.017, F.S., relating to attorney's fees; creating s. 984.09, F.S.; providing for punishment for contempt of court; renumbering and amending s. 39.423, F.S., relating to intake of children; renumbering and amending s. 39.424, F.S., relating to services to families in need of services; renumbering s. 39.426, F.S., relating to staffing for treatment and services to families in need of services; renumbering and amending s. 39.421, F.S., relating to taking certain children into custody; renumbering and amending s. 39.422, F.S., relating to shelter placement of certain children; renumbering and amending s. 39.436, F.S., relating to petitions for children in need of services; renumbering s. 39.437, F.S., relating to process and service; renumbering s. 39.438, F.S., relating to response to petition and representation of parties; renumbering s. 39.4431, F.S., relating to referral of children-in-need-of-services cases to mediation; renumbering and amending s. 39.446, F.S., relating to examination and treatment of certain children; renumbering s. 39.44, F.S., relating to hearings for children-in-need-of-services cases; renumbering s. 39.441, F.S., relating to orders of adjudication; renumbering and amending s. 39.442, F.S., relating to powers of disposition; renumbering s. 39.4375, F.S., relating to court and witness fees; renumbering s. 39.4441, F.S., relating to appeals; amending s. 39.01, F.S.; revising definitions applicable to ch. 39, F.S.; repealing ss. 39.0205, 39.0206, F.S., relating to a short title and a definition; renumbering s. 39.061, F.S., relating to escapes from detention or residential commitment facilities; repealing s. 39.419, F.S., relating to a definition; repealing ss. 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, 39.036, F.S., relating to community arbitration, which provisions are otherwise incorporated into this act; repealing ss. 39.052, 39.053, 39.054, 39.059, F.S., relating to adjudicatory hearings, adjudication, powers of disposition, and community control or commitment of children prosecuted as adults, which provisions are otherwise incorporated into this act; repealing ss. 39.05842, 39.05843, 39.05844, 39.05845, F.S., relating to vocational/work programs, which provisions are otherwise incorporated into this act; repealing s. 39.056, F.S., relating to early delinquency intervention, which provision is otherwise incorporated into this act; amending s. 39.002, F.S.; providing legislative intent for the juvenile justice system; amending s. 39.012, F.S.; providing for the Department of Children and Family Services to adopt rules; designating and naming parts of ch. 985, F.S.; providing legislative intent with respect to other acts; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Section 39.085, Florida Statutes, is repealed.*

(2) The programs, activities, contractual rights, obligations, functions, records, property, and unexpended balances of appropriations, allocations, and all other funds including public education capital outlay funds on deposit, under the control of the Alternative Education Institute, are hereby transferred by a type two transfer to the Department of Education.

(3) Specific Appropriation 2012A in chapter 94-357, Laws of Florida, which funds the Griff-Mills high-risk residential program and maximum-risk residential construction program is de-authorized and no further state funds shall be expended or disbursed for it.

(4) The Department of Education is directed to make a report and recommendation, no later than September 30, 1997, to the Governor, Speaker of the Florida House of Representatives, and the President of the Florida Senate, for alternative uses of the real property acquired in conjunction with the Adam Paine Academy project in Hillsborough County. The Department of Education has priority as the ultimate user.

(5) Each contractor, subcontractor, and materialman seeking compensation for damages must provide the Attorney General with reasonable proof of eligibility and proof of the extent of damages incurred directly by reason of the de-authorization of this project. The Attorney General is directed to determine eligible claimants, within 6 months of the effective date of this act, or December 31, 1997, whichever is later. Upon receipt of reasonable proof of eligibility and extent of damages, the Attorney General shall make a report and recommendation to the President of the Senate and Speaker of the House of Representatives, for consideration of payment of said claims from funds appropriated by the next session of the Legislature.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; repealing s. 39.085, F.S., relating to Alternative Education Institute; transferring its functions by a type two transfer to the Department of Education; de-authorizing the Adam Paine Academy project; providing for compensation of contractors, subcontractors, and materialmen; providing an effective date.

On motion by Senator Horne, by two-thirds vote **CS for SB 2086** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Jenne	Ostalkiewicz
Brown-Waite	Dyer	Jones	Rossin
Campbell	Forman	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Sullivan
Clary	Hargrett	Latvala	Thomas
Cowin	Harris	Lee	Turner
Dantzler	Holzendorf	McKay	Williams
Diaz-Balart	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Crist

THE PRESIDENT PRESIDING

Consideration of **CS for SB 2048** was deferred.

On motion by Senator Dyer, by two-thirds vote **CS for HB 433** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dyer—

CS for HB 433—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing for review and repeal of s. 471.038; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 526** and read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (3) and (5) of section 471.011, Florida Statutes, are amended to read:

471.011 Fees.—

(3) The initial license fee shall not exceed *$125* ~~$200~~.

(5) The biennial renewal fee shall not exceed *$125* ~~$150~~.

Section 2. Section 471.038, Florida Statutes, is created to read:

471.038 Florida Engineers Management Corporation.—

(1) This section may be cited as the "Florida Engineers Management Corporation Act."

(2) As used in this section, the term:

(a) "Board" means the Board of Professional Engineers.

(b) "Board of Directors" means the board of directors of the Florida Engineers Management Corporation.

(c) "Corporation" means the Florida Engineers Management Corporation.

(d) "Department" means the Department of Business and Professional Regulation.

(e) "Secretary" means the Secretary of Business and Professional Regulation.

(3)(a) It is the finding of the Legislature that the privatization of certain functions that are performed by the department for the board will encourage greater operational and economic efficiency and, therefore, will benefit regulated persons and the public.

(b) It is the intent of the Legislature that a single nonprofit corporation be established to provide administrative, investigative, and prosecutorial services to the board and that no additional nonprofit corporation be created for these purposes.

(c) It is further the intent of the Legislature that the corporation assume, by July 1, 1998, all duties assigned to it.

(4) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapters 455 and 471. The corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112. The provisions of s. 768.28 apply to the corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The corporation shall:

(a) Be a Florida corporation not-for-profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapters 455 and 471.

(c) Receive, hold, and administer property and make expenditures for the benefit of the board.

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be lay persons not regulated by the board. The corporation shall select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(g) Operate under a written contract with the department which is approved by the board and renewed annually. The initial contract must be entered into no later than March 1, 1998. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the corporation by the department and the board.

2. Submission by the corporation of an annual budget that complies with board rules for approval by the board and the department.

3. Annual certification by the board and the department that the corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the corporation to ensure compliance with the contract and the provisions of chapters 455 and 471 and to act as a liaison for the department, the board, and the corporation to ensure the effective operation of the corporation.

5. Funding of the corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys and property held in trust by the corporation for the benefit of the board, if the corporation is no longer approved to operate for the board or the board ceases to exist.

7. The securing and maintaining by the corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the

department to defend, indemnify, and hold harmless the corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the corporation. Violation of this subparagraph shall be grounds for terminating the contract.

(h) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in conjunction with the Auditor General. The annual audit report must be submitted to the board and the department for review and approval. Copies of the audit must be submitted to the secretary and the Legislature together with any other information requested by the secretary, the board, or the Legislature.

(i) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(5) The corporation may not exercise any authority specifically assigned to the board under chapter 455 or chapter 471, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

(6) The department shall retain the independent authority to open, investigate, or prosecute any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department shall retain sole authority to issue emergency suspension or restriction orders pursuant to s. 120.60 and to prosecute unlicensed activity cases pursuant to ss. 455.228 and 455.2281.

(7) Corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217 and 455.229 for records created or maintained by the department shall apply to records created or maintained by the corporation. The exemptions set forth in s. 455.225, relating to complaints and information obtained pursuant to an investigation by the department, shall apply to such records created or obtained by the corporation only until an investigation ceases to be active. For the purposes of this subsection, an investigation is considered active so long as the corporation or any law enforcement or administrative agency is proceeding with reasonable dispatch and has a reasonable, good-faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case or 10 days after the board makes a determination regarding probable cause. All information, records, and transcriptions regarding a complaint that has been determined to be legally sufficient to state a claim within the jurisdiction of the board become available to the public when the investigation ceases to be active, except information that is otherwise confidential or exempt from s. 119.07(1). However, in response to an inquiry about the licensure status of an individual, the corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public. The board shall designate by rule those violations that involve the potential for substantial physical or financial harm. The department and the board shall have access to all records of the corporation, as necessary to exercise their authority to approve and supervise the contract.

(8) The Office of Program Policy Analysis and Governmental Accountability within the Office of the Auditor General shall conduct a performance audit of the corporation for the period beginning January 1, 1998, through January 1, 2000, and thereafter at the request of the Joint Legislative Auditing Committee.

Section 3. *If any provision of section 471.038, Florida Statutes, is held to be unconstitutional or is held to violate the state or federal antitrust laws, the following shall occur:*

(1) The corporation shall cease and desist from exercising any powers and duties enumerated in the act.

(2) The Department of Business and Professional Regulation shall resume the performance of such activities. The department shall regain and receive, hold, invest, and administer property and make expenditures for the benefit of the board.

(3) The Executive Office of the Governor, notwithstanding chapter 216, Florida Statutes, is authorized to reestablish positions, budget authority, and salary rate necessary to carry out the department's responsibilities related to the regulation of professional engineers.

Section 4. *In addition to moneys appropriated for the operation of the State Board of Professional Engineers, the sum of $646,000 is appropriated from the account of the State Board of Professional Engineers in the Professional Regulation Trust Fund to the Department of Business and Professional Regulation, of which $586,000 shall be released to the Florida Engineers Management Corporation as needed for start-up costs and $60,000 shall be used to fund one O.P.S. position to assist with preparing the contract required by section 471.038, Florida Statutes.*

Section 5. This act shall take effect July 1, 1997, but section 471.038, Florida Statutes, shall stand repealed on October 1, 2000. The Legislature shall review the effect of this act in the regular session immediately prior to the repeal date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing for review and repeal of s. 471.038; providing an effective date.

On motion by Senator Dyer, by two-thirds vote **CS for HB 433** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 858, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

House Amendment 1—On page 10, between lines 19 and 20, of the bill, insert:

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

On motion by Senator Sullivan, the Senate concurred in the House amendment.

CS for CS for SB 858 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Holzendorf	Myers
Bronson	Dantzler	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Rossin
Burt	Dyer	Jones	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Hargrett	McKay	Turner
Cowin	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 1270—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.0163, F.S.; requiring certain outpatient facilities to submit plans and specifications for agency review; exempting certain outpatient facilities that meet specified standards from certain construction reviews; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules related to construction requirements for new facilities or additions to existing facilities; providing an effective date.

—with pending **Amendment 1** by Senator Bronson which was considered May 1.

Senator Gutman moved the following amendment to **Amendment 1**:

Amendment 1A—On page 1, lines 19-27, delete those lines and insert:

395.0164 Mobile surgical facilities.—A mobile surgical facility that has a contract with the Department of Corrections to provide medical services is exempt from the licensing and construction requirements of chapter 395.

Senator Klein moved the following substitute amendment for **Amendment 1A** which was adopted:

Amendment 1B—On page 1, lines 19-27, delete those lines and insert:

395.0164 Mobile surgical facilities.—A mobile surgical facility that has a contract with the Department of Corrections to provide medical services is exempt from the licensing and construction requirements of chapter 395. Any such mobile facility is restricted to providing medical services to Department of Corrections inmates.

Amendment 1 as amended was adopted.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 2 and 3, insert:

Section 3. Paragraphs (b), (d), and (e) of subsection (2) and subsections (6) and (7) of section 20.42, Florida Statutes, 1996 Supplement, are amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(b) The Division of Health Policy and Cost Control, which shall be responsible for health policy, the State Center for Health Statistics, the development of The Florida Health Plan, certificate of need, ~~hospital budget review,~~ state and local health planning under s. 408.033, and research and analysis.

~~(d) The Health Care Board, which shall be responsible for hospital budget review, nursing home financial analysis, and special studies as assigned by the secretary or the Legislature.~~

(d)~~(e)~~ The Division of Administrative Services, which shall be responsible for revenue management, budget, personnel, and general services.

~~(6) HEALTH CARE BOARD.—The Health Care Board shall be composed of 11 members appointed by the Governor, subject to confirmation by the Senate. The members of the board shall biennially elect a chairperson and a vice chairperson from its membership. The board shall be responsible for hospital budget review, nursing home financial review and analysis, and special studies requested by the Governor, the Legislature, or the director.~~

(6)~~(7)~~ DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.—The director shall appoint a Deputy Director of Administrative Services who shall serve at the pleasure of, and be directly responsible to, the director. The deputy director shall be responsible for the Division of Administrative Services.

Section 4. Section 112.153, Florida Statutes, is amended to read:

112.153 Local governmental group insurance plans; refunds with respect to overcharges by providers.—A participant in a group insurance plan offered by a county, municipality, school board, local governmental unit, and special taxing unit, who discovers that he or she was overcharged by a hospital, physician, clinical lab, and other health care providers, shall receive a refund of 50 percent of any amount recovered as a result of such overcharge, up to a maximum of $1,000 per admission. All such instances of overcharge shall be reported to the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ for action it deems appropriate.

Section 5. Subsections (1), (4), and (8) of section 154.304, Florida Statutes, are amended to read:

154.304 Definitions.—For the purpose of this act:

(1) *"Agency" means the Agency for Health Care Administration* ~~"Board" means the Health Care Board as established in chapter 408~~.

(4) "Charity care obligation" means the minimum amount of uncompensated charity care as reported to the *agency* ~~Health Care Cost Containment Board~~, based on the hospital's most recent audited actual experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under the provisions of this act. That amount shall be the ratio of uncompensated charity care days compared to total acute care inpatient days, which shall be equal to or greater than 2 percent.

(8) "Participating hospital" means a hospital which is eligible to receive reimbursement under the provisions of this act because it has been certified by the *agency* ~~board~~ as having met its charity care obligation and has either:

(a) A formal signed agreement with a county or counties to treat such county's indigent patients; or

(b) Demonstrated to the *agency* ~~board~~ that at least 2.5 percent of its uncompensated charity care, as reported to the board, is generated by out-of-county residents.

Section 6. Paragraph (d) of subsection (4) and paragraph (c) of subsection (6) of section 212.055, Florida Statutes, 1996 Supplement, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) INDIGENT CARE SURTAX.—

(d) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (e). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~. The plan *must* ~~shall~~ also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~. The plan *must* ~~shall~~ also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

Section 7. Paragraphs (a) and (b) of subsection (1) of section 395.401, Florida Statutes, are amended to read:

395.401 Trauma services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) As used in this part, the term:

(a) *"Agency" means the Agency for Health Care Administration* ~~"Board" means the Health Care Board~~.

(b) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the *agency* ~~board~~ for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds 4 times the federal poverty level for a family of four be considered charity.

Section 8. Subsections (1), (2), (3), and (4) of section 395.701, Florida Statutes, are amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b)~~(a)~~ "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

~~(b) "Health Care Board" or "board" means the Health Care Board created by s. 20.42.~~

(c) "Hospital" means a health care institution as defined in s. 395.002(12), but does not include any hospital operated by the agency or the Department of Corrections.

(d) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(e) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(2) There is ~~hereby~~ imposed upon each hospital an assessment in an amount equal to 1.5 percent of the annual net operating revenue for each

hospital, such revenue to be determined by the *agency* ~~department~~, based on the actual experience of the hospital as reported to the *agency* ~~department~~. Within 6 months after the end of each hospital fiscal year, the *agency* ~~department~~ shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the *agency* ~~department~~ in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the *agency* ~~department~~ certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(3) The *agency* ~~department~~ shall impose an administrative fine, not to exceed $500 per day, for failure of any hospital to pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to pay its assessment within 30 days after the assessment is due is ground for the *agency* ~~department~~ to impose an administrative fine not to exceed $5,000 per day.

(4) The purchaser, successor, or assignee of a facility subject to the *agency's* ~~board's~~ jurisdiction shall assume full liability for any assessments, fines, or penalties of the facility or its employees, regardless of when identified. Such assessments, fines, or penalties shall be paid by the employee, owner, or licensee who incurred them, within 15 days of the sale, transfer, or assignment. However, the purchaser, successor, or assignee of the facility may withhold such assessments, fines, or penalties from purchase moneys or payment due to the seller, transferor, or employee, and shall make such payment on behalf of the seller, transferor, or employee. Any employer, purchaser, successor, or assignee who fails to withhold sufficient funds to pay assessments, fines, or penalties arising under the provisions of chapter 408 shall make such payments within 15 days of the date of the transfer, purchase, or assignment. Failure by the transferee to make payments as provided in this subsection shall subject such transferee to the penalties and assessments provided in chapter 408. Further, in the event of sale, transfer, or assignment of any facility under the *agency's* ~~board's~~ jurisdiction, future assessments shall be based upon the most recently available prior year report or audited actual experience for the facility. It shall be the responsibility of the new owner or licensee to require the production of the audited financial data for the period of operation of the prior owner. If the transferee fails to obtain current audited financial data from the previous owner or licensee, the new owner shall be assessed based upon the most recent year of operation for which 12 months of audited actual experience are available or upon a reasonable estimate of 12 months of full operation as calculated by the *agency* ~~board~~.

Section 9. Subsection (3) of section 395.806, Florida Statutes, is amended to read:

395.806 Designation of family practice teaching hospitals.—

(3) The agency shall create a separate review category for family practice teaching hospitals for the purpose of review by the *agency* ~~Health Care Board~~.

Section 10. Subsection (2) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health planning and policy advisory board. For administrative purposes, the council shall be located within the agency. The Statewide Health Council shall be composed of: the State Health Officer; the Deputy Director for Health Policy and Cost Control and the Deputy Director for Health Quality Assurance of the *agency* ~~department~~; ~~the director of the Health Care Board;~~ the Insurance Commissioner or his designee; the Vice Chancellor for Health Affairs of the Board of Regents; three chairmen of regional planning councils, selected by the regional planning councils; five chairmen of local health councils, selected by the local health councils; four members appointed by the Governor, one of whom is a consumer over 60 years of age, one of whom is a representative of organized labor, one of whom is a physician, and one of whom represents the nursing home industry; five members appointed by the President of the Senate, one of whom is a representative of the insurance industry in this state, one of whom is the chief executive officer of a business with more than 300 employees in this state, one of whom represents the hospital industry, one of whom is a primary care physician, and one of whom is a nurse, and five members appointed by the Speaker of the House of Representatives, one of whom is a consumer who represents a minority group in this state, one of whom represents the home health care industry in this state, one of whom is an allied health care professional, one of whom is the chief executive officer of a business with fewer than 25 employees in this state, and one of whom represents a county social services program that provides health care services to the indigent. Appointed members of the council shall serve for 2-year terms commencing October 1 of each even-numbered year. The council shall elect a president from among the members who are not state employees. The Statewide Health Council shall:

(a) Advise the Governor, the Legislature, and the *agency* ~~department~~ on state health policy issues, state and local health planning activities, and state health regulation programs;

(b) Prepare a state health plan that specifies subgoals, quantifiable objectives, strategies, and resource requirements to implement the goals and policies of the health element of the State Comprehensive Plan. The plan must assess the health status of residents of this state; evaluate the adequacy, accessibility, and affordability of health services and facilities; assess government-financed programs and private health care insurance coverages; and address other topical local and state health care issues. Within 2 years after the health element of the State Comprehensive Plan is amended, and by July 1 of every 3rd year, if it is not amended, the Statewide Health Council shall submit the state health plan to the Executive Office of the Governor, the *director of the agency* ~~secretary of the department~~, the President of the Senate, and the Speaker of the House of Representatives;

(c) Promote public awareness of state health care issues and, in conjunction with the local health councils, conduct public forums throughout the state to solicit the comments and advice of the public on the adequacy, accessibility, and affordability of health care services in this state and other health care issues;

(d) Consult with local health councils, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;

(e) Serve as a forum for the discussion of local health planning issues of concern to the local health councils and regional planning councils;

(f) Review district health plans for consistency with the State Comprehensive Plan and the state health plan;

(g) Review the health components of agency functional plans for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to agency functional plans to make them consistent with the State Comprehensive Plan;

(h) Review any strategic regional plans that address health issues for consistency with the health element of the State Comprehensive Plan, advise the Executive Office of the Governor regarding inconsistencies, and recommend revisions to strategic regional policy plans to make them consistent with the State Comprehensive Plan;

(i) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans;

(j) With the assistance of the local health councils, conduct public forums and use other means to determine the opinions of health care consumers, providers, payors, and insurers regarding the state's health care goals and policies and develop suggested revisions to the health element of the State Comprehensive Plan. The council shall submit the proposed revisions to the health element of the State Comprehensive Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 1993, and shall widely circulate the proposed revisions to affected parties. The council shall periodically assess the progress made in achieving the goals and policies contained in the health element of the State Comprehensive Plan and report to the *agency* ~~department~~, the Governor, the President of the Senate, and the Speaker of the House of Representatives; and

(k) Conduct any other functions or studies and analyses falling under the duties listed above.

Section 11. Subsection (1), paragraphs (e) and (f) of subsection (3), subsection (6), and paragraphs (c) and (d) of subsection (7) of section 408.05, Florida Statutes, are amended to read:

408.05 State Center for Health Statistics.—

(1) ESTABLISHMENT.—The *agency* ~~department~~ shall establish a State Center for Health Statistics. The center shall establish a comprehensive health information system to provide for the collection, compilation, coordination, analysis, indexing, dissemination, and utilization of both purposefully collected and extant health-related data and statistics. The center shall be staffed with public health experts, biostatisticians, information system analysts, health policy experts, economists, and other staff necessary to carry out its functions.

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics, the agency shall perform the following functions:

(e) The *agency* ~~department~~ shall establish by rule the types of data collected, compiled, processed, used, or shared. Decisions regarding center data sets should be made based on consultation with the Comprehensive Health Information System Advisory Council and other public and private users regarding the types of data which should be collected and their uses.

(f) The center shall establish standardized means for collecting health information and statistics under laws and rules administered by the *agency* ~~department~~.

(6) PROVIDER DATA REPORTING.—This section does not confer on the *agency* ~~department~~ the power to demand or require that a health care provider or professional furnish information, records of interviews, written reports, statements, notes, memoranda, or data other than as expressly required by law.

(7) BUDGET; FEES; TRUST FUND.—

(c) The center may charge such reasonable fees for services as the *agency* ~~department~~ prescribes by rule. The established fees *may* ~~shall~~ not exceed the reasonable cost for such services. Fees collected may not be used to offset annual appropriations from the General Revenue Fund.

(d) The *agency* ~~department~~ shall establish a Comprehensive Health Information System Trust Fund as the repository of all funds appropriated to, and fees and grants collected for, services of the State Center for Health Statistics. Any funds, other than funds appropriated to the center from the General Revenue Fund, which are raised or collected by the *agency* ~~department~~ for the operation of the center and which are not needed to meet the expenses of the center for its current fiscal year shall be available to the *agency* ~~board~~ in succeeding years.

Section 12. Subsections (10) and (11) of section 408.061, Florida Statutes, 1996 Supplement, are amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidentiality of patient records; immunity.—

(10) No health care facility, health care provider, health insurer, or other reporting entity or its employees or agents shall be held liable for civil damages or subject to criminal penalties either for the reporting of patient data to the *agency* ~~board~~ or for the release of such data by the *agency* ~~board~~ as authorized by this chapter.

(11) The agency shall be the primary source for collection and dissemination of health care data. No other agency of state government may gather data from a health care provider licensed or regulated under this chapter without first determining if the data is currently being collected by the agency and affirmatively demonstrating that it would be more cost-effective for an agency of state government other than the agency to gather the health care data. The *director* ~~secretary~~ shall ensure that health care data collected by the divisions within the agency is coordinated. It is the express intent of the Legislature that all health care data be collected by a single source within the agency and that other divisions within the agency, and all other agencies of state government, obtain data for analysis, regulation, and public dissemination purposes from that single source. Confidential information may be released to other governmental entities or to parties contracting with the agency to perform agency duties or functions as needed in connection with the performance of the duties of the receiving entity. The receiving entity or party shall retain the confidentiality of such information as provided for herein.

Section 13. Subsections (2) and (5) of section 408.062, Florida Statutes, are amended to read:

408.062 Research, analyses, studies, and reports.—

(2) The *agency* ~~board~~ shall evaluate data from nursing home financial reports and shall document and monitor:

(a) Total revenues, annual change in revenues, and revenues by source and classification, including contributions for a resident's care from the resident's resources and from the family and contributions not directed toward any specific resident's care.

(b) Average resident charges by geographic region, payor, and type of facility ownership.

(c) Profit margins by geographic region and type of facility ownership.

(d) Amount of charity care provided by geographic region and type of facility ownership.

(e) Resident days by payor category.

(f) Experience related to Medicaid conversion as reported under s. 408.061.

(g) Other information pertaining to nursing home revenues and expenditures.

The findings of the *agency* ~~board~~ shall be included in an annual report to the Governor and Legislature by January 1 each year.

(5)*(a) The agency is empowered to conduct data-based studies and evaluations and to make recommendations to the Governor and the Legislature concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements, and the effectiveness of public disclosure. Such analysis may include, but need not be limited to, utilization of services, cost of care, quality of care, and access to care. The agency may require the submission of data necessary to carry out this duty, which may include, but need not be limited to, data concerning ownership, Medicare and Medicaid, charity care, types of services offered to patients, revenues and expenses, patient-encounter data, and other data reasonably necessary to study utilization patterns and the impact of health-care-provider ownership interests in health-care-related entities on the cost, quality, and accessibility of health care.*

(b) The agency may collect such data from any health facility as a special study. ~~The board is directed to research hospital financial and nonfinancial data in order to determine the need for establishing a category of inpatient hospital patients defined as medically indigent. For purposes of this section, a medically indigent patient is an individual who is admitted as an inpatient to a hospital, who is not classified as a Medicare beneficiary, a Medicaid recipient, or a charity care patient, but who has insufficient financial resources to pay for needed medical care. In its determination of the need for establishing a category of medically indigent patients, the board shall consider the creation of income and asset levels that would establish a person as medically indigent. The board shall submit a report and recommendations to the Governor and the Legislature on the establishment of a category of medically indigent inpatient hospital patients on or before January 1, 1994. If the board recommends the establishment of a category of medically indigent patients, it shall provide a specific recommendation for the eligibility determination process to be used in classifying a patient as medically indigent.~~

Section 14. Subsection (1) of section 408.063, Florida Statutes, is amended to read:

408.063 Dissemination of health care information.—

(1) The agency, relying on data collected pursuant to this chapter, shall establish a reliable, timely, and consistent information system which distributes information and serves as the basis for the *agency's*

~~board's~~ public education programs. The agency shall seek advice from consumers, health care purchasers, health care providers, health care facilities, health insurers, and local health councils in the development and implementation of its information system. Whenever appropriate, the agency shall use the local health councils for the dissemination of information and education of the public.

Section 15. Section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(1) "Accepted" means that the *agency* ~~board~~ has found that a report or data submitted by a health care facility or a health care provider contains all schedules and data required by the *agency* ~~board~~ and has been prepared in the format specified by the *agency* ~~board~~, and otherwise conforms to applicable rule or Florida Hospital Uniform Reporting System manual requirements regarding reports in effect at the time such report was submitted, and the data are mathematically reasonable and accurate.

(2) "Adjusted admission" means the sum of acute and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues. If a hospital reports only subacute admissions, then "adjusted admission" means the sum of subacute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Agency" means the Agency for Health Care Administration.

(4) "Alcohol or chemical dependency treatment center" means an organization licensed under chapter 397.

(5) "Ambulatory care center" means an organization which employs or contracts with licensed health care professionals to provide diagnosis or treatment services predominantly on a walk-in basis and the organization holds itself out as providing care on a walk-in basis. Such an organization is not an ambulatory care center if it is wholly owned and operated by five or fewer health care providers.

(6) "Ambulatory surgical center" means a facility licensed as an ambulatory surgical center under chapter 395.

~~(7) "Applicable rate of increase" means the maximum allowable rate of increase (MARI) when applied to gross revenue per adjusted admission, unless the board has approved a different rate of increase, in which case the board-approved rate of increase shall apply.~~

(7)~~(8)~~ "Audited actual data" means information contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards, but does not include data within a financial statement about which the certified public accountant does not express an opinion or issues a disclaimer.

~~(9) "Banked points" means the percentage points earned by a hospital when the actual rate of increase in gross revenue per adjusted admission (GRAA) is less than the maximum allowable rate of increase (MARI) or the actual rate of increase in the net revenue per adjusted admission (NRAA) is less than the market basket index.~~

(8)~~(10)~~ "Birth center" means an organization licensed under s. 383.305.

~~(11) "Board" means the Health Care Board established under s. 408.003.~~

~~(12) "Budget" means the projections by the hospital, for a specified future time period, of expenditures and revenues, with supporting statistical indicators, or a budget letter verified by the board pursuant to s. 408.072(3)(a).~~

(9)~~(13)~~ "Cardiac catheterization laboratory" means a freestanding facility *that* ~~which~~ employs or contracts with licensed health care professionals to provide diagnostic or therapeutic services for cardiac conditions such as cardiac catheterization or balloon angioplasty.

(10)~~(14)~~ "Case mix" means a calculated index for each health care facility or health care provider, based on patient data, reflecting the relative costliness of the mix of cases to that facility or provider compared to a state or national mix of cases.

(11)~~(15)~~ "Clinical laboratory" means a facility licensed under s. 483.091, excluding: any hospital laboratory defined under s. 483.041(5); any clinical laboratory operated by the state or a political subdivision of the state; any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis; and any clinical laboratory which is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of that same group practice.

(12)~~(16)~~ "Comprehensive rehabilitative hospital" or "rehabilitative hospital" means a hospital licensed by the Agency for Health Care Administration as a specialty hospital as defined in s. 395.002; provided that the hospital provides a program of comprehensive medical rehabilitative services and is designed, equipped, organized, and operated solely to deliver comprehensive medical rehabilitative services, and further provided that all licensed beds in the hospital are classified as "comprehensive rehabilitative beds" pursuant to s. 395.003(4), and are not classified as "general beds."

(13)~~(17)~~ "Consumer" means any person other than a person who administers health activities, is a member of the governing body of a health care facility, provides health services, has a fiduciary interest in a health facility or other health agency or its affiliated entities, or has a material financial interest in the rendering of health services.

(14)~~(18)~~ "Continuing care facility" means a facility licensed under chapter 651.

(15)~~(19)~~ "Cross-subsidization" means that the revenues from one type of hospital service are sufficiently higher than the costs of providing such service as to offset some of the costs of providing another type of service in the hospital. Cross-subsidization results from the lack of a direct relationship between charges and the costs of providing a particular hospital service or type of service.

(16)~~(20)~~ "Deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. For hospitals, such reductions include contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(17)~~(21)~~ "Diagnostic-imaging center" means a freestanding outpatient facility that provides specialized services for the diagnosis of a disease by examination and also provides radiological services. Such a facility is not a diagnostic-imaging center if it is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice and no diagnostic-imaging work is performed at such facility for patients referred by any health care provider who is not a member of that same group practice.

(18)~~(22)~~ "FHURS" means the Florida Hospital Uniform Reporting System developed by the *agency* ~~board~~.

(19)~~(23)~~ "Freestanding" means that a health facility bills and receives revenue which is not directly subject to the hospital assessment for the Public Medical Assistance Trust Fund as described in s. 395.701.

(20)~~(24)~~ "Freestanding radiation therapy center" means a facility where treatment is provided through the use of radiation therapy machines that are registered under s. 404.22 and the provisions of the Florida Administrative Code implementing s. 404.22. Such a facility is not a freestanding radiation therapy center if it is wholly owned and operated by physicians licensed pursuant to chapter 458 or chapter 459 who practice within the specialty of diagnostic or therapeutic radiology.

(21)~~(25)~~ "GRAA" means gross revenue per adjusted admission.

(22)~~(26)~~ "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and

other operating revenue. Gross revenues do not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors.

(23)~~(27)~~ "Health care facility" means an ambulatory surgical center, a hospice, a nursing home, a hospital, a diagnostic-imaging center, a freestanding or hospital-based therapy center, a clinical laboratory, a home health agency, a cardiac catheterization laboratory, a medical equipment supplier, an alcohol or chemical dependency treatment center, a physical rehabilitation center, a lithotripsy center, an ambulatory care center, a birth center, or a nursing home component licensed under chapter 400 within a continuing care facility licensed under chapter 651.

(24)~~(28)~~ "Health care provider" means a health care professional licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I, part III, part IV, part V, or part X of chapter 468, chapter 483, chapter 484, chapter 486, chapter 490, or chapter 491.

(25)~~(29)~~ "Health care purchaser" means an employer in the state, other than a health care facility, health insurer, or health care provider, who provides health care coverage for his employees.

(26)~~(30)~~ "Health insurer" means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan as defined in s. 624.031, any health maintenance organization authorized to transact business in the state pursuant to part I of chapter 641, any prepaid health clinic authorized to transact business in the state pursuant to part II of chapter 641, any multiple-employer welfare arrangement authorized to transact business in the state pursuant to ss. 624.436-624.45, or any fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(27)~~(31)~~ "Home health agency" means an organization licensed under part IV of chapter 400.

(28)~~(32)~~ "Hospice" means an organization licensed under part VI of chapter 400.

(29)~~(33)~~ "Hospital" means a health care institution licensed by the Agency for Health Care Administration as a hospital under chapter 395.

(30)~~(34)~~ "Lithotripsy center" means a freestanding facility *that* ~~which~~ employs or contracts with licensed health care professionals to provide diagnosis or treatment services using electro-hydraulic shock waves.

(31)~~(35)~~ "Local health council" means the agency defined in s. 408.033.

(32)~~(36)~~ "Market basket index" means the Florida hospital input price index (FHIPI), which is a statewide market basket index used to measure inflation in hospital input prices weighted for the Florida-specific experience which uses multistate regional and state-specific price measures, when available. The index shall be constructed in the same manner as the index employed by the Secretary of the United States Department of Health and Human Services for determining the inflation in hospital input prices for purposes of Medicare reimbursement.

~~(37) "Maximum allowable rate of increase" or "MARI" means the maximum rate at which a hospital is normally expected to increase its average gross revenues per adjusted admission for a given period. The board, using the most recent audited actual data for each hospital, shall calculate the MARI for each hospital as follows: The projected rate of increase in the market basket index shall be divided by a number which is determined by subtracting the sum of one-half of the proportion of Medicare days plus one-half of the proportion of CHAMPUS days plus the proportion of Medicaid days plus 1.5 times the proportion of charity care days from the number one. The formula to be employed by the board to calculate the MARI shall take the following form:~~

$$\text{MARI} = \left(\frac{\text{FHIPI}}{1 - [(\text{Me} \times 0.5) + (\text{Cp} \times 0.5) + \text{Md} + (\text{Cc} \times 1.5)]}\right)$$

~~MARI = maximum allowable rate of increase applied to gross revenue.~~

~~FHIPI = Florida hospital input price index, which shall be the projected rate of change in the market basket index.~~

~~Me = proportion of Medicare days, including when available and reported to the board Medicare HMO days, to total days.~~

~~Cp = proportion of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) days to total days.~~

~~Md = proportion of Medicaid days, including when available and reported to the board Medicaid HMO days, to total days.~~

~~Cc = proportion of charity care days to total days with a 50-percent offset for restricted grants for charity care and unrestricted grants from local governments.~~

(33)~~(38)~~ "Medical equipment supplier" means an organization *that* ~~which~~ provides medical equipment and supplies used by health care providers and health care facilities in the diagnosis or treatment of disease.

(34)~~(39)~~ "Net revenue" means gross revenue minus deductions from revenue.

(35)~~(40)~~ "New hospital" means a hospital in its initial year of operation as a licensed hospital and does not include any facility which has been in existence as a licensed hospital, regardless of changes in ownership, for over 1 calendar year.

(36)~~(41)~~ "Nursing home" means a facility licensed under s. 400.062 or, for resident level and financial data collection purposes only, any institution licensed under chapter 395 and which has a Medicare or Medicaid certified distinct part used for skilled nursing home care, but does not include a facility licensed under chapter 651.

(37)~~(42)~~ "Operating expenses" means total expenses excluding income taxes.

(38)~~(43)~~ "Other operating revenue" means all revenue generated from hospital operations other than revenue directly associated with patient care.

(39)~~(44)~~ "Physical rehabilitation center" means an organization *that* ~~which~~ employs or contracts with health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(40)~~(45)~~ "Prospective payment arrangement" means a financial agreement negotiated between a hospital and an insurer, health maintenance organization, preferred provider organization, or other third-party payor which contains, at a minimum, the elements provided for in s. 408.50.

(41)~~(46)~~ "Rate of return" means the financial indicators used to determine or demonstrate reasonableness of the financial requirements of a hospital. Such indicators shall include, but not be limited to: return on assets, return on equity, total margin, and debt service coverage.

(42)~~(47)~~ "Rural hospital" means an acute care hospital licensed under chapter 395, with *100* ~~85~~ licensed beds or fewer, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county; or

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

(43)~~(48)~~ "Special study" means a nonrecurring data-gathering and analysis effort designed to aid the Agency for Health Care Administration in meeting its responsibilities pursuant to this chapter.

(44)~~(49)~~ "Teaching hospital" means any hospital formally affiliated with an accredited medical school *which* ~~that~~ exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.

Section 16. Section 408.08, Florida Statutes, is amended to read:

408.08 Inspections and audits; violations; penalties; fines; enforcement.—

(1) The agency may inspect and audit books and records of individual or corporate ownership, including books and records of related organizations with which a health care provider or a health care facility had transactions, for compliance with this chapter. Upon presentation of a written request for inspection to a health care provider or a health care facility by the agency or its staff, the health care provider or the health care facility shall make available to the agency or its staff for inspection, copying, and review all books and records relevant to the determination of whether the health care provider or the health care facility has complied with this chapter.

~~(2) The board shall annually compare the audited actual experience of each hospital to the audited actual experience of that hospital for the previous year.~~

~~(a) For a hospital submitting a budget letter, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of such excess shall be determined by the board and a penalty shall be levied against such hospital pursuant to subsection (3).~~

~~(b) For a hospital subject to budget review, if the board determines that the audited actual experience of the hospital exceeded its previous year's audited actual experience by more than the most recent approved budget or the most recent approved budget as amended, the amount of such excess shall be determined by the board, and a penalty shall be levied against such hospital pursuant to subsection (3).~~

~~(c) For a hospital submitting a budget letter and for a hospital subject to budget review, the board shall annually compare each hospital's audited actual experience for net revenues per adjusted admission to the hospital's audited actual experience for net revenues per adjusted admission for the previous year. If the rate of increase in net revenues per adjusted admission between the previous year and the current year was less than the market basket index, the hospital may carry forward the difference and earn up to a cumulative maximum of 3 banked net revenue percentage points. Such banked net revenue percentage points shall be available to the hospital to offset, in any future year, penalties for exceeding the approved budget or the maximum allowable rate of increase as set forth in subsection (3). Nothing in this paragraph shall be used by a hospital to justify the approval of a budget or a budget amendment by the board in excess of the maximum allowable rate of increase pursuant to s. 408.072.~~

~~(3) Penalties shall be assessed as follows:~~

~~(a) For the first occurrence within a 5-year period, the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 5 percent; and, if such excess is greater than 5 percent over the maximum allowable rate of increase, any amount in excess of 5 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.~~

~~(b) For the second occurrence with the 5-year period following the first occurrence as set forth in paragraph (a), the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 2 percent; and, if such excess is greater than 2 percent over the maximum allowable rate of increase, any amount in excess of 2 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.~~

~~(c) For the third occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall:~~

~~1. Levy a fine against the hospital in the total amount of the excess, to be deposited in the Public Medical Assistance Trust Fund.~~

~~2. Notify the agency of the violation, whereupon the agency shall not accept any application for a certificate of need pursuant to ss. 408.031-408.045 from or on behalf of such hospital until such time as the hospital has demonstrated to the satisfaction of the board that, following the date the penalty was imposed under subparagraph 1., the hospital has stayed within its projected or amended budget or its applicable maximum allowable rate of increase for a period of at least 1 year. However, this provision does not apply with respect to a certificate of need application filed to satisfy a life or safety code violation.~~

~~3. Upon a determination that the hospital knowingly and willfully generated such excess, notify the agency, whereupon the agency shall initiate disciplinary proceedings to deny, modify, suspend, or revoke the license of such hospital or impose an administrative fine on such hospital not to exceed $20,000.~~

~~The determination of the amount of any such excess shall be based upon net revenues per adjusted admission, excluding funds distributed to the hospital from the Public Medical Assistance Trust Fund. However, in making such determination, the board shall appropriately reduce the amount of the excess by the total amount of the assessment paid by such hospital pursuant to s. 395.701 minus the amount of revenues received by the hospital through the Public Medical Assistance Trust Fund. It is the responsibility of the hospital to demonstrate to the satisfaction of the board its entitlement to such reduction. It is the intent of the Legislature that the Health Care Board, in levying any penalty imposed against a hospital for exceeding its maximum allowable rate of increase or its approved budget pursuant to this subsection, consider the effect of changes in the case mix of the hospital and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. It is the responsibility of the hospital to demonstrate to the satisfaction of the board any change in its case mix and in its intensity and severity of illness. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall also reduce the amount of excess by the change in a hospital's audited actual average length of stay without any thresholds or limitations.~~

~~(4) The following factors may be used by the board to reduce the amount of excess of the hospital as determined pursuant to this section:~~

~~(a) Unforeseen and unforeseeable events which affect the net revenue per adjusted admission and which are beyond the control of the hospital, such as prior year Medicare cost report settlements, retroactive changes in Medicare reimbursement methodology, and increases in malpractice insurance premiums, which occurred in the last 3 months of the hospital fiscal year during which the hospital generated the excess; or~~

~~(b) Imposition of the penalty would have a severe adverse effect which would jeopardize the continued existence of an otherwise economically viable hospital.~~

~~(5) The board shall reduce the amount of the excess for hospitals submitting budget letters pursuant to s. 408.072(3)(a) by the amount of any documented costs from financial assistance provided to expand or supplement the curriculum of a community college, university, or vocational training school for the purpose of training nurses or other health professionals, not including physicians. Financial assistance would include, but not be limited to, the direct costs for faculty salaries and expenses, books, equipment, recruiting efforts, tuition assistance, and hospital internships. The reduction would be based on actual documented expenses increased by the gross revenues necessary to generate net revenues sufficient to cover the expenses.~~

~~(6) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized actual operating revenues or expenditures that are in excess of projected operating revenues or expenditures in the hospital's approved budget, the board shall order such officer or person to pay an administrative fine not to exceed $5,000.~~

~~(7) For hospitals filing budget letters, the board shall annually compare the audited actual experience of each hospital for the year under review to the audited actual experience of that hospital for the previous year. For hospitals which submitted detailed budgets or budget amendments, the board shall compare the audited actual experience of each hospital for the year under review to its approved gross revenue per~~

~~adjusted admission for the year under review, for purposes of levying an administrative fine.~~

~~(a) For a hospital submitting a budget letter pursuant to s. 408.072(3)(a), if the board determines that the audited actual experience for the year under review exceeded the hospital's previous year's audited actual experience by more than the maximum allowable rate of increase as certified in the budget letter plus any banked points utilized in the budget letter, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).~~

~~(b) For a hospital which submitted a budget pursuant to s. 408.072(1), or a budget amendment pursuant to s. 408.072(6), if the board determines that the gross revenue per adjusted admission contained in the hospital's audited actual experience exceeded its board-approved gross revenue per adjusted admission, the amount of the excess shall be determined and an administrative fine shall be levied against such hospital pursuant to subsection (8).~~

~~(8) If the board determines that an excess exists pursuant to subsection (7), the board shall multiply the excess by the number of actual adjusted admissions contained in the year at issue to determine the amount of the base fine. The base fine shall be multiplied by the applicable occurrence factor to determine the amount of the administrative fine levied against the hospital.~~

~~(a) For the first occurrence within a 5-year period, the applicable occurrence factor shall be 0.25. For the second occurrence within a 5-year period, the applicable occurrence factor shall be 0.55. For the third occurrence within a 5-year period, the applicable occurrence factor shall be 1.0.~~

~~(b) In no event shall any administrative fine levied pursuant to this subsection exceed $365,000.~~

~~(9) In levying any administrative fine against a hospital pursuant to subsection (8), the board shall consider the effect of any changes in the hospital's case mix, and in the hospital's intensity and severity of illness as measured by changes in the hospital's actual proportion of outlier cases to total cases and dollar increases in outlier cases' average charge per case. The board shall adjust the amount of any excess by the changes in the hospital's case mix and in its intensity and severity of illness, based upon certified hospital patient discharge data provided to the board pursuant to s. 408.061. For psychiatric hospitals and other hospitals not reimbursed under a prospective payment system by the Federal Government, until a proxy for case mix is available, the board shall adjust the amount of any excess by the change in a hospital's audited actual average length of stay without any thresholds or limitation.~~

~~(10) In levying any administrative fine against a hospital pursuant to subsection (8), it is the intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it operated within its approved gross revenue per adjusted admission for the first 8 months of its fiscal year and did not increase its prices, except for exceptions determined by the board during the last 5 months of its fiscal year, it shall not be subject to any administrative fine levied pursuant to subsection (8).~~

~~(11) It is the further intent of the Legislature that if a hospital can demonstrate to the satisfaction of the board that it did not increase its prices on average in excess of the MARI for the prior year, it shall not be subject to any administrative fine levied pursuant to subsection (8).~~

~~(12) If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized gross revenue per adjusted admission, net revenue per adjusted admission, or rates of increase that are in excess of gross or net revenue per adjusted admission, or rates of increase in the hospital's approved budget, budget amendment, or budget letter, the agency shall order such officer or person to pay an administrative fine not to exceed $5,000.~~

(2)~~(13)~~ Any health care facility that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under ~~this section and~~ s. 408.061; that violates ~~any provision of~~ this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under ~~the provisions of~~ this chapter shall be punished by a fine not exceeding $1,000 per day for each day in violation, to be imposed and collected by the agency.

(3)~~(14)~~ Any health care provider that refuses to file a report, fails to timely file a report, files a false report, or files an incomplete report and upon notification fails to timely file a complete report required under ~~this section and~~ s. 408.061; that violates ~~any provision of~~ this section, s. 408.061, or s. 408.20, or rule adopted thereunder; or that fails to provide documents or records requested by the agency under ~~the provisions of~~ this chapter shall be referred to the appropriate licensing board which shall take appropriate action against the health care provider.

(4)~~(15)~~ *If* ~~In the event that~~ a health insurer does not comply with the requirements of s. 408.061, the agency shall report a health insurer's failure to comply to the Department of Insurance, which shall take into account the failure by the health insurer to comply in conjunction with its approval authority under s. 627.410. The agency shall adopt any rules necessary to carry out its responsibilities required by this subsection.

(5)~~(16)~~ Refusal to file, failure to timely file, or filing false or incomplete reports or other information required to be filed under the provisions of this chapter, failure to pay or failure to timely pay any assessment authorized to be collected by the agency, or violation of any other provision of this chapter or lawfully entered order of the agency or rule adopted under this chapter, shall be punished by a fine not exceeding $1,000 a day for each day in violation, to be fixed, imposed, and collected by the agency. Each day in violation shall be considered a separate offense.

(6)~~(17)~~ Notwithstanding any other provisions of this chapter, when a hospital alleges that a factual determination made by the *agency* ~~board~~ is incorrect, the burden of proof shall be on the hospital to demonstrate that such determination is, in light of the total record, not supported by a preponderance of the evidence. The burden of proof remains with the hospital in all cases involving administrative agency action.

Section 17. Section 408.40, Florida Statutes, 1996 Supplement, is amended to read:

408.40 ~~Budget review proceedings; duty of~~ Public Counsel.—

(1) Notwithstanding any other provisions of this chapter, ~~it shall be the duty of~~ the Public Counsel *shall* ~~to~~ represent the ~~general~~ public ~~of the state~~ in any proceeding before the agency or its advisory panels in any administrative hearing conducted pursuant to ~~the provisions of~~ chapter 120 or before any other state and federal agencies and courts in any issue before the agency, any court, or any agency. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may *use* ~~utilize~~ the powers granted to him by ss. 350.061-350.0614.

(2) The Public Counsel shall:

(a) Recommend to the agency, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the agency and urge therein any position *that* ~~which~~ he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the agency, and *use* ~~utilize~~ therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the agency, which shall be reviewable by summary procedure in the circuit courts of this state.

(b) Have access to and use of all files, records, and data of the agency available to any other attorney representing parties in a proceeding before the agency.

(c) In any proceeding in which he has participated as a party, seek review of any determination, finding, or order of the agency, or of any administrative law judge, or any hearing officer or hearing examiner designated by the agency, in the name of the state or its citizens.

(d) Prepare and issue reports, recommendations, and proposed orders to the agency, the Governor, and the Legislature on any matter or subject within the jurisdiction of the agency, and to make such recommendations as he deems appropriate for legislation relative to agency procedures, rules, jurisdiction, personnel, and functions.

(e) Appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the agency, in the name of the state or its citizens.

Section 18. Subsections (10) and (14) of section 409.2673, Florida Statutes, 1996 Supplement, are amended to read:

409.2673 Shared county and state health care program for low-income persons; trust fund.—

(10) Under the shared county and state program, reimbursement to a hospital for services for an eligible person must:

(a) Be at a reimbursement rate which is negotiated by the lead agency but which does not exceed the hospital's per diem reimbursement rate in effect at the time of service delivery for the hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended;

(b) Be limited to payment for 12 days of service per admission, not to exceed 45 days of service per county fiscal year;

(c) Be conditioned on participation of the eligible person prior to hospitalization in a case-managed program of primary care and health care services which is coordinated by the lead agency or referral of the eligible person immediately subsequent to discharge from the hospital to the lead agency's case-managed services. For purposes of this program, case-managed programs of primary care and other health care services are those operated by:

1. A state-funded county public health unit, a county public health unit primary care program, or a contractor whose primary care program is funded through a county public health unit;

2. A county-operated primary care program or a contractor whose primary care program is funded by or through a county governing authority;

3. A federally funded community or migrant primary health care center; or

4. A private physician or group of physicians who agree to work with the lead agency and other providers of primary care within the county in providing services to individuals enrolled in a countywide program of primary care;

(d) Be conditioned, for public hospitals and hospital districts that deliver services as part of this program, on a commitment not to reduce the percentage of the hospital's ad valorem tax dollars being devoted to health care for low-income persons if any of these funds were previously utilized for the provision of health care services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, funds that were previously utilized for the provision of health care services to persons made eligible by the program be used by public hospitals and hospital districts to expand their health care program capabilities for low-income persons; and

(e) Be conditioned, for tax district hospitals that deliver services as part of this program, on the delivery of charity care, as defined in the rules of the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~, which equals a minimum of 2.5 percent of the tax district hospital's net revenues; however, those tax district hospitals which by virtue of the population within the geographic boundaries of the tax district can not feasibly provide this level of charity care shall assure an "open door" policy to those residents of the geographic boundaries of the tax district who would otherwise be considered charity cases.

(14) Any dispute among a county, the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~, the department, or a participating hospital shall be resolved by order as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57, except that the administrative law judge's or hearing officer's order constitutes final agency action. Cases filed under chapter 120 may combine all relevant disputes between parties.

Section 19. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding ~~the provisions of~~ s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the *agency* ~~department~~ shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index *that* ~~which~~ comprises three components:

1. The *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ Service Index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ to services offered by the given hospital, as reported on ~~the Health Care Cost Containment Board~~ Worksheet A-2 for the last fiscal year reported to the *agency* ~~board~~ before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the *Agency for Health Care Administration* ~~Health Care Cost Containment Board~~ to the volume of each service, expressed in terms of the standard units of measure reported on ~~the Health Care Cost Containment Board~~ Worksheet A-2 for the last fiscal year reported to the *agency* ~~board~~ before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-

weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) *By October 1 of each year, the agency shall use* the following formula ~~shall be utilized by the department~~ to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

~~(3) The Health Care Cost Containment Board shall report to the department the statutory teaching hospital allocation fraction prior to October 1 of each year.~~

Section 20. Paragraph (a) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship loan program.—

(4) Credit for repayment of a scholarship loan shall be on a year-for-year basis as follows:

(a) For each year of scholarship loan assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of Health and Rehabilitative Services. Eligible health care facilities include state-operated medical or health care facilities, county public health units, federally sponsored community health centers, or teaching hospitals as defined in *s. 408.07* ~~s. 408.07(49)~~.

Section 21. Paragraph (b) of subsection (1) of section 395.0197, Florida Statutes, 1996 Supplement, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all nonphysician personnel of the licensed facility working in clinical areas and providing patient care.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a *licensed facility* ~~hospital~~ is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

Section 22. *Sections 407.61 and 408.003, Florida Statutes, section 408.072, Florida Statutes, as amended by chapter 96-410, Laws of Florida, and section 408.085, Florida Statutes, are repealed.*

Section 23. *The repeal of laws governing the review of hospital budgets and related penalties contained in this act operates retroactively and applies to any hospital budget prepared for a fiscal year that ended during the 1994 calendar year.*

Section 24. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, with *100* ~~85~~ licensed beds or less, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile; or

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county; or

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

Section 25. Subsection (7) is added to s. 409.9116, Florida Statutes, 1996 Supplement, to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(7) This section only applies to hospitals, or their successor in interest hospitals that were defined as statutory rural hospitals prior to July 1, 1997, unless additional funds are provided for such hospitals by the General Appropriations Act.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 212.055, F.S., relating to discretionary sales surtaxes; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public

Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; authorizing the agency to conduct studies and make recommendations to the Governor and the Legislature with respect to the cost, quality, and accessibility of health care; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; amending s. 395.602, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; exempting certain rural hospitals from the disproportionate share/financial assistance program for rural hospitals; providing an effective date.

Senator Forman moved the following amendment:

Amendment 3 (with title amendment)—On page 3, lines 3 and 4, delete those lines and insert:

Section 3. Subsection (6) of section 381.026, Florida Statutes, is amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care provider who treats a patient in an office or any health care facility *licensed under chapter 395* that *provides emergency services and care or outpatient services and care to a patient, or* admits and treats a patient, shall adopt and make *available to the patient* ~~public~~, in writing, a statement of the rights and responsibilities of patients, including:

SUMMARY OF THE FLORIDA PATIENT'S BILL
OF RIGHTS AND RESPONSIBILITIES

Florida law requires that your health care provider or health care facility recognize your rights while you are receiving medical care and that you respect the health care provider's or health care facility's right to expect certain behavior on the part of patients. You may request a copy of the full text of this law from your health care provider or health care facility. A summary of your rights and responsibilities follows:

A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.

A patient has the right to a prompt and reasonable response to questions and requests.

A patient has the right to know who is providing medical services and who is responsible for his or her care.

A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.

A patient has the right to know what rules and regulations apply to his or her conduct.

A patient has the right to be given by the health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis.

A patient has the right to refuse any treatment, except as otherwise provided by law.

A patient has the right to be given, upon request, full information and necessary counseling on the availability of known financial resources for his or her care.

A patient who is eligible for Medicare has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicare assignment rate.

A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.

A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.

A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, physical handicap, or source of payment.

A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.

A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.

A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.

A patient is responsible for providing to the health care provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters relating to his or her health.

A patient is responsible for reporting unexpected changes in his or her condition to the health care provider.

A patient is responsible for reporting to the health care provider whether he or she comprehends a contemplated course of action and what is expected of him or her.

A patient is responsible for following the treatment plan recommended by the health care provider.

A patient is responsible for keeping appointments and, when he or she is unable to do so for any reason, for notifying the health care provider or health care facility.

A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider's instructions.

A patient is responsible for assuring that the financial obligations of his or her health care are fulfilled as promptly as possible.

A patient is responsible for following health care facility rules and regulations affecting patient care and conduct.

Section 4. Section 381.0261, Florida Statutes, is amended to read:

381.0261 ~~Distribution of~~ Summary *of patient's bill of rights; distribution; penalty*.—

(1) The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall have printed and made continuously available to health care facilities licensed under chapter 395, physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, and podiatrists licensed under chapter 461 a summary of the Florida Patient's Bill of Rights and Responsibilities. In

adopting and making *available to patients* ~~public~~ the summary of the Florida Patient's Bill of Rights and Responsibilities, health care providers and health care facilities are not limited to the format in which the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ prints and distributes the summary.

(2) Health care providers and health care facilities shall inform patients of the address and telephone number of each state agency responsible for responding to patient complaints about a health care provider or health care facility's alleged noncompliance with state licensing requirements established pursuant to law.

(3) Health care facilities shall adopt policies and procedures to ensure that inpatients are provided the opportunity during the course of admission to receive information regarding their rights and how to file complaints with the facility and appropriate state agencies.

(4) An administrative fine may be imposed by the agency when any health care provider or health care facility fails to make available to patients a summary of their rights, pursuant to s. 381.026 and this section. Initial nonwillful violations shall be subject to corrective action and shall not be subject to an administrative fine. The agency may levy a fine of up to $5,000 for repeated nonwillful violations, and up to $25,000 for intentional and willful violations. Each intentional and willful violation constitutes a separate violation and is subject to a separate fine.

(5) In determining the amount of fine to be levied for a violation, as provided in subsection (4), the following factors shall be considered:

(a) The scope and severity of the violation, including the number of patients found to have not received notice of patient rights, and whether the failure to provide notice to patients was willful.

(b) Actions taken by the health care provider or health care facility to correct the violations or to remedy complaints.

(c) Any previous violations of this section by the health care provider or health care facility.

Section 5. Subsection (7) of section 394.4787, Florida Statutes, 1996 Supplement, is amended to read:

394.4787 Definitions.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to *s. 395.002(28)* ~~s. 395.002(27)~~ as a specialty psychiatric hospital.

Section 6. Section 395.002, Florida Statutes, is amended to read:

395.002 Definitions.—As used in this chapter:

(1) "Accrediting organizations" means the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, and the Accreditation Association for Ambulatory Health Care, Inc.

~~(2) "Adverse or untoward incident," for purposes of reporting to the agency, means an event over which health care personnel could exercise control, which is probably associated in whole or in part with medical intervention rather than the condition for which such intervention occurred, and which causes injury to a patient, and which:~~

~~(a) Is not consistent with or expected to be a consequence of such medical intervention;~~

~~(b) Occurs as a result of medical intervention to which the patient has not given his or her informed consent;~~

~~(c) Occurs as the result of any other action or lack of any other action on the part of the hospital or personnel of the hospital;~~

~~(d) Results in a surgical procedure being performed on the wrong patient; or~~

~~(e) Results in a surgical procedure being performed that is unrelated to the patient's diagnosis or medical needs.~~

(2)~~(3)~~ "Agency" means the Agency for Health Care Administration.

(3)~~(4)~~ "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within the same working day and is not permitted to stay overnight, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry shall not be construed to be an ambulatory surgical center, provided that any facility or office which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003.

(4) "Applicant" means an individual applicant, or any officer, director, or agent, or any partner or shareholder having an ownership interest equal to a 5-percent or greater interest in the corporation, partnership, or other business entity.

(5) "Biomedical waste" means any solid or liquid waste as defined in s. 381.0098(2)(a).

(6) "Clinical privileges" means the privileges granted to a physician or other licensed health care practitioner to render patient care services in a hospital, but does not include the privilege of admitting patients.

(7) "Department" means the Department of Health and Rehabilitative Services.

(8) "Director" means any member of the official board of directors as reported in the organization's annual corporate report to the Florida Department of State, or, if no such report is made, any member of the operating board of directors. The term excludes members of separate, restricted boards that serve only in an advisory capacity to the operating board.

(9)~~(8)~~ "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to patient health, including a pregnant woman or fetus.
2. Serious impairment to bodily functions.
3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery;
2. That a transfer may pose a threat to the health and safety of the patient or fetus; or
3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(10)~~(9)~~ "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility.

(11)~~(10)~~ "General hospital" means any facility which meets the provisions of subsection *(13)*~~(12)~~ and which regularly makes its facilities and services available to the general population.

(12)~~(11)~~ "Governmental unit" means the state or any county, municipality, or other political subdivision, or any department, division, board, or other agency of any of the foregoing.

(13)~~(12)~~ "Hospital" means any establishment that:

(a) Offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

(b) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

However, the provisions of this chapter do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term "hospital" includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992.

(14)~~(13)~~ "Hospital bed" means a hospital accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing, and which conforms to minimum space, equipment, and furnishings standards as specified by rule of the department for the provision of services specified in this section to a single patient.

(15)~~(14)~~ "Initial denial determination" means a determination by a private review agent that the health care services furnished or proposed to be furnished to a patient are inappropriate, not medically necessary, or not reasonable.

~~(15) "Injury," for purposes of reporting to the agency, means any of the following outcomes if caused by an adverse or untoward incident:~~

~~(a) Death;~~
~~(b) Brain damage;~~
~~(c) Spinal damage;~~
~~(d) Permanent disfigurement;~~
~~(e) Fracture or dislocation of bones or joints;~~
~~(f) Any condition requiring definitive or specialized medical attention which is not consistent with the routine management of the patient's case or patient's preexisting physical condition;~~
~~(g) Any condition requiring surgical intervention to correct or control;~~
~~(h) Any condition resulting in transfer of the patient, within or outside the facility, to a unit providing a more acute level of care;~~
~~(i) Any condition that extends the patient's length of stay; or~~
~~(j) Any condition that results in a limitation of neurological, physical, or sensory function which continues after discharge from the facility.~~

(16) "Intensive residential treatment programs for children and adolescents" means a specialty hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations which provides 24-hour care and which has the primary functions of diagnosis and treatment of patients under the age of 18 having psychiatric disorders in order to restore such patients to an optimal level of functioning.

(17) "Licensed facility" means a hospital or ambulatory surgical center licensed in accordance with this chapter.

(18) "Lifesafety" means the control and prevention of fire and other life-threatening conditions on a premises for the purpose of preserving human life.

(19) "Managing employee" means the administrator or other similarly titled individual who is responsible for the daily operation of the facility.

(20)~~(19)~~ "Medical staff" means physicians licensed under chapter 458 or chapter 459 with privileges in a licensed facility, as well as other licensed health care practitioners with clinical privileges as approved by a licensed facility's governing board.

(21)~~(20)~~ "Medically necessary transfer" means a transfer made necessary because the patient is in immediate need of treatment for an emergency medical condition for which the facility lacks service capability or is at service capacity.

(22)~~(21)~~ "Person" means any individual, partnership, corporation, association, or governmental unit.

(23)~~(22)~~ "Premises" means those buildings, beds, and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital or ambulatory surgical care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee.

(24)~~(23)~~ "Private review agent" means any person or entity which performs utilization review services for third-party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full-time employees, personnel, or staff of health insurers, health maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self-insurance as defined in s. 624.031.

(25)~~(24)~~ "Service capability" means all services offered by the facility where identification of services offered is evidenced by the appearance of the service in a patient's medical record or itemized bill.

(26)~~(25)~~ "At service capacity" means the temporary inability of a hospital to provide a service which is within the service capability of the hospital, due to maximum use of the service at the time of the request for the service.

(27)~~(26)~~ "Specialty bed" means a bed, other than a general bed, designated on the face of the hospital license for a dedicated use.

(28)~~(27)~~ "Specialty hospital" means any facility which meets the provisions of subsection *(13)*~~(12)~~, and which regularly makes available either:

(a) The range of medical services offered by general hospitals, but restricted to a defined age or gender group of the population;

(b) A restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders; or

(c) Intensive residential treatment programs for children and adolescents as defined in subsection (16).

(29)~~(28)~~ "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from the transfer of the patient from a hospital.

(30)~~(29)~~ "Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.

(31)~~(30)~~ "Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.

(32)~~(31)~~ "Validation inspection" means an inspection of the premises of a licensed facility by the agency to assess whether a review by an accrediting organization has adequately evaluated the licensed facility according to minimum state standards.

Section 7. Section 395.0193, Florida Statutes, 1996 Supplement, is amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(1) It is the intent of the Legislature that good faith participants in the process of investigating and disciplining physicians pursuant to the state-mandated peer review process shall, in addition to receiving immunity from retaliatory tort suits pursuant to s. 455.225(12), be protected from federal antitrust suits filed under the Sherman Anti-Trust Act, 15 U.S.C.A. ss. 1 et seq. Such intent is within the public policy of the state to secure the provision of quality medical services to the public.

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility.

Each licensed facility shall develop written, binding procedures by which such peer review shall be conducted. Such procedures *must* ~~shall~~ include:

(a) *A* mechanism for choosing the membership of the body or bodies that conduct peer review.

(b) Adoption of rules of order for the peer review process.

(c) Fair review of the case with the physician involved.

(d) *A* mechanism to identify and avoid *any* conflict of interest on the part of the peer review panel members.

(e) Recording of agendas and minutes *that* ~~which~~ do not contain confidential material, for review by the Division of Health Quality Assurance of the agency.

(f) Review, at least annually, of the peer review procedures by the governing board of the licensed facility.

(g) Focus of the peer review process on review of professional practices at the facility to reduce morbidity and mortality and to improve patient care.

(3) If reasonable belief exists that conduct by a staff member or physician who delivers health care services at the licensed facility may constitute one or more grounds for discipline as provided in this subsection, a peer review panel shall investigate and determine whether grounds for discipline exist with respect to such staff member or physician. The governing board of any licensed facility, after considering the recommendations of its peer review panel, shall suspend, deny, revoke, or curtail the privileges, or reprimand, counsel, or require education, of any such staff member or physician after a final determination has been made that one or more of the following grounds exist:

(a) Incompetence.

(b) Being found to be a habitual user of intoxicants or drugs to the extent that he or she is ~~deemed~~ dangerous to himself, herself, or others.

(c) Mental or physical impairment *that could* ~~which may~~ adversely affect patient care.

(d) Being found liable by a court of competent jurisdiction for medical negligence or malpractice involving negligent conduct.

(e) One or more settlements exceeding $10,000 for medical negligence or malpractice involving negligent conduct by the staff member.

(f) Medical negligence other than as specified in paragraph (d) or paragraph (e).

(g) Failure to comply with the policies, procedures, or directives of the risk management program or any quality assurance committees of any licensed facility.

However, the *grounds specified in paragraphs (a)-(g) are not the only grounds for discipline of a practitioner.* ~~procedures for such actions shall comply with the standards outlined by the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, the Accreditation Association for Ambulatory Health Care, Inc., and the "Medicare/Medicaid Conditions of Participation," and rules of the agency and the department. The procedures shall be adopted pursuant to hospital bylaws.~~

(4) *Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of Health Quality Assurance of the agency within 30 working days after its initial occurrence, regardless of the pendency of appeals. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action.* All final disciplinary actions taken under subsection (3)*, if different from those which were reported to the agency within 30 days after the initial occurrence, must* ~~shall~~ be reported within 10 working days to the Division of Health Quality Assurance of the agency in writing and *must* ~~shall~~ specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 455.225 shall apply. *These reports are* ~~The report shall~~ not ~~be~~ subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

(5) There *is* ~~shall be~~ no monetary liability on the part of, and no cause of action for damages against, any licensed facility, its governing board or governing board members, peer review panel, medical staff, or disciplinary body, or its agents, investigators, witnesses, *or* employees*; a committee of a hospital, a physician-hospital organization, or an integrated delivery system;*~~,~~ or any other person, for any action taken without intentional fraud in carrying out the provisions of this section.

(6) For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed $5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed $10,000 for any violation. The administrative fine for each intentional and willful violation shall not exceed $25,000 per day. In no event shall a fine for an intentional and willful violation of this section exceed $250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b).

(7)~~(6)~~ The proceedings and records of peer review panels, committees, and governing boards or agent thereof which relate solely to actions taken in carrying out this section are not subject to inspection under s. 119.07(1); and meetings held pursuant to achieving the objectives of such panels, committees, and governing boards are not open to the public under the provisions of chapter 286.

(8)~~(7)~~ The investigations, proceedings, and records of the peer review panel, a committee *of a hospital, a physician-hospital organization, an integrated delivery system*, a disciplinary board, or a governing board, or agent thereof with whom there is a specific written contract for that purpose, as described in this section *are* ~~shall~~ not ~~be~~ subject to discovery or introduction into evidence in any civil or administrative action against a provider of professional health services arising out of the matters *that* ~~which~~ are the subject of evaluation and review by such *a* group or its agent, and a person who was in attendance at a meeting of such group or its agent may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the proceedings of such *a* group or its agent or as to any findings, recommendations, evaluations, opinions, or other actions of such *a* group or its agent or any members thereof. However, information, documents, or records otherwise available from original sources are not ~~to be construed as~~ immune from discovery or use in any such civil or administrative action merely because they were presented during proceedings of such group, and any person who testifies before such group or who is a member of such group may not be prevented from testifying as to matters within his or her knowledge, but such *a* witness may not be asked about his or her testimony before such a group or *about* opinions *that he or she* formed ~~by him or her~~ as a result of *those* ~~such~~ group hearings.

(9)~~(8)~~(a) If the defendant prevails in an action brought by a staff member or physician who delivers health care services at the licensed facility against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court *must* ~~shall~~ award reasonable attorney's fees and costs to the defendant.

(b) As a condition of any staff member or physician bringing any action against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the staff member or physician *must* ~~shall~~ post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.

(10)~~(9)~~(a) A hospital's compliance with the requirements of this chapter or s. 766.110(1) may not be the sole basis to establish an agency or partnership relationship between the hospital and physicians who provide services within the hospital.

(b) A hospital may create an agency relationship with a physician by written contract signed by the hospital and:

1. The physician;
2. A health care professional association; or
3. A corporate medical group and its employees.

A written contract is not the exclusive means to establish an agency or partnership relationship between a hospital and any other person described in this paragraph.

Section 8. Section 395.0197, Florida Statutes, 1996 Supplement, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents ~~causing injury~~ to patients.

(b) The development of appropriate measures to minimize the risk of ~~injuries and~~ adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all nonphysician personnel of the licensed facility working in clinical areas and providing patient care.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a hospital is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report *an* adverse *incident* ~~incidents~~ to the risk manager*, or to his or her designee, within 3 business days after its occurrence.*

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall hire a risk manager, licensed under part IX of chapter 626, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims *must* ~~shall~~ be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers' offices and the assuming of provider liability by a licensed health care facility for acts or omissions occurring within the licensed facility.

(4) The agency shall, after consulting with the Department of Insurance, adopt rules governing the establishment of internal risk management programs to meet the needs of individual licensed facilities. Each internal risk management program *must* ~~shall~~ include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each licensed facility, such as an insurance coordinator, or who is retained by the licensed facility as a consultant. The individual responsible for the risk management program shall have free access to all medical records of the licensed facility. The incident reports are part of the workpapers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports *must* ~~shall~~ be used to develop categories of incidents which identify problem areas. Once *problem areas are* identified, procedures *must* ~~shall~~ be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to subsections (6), (7), and (8), the term "adverse incident" means an event over which health care personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

(a) Results in one of the following injuries:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A resulting limitation of neurological, physical, or sensory function which exists upon discharge from the facility;

6. Any condition that required specialized medical attention or surgical intervention resulting from medical intervention to which the patient has not given his or her informed consent; or

7. Any condition that required the transfer of the patient, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the patient's condition prior to the adverse incident;

(b) Was the performance of a surgical procedure on the wrong patient; a wrong surgical procedure; a wrong-site surgical procedure; or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was not a recognized specific risk as disclosed to the patient on the informed consent form; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)~~(5)~~(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the incident reports that have been filed in the facility for that year. The report shall include:

1. The total number of adverse incidents ~~causing injury to patients~~.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals directly involved in adverse incidents ~~causing injury~~ to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident *that* ~~which~~ led to, the persons involved in, and the

status and disposition of each claim. Each report *must* ~~shall~~ update status and disposition for all prior reports.

~~6. A report of all disciplinary actions pertaining to patient care taken against any medical staff member, including the nature and cause of the action.~~

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 *must* ~~shall~~ be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case ~~the provisions of~~ s. 455.225 *applies* ~~shall apply~~.

(c) The report submitted to the agency *must* ~~shall~~ also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse ~~or untoward~~ incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) The licensed facility shall notify the agency no later than 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d) and is able to determine within 1 business day that any of the following adverse incidents has occurred, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility:

(a) The death of a patient;
(b) Brain or spinal damage to a patient;
(c) The performance of a surgical procedure on the wrong patient;
(d) The performance of a wrong-site surgical procedure; or
(e) The performance of a wrong surgical procedure.

The notification must be made in writing and be provided by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected patient, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to other patients.

(8)~~(6)~~ *Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence* ~~If an adverse or untoward incident, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, results in~~:

(a) The death of a patient;
(b) Brain or spinal damage to a patient;
(c) The performance of a surgical procedure on the wrong patient; ~~or~~
(d) The performance of a wrong-site surgical procedure;
(e) The performance of a wrong surgical procedure;
(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;
(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk as disclosed to the patient on the informed consent form; or
(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

~~(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient, including the surgical repair of injuries or damage resulting from the planned surgical procedure, wrong site or wrong procedure surgeries, and procedures to remove foreign objects remaining from surgical procedures,~~

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. ~~the licensed facility shall report this incident to the agency within 15 calendar days after its occurrence.~~ The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(9)~~(7)~~ The internal risk manager of each licensed facility shall:

~~(a) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted;~~

(a)~~(b)~~ Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact, when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility; ~~and~~

(b)~~(c)~~ Report every allegation of sexual misconduct to the administrator of the licensed facility*; and*~~.~~

(c) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(10)~~(8)~~ Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

(a) Notify the local police; and

(b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, *the term* "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, *or a minor*. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's *or minor's* sexual organs, or the use of the vulnerable adult *or minor* to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

(11)~~(9)~~ A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's personnel is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12)~~(10)~~ In addition to any penalty imposed pursuant to this section, the agency *shall require a written plan of correction from the facility* ~~may impose an administrative fine, not to exceed $5,000, for any violation of the reporting requirements of this section~~. *For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed $5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed $10,000 for any violation. The administrative fine for each intentional and willful violation shall not exceed $25,000 per day. In no event shall a fine for an intentional and willful violation of this section exceed $250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b).*

(13)~~(11)~~ The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 455.223 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(14)~~(12)~~ The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section shall not be open to the public under the provisions of chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection *(13)*~~(11)~~.

(15)~~(13)~~ The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under subsections (5), ~~and~~ (6), *(7), and (8)*.

(16)~~(14)~~ There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager, licensed under part IX of chapter 626, for the implementation and oversight of the internal risk management program in a facility licensed under this chapter or chapter 390 as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program if the risk manager acts without intentional fraud.

(17)~~(15)~~ If the agency, through its receipt of the annual reports prescribed in subsection *(6)* ~~(5)~~ or through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

(18)~~(16)~~ The agency shall annually publish a report summarizing the information contained in the annual incident reports submitted by licensed facilities *under subsection (6),* ~~and~~ any serious incident reports submitted by licensed facilities *under subsection (7), and disciplinary actions reported to the agency under s. 395.0193*. The report must, at a minimum, summarize:

(a) Adverse and serious incidents, ~~by service district of the department as defined in s. 20.19,~~ by category of reported incident~~,~~ and by type of professional involved.

(b) Types of malpractice claims filed, ~~by service district of the department as defined in s. 20.19, and~~ by type of professional involved.

(c) Disciplinary actions taken against professionals, ~~by service district of the department as defined in s. 20.19, and~~ by type of professional involved.

Section 9. Effective January 1, 1998, section 626.941, Florida Statutes, is transferred, renumbered as section 395.10971, Florida Statutes, and amended to read:

395.10971 ~~626.941~~ Purpose.—The Legislature finds that control and prevention of medical accidents and injuries is a significant public health and safety concern. An essential method of controlling medical injuries is a comprehensive program of risk management, as required by s. 395.0197. The key to such a program is a competent and qualified health care risk manager. It is the intent of the Legislature to establish certain minimum standards for health care risk managers to ensure the public welfare.

Section 10. Effective January 1, 1998, section 626.942, Florida Statutes, is transferred, renumbered as section 395.10972, Florida Statutes, and amended to read:

395.10972 ~~626.942~~ Health Care Risk Manager Advisory Council.—The *Director of Health Care Administration* ~~Insurance Commissioner~~ may appoint a five-member advisory council to advise the *agency* ~~department~~ on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the *director* ~~Insurance Commissioner~~. The council shall designate a chairman. The council shall meet at the call of the *director* ~~Insurance Commissioner~~ or at those times *that are* ~~as may be~~ required by rule of the *agency* ~~department~~. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council *must* ~~shall~~ consist of individuals *who represent* ~~representing~~ the following areas:

(1) Two *members must* ~~shall~~ be active health care risk managers.

(2) One *member must* ~~shall~~ be an active hospital administrator.

(3) One *member must* ~~shall~~ be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One *member must* ~~shall~~ be a representative of the health-care-consuming public.

Section 11. Effective January 1, 1998, section 626.943, Florida Statutes, is transferred, renumbered as section 395.10973, Florida Statutes, and amended to read:

395.10973 ~~626.943~~ Powers and duties of the *agency* ~~department~~.—It is the function of the *agency* ~~department~~ to:

(1) *Adopt* ~~Promulgate~~ rules necessary to carry out the duties conferred upon it under this part to protect the public health, safety, and welfare.

(2) Develop, impose, and enforce specific standards within the scope of the general qualifications established by this part which must be met by individuals in order to receive licenses as health care risk managers. These standards shall be designed to ensure that health care risk managers are individuals of good character and otherwise suitable and, by training or experience in the field of health care risk management, qualified in accordance with the provisions of this part to serve as health care risk managers, within statutory requirements.

(3) Develop a method for determining whether an individual meets the standards set forth in *s. 395.10974* ~~s. 626.944~~.

(4) Issue licenses~~, beginning on June 1, 1986,~~ to qualified individuals *who meet* ~~meeting~~ the standards set forth in *s. 395.10974* ~~s. 626.944~~.

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the *agency* ~~department~~ to the effect that a certified health care risk manager has failed to comply with the requirements or standards adopted by rule by the *agency* ~~department~~ or to comply with ~~the provisions of~~ this part.

(6) Establish procedures for providing ~~the Department of Health and Rehabilitative Services with~~ periodic reports on persons certified or disciplined by the *agency* ~~department~~ under this part.

(7) Develop a model risk management program for health care facilities which will satisfy the requirements of s. 395.0197.

Section 12. Effective January 1, 1998, section 626.944, Florida Statutes, is transferred, renumbered as section 395.10974, Florida Statutes, and amended to read:

395.10974 ~~626.944~~ Qualifications for health care risk managers.—

(1) Any person desiring to be licensed as a health care risk manager shall submit an application on a form provided by the *agency* ~~department~~. In order to qualify, the applicant *must* ~~shall~~ submit evidence satisfactory to the *agency* ~~department~~ which demonstrates the applicant's competence, by education or experience, in the following areas:

(a) Applicable standards of health care risk management.
(b) Applicable federal, state, and local health and safety laws and rules.
(c) General risk management administration.
(d) Patient care.

(e) Medical care.
(f) Personal and social care.
(g) Accident prevention.
(h) Departmental organization and management.
(i) Community interrelationships.
(j) Medical terminology.

The *agency* ~~department~~ may require such additional information, from the applicant or any other person, as *is* ~~may be~~ reasonably required to verify the information contained in the application.

(2) The *agency may* ~~department shall~~ not grant or issue a license as a health care risk manager to any individual unless from the application it affirmatively appears that the applicant:

(a) Is 18 years of age or over;

(b) Is a high school graduate or equivalent; and

(c)1. Has fulfilled the requirements of a 1-year program or its equivalent in health care risk management training which may be developed or approved by the *agency* ~~department~~;

2. Has completed 2 years of college-level studies which would prepare the applicant for health care risk management, to be further defined by rule; or

3. Has obtained 1 year of practical experience in health care risk management.

(3) The *agency* ~~department~~ shall issue a license~~, beginning on June 1, 1986,~~ to practice health care risk management to any applicant who qualifies under this section and submits *an application fee of not more than $75, a fingerprinting fee of not more than $75, and a license fee of not more than $100. The agency shall by rule establish fees and procedures for the issuance and cancellation of licenses* ~~the license fee as set forth in s. 624.501. Licenses shall be issued and canceled in the same manner as provided in part I of this chapter.~~

(4) The *agency* ~~department~~ shall renew a health care risk manager license *upon receipt of a biennial renewal application and fees* ~~in accordance with procedures prescribed in s. 626.381 for agents in general~~. *The agency shall, by rule, establish a procedure for the biennial renewal of licenses.*

Section 13. Effective January 1, 1998, section 626.945, Florida Statutes, is transferred, renumbered as section 395.10975, Florida Statutes, and amended to read:

395.10975 ~~626.945~~ Grounds for denial, suspension, or revocation of a health care risk manager's license; administrative fine.—

(1) The *agency* ~~department~~ may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license of any health care risk manager or applicant, if it finds that as to such applicant or licensee any one or more of the following grounds exist:

(a) Any cause for which issuance of the license could have been refused had it then existed and been known to the *agency* ~~department~~.

(b) Giving false or forged evidence to the *agency* ~~department~~ for the purpose of obtaining a license.

(c) Having been found guilty of, or having pleaded guilty or nolo contendere to, a crime in this state or any other state relating to the practice of risk management or the ability to practice risk management, whether or not a judgment or conviction has been entered.

(d) Having been found guilty of, or having pleaded guilty or nolo contendere to, a felony, or a crime involving moral turpitude punishable by imprisonment of 1 year or more under the law of the United States, under the law of any state, or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(e) Making or filing a report or record which the licensee knows to be false; or intentionally failing to file a report or record required by state or federal law; or willfully impeding or obstructing, or inducing another person to impede or obstruct, the filing of a report or record required by state or federal law. Such reports or records shall include only those which are signed in the capacity of a licensed health care risk manager.

(f) Fraud or deceit, negligence, incompetence, or misconduct in the practice of health care risk management.

(g) Violation of any provision of this part or any other law applicable to the business of health care risk management.

(h) Violation of any lawful order or rule of the *agency* ~~department~~ or failure to comply with a lawful subpoena issued by the *agency* ~~department~~.

(i) Practicing with a revoked or suspended health care risk manager license.

(j) Repeatedly acting in a manner inconsistent with the health and safety of the patients of the licensed facility in which the licensee is the health care risk manager.

(k) Being unable to practice health care risk management with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. Any person affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he can resume the competent practices of health care risk manager with reasonable skill and safety to patients.

(l) Willfully permitting unauthorized disclosure of information relating to a patient or his records.

(m) Discriminating in respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

(2) If the *agency* ~~department~~ finds that one or more of the grounds set forth in subsection (1) exist, it may, in lieu of or in addition to suspension or revocation, enter an order imposing one or more of the following penalties:

(a) Imposition of an administrative fine not to exceed $2,500 for each count or separate offense.
(b) Issuance of a reprimand.
(c) Placement of the licensee on probation for a period of time and subject to such conditions as the *agency specifies* ~~department may specify~~, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.

(3) The *agency* ~~department~~ may reissue the license of a disciplined licensee in accordance with ~~the provisions of~~ this part.

Section 14. Paragraph (c) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(c) "Inactive rural hospital bed" means a licensed acute care hospital bed, as defined in *s. 395.002(14)* ~~s. 395.002(13)~~, that is inactive in that it cannot be occupied by acute care inpatients.

Section 15. Paragraph (c) of subsection (1) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(c) "Hospital" means a health care institution as defined in *s. 395.002(13)* ~~s. 395.002(12)~~, but does not include any hospital operated by the agency or the Department of Corrections.

Section 16. Paragraph (b) of subsection (1) of section 400.051, Florida Statutes, is amended to read:

400.051 Homes or institutions exempt from the provisions of this part.—

(1) The following shall be exempt from the provisions of this part:

(b) Any hospital, as defined in *s. 395.002(11)* ~~s. 395.002(10)~~, that is licensed under chapter 395.

Section 17. Paragraph (a) of subsection (11) of section 408.072, Florida Statutes, 1996 Supplement, is amended to read:

408.072 Review of hospital budgets.—

(11) Notwithstanding any other provisions of this chapter:

(a) Any hospital operated by the Department of Health, *the Department of Children and Family Services,* ~~and Rehabilitative Services~~ or the Department of Corrections; any rural hospital as defined in s. 408.07; and any intensive residential treatment program for children and adolescents as defined in *s. 395.002(17)* ~~s. 395.002(16)~~ which received a certificate of need on or before January 1, 1991, and is licensed under chapter 395 for less than 33 beds, which is not part of a multifacility organization and which is part of a community mental health system, shall be exempt from filing a budget, and shall be exempt from budget review and approval for exceeding the maximum allowable rate of increase and from any penalties arising therefrom. However, each such hospital shall be required to submit to the board its audited actual experience, as required by s. 408.061(4)(a).

Section 18. Subsection (8) of section 409.905, Florida Statutes, 1996 Supplement, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(8) NURSING FACILITY SERVICES.—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by *s. 395.002(13)* ~~s. 395.002(10)~~, that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

Section 19. Paragraph (g) of subsection (1) of section 440.13, Florida Statutes, 1996 Supplement, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(g) "Emergency services and care" means *emergency* services and care as defined in *s. 395.002(10)* ~~s. 395.002(9)~~.

Section 20. Subsection (9) of section 458.331, Florida Statutes, 1996 Supplement is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to *s. 395.0197(6)* ~~s. 395.0197(5)(b)~~; a report of an adverse ~~or untoward~~ incident which is provided to the department pursuant to the provisions of *s. 395.0197(8)* ~~s. 395.0197(6)~~; a report of peer review disciplinary action submitted to the department pursuant to the provisions of s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by *ss. 395.0193(8)* ~~ss. 395.0193(7)~~ and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 21. Subsection (9) of section 459.015, Florida Statutes, 1996 Supplement, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to *s. 395.0197(6)* ~~s. 395.0197(5)(b)~~; a report of an adverse ~~or untoward~~ incident which is provided to the department pursuant to the provisions of *s. 395.0197(8)* ~~s. 395.0197(6)~~; a report of peer review disciplinary action submitted to the department pursuant to the provisions of s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by *ss. 395.0193(8)* ~~ss. 395.0193(7)~~ and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 22. Subsection (1) of section 468.505, Florida Statutes, 1996 Supplement, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(a) A person licensed in this state under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, chapter 480, chapter 490, or chapter 491, when engaging in the profession or occupation for which he or she is licensed, or of any person employed by and under the supervision of the licensee when rendering services within the scope of the profession or occupation of the licensee;

(b) A person employed as a dietitian by the government of the United States, if the person engages in dietetics solely under direction or control of the organization by which the person is employed;

(c) A person employed as a cooperative extension home economist;

(d) A person pursuing a course of study leading to a degree in dietetics and nutrition from a program or school accredited pursuant to s. 468.509(2), if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(e) A person fulfilling the supervised experience component of s. 468.509, if the activities and services constitute a part of the experience necessary to meet the requirements of s. 468.509;

(f) Any dietitian or nutritionist from another state practicing dietetics or nutrition incidental to a course of study when taking or giving a

postgraduate course or other course of study in this state, provided such dietitian or nutritionist is licensed in another jurisdiction or is a registered dietitian or holds an appointment on the faculty of a school accredited pursuant to s. 468.509(2);

(g) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use and benefits of those products or the preparation of those products, if that person does not engage for a fee in dietetics and nutrition practice or nutrition counseling;

(h) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use of those products or the preparation of those products, as an employee of an establishment permitted pursuant to chapter 465;

(i) An educator who is in the employ of a nonprofit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education the definition of which, as provided in s. 468.509(2), applies to other sections of this part, insofar as the activities and services of the educator are part of such employment;

(j) Any person who provides weight control services or related weight control products, provided the program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by a licensed dietitian/nutritionist, a dietitian or nutritionist licensed in another state that has licensure requirements considered by the council to be at least as stringent as the requirements for licensure under this part, or a registered dietitian;

(k) A person employed by a hospital licensed under chapter 395, or by a nursing home or assisted living facility licensed under part II or part III of chapter 400, or by a continuing care facility certified under chapter 651, if the person is employed in compliance with the laws and rules adopted thereunder regarding the operation of its dietetic department;

(l) A person employed by a nursing facility exempt from licensing under *s. 395.002(13)* ~~s. 395.002(12)~~, or a person exempt from licensing under s. 464.022; or

(m) A person employed as a dietetic technician.

Section 23. Effective January 1, 1998, subsection (2) of section 641.55, Florida Statutes, 1996 Supplement, is amended to read:

641.55 Internal risk management program.—

(2) The risk management program shall be the responsibility of the governing authority or board of the organization. Every organization which has an annual premium volume of $10 million or more and which directly provides health care in a building owned or leased by the organization shall hire a risk manager, certified under *ss. 395.10971-395.10975* ~~ss. 626.941-626.945~~, who shall be responsible for implementation of the organization's risk management program required by this section. A part-time risk manager shall not be responsible for risk management programs in more than four organizations or facilities. Every organization which does not directly provide health care in a building owned or leased by the organization and every organization with an annual premium volume of less than $10 million shall designate an officer or employee of the organization to serve as the risk manager.

The gross data compiled under this section or s. 395.0197 shall be furnished by the agency upon request to organizations to be utilized for risk management purposes. The agency shall adopt rules necessary to carry out the provisions of this section.

Section 24. Paragraph (c) of subsection (4) of section 766.1115, Florida Statutes, 1996 Supplement, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties pursuant to the contract, if the contract complies with the requirements of this section. A health care provider under contract with the state may not be named as a defendant in any action arising out of the medical care or treatment provided on or after April 17, 1992, pursuant to contracts entered into under this section. The contract must provide that:

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if such incidents and information pertain to a patient treated pursuant to the contract. The health care provider shall annually submit an adverse incident report that includes all information required by *s. 395.0197(6)* ~~s. 395.0197(5)(a)~~, unless the adverse incident involves a result described by *s. 395.0197(8)* ~~s. 395.0197(6)~~, in which case it shall be reported within 15 days of the occurrence of such incident. If an incident involves a professional licensed by the Department of *Health* ~~Business and Professional Regulation~~ or a facility licensed by the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, the governmental contractor shall submit such incident reports to the appropriate department *or agency*, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities pursuant to this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 25. *Effective January 1, 1998, all powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Insurance related to the health care risk manager licensure program, as established in part IX of chapter 626, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Insurance to the Agency for Health Care Administration.*

Section 26. *There is hereby appropriated $143,510 from the Health Care Trust Fund to the Agency for Health Care Administration two full-time positions to administer the health care risk manager licensure program.*

Section 27. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 13, delete "providing an effective date." and insert: amending ss. 381.026, 381.0261, 395.002, 395.0193, 395.0197, transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amend-

ing ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing appropriations from the Health Care Trust Fund; providing effective dates.

Senator Sullivan moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 5, line 3, delete "*inform patients of*" and insert: *make available to patients*

On motion by Senator Bronson, further consideration of **SB 1270** with pending **Amendment 3** as amended was deferred.

COMMUNICATION REGARDING SB 2400 AND SB 2402

The Honorable Toni Jennings, President April 28, 1997
The Florida Senate

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Reports on **SB 2400** and **SB 2402** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 28, 1997 at 6:20 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2400

The Honorable Toni Jennings April 29, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on House amendments to SB 2400, same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, and supplemental appropriations for the period ending June 30, 1997, to pay salaries, and other expenses, and for other specified purposes of the various agencies of State government; providing an effective date.

having met, and after full and free conference, has agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendments 1, 2, 3, 4 and 5.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

s/Donald C. Sullivan
Chairman
s/W. G. Bankhead
s/Charlie Bronson
s/Ginny Brown-Waite
s/Walter Campbell
s/Roberto Casas
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Kenneth C. Jenne II
s/Daryl L. Jones
s/George Kirkpatrick
s/Ron Klein
s/W. D. Childers
s/Charlie Clary
s/Anna Cowin
s/Rick Dantzler
s/Mario Diaz-Balart
s/Fred R. Dudley
s/John H. (Buddy) Dyer
s/Howard C. Forman
s/John Grant
s/Alberto Gutman
s/James Hargrett
s/Patsy Kurth
s/Jack Latvala
s/Tom Lee
s/John McKay
s/Matthew J. Meadows
s/William G. Myers, M.D.
s/Tom Rossin
s/James A. Scott
s/Ronald A. Silver
s/Pat Thomas

Managers on the part of the of the Senate

s/Rodolfo Garcia, Jr.
Chairman
s/George Albright
s/Stan Bainter
s/Rudolph Bradley
s/Irlo Bronson
s/Cynthia Moore Chestnut
s/D. Lee Constantine
s/George A. Crady
s/Faye B. Culp
s/Willye F. Dennis
s/Lori Edwards
s/Tom Feeney
s/Mark G. Flanagan
s/Greg Gay
s/Lars A. Hafner
s/Deborah James Horan
s/Dennis L. Jones
s/Alfred J. Lawson
s/Carl Littlefield
s/Willie F. Logan
s/Evelyn J. Lynn
s/Anne Mackenzie
s/Joseph R. Mackey
s/Sharon J. Merchant
s/Kendrick B. Meek
s/O. R. Minton, Jr.
s/Luis C. Morse
s/Bill Posey
s/Kenneth Pruitt
s/Alzo J. Reddick, Sr.
s/Debby P. Sanderson
s/Charles W. Sembler
s/Kelley R. Smith
s/Jeff Stabins
s/Robert J. Starks
s/Bill Sublette
s/John Thrasher
s/Carlos Valdes
s/J. Alex Villalobos
s/Debbie Wasserman Schultz
s/Stephen R. Wise

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—On page 1, line 1, delete everything and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

The moneys contained herein are appropriated from the named funds for the 1997-98 Fiscal Year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1. EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF STUDENT FINANCIAL ASSISTANCE

0A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 75,000,000

0B SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

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0C SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER
SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,000,000

PUBLIC SCHOOLS, DIVISION OF

2 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 412,070,289

Funds appropriated in Specific Appropriation 2 are provided as enhancement funds for school districts and shall be allocated by prorating each district's K-12 base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 2, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 2, school boards must allocate at least $10 per unweighted FTE student to be used at the discretion of the School Advisory Committee or, in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of the money should be used for implementing the school improvement plan. The improvement plan shall be based on the needs of the statewide and district-wide school improvement plan.

From the funds in Specific Appropriation 2, which are allocated to Duval County, $375,000 shall be used for the Woods Program.

3 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 107,000,000

Funds provided in Specific Appropriation 3 shall be used to provide an appropriate pre-school program as authorized in s. 230.2305, Florida Statutes.

From the funds appropriated in Specific Appropriation 3, $3,000,000 shall be used as incentives for collaborative partnerships between school district operated preschool programs and those contracted through Central Agencies, Head Start grantees, and non-public programs serving eligible children for the purpose of supporting communities and schools in meeting their obligations under Goal 1 of Education Reform and Accountability.

From the funds provided in Specific Appropriation 3, $427,000 is provided to assist the coordination and delivery of early childhood services.

From funds provided in Specific Appropriation 3, $77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Services.

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Funds in Specific Appropriation 3 shall be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of s. 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The calculation of a district's entitlement shall be based on $3,200 per FTE. For 1997-98, the minimum amount for each school district shall be $65,000.

From the funds in Specific Appropriation 3, $3,295,172 is provided to continue the Migrant Education 3 and 4 Year Old(s) Program.

From the funds provided in Specific Appropriation 3, $3,000,000 shall be used for the Florida First Start Program. The Commissioner shall allocate these funds to the existing 24 Florida First Start programs in amounts equal to, or proportional to, the amounts those programs received in 1996-97.

From the funds provided in Specific Appropriation 3, $125,000 shall be used for continuing the third party evaluation in s. 411.205, Florida Statutes.

From funds provided in Specific Appropriation 3, $75,000 shall, contingent upon HB 683 or similar legislation becoming law, be transferred to the Early Education and Child Care Trust Fund to support the Early Education and Child Care Program.

COMMUNITY COLLEGES, DIVISION OF

4 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 109,229,348

Funds provided in Specific Appropriation 4 shall be allocated as follows:

Brevard	4,256,045
Broward	7,029,296
Central Florida	2,186,171
Chipola	753,532
Daytona Beach	6,589,265
Edison	2,593,771
Florida CC at Jacksonville	10,665,833
Florida Keys	491,497
Gulf Coast	1,866,352
Hillsborough	5,497,857
Indian River	4,812,931
Lake City	1,162,556
Lake-Sumter	679,335
Manatee	2,226,409
Miami-Dade	17,711,343
North Florida	512,157
Okaloosa-Walton	2,025,638
Palm Beach	4,755,010
Pasco-Hernando	1,629,125
Pensacola	4,094,240
Polk	1,686,315
St. Johns	1,174,158
St. Petersburg	5,625,193
Santa Fe	4,292,388
Seminole	3,788,059
South Florida	1,431,355
Tallahassee	2,793,939
Valencia	6,899,579

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the

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Speaker of the House of Representatives, the President of the Senate and the minority leaders of the House of Representatives and Senate reflecting how these funds were expended.

6 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

7A SPECIAL CATEGORIES
TRANSFER TO FIRN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 150,000

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

From the funds in Specific Appropriations 8 through 11 for university enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

8 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 88,167,837

9 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 9,718,244

10 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,578,866

11 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,764,401

TOTAL OF SECTION 1

FROM TRUST FUNDS 821,678,985

TOTAL ALL FUNDS 821,678,985

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds in Specific Appropriations 27 through 165B as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

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When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

OFFICE OF THE COMMISSIONER

12 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 2,412,916
FROM EDUCATIONAL AIDS TRUST FUND 78,939

13 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,423

14 EXPENSES
FROM GENERAL REVENUE FUND 652,821
FROM EDUCATIONAL AIDS TRUST FUND 3,165

15 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,823

16 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION
FROM GENERAL REVENUE FUND 1,914,244

17 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 28,897

18 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,556

19A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,459
FROM EDUCATIONAL AIDS TRUST FUND 1,776

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

20 SALARIES AND BENEFITS POSITIONS 224
FROM GENERAL REVENUE FUND 7,112,021
FROM EDUCATIONAL AIDS TRUST FUND 326,842
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 1,527,367
FROM FOOD AND NUTRITION SERVICES TRUST FUND 612,083

21 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,277
FROM EDUCATIONAL AIDS TRUST FUND 43,294
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND 104,555

22 EXPENSES
FROM GENERAL REVENUE FUND 2,841,479
FROM EDUCATIONAL AIDS TRUST FUND 200,940
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 510,140
FROM FOOD AND NUTRITION SERVICES TRUST FUND 519,957

23 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 137,313
FROM EDUCATIONAL AIDS TRUST FUND 283,780
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 15,000

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25 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 289,805

26 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 277,965
FROM EDUCATIONAL AIDS TRUST FUND 54,493

Specific Appropriation 26 provides $60,000 to be used for the following purpose: The Department of Education shall make all necessary arrangements to ensure that funding is provided to Dr. David Denslow to conduct additional research required to implement the recommendations from the Study of the Florida Price Level Index conducted as required by Chapter 96-424, Laws of Florida. In planning and carrying out the additional study, priority shall be given to completing the work in time to implement additional recommendations in the 1997 FPLI. A report containing the results from the additional study, implementation of recommendations, and the status of all additional study undertaken and planned shall be submitted to the Legislature on or before December 1, 1997.

27 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,264,494

Funds in Specific Appropriation 27 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $488,344; University of Miami, $431,381; Florida State University, $437,558; University of South Florida, $476,637; and University of Florida Health Science Center at Jacksonville, $430,574. Each center shall provide a report to the Department of Education by September 1, 1997, for the 1996-97 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

28 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,166,473
FROM EDUCATIONAL AIDS TRUST FUND 150,000

The funds provided in Specific Appropriation 28 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

$150,000 is provided in Specific Appropriation 28 to pay for the close-out of the community college integrated database development and implementation. Full implementation shall be completed by June 30, 1998 and FIRN shall conduct the necessary certification test to determine that the integrated database has been developed.

The Database Implementation Task Force for the community college integrated database shall submit reports to the Governor and the Legislature detailing all progress towards completion of the goals of this proviso on July 15, 1997, January 15, 1998 and a final report on July 15, 1998.

29 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 864,618

29A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 758,678

30 SPECIAL CATEGORIES
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 200,000

31 SPECIAL CATEGORIES
RETIREMENT ESCROW
FROM EDUCATIONAL AIDS TRUST FUND 291,000

32 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 131,459
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 19,942
FROM FOOD AND NUTRITION SERVICES TRUST FUND 10,738

33 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 3,875,000

Funds in Specific Appropriation 33 shall be distributed to the five autism centers as follows: University of South Florida (Florida Mental Health Institute) $422,386; University of Florida (College of Medicine) $280,827; University of Miami (Department of Pediatrics) $344,495; University of Florida (Jacksonville) $296,465; and Florida State University (Multidisciplinary Evaluation Center) $280,827. Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 1997. In addition, $250,000 is to be allocated to the Quest Center for Autistic Children in Orange County. $2,000,000 is to be distributed to the Therapeutic Intervention Program in Broward County.

34 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 1,942,090
FROM EDUCATIONAL AIDS TRUST FUND 771,215

35 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 638,186
FROM EDUCATIONAL AIDS TRUST FUND 285,670

35A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 13,531
FROM EDUCATIONAL AIDS TRUST FUND 99
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 7,306

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The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 36 through 46 shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in costs shall be funded by funds other than those appropriated herein and each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 1997-98 appropriation. For the state educational agencies to receive these monies from the Department of Education, the Executive Office of the Governor may establish additional fixed capital outlay appropriations within trust funds of state educational agencies for the purpose of making fixed capital outlay project expenditures appropriated herein.

36 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 113,500,000

Funds provided in Specific Appropriation 36 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools..... $ 90,141,700
Community Colleges..... 8,830,300
State University System..... 14,528,000

37 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 206,389,194

Funds provided in Specific Appropriation 37 shall be allocated in accordance with s. 235.435(3), and s. 228.053(9)(e), Florida Statutes.

From the funds provided in Specific Appropriation 37 allocated to Sarasota County and Charlotte County School Boards, the boards shall complete a feasibility analysis on constructing and operating a joint Sarasota/Charlotte County High School facility serving the North Port community.

38 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 133,390,826

The following community college projects are included in the funds provided in Specific Appropriation 38:

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Brevard-Gen ren/rem, extr walls, Stu Ctr & Criminal Just Bldg - Mel..... 1,150,000
Rem/ren Classroom & Library - stu svcs ctr - Cocoa partial..... 2,755,000
Broward - Student Ctr Second Floor Addition/Rem-Central partial (c, e).. 3,373,327
Gen ren/rem, Chiller, HVAC, energy mgt, comm sys, ADA, site improv..... 1,750,000
Student Svcs Ctr - North partial (c)... 6,500,029
Rem/ren Bldg 47 / Computer & Reading Labs - North partial..... 1,839,421
Central Florida-Gen ren/rem, critical mech/elec, ADA, roofing, site improvements..... 891,600
Rem/ren Bldg 2, 7, 9 & 19 - Main partial 350,000
Chipola-Public Service Tech Bldg.(c,e).. 624,406
English/Clsrms Building complete (c,e)..... 2,808,749
Gen ren/rem, ADA, PE fields, site improvements..... 485,000
Daytona Beach-Allied Health/Science Bldg Addition & Parking-Main partial (p,c). 700,000
Gen ren/rem, undergrd utilities, Bldgs 8, 25, 27, LRC plg, fields..... 2,409,479
Edison-Clsrms/Dis Lng/Video Fac Handicap req & parking impv (P,C,E)..... 1,260,000
Gen ren/rem, energy proj 13 Bldgs, Fire safety, HVAC, site imprv..... 544,234
Florida @ Jacksonville-Clsrms/Labs/Lib/ Stu Svcs Ph II - Nassau partial (s,p,c) 545,900
Gen ren/rem, ADA, HVAC, remove fuel tanks, lights, util, roof..... 1,175,474
Rem/ren Deerwood Center partial..... 2,842,419
Land & Facilities Acquisition - Deerwood Center Partial (s,p,c).... 487,433
Florida Keys-Gen ren/rem, roofs, sew plt, telecomm, HVAC, ADA, site imprv..... 572,000
Gulf-Gen ren/rem, HVAC, energy mgt sys Soc Sci & LRC..... 576,050
Rem/ren Fine Arts Bldg partial..... 1,338,000
Crim Just Labs/Econ Dev mtch-Gulf complete (c,e)..... 500,000
Hillsborough-Clsrms/Science Labs/Office Bldg - Dale Mabry complete (e)..... 908,510
Gen ren/rem, HVAC, energy mgt, parking ADA, utilities, hazrds mat..... 1,075,000
Rem/ren Library, Science, Hum Bldg - DM partial..... 719,434
Indian River-Allied Health Inst Fac complete (c,e)..... 1,682,000
Indian River Com College/FAU Jt. Use Classrooms/Lab (p)..... 506,404
Land & Fac acquis - Meuller Ctr IR County/Chastain Ctr - Martin County (s,p,c)..... 2,000,000
Gen ren/rem, roofs, ADA, utilities, parking, site improv, HVAC..... 900,000
Lake City-Gen ren/rem, lockers, HVAC, Tech Bldg..... 500,000
Lake Sumter-South Lake County Ctr partial (c,e)..... 2,278,695
Gen ren/rem, roofs, comm sys, site imp, ADA, lighting, HVAC..... 350,000
Library/Student Svcs Ctr/w County & School Bd match Sumter partial(p,c).. 385,000
Manatee-Comprehensive Student Center Fac - Main complete (c, e)..... 300,000
Gen ren/rem, utilities, fire main, HVAC, ducts, roofs, ADA, soffits - south... 450,000
Neel House Auditorium remodeling..... 600,000
Miami-Dade-Gen ren/rem collegewide..... 7,206,753
Rem/ren clrms/labs/sup fac-Wolfson partial..... 1,748,120
Land & Fac acq - Interamerican Ctr

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partial (s,p,c)..... 4,844,555
Land & Fac acq - Hialeah complete (s,p,c,e)..... 9,850,000
Land Acq Phase III - Wolfson (s,p,c)... 5,000,000
North Florida-Gen ren/rem, site imp, roofing, handicap access, ADA, fields 729,455
Okaloosa-Walton-Gen ren/rem, utilities, parking, site imps, safety, elec, cooling towers..... 520,000
Palm Beach-Gen ren/rem, flood cntr, safety, roofs, parkg, utilities, lights, rds..... 1,615,000
Pasco-Gen ren/rem, roofs, HVAC, elec/light sys, ADA..... 583,351
Rem/ren Bus DP Labs Bldgs 4 & 5 - West. 884,802
Rem/ren 1 Classrooms, Labs - North partial..... 868,585
Pensacola-Gen ren/rem, roofs, HVAC, engy mgt, lights - Districtwide..... 809,634
Adj Land Acq - Main..... 750,000
Polk-Gen ren/rem, HVAC, elec alarm sys, ADA, lights, parking, comm sys..... 632,868
Student Center Addition (50/50 match) complete (p, c, e)..... 774,445
St. Johns River-Student Svcs Ctr - Orange Park complete (c, e)..... 190,000
Gen ren/rem, HVAC, Sci, Tech & LRC, ADC req elev, auto drs..... 592,000
JT/Clay Co Schs-Clsrms/Auditorium w/ County mtch partial (p)..... 168,750
St. Petersburg-Clsrms, Labs, Offices Ph II - w/city match Seminole partial (p)..... 400,000
Gen ren/rem, Bldgs, roofs, HVAC, ADA, site improvements..... 2,353,800
Rem/ren Food Svcs, Admin Bldgs & Gym - SP/G..... 2,002,930
Rem/ren TA, LA, FA, FH w/addition- CL partial..... 2,402,166
Rem/ren Med Tech, Vet Tech & Funrl Srvcs const-HEC, Stu Svcs, Off - AC.. 547,386
Classrooms/labs/offices Phase II w/city match Seminole Partial(p,c)..... 4,000,000
Santa Fe-Science Lab Bldg complete (e).. 337,313
Gen ren/rem, HVAC, ADA, utilities sys.. 839,244
Rem/ren Bldg G Bookstore to Dev Lab/ clsrms partial..... 357,126
Seminole-Science Laboratory Bldg Addition complete (e)..... 727,442
Clsrms/Sci Labs/Office Bldgs - East Ctr. Ph IA partial (c,e)..... 7,350,234
Ren/rem energy mgt sys, road, comm sys, site dev..... 750,000
Rem/ren Science Bldg floors 2 & 3 partial..... 224,877
South Florida-Public Service Tech Bldg partial (s, c)..... 750,000
Gen ren/rem, roofing, asbestos removal. 693,730
Tallahassee-Gen Classrooms/Laboratory Building partial (p,c)..... 4,000,000
Gen ren/rem, extended studies safety, ed fac const, utilities..... 2,036,687
Adj Land Acq (s,p,c)..... 1,000,000
Valencia-Lib Arts/Health Ph I Bldg II-Osceola partial (c, e)..... 11,206,009
Gen ren/rem & site improvements-collegewide..... 1,200,000
Rem/ren Modules 1,2,4 & 6/Clasrms, Labs, Stu Svcs-West partial..... 310,000
Land Acq - Winter Park..... 4,000,000

39 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 134,188,142

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The following projects in the State University System are included in the funds appropriated in Specific Appropriation 39:

SUS - Fire Safety/ADA/Capital Renewal (P,C).....$ 151,620
FAMU Science Research Facility (E)..... 1,950,000
Architecture Renovation/Remodeling/ Expansion (P,C)..... 3,500,000
Expansion of Ware Rhaney Bldg (P).... 500,000
Utilities/Infrastructure Improv (P,C).. 6,028,318
FAU - Broward Southeast Campus/Davie Classroom Building (E)..... 1,750,000
Sea Tech Building - Remodeling/ Renovation (C)..... 4,000,000
Joint Use Clasrm/Lab Facility w/Indian River Com College (P)..... 506,404
North Palm Beach Campus (C,E) 9,269,470
FGCU - Phase I Completion and Campus Support Facility (P,C,E)..... 6,979,607
Classroom/Office Bldg (P)..... 600,000
FIU - Education Building Completion (Reimbursement) (C,E)..... 1,900,000
Primera Casa Elevators (P,C,E)..... 1,200,000
Library Addition (C,E)..... 2,300,000
Utilities/Infrastructure Site Development (P,C)..... 6,734,412
FSU
Public Safety Facility (E)..... 750,000
Building Envelope Improvements- Phase I (C)..... 2,350,000
Williams Building Remodeling (C)..... 8,994,540
Campus Stormwater Improvements - Phase II (P,C)..... 1,809,819
Utilities/Infrastructure Improv (P,C).. 4,977,850
UCF - Health & Public Affairs Building (E)..... 2,150,000
Classroom Building - Phase I (C)..... 11,000,000
UF - Rhines Hall Renovation & Expansion (C,E)..... 4,107,000
Agricultural & Biological Engineering Building (P)..... 1,187,000
IFAS North FL REC Combined Facility (P,C,E)..... 2,000,000
IFAS Central FL REC Combined Facility (P,C,E)..... 5,775.000
Utilities/Infrastructure Improv (P,C).. 5,967,359
UNF - Multi-Purpose Educational Complex (C,E)..... 829,000
Remodeling/Renovation Buildings 1,2,3,5 & 10 (P,C)..... 900,000
Fine Arts Complex (P)..... 571,000
Road Improvements (P,C)..... 500,000
USF - Psychology/CSD/Lab Building (C).. 11,000,000
Utilities/Infrastructure Improv (P,C).. 8,158,143
UWF - Science Lecture/Laboratory Demonstration Classrooms (C)..... 3,100,000
Commons - Phase III & Academic Conference Facilities reimburse (C).. 2,500,000
Utilities/Infrastructure Improv/ roof system replacement (P,C)..... 2,191,600
Land Acquisition..... 6,000,000

40 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 40,709,896

Funds provided in Specific Appropriation 40 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

Bradford County
Elementary School (p, c, e)..... $ 785,395

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Gilchrist County
Bell Elementary/Bell High School
(p, c, e,)..... 12,416,061
Hendry County
Middle School (p, c, e,)..... 6,548,622
Lafayette County
Gymnasium (p, c, e)..... 223,450
Union County
Union High School (p, c, e)..... 5,209,346
Holmes County Bethlehem School (p,c,e).. 15,527,022

42 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 498,020,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 50,000,000

43 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 54,902,500

44 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 5,696,212

Funds provided in Specific Appropriation 44 are for the following projects:

Campus Safety Related Projects..... $ 416,745
Renovations..... 2,590,000
Capital Asset Management Projects..... 2,684,467
Master Plan Update..... 5,000

45 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 450,103

Funds provided in Specific Appropriation 45 are for the following project:

Indian River Community College/FL
Atlantic Univ Jt Use Classroom/Labs Facility (P)..... $ 337,603
St. Johns River Community College/Clay County District School Board Joint Use Classroom Facility (P,C,E)..... 112,500

46 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 600,000

Funds provided in Specific Appropriation 46 shall be used as follows:

WUSF-TV - Tampa (p,c)..... 600,000

46A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AID TO LOCAL GOVERNMENT - PUBLIC SCHOOL CONSTRUCTION MATCHING GRANTS
FROM GENERAL REVENUE FUND 50,000,000

Funds provided in Specific Appropriation 46A are to implement the School Infrastructure Thrift Program.

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HUMAN RESOURCE DEVELOPMENT, DIVISION OF

From the funds provided in Specific Appropriations 47, 48, 49, and 51, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e. mementos, awards, plaques, etc.).

47 SALARIES AND BENEFITS POSITIONS 69
FROM GENERAL REVENUE FUND 1,053,103
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 1,666,744

48 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 493,061
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 189,279

49 EXPENSES
FROM GENERAL REVENUE FUND 727,228
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 668,440
FROM EDUCATIONAL AIDS TRUST FUND 64,918

50 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 8,740

51 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 75,119
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 648,609

51A SPECIAL CATEGORIES
FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 150,000

52 SPECIAL CATEGORIES
CENTER FOR SPACE EDUCATION
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 750,000

52A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA STATE TEACHERS ASSOCIATION
FROM GENERAL REVENUE FUND 50,000

53 SPECIAL CATEGORIES
MINORITY TEACHER INCENTIVE
FROM GENERAL REVENUE FUND 200,000

54 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,640
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 6,580

55 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 4,659,323

Funds in Specific Appropriation 55 shall be used for a coordinated in-service training effort. This shall include training required to successfully implement a student-centered outcome-based accountability system in every school and shall include the training needs of personnel in schools

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and districts, school boards, and members of the School Advisory Councils. The primary objective shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities in implementing Florida's Education Reform and Accountability Act.

Specific Appropriation 55 provides $334,800 to the Florida School Boards Association for school board member in-service training; $363,000 to the Florida Association of School Superintendents for district superintendents and district leader in-service training; $600,000 to the Technological Research and Developmental Authority for in-service training, which includes $250,000 provided to the joint TRDA/FGCU Science Mentor Program: $200,000 to be administered by FGCU and $50,000 to be administered by TRDA.

56 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,772

Funds in Specific Appropriation 56 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

57 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

57A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,066
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 6,997

PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified.

58 SPECIAL CATEGORIES
BARRY UNIVERSITY - BACHELOR OF SCIENCE/
NURSING
FROM GENERAL REVENUE FUND 189,989

Funds provided in Specific Appropriation 58 are for not more than 1047 credit hours or 19.04 FTE students.

58A SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI -
BIMINI BIOLOGICAL FIELD STATION
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 58A shall be used to establish an integrated teaching and research program.

59 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
CHALLENGER PROGRAM
FROM GENERAL REVENUE FUND 284,333

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Funds in Specific Appropriation 59 for the Challenger Institute are contingent upon the development of clearly measurable outcomes and outputs including the development of longitudinal and comparative data, for the Challenger Institute whose stated mission is for the recruitment and retention of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

60 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
OF EDUCATION
FROM GENERAL REVENUE FUND 284,333

Funds in Specific Appropriation 60 for the Teacher Education Institute are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for the Teacher Education Institute whose stated mission is for the recruitment and retention of students in the College of Education. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

61 SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN
ACCOUNTING
FROM GENERAL REVENUE FUND 52,832

Funds provided in Specific Appropriation 61 are for not more than 569 credit hours or 19 FTE students.

62 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 3,277,281

Funds provided in Specific Appropriation 62 include $250,000 to implement Phase II of gerontological development at Edward Waters College.

From the funds in Specific Appropriation 62, $1,268,666 is provided to Florida Memorial College, $1,058,615 is provided to Edward Waters College, and $700,000 is provided for Bethune Cookman College for student recruitment and retention. Funding is contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and each of these institutions.

63 SPECIAL CATEGORIES
LIMITED ACCESS GRANTS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 63 are contingent upon passage of legislation amending the Limited Access Grant Program. Should such legislation not

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become law, the Executive Office of the Governor shall transfer these funds to the Private Tuition Assistance Program in Specific Appropriation 80.

64 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 64 are for not more than 886 credit hours or 18.14 FTE students.

65 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 182,082

Funds provided in Specific Appropriation 65 are for not more than 639 credit hours or 21.3 FTE students.

66 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 74,222

Funds provided in Specific Appropriation 66 are for not more than 259 credit hours or 8.67 FTE students.

67 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 67 are for not more than 4,086 credit hours or 85.1 FTE students.

68 SPECIAL CATEGORIES
FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
FROM GENERAL REVENUE FUND 69,823

Funds provided in Specific Appropriation 68 are for not more than 1,020 credit hours or 34 FTE students.

69 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 210,051

Funds in Specific Appropriation 69 for the Upgrading Test-Taking Skills and Proficiency of Students Program are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for this program whose stated mission is the improvement of standardized test taking scores of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Edward Waters College.

70 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 168,041

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Funds provided in Specific Appropriation 70 shall be used for the purchase of books and other related library materials such as audio and media resources. Funds shall not be expended on promotional materials or on staff development.

71 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 331,091

Funds provided in Specific Appropriation 71 are for not more than 1,147 credit hours or 38.3 FTE students.

71A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY - INSTITUTE FOR WORKFORCE ENHANCEMENT
FROM GENERAL REVENUE FUND 250,000

72 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 72 are for not more than 992 credit hours or 33.1 FTE students.

73 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BS/MOTION PICTURES CONTRACT
FROM GENERAL REVENUE FUND 544,657

Funds provided in Specific Appropriation 73 are for not more than 450 credit hours.

Funds in Specific Appropriation 73 include $254,000 for the purchase of equipment.

74 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 89,802

Funds provided in Specific Appropriation 74 are for not more than 266 credit hours or 8.9 FTE students.

75 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 362,228

Funds provided in Specific Appropriation 75 are for not more than 331 credit hours or 13.8 FTE students.

76 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 289,430

Funds provided in Specific Appropriation 76 are for not more than 156 credit hours or 6.5 FTE students.

77 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN NURSING CONTRACT
FROM GENERAL REVENUE FUND 299,559

Funds provided in Specific Appropriation 77 are for not more than 880 credit hours or 29.40 FTE students.

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78 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 615,788

Funds provided in Specific Appropriation 78 are for not more than 150 FTE Florida students. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.

Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 78 shall receive a resident access grant pursuant to s. 240.605, Florida Statutes.

79 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS OF SCIENCE OF SPEECH PATHOLOGY
FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 79 are for not more than 1200 credit hours or 30 FTE students.

80 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 28,852,200

Funds provided in Specific Appropriation 80 shall be used to provide tuition assistance to students. The maximum amount of the access grant for 1997-98 shall be $1,800. If the amount in Specific Appropriation 80 is not sufficient to provide $1,800 to each eligible student, the Department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the Resident Access Grant Fund. The Commissioner shall establish a cut-off date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 80 for 1997-98 shall be used to pay any voucher submitted for 1996-97 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

81 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 981,358
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 2,431,069

82 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,796
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 28,540

83 EXPENSES
FROM GENERAL REVENUE FUND 238,699
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 234,172
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 901,234

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84 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,665

85 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 66,240,000

86 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 38,924
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 7,925,473

87 SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 75,785

It is the intent of the Legislature to phase out this program. No new awards may be made for the 1997-98 academic year.

88 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 1,000,000

89 SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 40,917,980

90 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM
FROM GENERAL REVENUE FUND 36,058
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 156,000

It is the intent of the Legislature to phase out this program. No new awards may be made for the 1997-98 academic year.

91 SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 3,500,000

92 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,328
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 10,117

93 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

94 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 1,153,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 40,917,980

The funds in Specific Appropriation 94 are provided in the amounts specified for each scholarship and grant program listed below.

SECTION 2
SPECIFIC
APPROPRIATION

Challenger Astronaut Memorial Scholarship Trust Fund:
Teacher/Quest Partner Program..... 700,000
Challenger Memorial/Florida Academic Scholarship..... 453,000
State Student Financial Assistance Trust Fund:
Public Student Assistance Grant..... 27,153,354
Private Student Assistance Grant..... 6,567,477
Postsecondary Student Assistance Grant 1,621,813
Children of Deceased/Disabled Veterans. 130,298
Florida Work Experience Program..... 599,243
Critical Teacher Shortage Program.....2,646,795
Florida Scholarship/Forgivable Loan Program.....1,814,800
Exceptional Child Scholarship.....109,212
Student Regent Scholarship.....4,589
State Board of Community Colleges Student Member Scholarship.....4,589
PEPC Student Member Scholarship.....4,589
Nicaraguan/Haitian Scholarships.....8,681
Seminole/Miccosukee Indian Scholarships...61,040
Occupational/Physical Therapy Shortage Program.....91,500
Rosewood Family Scholarships.....100,000

From the funds provided in Specific Appropriation 94, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

95 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 1,987,000

96 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

97 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 500,000

97A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,094
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 1,389
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 12,163

PUBLIC SCHOOLS, DIVISION OF

98 SALARIES AND BENEFITS POSITIONS 124
FROM GENERAL REVENUE FUND 4,183,504
FROM EDUCATIONAL AIDS TRUST FUND 1,908,266
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 243,992

99 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 98,887
FROM EDUCATIONAL AIDS TRUST FUND 218,837
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 21,935

100 EXPENSES
FROM GENERAL REVENUE FUND 1,845,794
FROM EDUCATIONAL AIDS TRUST FUND 942,740
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 97,474

From the funds in Specific Appropriation 100, $100,000 may be used for the Coordinating Committee for completion of the common course numbering and designation systems pursuant to Chapter 95-243, Laws of Florida.

SECTION 2
SPECIFIC
APPROPRIATION

101 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K-8 SUMMER SCHOOL
FROM GENERAL REVENUE FUND 83,000,000

Funds provided in Specific Appropriation 101 are for summer term instruction for students in grades K-8 and may be expended for students in Grades K-8 receiving basic supplemental instruction during the 180-day term.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INNOVATIVE PRACTICES GRANTS
FROM GENERAL REVENUE FUND 2,000,000

The Commissioner of Education shall develop general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines shall be approved by the State Board of Education. Approved applications shall include evaluation criteria.

Special consideration shall be given to grant applications which target funds for low performing schools and applications which contain private matching contributions.

103A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL HEALTH SCREENINGS
FROM GENERAL REVENUE FUND 1,100,000

From the funds in Specific Appropriation 103A, $1,000,000 is provided for an eye examination and screening program for students in grades kindergarten through three. The method of screening shall be color photorefraction as developed and patented by the National Aeronautics and Space Administration.

From the funds in Specific Appropriation 103A, $100,000 is provided for Recording for the Blind and Dyslexic, Florida Unit.

103B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS) AWARENESS EDUCATION
FROM GENERAL REVENUE FUND 200,000

104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 514,100,702

105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5193,422,099
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 62,395,785

The department's bimonthly distribution of funds provided in Specific Appropriation 105 shall be made in equal payments on or about the 10th and 26th of each month.

SECTION 2
SPECIFIC
APPROPRIATION

Funds provided in Specific Appropriation 105 shall be allocated using a base student allocation of $3,034.96 for the K-12 FEFP.

Pursuant to s. 236.081(11), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per weighted full-time equivalent K-12 student over the amount per weighted full-time equivalent K-12 student funded in the 1996-97 FEFP. The calculation of this minimum funding shall compare total state formula funds for K-12 programs and categorical increase funds and actual discretionary taxes for 1996-97 with total state formula for K-12 programs and categorical increase funds and maximum potential discretionary taxes for 1997-98. Pre-Kindergarten Early Intervention and FEFP Adult Program funds shall not be included in the calculation of the minimum guarantee.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds in Specific Appropriation 105, $20,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 1997-98.

Total unadjusted required local effort taxes for 1997-98 shall be $3,675,044,057. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 1997-98 shall be:

1) 0.510 mills, and
2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).
3) In addition, any district that provides from its required local effort 90 percent of its total FEFP calculation, and its percent increase per K-12 Weighted FTE is less than the state average percent increase per K-12 Weighted FTE, may levy additional millage that will raise an amount not to exceed the difference between the district's percent increase and the state average percent increase.

District school boards that levy the entire additional 0.250 mills and raise less than $50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 105, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 105 are based upon program cost factors for 1997-98 as follows:

1. Basic Programs	
A. K-3 Basic	1.054
B. 4-8 Basic	1.000
C. 9-12 Basic	1.169
2. Programs for Exceptional Students	
A. Support Level 1	1.341
B. Support Level 2	2.072
C. Support Level 3	3.287
D. Support Level 4	4.101
E. Support Level 5	6.860
3. Programs for At-Risk Students	
A. Dropout Prevention and Teenage Parent	1.438
B. Educational Alternatives Grades 9-12	1.169
C. English for Speakers of other Languages	1.245
4. Programs for grades 7-12 Vocational Education	1.272

From the funds provided in Specific Appropriation 105, the value of 267.98 Weighted FTE students is provided to implement the revised funding model for Exceptional Student Education. The WFTE value shall be used to supplement the funding of students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the districts FEFP allocation for the students being served. The supplemental value shall not exceed 3 FTE for each program, 254 and 255.

Funds in Specific Appropriation 105 provide a maximum of 805,236.35 Weighted FTE for students enrolled in K-12 FEFP programs 251, 252, 253, 254, and 255 for exceptional student education. For the 1997-98 fiscal year only, the first year implementation of the revised funding program for exceptional student education, the Consensus Education Estimating Conference as provided in Section 216.133 and 216.134, Florida Statutes, shall review all district enrollment in programs 251 through 255. Based on this review, each district's 1997-98 appropriated ESE Unweighted FTE shall be adjusted as necessary to match its 1997-98 actual ESE enrollment. The maximum Weighted ESE FTE for 1997-98 for all districts shall not exceed 805,236.35.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

Funds in Specific Appropriation 105 for grades 9-12 summer school enrollment in basic programs are provided only for academic courses approved in the state Course Code Directory for graduation credit.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

None of the funds provided in the 1997-98 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

SECTION 2
SPECIFIC
APPROPRIATION

From the funds provided in Specific Appropriation 105, $50,350,000 is provided for Safe Schools activities and shall be allocated as follows: two-thirds shall be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be based on each district's share of the state's total weighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds appropriated in Specific Appropriation 105 $30,000,000 is provided for remediation reduction incentives, which shall be allocated in two parts. The allocation in Part 1 is based on Placement Test Scores. (Step 1) Using the most recent placement test results available, the number of students for the state as a whole and in each district who passed the math subtest of the college entry placement test shall be added to the number of students who passed the writing subtest and to the number of students who passed the reading subtest; (Step 2) the sum calculated in Step 1 above shall be divided by the number of students who took the placement test multiplied by 3; (Step 3) $20,000,000 shall be divided by the factor for the state as a whole calculated in Step 2; (Step 4) the result of the calculation in Step 3 shall be multiplied by the factor calculated in Step 2 to prorate $20,000,000 provided for this purpose among all districts.

The allocation in Part 2 is based on enrollment in higher level mathematics and English courses. $10,000,000 is provided as an incentive for increased student enrollment in higher level mathematics and English courses. These funds shall be used to enhance the quality of each district's math and English curricula. Each district's allocation of math/English enrollment incentive funds shall be calculated as follows: (1) Each district's total Level 1 math enrollment shall be divided by the state total Level 1 math enrollment and that quotient shall be multiplied by $2,500,000 and by -1; (2) the sum of each district's Level 2 and Level 3 math enrollment shall be divided by the state total sum of Level 2 and Level 3 math enrollment and that quotient shall be multiplied by $7,500,000; (3) each district's total math enrollment incentive allocation shall be the sum of the amounts obtained in (1) and (2) above; (4) each district's total English enrollment incentive allocation shall be calculated using the same procedure defined in (1), (2), and (3) above; each district's total math/English enrollment incentive allocation shall be the sum, either a positive or a negative number, of the math and the English allocations. The definition of Levels 1, 2, and 3 math and English courses shall be the same as the Department of Education's course code directory.

The 1997-98 prior year adjustment based on each district's 1996-97 expenditure for "Adjusted General Support Services" as provided in Specific Appropriation 140 of Chapter 96-424 shall not be made to the 1997-98 FEFP.

SECTION 2
SPECIFIC
APPROPRIATION

From the funds appropriated in Specific Appropriation 105, a Compression Adjustment shall be calculated as follows:

Step 1: $32,995,707 is provided to reduce the disparity in total potential funds per unweighted full-time equivalent K-12 student.

(a) Determine the total potential funds per K-12 FTE for each district. Identify the districts with funds per K-12 FTE that are below the state average. Calculate the amount that is one standard deviation from the mean. If the funds per K-12 FTE for any district are less than the amount equal to one standard deviation below the mean, the funds shall be increased by an amount necessary to achieve one standard deviation from the mean.

(b) All districts with total potential funds per K-12 FTE below the mean shall be increased toward the mean by multiplying the difference below the mean by an equal percentage.

(c) The amount of the increase per student shall be the adjustment to one standard deviation or the equal percentage, whichever is greater.

(d) No district shall receive a disparity adjustment that would change the rank order of the district.

Step 2: Funds are provided to reduce the disparity in total potential funds per weighted full-time equivalent K-12 student.

(a) Determine the total potential funds per weighted K-12 full-time equivalent for each district.

(b) Calculate the weighted state average funds per weighted K-12 full-time equivalent.

(c) Calculate 97% of the weighted state average.

(d) For districts funded at less than 97% of the state average per weighted full-time-equivalent student, determine the district difference from 97% of the average and multiply the difference by the district's weighted full-time equivalent students.

Step 3: Compare funds calculated for each school district in Steps 1 and 2 and choose the higher value.

Pre-Kindergarten and Adult Program funds and FTE shall not be included in the calculation of the Disparity Compression Adjustment.

From the funds in Specific Appropriation 105, the amount provided for a dropout prevention/educational alternatives performance incentive shall be calculated as follows: Obtain the difference of the number of full-time equivalent students in grades 9-12 educational alternatives programs for 1997-98 multiplied by the 1997-98 dropout prevention weight and the same full-time equivalent students multiplied by the 1997-98 basic education grades 9-12 weight. This difference shall be multiplied by the 1997-98 base student allocation. The sum of the resulting calculation shall be the amount provided for the dropout prevention/educational alternatives performance incentive.

SECTION 2
SPECIFIC
APPROPRIATION

The performance measure for each district shall be calculated as follows: the student data base records of students in grade 8, grade 9, grade 10, and grade 11 enrolled in educational alternative programs in 1993-94 shall be matched with the end of year records for 1993-94, 1994-95, and 1995-96 and fall records for 1996-97. The district's pool of students shall be adjusted to remove students, consistent with the Department of Education guidelines, prior to computing the performance measures. Six performance measures shall be calculated for each district as follows: (1) the number of students enrolled in educational alternatives programs in 1993-94 who are still in school in 1996-97; (2) the number of students in educational alternatives programs in 1993-94 who have graduated by the end of 1995-96; (3) the number of students in educational alternatives programs in 1993-94 who scored 3 or above on Florida Writes; (4) the number of students in educational alternatives programs in 1993-94 who passed the math portion of the high school competency test (HSCT); (5) the number of students in educational alternatives programs in 1993-94 who passed the communication portion of the high school competency test (HSCT), and (6) the number of students in educational alternatives programs in 1993-94 who dropped out. The weighting factors for the six measures defined above shall be +4.0, +6.0, +1.0, +1.0, +1.0 and -4.0, respectively. An overall performance measure shall be calculated for each district by summing the six weighted measures defined above and dividing by the number of students in the district's adjusted pool of students and adding the amount necessary to raise the lowest overall performance measure to zero. Each district's performance measure shall be multiplied by its full-time equivalent enrollment in grades 9-12 educational alternatives programs for 1997-98 and that product shall be used to prorate the amount appropriated for dropout prevention/educational alternatives performance incentive funding.

107 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 100,000,000

Funds in Specific Appropriation 107 are allocated by prorating to each school district the funds provided to reduce class size based on each district's October, 1996 student membership for Kindergarten and grade one.

Funds in Specific Appropriation 107 shall be used to achieve the goal, that for each elementary school the class size for Kindergarten and grades one, two, and three shall not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students. For the purpose of this provision, class sizes that exceed 20 students meet the goal if, for every ten students above a base of 20 students, there is at least one full-time equivalent teacher aide in the classroom for the same number of hours as the students. First priority for the use of these funds shall be the reduction of class size for Kindergarten and grade level one, second priority shall be for grade level two, and third priority shall be for grade level three.

When a school district has achieved the class size goal for Kindergarten and grades one, two, and three, and funds allocated for class size reduction remain, then the school board, at its discretion, may transfer the unused funds to the Districts' FEFP Program.

SECTION 2
SPECIFIC
APPROPRIATION

By January 1, 1998, the Commissioner of Education shall report to the Legislature the progress made by each district toward the class size reduction goal for Kindergarten, and grades one, two, and three.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

107A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 3,000,000

The funds in Specific Appropriation 107A shall be used for the public school choice incentive grant program. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan.

108 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 158,639,475

From the funds provided in Specific Appropriation 108, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(j), Florida Statutes.

The growth allocation per FTE student is $130.97 in 1997-98. If the funds provided in Specific Appropriation 108 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1997; 35% on or about October 10, 1997; 10% on or about January 10, 1998 and the balance on or about June 10, 1998.

From the funds provided in Specific Appropriation 108, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools using an equitable formula based on the number of students in the respective districts.

From the funds provided in Specific Appropriation 108, $100,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 108, $12,000,000 is provided for Library Media Materials, and $3,200,000 is provided for purchase of science lab materials and supplies.

From the funds provided in Specific Appropriation 108, $500,000 shall be used for competitive incentive grants for Extended Access to School Library Media Centers.

SECTION 2
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 108, $1,000,000 shall be used for the Sunlink Uniform Library Database.

108A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECT ORANGE
FROM GENERAL REVENUE FUND 1,300,000

108B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MARINE INSTITUTES
FROM GENERAL REVENUE FUND 124,000

Funds in Specific Appropriation 108B are provided for the Newfound Harbor Marine Institute environmental education program in Monroe County.

109 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 80,000,000

Funds provided for public school technology in Specific Appropriation 109 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

From the funds provided in Specific Appropriation 109, $1,000,000 shall be used for Library Equipment Automation Grants.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

110 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 20,161,046
FROM FOOD AND NUTRITION SERVICES TRUST FUND 370,361,238

111 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 375,110,777

Funds provided in Specific Appropriation 111 shall be used to transport students as authorized in Chapter 234, Florida Statutes. Any funds not required to transport students may, at the discretion of the district school board, be transferred to the district's FEFP program.

113 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 217,062
FROM EDUCATIONAL AIDS TRUST FUND 95,384

113A SPECIAL CATEGORIES
GRANTS AND AIDS - CITIES IN SCHOOLS
FROM GENERAL REVENUE FUND 1,500,000

114 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 15,056,405
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 520,950
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,441,960

SECTION 2
SPECIFIC
APPROPRIATION

Funds in Specific Appropriation 114 shall be used by the State Board of Education in 1997-98 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds in Specific Appropriation 114 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

114A SPECIAL CATEGORIES
GRANTS AND AIDS - HOME BASED INSTRUCTIONAL PROGRAMS
FROM GENERAL REVENUE FUND 750,000

114B SPECIAL CATEGORIES
GRANTS AND AIDS - ANTENNA RELOCATION/ MONROE COUNTY
FROM GENERAL REVENUE FUND 150,000

114C SPECIAL CATEGORIES
HOME-BASED READING INSTRUCTION PROGRAM
FROM GENERAL REVENUE FUND 3,250,000

Funds from Specific Appropriation 114C shall be made available for a new program to be called Parents to Kids (PTK). PTK is a competitive grant program to be developed by the Commissioner of Education that focuses on socially and economically disadvantaged families with children in Pre-K through grade 3. Funds shall be allotted for use by school districts for programs that meet the following minimum requirements: 1) are home based; 2) focus on the family reading together; 3) target the socially and economically disadvantaged families with children in Pre-K through grade 3; 4) when needed, teach parent(s), legal guardian(s), or grandparent(s) how to read to their children/grandchildren; 5) teach parent(s), legal guardian(s), or grandparent(s) how to identify potential reading problems and/or prepare their children to read; and 6) remain parent/guardian/grandparent-led with limited outside involvement in the home. The primary purpose and focus of the grants shall be to provide reading instruction.

114D SPECIAL CATEGORIES
GRANTS AND AIDS - YOUTH CRISIS CENTER
FROM GENERAL REVENUE FUND 50,000

115 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 124,823

Funds in Specific Appropriation 115 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

115A SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT READ
FROM GENERAL REVENUE FUND 300,000

SECTION 2
SPECIFIC
APPROPRIATION

Funds in Specific Appropriation 115A are provided for a learn to read program in Hernando County.

115B SPECIAL CATEGORIES
GRANTS AND AIDS - PALM BEACH DEAF/BLIND SCHOOL
FROM GENERAL REVENUE FUND 125,000

116 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 2,400,000

From the funds in Specific Appropriation 116 $34,000 shall be allocated by the Department of Education to the Postsecondary Education Planning Commission to update the cohort analysis of college reach-out program participants.

118 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 500,000

118A SPECIAL CATEGORIES
GRANTS AND AIDS - ADULT VOCATIONAL-TECHNICAL - HERNANDO
FROM GENERAL REVENUE FUND 500,000

118B SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI MUSEUM
FROM GENERAL REVENUE FUND 360,000

121 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 429,566

122 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 78,339

123 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM GENERAL REVENUE FUND 11,000,000

Funds provided in Specific Appropriation 123 shall be used for the continuation of Full Service Schools/Interagency cooperation projects. For 1997-98, the minimum amount for each school district shall be $40,000. After determination of the funds needed to provide the minimum amount, the remaining funds shall be allocated by prorating the total on each district's share of the state total K-12 unweighted FTE student enrollment.

Funds provided in Specific Appropriation 101 for grades K-8 summer school, Specific Appropriation 107 for class size reduction, Specific Appropriation 123 for full service schools and Specific Appropriation 109 for public school technology may be used for any of these four purposes in amounts school district boards determine will best meet the needs of students. These funds may also be used to assist students to achieve the performance levels required in Senate Bill 1956.

124 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 124 may be used in conjunction with funding from other sources for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers, and shall incorporate the Blueprint 2000 accountability goals.

125 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 8,687,876

The funds in Specific Appropriation 125 shall be allocated as follows: $634,591 for statewide governmental and cultural affairs programming; $539,323 for public television stations recommended by the Commissioner of Education, and $103,826 for public radio stations recommended by the Commissioner of Education. Funds are not provided for radio station WMNF.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 125 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 125, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature."

126 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

127 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 486,635
FROM EDUCATIONAL AIDS TRUST FUND 14,098
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 2,130

127A SPECIAL CATEGORIES
SCHOOL DISTRICT OPERATIONAL PERFORMANCE AUDITS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 127A shall be used to pay the cost of contracting for operational performance reviews of school districts. The Office of Program Policy Analysis and Governmental Accountability in the Office of the Auditor General shall select one or more firms using a formal "request for proposal" process. The scope of the performance review and the methodology shall be determined by the Office of Program Policy Analysis and Governmental Accountability. For 1997-98, performance reviews shall be conducted for Orange, Clay, and a small school district.

128 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

129 SPECIAL CATEGORIES
EDUCATIONAL ENHANCEMENT PROGRAM
FROM GENERAL REVENUE FUND 200,000

130 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 4,420,718

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Funds in Specific Appropriation 130 may be used, but not limited to: (1) Jobs for Florida's Graduates, (2) School Safety Hotline, (3)Miccosukee Indian Education, (4) Seminole Indian Education, (5) Arts for a Complete Education, (6) Instructional Materials Management, (7) Youth Art Symposium, (8) Okeechobee/Dozier Supplement, (9) ESOL Teacher Training and Staff Development, (10) Academic Tourney, (11) State Science Fair, (12) Regional or Community-Based Dropout Prevention, (13) $50,000 shall be provided for Learning for Life, (14) $93,000 is provided for the Volusia County At-Risk Middle School Program, (15) $125,000 is provided for the Santa Rosa County Technology Project, and (16) $2,500,000 is provided for Reading Recovery.

Reading recovery funds are provided for the start-up cost associated with implementation of Reading Recovery programs. Funds shall be allocated to school districts in the form of competitive matching grants. Preference shall be given to districts which have consistently low reading scores and to districts willing to allocate existing resources to the program. Districts which have already implemented Reading Recovery programs shall not be penalized in the grant process and may be eligible to receive reimbursement for costs previously incurred. The Commissioner shall develop guidelines to implement this program; these guidelines shall be submitted to the State Board of Education for approval.

131 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION

FROM GENERAL REVENUE FUND	4,311,239	
FROM EDUCATIONAL AIDS TRUST FUND		1,358,354

Funds provided in Specific Appropriation 131 are for the following programs: (1) Pre-Kindergarten Handicapped Information System, (2) Network of Centers for Severely Emotionally Disturbed, (3) Florida Diagnostic and Learning Resource Centers, (4) Resource Materials for the Hearing Impaired, (5) Visually Handicapped Resources, (6) Governor's Summer Program for the Gifted, (7) Challenge Grant Program for the Gifted, (8) Exceptional Students who are limited English proficient, (9) $1,007,466 to implement the new funding model for Exceptional Student Education. The Department shall ensure that training, resources, and staff are provided to parents on the model, including follow-up to parent concerns. In addition, the Department shall monitor the district's implementation of the funding model and its effect on services to ESE students. A report on the effectiveness of the model implementation shall be provided to the Legislature by January 1, 1998.

132 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

FROM GENERAL REVENUE FUND	25,465,567	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,131,952

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

Funds in Specific Appropriation 132 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.8341, Florida Statutes.

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132A SPECIAL CATEGORIES
GRANTS AND AIDS - ODYSSEY SCIENCE CENTER

FROM GENERAL REVENUE FUND	500,000	

132B DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	43,458	
FROM EDUCATIONAL AIDS TRUST FUND		16,558
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		3,963

WORKFORCE DEVELOPMENT, DIVISION OF

144A SALARIES AND BENEFITS POSITIONS 100

FROM GENERAL REVENUE FUND	2,042,534	
FROM EDUCATIONAL AIDS TRUST FUND		1,927,970
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		509,624

144B OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	22,807	
FROM EDUCATIONAL AIDS TRUST FUND		190,916
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		41,213

144C EXPENSES

FROM GENERAL REVENUE FUND	461,510	
FROM EDUCATIONAL AIDS TRUST FUND		1,712,011
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		245,656

144D AID TO LOCAL GOVERNMENTS
CENTERS OF EXCELLENCE

FROM GENERAL REVENUE FUND	2,155,755	

From the funds in Specific Appropriation 144D, $400,000 is provided for the purchase of four human patient simulators which shall be used to provide recertification training for the allied health professions. The location of these simulators shall be competitively awarded by the Commissioner of Education. The first $100,000 collected in fee-for-use revenues by each college receiving a simulator shall be returned to the Division of Workforce Development and deposited into the Educational Media and Technology Trust Fund. These revenues shall be used to purchase additional human patient simulators to be used for allied health training programs at other state institutions.

144E AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS

FROM EDUCATIONAL AIDS TRUST FUND		12,530,280

144F AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT LITERACY CENTERS

FROM GENERAL REVENUE FUND	200,000	

144G AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT

FROM GENERAL REVENUE FUND	731,581,440	

Funds provided in Specific Appropriation 144G for Workforce Development Programs offered by school districts and community colleges are contingent upon CS for SB's 1688, 792, 1334 and 2254 or similar legislation becoming law.

Funds provided in Specific Appropriation 144G, $435,538,646 is provided for school district workforce development programs and shall be allocated as follows:

Alachua	1,354,169
Baker	329,953
Bay	3,457,949

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Bradford	767,444
Brevard	3,118,126
Broward	77,989,320
Calhoun	155,878
Charlotte	2,481,898
Citrus	2,380,859
Clay	443,385
Collier	7,616,980
Columbia	242,534
Dade	111,391,161
De Soto	1,088,488
Dixie	19,607
Duval	0
Escambia	5,494,525
Flagler	4,126,184
Franklin	46,885
Gadsden	1,236,850
Gilchrist	5,925
Glades	9,049
Gulf	212,612
Hamilton	55,342
Hardee	374,283
Hendry	350,341
Hernando	535,605
Highlands	0
Hillsborough	28,096,482
Holmes	0
Indian River	519,267
Jackson	2,265,719
Jefferson	293,392
Lafayette	31,466
Lake	4,185,022
Lee	10,483,402
Leon	8,303,083
Levy	0
Liberty	164,029
Madison	0
Manatee	5,676,047
Marion	2,513,594
Martin	3,852,507
Monroe	823,149
Nassau	480,090
Okaloosa	2,857,507
Okeechobee	86,030
Orange	36,187,245
Osceola	4,428,559
Palm Beach	31,238,211
Pasco	3,385,894
Pinellas	24,852,520
Polk	12,723,397
Putnam	0
St. Johns	7,759,316
St. Lucie	0
Santa Rosa	1,712,956
Sarasota	11,327,794
Seminole	0
Sumter	197,815
Suwannee	966,409
Taylor	1,163,059
Union	113,343
Volusia	0
Wakulla	312,453
Walton	87,103
Washington	3,155,353
Washington Special	11,081

If the 1997-98 appropriation for the K-12 FEFP is insufficient to pay the state required amount in full, the department shall prorate the available funds to each district pursuant to Section 236.081(12)(a), 1996 Florida Statutes. If proration is required, the funds provided in Specific Appropriation 144G for school districts shall be included in the total amount prorated.

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The sum of $296,042,794 is provided for community college workforce development programs and shall be allocated as follows:

Brevard CC	11,610,924
Broward CC	16,805,918
Central Florida	6,535,974
Chipola	2,833,865
Daytona Beach	20,449,987
Edison	4,318,364
Florida CC at Jacksonville	38,886,484
Florida Keys	2,355,321
Gulf Coast	6,041,285
Hillsborough CC	10,092,305
Indian River CC	17,813,535
Lake City	6,270,627
Lake-Sumter CC	1,587,379
Manatee CC	4,669,041
Miami-Dade CC	40,817,771
North Florida	2,139,814
Okaloosa-Walton CC	4,493,355
Palm Beach CC	10,067,628
Pasco-Hernando CC	5,400,386
Pensacola	13,909,020
Polk CC	4,323,844
St. Johns CC	2,001,434
St. Petersburg	13,829,280
Santa Fe	12,335,878
Seminole CC	14,889,116
South Florida	7,405,946
Tallahassee	2,908,401
Valencia	11,249,912

The funds provided in Specific Appropriation 144G may be used for citizenship training at the discretion of the district school board. This authorization does not change the program eligibility requirement for FTE funding.

The funds provided in Specific Appropriation 144G may be used for employment skills training for Nicaraguan men and women. This authorization does not change the program eligibility requirement for FTE funding.

144H	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		41,700,640
144I	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,926	
	FROM EDUCATIONAL AIDS TRUST FUND		2,926
144J	SPECIAL CATEGORIES		
	BLUEPRINT FOR CAREER PREPARATION		
	FROM GENERAL REVENUE FUND	600,000	
144K	SPECIAL CATEGORIES		
	APPLIED SCIENCE AND TECHNOLOGY		
	FROM GENERAL REVENUE FUND	1,265,000	
144L	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,415	
	FROM EDUCATIONAL AIDS TRUST FUND		3,565
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,253
144M	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	14,222	
	FROM EDUCATIONAL AIDS TRUST FUND		14,296

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COMMUNITY COLLEGES, DIVISION OF

145	SALARIES AND BENEFITS POSITIONS 48		
	FROM GENERAL REVENUE FUND	2,746,528	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		123,213
146	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,729	
147	EXPENSES		
	FROM GENERAL REVENUE FUND	689,776	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		14,625
148	AID TO LOCAL GOVERNMENTS PERFORMANCE BASED INCENTIVES		
	FROM GENERAL REVENUE FUND	12,000,000	

Funds in Specific Appropriation 148 shall be distributed by the State Board of Community Colleges as follows:

A. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the total absolute number of Associate of Arts and Associate of Science Degree completers and one half of the total number of certificate completers for the 1996-97 academic year.

B. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the number of completers counted in A above who: required remediation based on the College Placement Test results (one point for each subject area requiring remediation); each completer who qualified as economically disadvantaged under federal qualifications; was reported as disabled in a federal classification of disabled; tested into ENS or ESL; has passed a state job licensure exam; and/or has been placed in a job as identified through using the state FETPIP data. Students may be counted in more than one category.

C. The sum of $2,000,000 is to be distributed among the colleges based upon each college's pro-rata share of the number of Associate of Arts completers who graduated with fewer than 72 total attempted hours. In calculating hours attempted, the following courses would be included:

1. Any course which a student enrolls in at a Florida public college or university and which is not a remedial level course, would count as attempted credit hours;

2. Any credit hours accepted by the college as transfer credit toward a degree from a Florida private college or university or an out-of-state college or university would be counted as an attempted credit;

3. Any Advanced Placement, dual enrollment, International Baccalaureate, CLEP, departmental credit, or life experience credit which is counted toward the AA degree;

4. All credit hours over 12 hours of "English for Non-Speakers (ENS)" or any ENS hours counted toward the degree.

It is the intent of the Legislature that these funds be transferred to the Community College Program Fund for Fiscal Year 1998-99, on the basis they are earned in 1997-98.

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149	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND	
	FROM GENERAL REVENUE FUND	319,835,526

The funds in Specific Appropriation 149 shall be used to serve the following assigned FTE enrollments:

	1997-98
Advanced and Professional	97,072
College Preparatory	15,146
Total	112,218

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 1997-98 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 149 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 149 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

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The average resident matriculation fees specified in Subsection 240.35(5), Florida Statutes, are hereby established for 1997-98 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 32.02
Postsecondary Vocational	32.02
Adult Vocational	13.23
Supplemental Vocational	28.93
College Preparatory	32.02

The average nonresident matriculation and tuition fees specified in Subsection 240.35(7), Florida Statutes, are hereby established for 1997-98 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$ 96.08
Postsecondary Vocational	96.08
Adult Vocational	52.91
Supplemental Vocational	102.57
College Preparatory	96.08

No community college shall be required to reduce matriculation and tuition fees in Adult Vocational, Vocational Preparatory, and Adult Education Programs in 1997-98 from the prior year.

The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 149 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 149 shall be allocated as follows:

Brevard	14,814,128
Broward	22,693,693
Central Florida	4,631,050
Chipola	3,339,587
Daytona Beach	9,635,747
Edison	10,347,501
FICC @ Jacksonville	15,152,817
Florida Keys	2,274,637
Gulf Coast	4,921,034
Hillsborough	21,256,355
Indian River	7,528,820
Lake City	2,615,930
Lake-Sumter	3,344,693
Manatee	8,440,748
Miami-Dade	62,476,584
North Florida	2,103,769
Okaloosa-Walton	6,211,887
Palm Beach	15,049,954
Pasco-Hernando	4,730,342
Pensacola	12,544,175
Polk	5,679,534
St. Johns River	5,392,134
St. Petersburg	18,721,141
Santa Fe	10,822,017
Seminole	5,090,768
South Florida	1,204,039
Tallahassee	13,193,573
Valencia	25,618,868

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151 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 78,205

152 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOLARSHIP MATCHING PROGRAM
FROM GENERAL REVENUE FUND 3,500,000

Funds provided in Specific Appropriation 152 are to be matched at the rate of one private dollar for each state dollar. Private funds matched in this specific appropriation may not be counted as match in any other state matching program. The use of these funds shall be limited to student scholarships. Each college shall have $35,000 reserved in its account until December 31, 1997, to raise matching funds. Any funds not matched by that date become available on January 1, 1998 to be matched by any other college.

152A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE PROJECTS
FROM GENERAL REVENUE FUND 1,179,074

Funds in Specific Appropriation 152A shall be allocated based on each college's pro-rata share of the Full Time Equivalent students served in the community college system during the prior fiscal year. These funds shall be used to provide financial aid, specifically for child care, based on needs analyses established by each college.

153A SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

The State Board of Community Colleges is authorized to release matching funds to Florida Community College at Jacksonville for the Criminal Justice Training Center project upon certification that the provisions of SB 824 or similar legislation have been met.

154 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND
FROM GENERAL REVENUE FUND 7,871,667

155 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM EDUCATIONAL AIDS TRUST FUND 1,760,024

156 SPECIAL CATEGORIES
GRANTS AND AIDS - INCENTIVE GRANTS FOR EXPANDING PROGRAMS
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 156 shall be used to fund start up costs associated with the initiation or expansion of program proposals which were submitted to the legislature to support the Division's 1997-98 Legislative Budget Request for Capitalization Incentive Grants. When developing criteria to award these grants, the division shall consider unmet employment workforce needs, particularly in high wage employment areas.

157 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 4,480,307

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157A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 3,500,000

158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,279

159 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 625,000

160 SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION CHALLENGE GRANT FUND
FROM GENERAL REVENUE FUND 2,258,385

160A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 172,000

162 SPECIAL CATEGORIES
COMMUNITY COLLEGE MANAGEMENT INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 160,000

162A SPECIAL CATEGORIES
GRANTS AND AIDS - PASCO-HERNANDO COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 100,000

163 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 163 are provided to support the Martin Luther King, Jr., Center for Nonviolence. These funds shall be held in appropriation reserve by the Executive Office of the Governor until the following conditions are met: 1) no funds shall be released prior to the expenditure of all funds provided to the Institute from FY 1996-97 Legislative Appropriations; 2) upon the receipt of a written letter by the Board of Directors of the Institute to the Governor, the Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate verifying that the deficiencies identified by the Auditor General in his Operational Performance Audit which was released on October 31, 1996 have been addressed, along with a copy of the minutes from the Board meeting adopting and implementing corrective actions, 50% of the funds provided in this Specific Appropriation may be released; 3) upon verification by the Auditor General, in a follow up Operational Audit, that the Institute has corrected the deficiencies identified in the October 31, 1996 Audit, the balance of the funds provided in this appropriation may be released. The Auditor General is directed to complete this follow up audit prior to October 31, 1997. The release of funds from this appropriation shall be subject to the notice and review requirements of s. 216.177, Florida Statutes.

163A SPECIAL CATEGORIES
COMPACT FOR FACULTY DIVERSITY
FROM GENERAL REVENUE FUND 100,000

164 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

165 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 200,000

165A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,524
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 202

165B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - BLACK BEAM INTERFEROMETER/BREVARD COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 550,000

Funds provided in Specific Appropriation 165B shall be matched by private funds.

POSTSECONDARY EDUCATION PLANNING COMMISSION

From the funds in Specific Appropriations 166 through 171A, the Postsecondary Education Planning Commission shall examine the feasibility of expanding participation in common-course numbering to include postsecondary institutions in addition to those that are regionally accredited. The study should address standards for participating in the system, the statutorily-required acceptance of credit for transfer, the impact of the required acceptance of credit for transfer on the receiving institution's accreditation, and costs of participating in the common-course numbering system. A report and recommendations related to participation in the common-course numbering system by postsecondary institutions shall be submitted to the Legislature no later than January 1, 1998.

166 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 634,577

167 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,760

168 EXPENSES
FROM GENERAL REVENUE FUND 110,002

169 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,180

170 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 177,351

The funds in Specific Appropriations 166 through 170 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, the following specific assignments and other activities designed to improve Florida postsecondary education.

The Postsecondary Education Planning Commission shall proceed with development of the five-year update of the Master Plan for Florida Postsecondary Education pursuant to S. 240.147(2) and which shall be completed for submission to the State Board of Education and the Legislature by January 1, 1998.

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Based on its review of the accountability and performance-based funding procedures in Florida postsecondary education, the Commission shall compile a profile of selected measures maintained by the community colleges, state universities and independent colleges and universities as well as a limited number of nationally comparable indicators. The profile shall document progress in the achievement of statewide priorities for postsecondary education and shall be submitted to the State Board of Education and the Legislature by December 1, 1997.

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, progress through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Legislature and the State Board of Education by January 30, 1998.

From the funds in Specific Appropriation 166, the Postsecondary Education Planning Commission shall examine the feasibility of providing state funding to support the liberal arts program at Nova University in Specific Appropriation 78. Specifically, PEPC shall examine the consistency with the state master plan for postsecondary education, student demand in the program, capability of nearby state institutions to support students in the program, minority participation, and employer demand. The study shall be submitted to the Legislature no later than January 1, 1998.

171 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 798

171A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,048

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 173 through 176, contemplate that the matriculation and tuition fees collected for Summer Term 1998 enrollments shall not be expended during the 1997-98 fiscal year.

From the funds in Specific Appropriations 8 through 11 and 173 through 176, the salary rate shall be consistent with legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 172A through 206, no appropriated funds shall be used to promote litigation, for all centers and institutes.

From the funds in Specific Appropriations 173 through 176, the Board of Regents may allocate any excess student fees collected in fiscal year 1996-97 for the purposes of assuring each university its allocated student fees for fiscal year 1997-98.

Funds in Specific Appropriations 173 through 176 provide for the following tuition increases: matriculation fees for lower and upper level - 7.8%, graduate level/law/medical - 12.8%, and all out-of-state fees - 12.8%. Each university shall be allocated its share of the amount produced by the increase in matriculation and out-of-state fees to be expended as follows: 45% for need-based aid, 45% for each university president's discretion pursuant to plans previously submitted, and 10% for technology.

From the funds in Specific Appropriations 173 through 176, the State University System is directed to adjust the methodology for the calculation of the 1998-99 enrollment plan. Specifically, the Board of Regents shall not consider lower level FTE enrollment above the funded plan for 1995-96, 1996-97, and 1997-98 in the calculation of the three-year average for the lower level.

From the funds in Specific Appropriations 173 through 176 the Board of Regents shall begin the implementation of the provisions of Degree Funding Performance Based Budgeting as follows:

1) Each university shall track and evaluate the progress of each individual student using the automated statewide student advising system or its equivalent.

2) Each university shall develop a plan and shall allocate the resources required for career counseling and other student advising activities in order to implement Degree Funding Performance Based Budgeting.

3) The per credit hour tuition charged to the student will be increased by 50% for any credit hours beyond 115% of the credit hours to be earned at the university as required for the degree exclusive of those credit hours and students exempted by Board policy. Other state funding will be decreased by a like amount. The students to which this policy shall apply are those covered by the 1996 Board of Regents policy on excess student credit hours.

From the funds in Specific Appropriations 173 through 176, the Board of Regents shall use the following criteria as program performance measures for the 1997-98 program review process, as defined in s. 240.209, Florida Statutes:

- graduation rates of first time in college students (FTIC) and AA transfer students
- retention rates of first time in college students (FTIC) and AA transfer students
- percent of graduates who successfully pass licensure/certification tests on the first attempt (where appropriate)
- cost of instruction per full-time equivalent student
- cost of degree per full-time equivalent student (including direct and indirect costs)
- average number of refereed journal articles per ranked faculty member
- ratio of state-funded research to externally funded contracts and grants
- percent of students employed full-time upon graduation
- percent of undergraduate students who are admitted to graduate school upon completion of baccalaureate degree
- percent of undergraduate classes with less than 25 in the class section
- ratio of ranked faculty to students
- percent of students with excess credit hours

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(baccalaureate degree requirements plus 15%, excluding credit hours earned at institutions other than Florida public universities)
- average number of university commercial versus noncommercial press books per ranked faculty member
- number of National Merit Scholars
- number of National Achievement Scholars
- number of National Hispanic Scholars

The Board of Regents shall develop uniform definitions of each of these program performance measures using data from the previous academic year or the most recent data if not available for the previous academic year. The measures shall apply to the five years or span of the program review.

In addition, the Board of Regents shall report to the Legislature the progress of each university in the improvement of graduation and retention rates for first-time-in-college, AA transfer, and minority students. This report shall include the one year and five year absolute and percentage change in these measures by institution and be submitted to the Legislature by December, 1997.

The funds in Specific Appropriations 173, 174, 175, and 176 include $34,938,334 for fee waivers.

From the funds in Specific Appropriations 173 through 176, $10,000 shall be allocated to the SUS Press for additional production costs.

Funds from Specific Appropriations 8 through 11 and 173 through 206 shall not be expended for the Center for Governmental Responsibility at the University of Florida.

For the purposes of implementing s. 240.271(5)(a)(b), Florida Statutes, the categories of enrollment shall be undergraduate and graduate. The Board of Regents shall continue to provide enrollment detail by level to support the Enrollment Estimating Conference process.

EDUCATIONAL AND GENERAL ACTIVITIES

172A LUMP SUM
PERFORMANCE BASED BUDGETING - INSTRUCTION
FROM GENERAL REVENUE FUND 3,300,000

Funds in Specific Appropriation 172A are provided to establish a performance recognition and incentive fund which measures the current effectiveness and improvements in baccalaureate degree production, graduation and retention. The Board of Regents shall develop procedures for measuring and allocating funding to recognize the following three indicators: (1) the ratio of baccalaureate degrees to FTE enrollment; (2) a combined graduation-retention index for first-time-in-college students; and (3) five year change in FTIC and A.A. transfer graduation rates. The methodology developed by the Board of Regents shall be submitted to the Office of Program Policy Analysis and Government Accountability (OPPAGA) for review. The Board of Regents shall incorporate OPPAGA's findings into the methodology used to allocate the performance incentive fund.

173 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1052,793,588
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 335,680,364
FROM PHOSPHATE RESEARCH TRUST FUND 5,520,461

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Funds in Specific Appropriation 173 are based upon the following total Full-Time-Equivalent(FTE) Enrollment:
Lower Level.....35,078
Upper Level.....72,934
Graduate Level..... 21,411
Total.....129,423

From the funds in Specific Appropriation 173, $236,937 from the General Revenue Fund and $115,429 from the Education and General Student and Other Fees Trust Fund is provided to Florida Agricultural and Mechanical University for 37 FTEs in occupational and physical therapy. In addition, $263,063 from the General Revenue Fund and $99,494 from the Education and General Student and Other Fees Trust Fund are provided to increase enrollment by 45 FTEs for limited access programs at the baccalaureate level, as determined by the Board of Regents.

Funds in Specific Appropriation 173 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Funds provided in Specific Appropriation 173 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 173, $500,000 from the General Revenue Fund is provided for the BOR (FAU) to obtain an equal partnership in the ownership, operation and management of the corporation operating Television Channel 42 (WXEL) and the associated Radio Facilities.

From the funds in Specific Appropriation 173, $5,900,000 from the General Revenue Fund is provided for public/private partnerships. Of this amount, $845,484 is allocated to the University of Florida for the Particle Science Center; $1,300,000 to Florida Atlantic University for SeaTech; $3,000,000 to the University of Central Florida/University of South Florida for SUS Consortium (I-4); and $754,516 to Florida State University for the Magnetic Lab.

From the funds in Specific Appropriation 173, $50,000 from the General Revenue Fund is provided for Project Oceanography at the University of South Florida for the purpose of the development and distribution of printed and other scientific curricular materials for middle school teachers throughout Florida and to offset the costs of interactive television production.

From the funds in Specific Appropriation 173, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget

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shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

From the funds in Specific Appropriation 173, $20,547,106 from the General Revenue Fund is provided for equity. The distribution of $15,547,106 shall be based upon the Board of Regents Equity Plan developed by the State University System and $5,000,000 shall be distributed proportionately based upon the University of Central Florida/University of North Florida Equity Plan, as approved by the Board of Regents on March 14, 1997.

Specific Appropriation 173 includes general revenue funding for the following purposes:

1) $2,000,000 for the Wolfsonian Museum - FIU
2) $1,000,000 for the Appleton Museum - FSU
3) $300,000 for the Florida Museum of Natural History - UF
4) $150,000 for the Honors College - UNF
5) $5,879,095 for Library Resources
6) $4,500,000 for Comprehensive University Plan - FAU and FIU
7) $200,000 for the Florida Water Atlas - FSU
8) $200,000 for Local Government Study Commission
9) $300,000 for the Real-time Oceanography System - USF
10) $920,000 for the Free Enterprise and Entrepreneurship - USF
11) $150,000 for Forensic Science Program - USF
12) $103,826 for Entrepreneurship and Management of Technology Program - USF
13) $784,987 for the Honors College in Palm Beach - FAU
14) $50,000 for Political Campaigning Program - UF
15) $1,000,000 for Gender Equity
16) $250,000 for Chronic Disease Prevention - FSU
17) $300,000 for the Gadsden County Recording Studio - FSU
18) $250,000 for Hands in Action - FIU
19) $100,000 for the Dyslexia Program - FAMU
20) $100,000 for the Florida Israel Institute - FAU
21) $150,000 for the Institute for the Study of Children's Futures - Louis de la Parte Florida Mental Health Institute
22) $300,000 for Civic Education - FSU
23) $50,000 for Black Male Explorers - FAMU
24) $100,000 for Women for Human Rights
25) $50,000 for Stroke Education - FAMU
26) $6,700,474 for FGCU

From the funds in Specific Appropriation 173, $1.4 million from the allocation to Florida Agricultural and Mechanical University may be used to increase access, retention and graduation of minority students.

From the funds in Specific Appropriation 173, $85,000 from the current allocation to Florida Agricultural and Mechanical University and an additional $65,000 from the General Revenue fund is provided to address salary equity for the Mulrennan Lab Staff.

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Specific Appropriation 173 includes $1,000,000 for the Board of Regents to assist the Leon County Research and Development Authority in obtaining certain contract rights relating to the development of the Park. As a consideration for this assistance, the Authority shall grant to the Board of Regents an interest in approximately 10 acres of property within the Park that is suitable for development. In the event the Authority is unable to obtain the contract rights by an agreement by September 30, 1997, these funds shall be transferred to the SUS Challenge Grant Program.

A minimum of 71% of the $18,386,265 provided in Fiscal Year 1996-97 for student financial aid in Specific Appropriation 173 shall be allocated for need-based financial aid.

From the funds in Specific Appropriation 173, $125,000 shall be used for the expansion of the Urban Teacher Internship Program to all public universities.

174 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS

FROM GENERAL REVENUE FUND	103,421,575	
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		6,018,949
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,072,871
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		4,022,893
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		1,279,666
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND		4,895,765

Specific Appropriation 174 includes general revenue funding for the following purpose:

1) $175,000 for the Tropical Fish/Demonstration Farm Projects
2) $125,000 for the National Weather Service Partnership
3) $ 50,000 for the Homestead Research and Education Center
4) $100,000 for Lakewatch
5) $868,000 for the Cooperative Degree Program between Florida Atlantic University, Indian River Community College, and the University of Florida

Funds in Specific Appropriation 174 include the June 30, 1997, unexpended cash balance of funds provided to the Institute of Food and Agricultural Sciences from the Water Quality Assurance Trust Fund for the purpose of Site Investigation and Cleanup activities which shall be transferred from the Experiment Station Incidental Trust Fund to the UF Experiment Station Grants Trust Fund. This transfer shall take place as soon as possible after a reconciliation of the appropriations from the Water Quality Assurance Trust Fund and expenditures from the Experiment Station Incidental Trust Fund for this activity has been provided to the Executive Office of the Governor and the Legislative Appropriations Committees. The Institute of Food and Agricultural Sciences shall provide an annual report to the Executive Office of the Governor and the Legislative Appropriations Committees of funds expended for site investigation and cleanup activities from the Experiment Station Grants Trust Fund until the cash balance transferred for this purpose has been expended.

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Funds in Specific Appropriation 174 are based upon the following total full-time equivalent (FTE) enrollment:

Lower Level.....262
Upper Level.....922
Graduate Level.....472
Total.....1656

175 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 41,355,442
FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND 5,805,788

Specific Appropriation 175 includes $1,000,000 from the General Revenue Fund for Enrollment Growth/Managed Care.

Funds in Specific Appropriation 175 include $250,000 for Super Chairs and are provided to the University of South Florida College of Medicine as a supplement to the four eminent scholar chairs for pediatric research that are at or above the $3 million level in matched funds.

Funds in Specific Appropriation 175 are based upon the following total full-time equivalent (FTE) enrollment:
Lower.....46
Upper.....166
Grad/Class.....474
M.D.....385

176 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 86,249,646
FROM INCIDENTAL TRUST FUND 18,935,112
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE TRUST FUND . 11,617,399
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND . . 5,386,533

Specific Appropriation 176 includes general revenue funding for the following purpose:

1) $110,000 for the UF-HC/Bethune Cookman College Nursing Program
2) $1,000,000 for Enrollment Growth/Managed Care
3) $690,590 for Health Related Synchronous and Asynchronous Learning
4) $278,000 for the Attention Deficit Hyperactivity Disorder Treatment Program

Funds in Specific Appropriation 176 are based upon the following total full-time equivalent (FTE) enrollment:
Lower.....3
Upper.....720
Grad/Class.....736
Dentistry.....330
Vet Medicine.....317
M.D.....430

177 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 10,400,170

Funds in Specific Appropriation 177 may be disbursed in advance to the contractor on a quarterly basis.

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Specific Appropriation 177 includes funding for the following:

1) $500,000 for operations and maintenance
2) $250,000 for the pediatric tumor program
3) $ 15,000 for the Cancer Control and Research Advisory Board

179 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,768,979

Funds in Specific Appropriation 179 may be disbursed in advance to the contractor on a quarterly basis.

180 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 35,057,288

180A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF GOVERNOR - OFFICE OF PLANNING AND BUDGETING FOR DISTANCE LEARNING INFRASTRUCTURE
FROM GENERAL REVENUE FUND 3,500,000

183A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM PHOSPHATE RESEARCH TRUST FUND 250,000

Funds provided in Specific Appropriation 183A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

184 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,225,738

Specific Appropriation 184 includes funding for the following issues:

1) $4,725,738 for Minority Legal Education
2) $500,000 for Minority Scholarships

185 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 997,062

BOARD OF REGENTS GENERAL OFFICE

186 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 6,786,547
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 999,399
FROM OPERATIONS AND MAINTENANCE TRUST FUND 661,456

From the funds in Specific Appropriations 186 through 206, the Board of Regents shall revise the Enrollment Funding Model to reflect the cost per full-time-equivalent student at the lower level; the upper level; the graduate level, to include a breakout of masters and Ph.D. programs and other appropriate divisions; and the medical professional level. In so doing, the annual expenditure

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analysis, as currently constructed or as modified, shall serve as a basis for the revision. The Board of Regents shall also develop recommendations regarding the appropriate share of the cost to be borne by the state and the student for various programs, or program classifications, as well as student classifications. A report with recommendations shall be submitted to the President of the Senate and the Speaker of the House of Representatives by October 1, 1997, for consideration during the 1998 legislative session.

187 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 340,162
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND 70,500

188 EXPENSES
FROM GENERAL REVENUE FUND 1,663,261
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 11,700
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 158,936
FROM OPERATIONS AND MAINTENANCE TRUST FUND 760,991

189 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 270,775

190 LUMP SUM
PERSONNEL DATABASE - STUDENT ACADEMIC SUPPORT SYSTEM
FROM GENERAL REVENUE FUND 133,062

191 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 33,386,689
FROM MAJOR GIFTS TRUST FUND 33,386,689

192 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 6,761,600

Funds for all specialties, excluding Family Practice, provided in Specific Appropriation 192 shall be expended to support clinical experiences in underserved urban or rural populations and/or settings. The Community Hospital Education Council shall develop a method of allocation for up to 10% of the funds in Specific Appropriation 192 which provides additional support to those programs which make a comparatively greater contribution than the average participating program to the number of primary care practitioners in Florida. Additional consideration shall be made for those programs whose graduates practice in underserved areas or provide care to underserved populations.

From the funds in Specific Appropriation 192, the Community Hospital Education Council shall allocate no less than 62.6% to support family practice residencies. In addition, the Community Hospital Education Council may contract with the Family Practice Recruitment and Retention Advisory Group in the Agency for Health Care Administration to fund family practice residencies.

193 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,000,000

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Funds in Specific Appropriation 193 may be advance funded on a quarterly basis.

194 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 75,000

195 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 14,645,202

Funds provided in Specific Appropriation 195 provide $29,290.40 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission.

196 SPECIAL CATEGORIES
MEDICAL SCHOOLS - RECRUITMENT AND RETENTION OF MINORITY STUDENTS
FROM GENERAL REVENUE FUND 200,000

197 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 2,383,900

Funds in Specific Appropriation 197 are for 331 osteopathic students at $7,202.11 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

198 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 588,244

Funds in Specific Appropriation 198 are for 240 pharmacy students at $2,451.02 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

199 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 969,400

Funds in Specific Appropriation 199 are for 131 optometry students at $7,400 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

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200 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 200 are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

201 SPECIAL CATEGORIES
REGIONAL DIABETES CENTERS
FROM GENERAL REVENUE FUND 344,276

202 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 145,350

Funds provided in Specific Appropriation 202 may be advance funded entirely in the first quarter.

203 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,018

204 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/
UNIVERSITY OF MIAMI
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 500,000

Funds provided in Specific Appropriation 204 support the existing contract for spinal cord research.

205 SPECIAL CATEGORIES
FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
FROM GENERAL REVENUE FUND 135,889

206 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM GENERAL REVENUE FUND 348,648
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 1,965
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 3,276

206A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,020

206B FIXED CAPITAL OUTLAY
MIAMI PROJECT TO CURE PARALYSIS
FROM GENERAL REVENUE FUND 9,000,000

206C FIXED CAPITAL OUTLAY
VETERINARY TEACHING LAB
FROM GENERAL REVENUE FUND 1,000,000

206D FIXED CAPITAL OUTLAY
UNIVERSITY OF FLORIDA - WHITNEY LAB
FROM GENERAL REVENUE FUND 500,000

The operating cost for facilities acquired by Whitney Lab shall not be requested from General Revenue.

206E FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 15,200,000

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206F FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT - CHALLENGE GRANT PROGRAM
FROM GENERAL REVENUE FUND 2,992,237

The following projects are included in Specific Appropriation 206F in accordance with the provisions of s. 240.2601, Florida Statutes:

FIU - Roz and Cal Kovens
Conference Center (e).....$ 182,500
- Hospitality Management
Expansion (p,c,e).....$ 200,000
UCF - School of Communications
Building (e).....$ 359,737
UF - Pharmacy Building (p,c,e).....$1,900,000
Dauer Hall Banquet Room Ren.....$ 250,000
Living Well Center Renovation...$ 100,000

206G FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 15,000,000

TOTAL OF SECTION 2 POSITIONS 875

FROM GENERAL REVENUE FUND 8825,522,537

FROM TRUST FUNDS 2857,035,655

TOTAL ALL FUNDS 11682,558,192

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF AGENCY FOR HEALTH CARE ADMINISTRATION

HEALTH CARE ADMINISTRATION AND REGULATION

207 SALARIES AND BENEFITS POSITIONS 300
FROM GENERAL REVENUE FUND 1,883,134
FROM HEALTH CARE TRUST FUND 10,406,036
FROM ADMINISTRATIVE TRUST FUND 478,744
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 569,285

208 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 247,707
FROM HEALTH CARE TRUST FUND 845,038

209 EXPENSES
FROM GENERAL REVENUE FUND 703,354
FROM HEALTH CARE TRUST FUND 3,726,066
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 92,408

From the funds in Specific Appropriation 209, up to $100,000 from the Health Care Trust Fund may be used to fund operational and administrative costs of the Community Health Purchasing Alliances in areas 1, 2, 3 and 4.

209A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM HEALTH CARE TRUST FUND 1,294,147

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210 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 172,447

211 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 16,018,852

211A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 250,000

212A SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 300,000

213 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HEALTH CARE TRUST FUND 59,927

213A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM HEALTH CARE TRUST FUND 30,810

MEDICAID SERVICES

Funds from the Grants and Donations Trust Fund from Specific Appropriation 258 for the Regional Perinatal Intensive Care Center disproportionate share program; those portions of Specific Appropriation 235 to continue the adult outpatient hospital reimbursement yearly cap at $1,000 and to maintain the current county outpatient reimbursement ceiling; Specific Appropriation 233 for the regular hospital disproportionate share program; Specific Appropriation 228 for the Graduate Medical Education disproportionate share program; are dependent on state match being provided by participating counties in sufficient amounts to cover the amount budgeted. If sufficient funds are not provided by the counties, the department shall first reduce the regular hospital disproportionate share program to balance.

In the event the Health Care Financing Administration increases the disproportionate share allotment above the appropriated level, the Executive Office of the Governor, subject to Chapter 216, Florida Statutes, is authorized to increase budget authority in Specific Appropriation 233 to use the additional allotment. These funds are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds or through the identification of additional state certified matching funds. If the state is able to identify any additional state match to meet the increased allotment or a portion thereof, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes. In the event the Health Care Financing Administration decreases the disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share program.

The Agency for Health Care Administration shall pursue with the federal Health Care Financing Administration (HCFA) the feasibility and potential for a Medicaid waiver for services to persons with AIDS. Included in the options shall be the issues of waiving the requirement of prior SSI eligibility, of limiting medicaid coverage to selected services (i.e., prescribed medicines), and permitting a Medicaid "Buy-In" for services. The Agency shall pursue various options and report to the Chairmen of the Senate Ways and Means Committee and the House Committee on Fiscal Responsibility on those feasible options and associated costs by February 1, 1998.

214 SALARIES AND BENEFITS POSITIONS 870
FROM GENERAL REVENUE FUND 11,750,013
FROM ADMINISTRATIVE TRUST FUND 20,394,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,249

215 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 350,329
FROM ADMINISTRATIVE TRUST FUND 12,842,621

216 EXPENSES
FROM GENERAL REVENUE FUND 10,828,519
FROM ADMINISTRATIVE TRUST FUND 19,422,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 54,897

From the funds in Specific Appropriations 216, $7,650,000 from the General Revenue fund and $7,650,000 from the Administrative Trust Fund are provided to contract for Medicaid managed care choice counseling provided that the vendor(s) selected to provide choice counseling are independent from and have no financial relationship with any health maintenance or other managed care organization or any other health care provider.

217 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 250,000

217A LUMP SUM
THIRD PARTY LIABILITY FUNCTION
FROM GENERAL REVENUE FUND 250,000
FROM ADMINISTRATIVE TRUST FUND 250,000

217B LUMP SUM
ADULT HEART TRANSPLANTS
FROM GENERAL REVENUE FUND 711,452
FROM MEDICAL CARE TRUST FUND 893,083

Funds in Specific Appropriation 217B are provided for Medicaid coverage for heart transplants for Medicaid eligible adults.

219 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 11,035,705
FROM MEDICAL CARE TRUST FUND 13,853,118
FROM REFUGEE ASSISTANCE TRUST FUND 386,518

219A SPECIAL CATEGORIES
HEALTHY KIDS CORPORATION WAIVER
FROM MEDICAL CARE TRUST FUND 35,597,449

Funds in Specific Appropriation 219A are contingent upon federal approval of a Medicaid waiver to allow state, local and private funds to be used as state match for federal Medicaid funds or the receipt of other federal grant funds.

219B SPECIAL CATEGORIES
PRIMARY CARE CHALLENGE GRANT WAIVER
FROM MEDICAL CARE TRUST FUND 5,561,111

220 SPECIAL CATEGORIES
CASE MANAGEMENT

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FROM GENERAL REVENUE FUND	11,462,330	
FROM MEDICAL CARE TRUST FUND		23,805,322
FROM REFUGEE ASSISTANCE TRUST FUND		14,459

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 220 results in state match requirements exceeding $6,930,899, the Department of Children and Families shall transfer general revenue to cover the increased state match requirements from Specific Appropriation 331A. The agency shall by rule provide that adult mental health targeted case management services are targeted solely to priority clients as specified in Administrative Code 10E-15.

221 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	49,077,419	
FROM MEDICAL CARE TRUST FUND		70,995,104
FROM REFUGEE ASSISTANCE TRUST FUND		22,833

From the funds in Specific Appropriation 221, $14,983,526 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

222 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	17,656,615	
FROM MEDICAL CARE TRUST FUND		22,164,347
FROM REFUGEE ASSISTANCE TRUST FUND		105,765

Funds in Specific Appropriation 222 reflect a reduction of $5,000,000 from the projections of the February 25, 1997 Social Services Estimating Conference due to credentialing of community mental health providers.

223 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM

FROM GENERAL REVENUE FUND	656,779	
FROM ADMINISTRATIVE TRUST FUND		656,779

224 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/
PART H

FROM MEDICAL CARE TRUST FUND		6,722,887
FROM REFUGEE ASSISTANCE TRUST FUND		137

Funds in Specific Appropriation 224 shall be contingent on the availability of state match being provided for in Specific Appropriation 507.

225 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

FROM GENERAL REVENUE FUND	31,017,447	
FROM MEDICAL CARE TRUST FUND		38,936,203
FROM REFUGEE ASSISTANCE TRUST FUND		284,797

226 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL
ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	3,720,185	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,279,815
FROM MEDICAL CARE TRUST FUND		5,545,320

Funds in Specific Appropriation 226, shall be used for a Rural Hospital Medicaid disproportionate share program, or a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to law and shall conform with federal requirements.

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227 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	1,243,223	
FROM MEDICAL CARE TRUST FUND		11,189,018
FROM REFUGEE ASSISTANCE TRUST FUND		24,703

228 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION

FROM GENERAL REVENUE FUND	5,888,862	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,711,139
FROM MEDICAL CARE TRUST FUND		10,791,207

From the funds in Specific Appropriation 228, $2,711,139 from the Grants and Donations Trust Fund and $3,401,914 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in s. 407.002(27), Florida Statutes., and shall be distributed in accordance with s. 409.9113, Florida Statutes.

229 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES

FROM GENERAL REVENUE FUND	14,377,161	
FROM MEDICAL CARE TRUST FUND		286,921,068

From the funds in Specific Appropriation 229, $117,079,515 from the Medical Care Trust Fund is provided to expand the waiver for the developmentally delayed clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law; and, to provide for emergency situations and unforeseen circumstances as the transition is made from funding institutional services for developmentally disabled individuals through the Intermediate Care Facility for the Mentally Retarded program to funding non-institutional services through home and community based funding mechanisms.

From the funds in Specific Appropriation 229, up to $2,286,733 from Medical Care Trust Fund is authorized for the agency to apply for an appropriate waiver to implement kidney dialysis treatment for adults at free-standing kidney dialysis treatment centers.

The agency, with the Department of Health, shall conduct ongoing data collection and analysis to facilitate a cost/benefit analysis of this waiver. A preliminary report shall be provided by March 1, 1998, to the Chairmen of the Senate Ways and Means and the House Fiscal Responsibility Council and Health and Human Services Appropriations Committee.

230 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT
WAIVER

FROM MEDICAL CARE TRUST FUND		5,599,390

231 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	47,918,003	
FROM MEDICAL CARE TRUST FUND		60,152,135
FROM REFUGEE ASSISTANCE TRUST FUND		73,052

Funds in Specific Appropriation 231 reflect a reduction of $2,962,181 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of competitive bidding for selected Medicaid services.

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232	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND	24,654,182	
	FROM MEDICAL CARE TRUST FUND		30,948,389
	FROM REFUGEE ASSISTANCE TRUST FUND		66,768
233	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	122,353,453	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,065,414
	FROM MEDICAL CARE TRUST FUND		702,129,293
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		356,900,000
	FROM REFUGEE ASSISTANCE TRUST FUND		1,530,956

Funds in Specific Appropriation 233 reflect a reduction of $2,050,323 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 233 reflect a reduction of $4,167,060 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of a disease management initiative for persons with acquired immune deficiency syndrome, hemophilia, diabetes, and asthma.

From the funds in Specific Appropriation 233, $66,703,921 from the Grants and Donations Trust Fund and $83,699,509 from the Medical Care Trust Fund are for a hospital disproportionate share program and are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 1997-98.

From the funds in Specific Appropriation 233, the agency is authorized to fund a federal waiver to provide inpatient care on a limited basis in a Specialty Psychiatric Hospital. The waiver will be limited to two Agency Areas. Either children only or adults only programs shall be operated at each site. No pilot shall serve both the adult and child populations. If the waiver is not approved for adults then both pilots shall serve children.

The Specialty Psychiatric Hospital must be selected through an RFP process. One provider will be selected to serve each area. The waiver must include a prior authorization component to insure medical necessity. The agency shall monitor and report to the Chairmen of the Senate Ways and Means Committee and the House Committee on Fiscal Responsibility regarding the cost-savings status of the implementation of this waiver by February 1, 1998. This program may be continued provided that a cost-savings to the total Medicaid budget is demonstrated by June 30, 1998.

234	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	34,309,501	
	FROM MEDICAL CARE TRUST FUND		43,068,716
235	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	169,084,883	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,584,940
	FROM MEDICAL CARE TRUST FUND		231,816,117
	FROM REFUGEE ASSISTANCE TRUST FUND		864,046

Funds in Specific Appropriation 235 reflect a reduction of $408,838 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

236	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND		94,142,944
237	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	306,352	
	FROM MEDICAL CARE TRUST FUND		384,563
238	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	8,300,807	
	FROM ADMINISTRATIVE TRUST FUND		15,106,820
	FROM REFUGEE ASSISTANCE TRUST FUND		82,483
239	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM ADMINISTRATIVE TRUST FUND		433,268
240	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,184,999	
	FROM MEDICAL CARE TRUST FUND		2,742,827
	FROM REFUGEE ASSISTANCE TRUST FUND		905
241	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	625,551,512	
	FROM MEDICAL CARE TRUST FUND		793,523,027

Funds in Specific Appropriation 241 reflect a reduction of $11,111,111 from the projections of the February 25, 1997 Social Services Estimating Conference due to a transfer to the Nursing Home Diversion Waiver and a reduction of $12,394,796 from the projections of the February Social Services Estimating Conference due to savings from expansion of the Nursing Home Diversion Waiver.

242	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	497,851	
	FROM MEDICAL CARE TRUST FUND		624,950
243	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	10,636,139	
	FROM MEDICAL CARE TRUST FUND		13,351,771
	FROM REFUGEE ASSISTANCE TRUST FUND		467,829

Funds in Specific Appropriation 243 reflect a reduction of $31,792 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 243 reflect a reduction of $960,325 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of competitive bidding for selected Medicaid services.

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244 SPECIAL CATEGORIES
PATIENT TRANSPORTATION

FROM GENERAL REVENUE FUND	37,933,806	
FROM MEDICAL CARE TRUST FUND		47,618,306
FROM REFUGEE ASSISTANCE TRUST FUND		208,193

Funds in Specific Appropriation 244 represent the maximum amount provided to fully fund all transportation services reimbursed by Medicaid except for those transportation services typically covered through other Medicaid categories.

245 SPECIAL CATEGORIES
PHYSICIAN ASSISTANT SERVICES

FROM GENERAL REVENUE FUND	75,458	
FROM MEDICAL CARE TRUST FUND		94,721
FROM REFUGEE ASSISTANCE TRUST FUND		749

246 SPECIAL CATEGORIES
PERSONAL CARE SERVICES

FROM GENERAL REVENUE FUND	4,587,947	
FROM MEDICAL CARE TRUST FUND		5,759,248

247 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY

FROM GENERAL REVENUE FUND	2,004,356	
FROM MEDICAL CARE TRUST FUND		2,516,070
FROM REFUGEE ASSISTANCE TRUST FUND		157

248 SPECIAL CATEGORIES
PHYSICIAN SERVICES

FROM GENERAL REVENUE FUND	200,573,049	
FROM MEDICAL CARE TRUST FUND		251,779,470
FROM REFUGEE ASSISTANCE TRUST FUND		2,315,427

Funds in Specific Appropriation 248 reflect a reduction of $585,676 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

From funds in Specific Appropriation 248, the Agency for Health Care Administration may bundle physician fees for reimbursement of the various physician specialists involved in organ transplantation procedures provided, there is no increase over the total reimbursement for each transplant as currently provided through the Resource Based Relative Value Scale (RBRVS) methodology. These fees should be comparable to the median national comparative fees for services provided to Medicaid patients in other states.

Of the funds available in Specific Appropriation 248, $38,575,800 from the General Revenue Fund and $48,424,200 from the Medical Care Trust Fund are provided to pay the full Medicare Part B co-payment for clients who are dually eligible for Medicare and Medicaid.

249 SPECIAL CATEGORIES
PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION

FROM GENERAL REVENUE FUND	320,537,810	
FROM MEDICAL CARE TRUST FUND		404,318,722
FROM REFUGEE ASSISTANCE TRUST FUND		2,218,805

Funds in Specific Appropriation 249 reflect a reduction of $1,791,340 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementing a variable dispensing fee for prescribed drugs.

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Funds in Specific Appropriation 249 reflect a reduction from the estimates of the February, 1997, Social Services Estimating Conference of $7,650,000 from the General Revenue Fund and $7,650,000 from the Medical Care Trust Fund due to reductions to Health Maintenance Organization marketing expenses to fund the third party contract for managed care choice counseling activities.

250 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	290,499,885	
FROM GRANTS AND DONATIONS TRUST FUND		126,317,404
FROM MEDICAL CARE TRUST FUND		364,653,536
FROM REFUGEE ASSISTANCE TRUST FUND		1,662,290

Funds in Specific Appropriation 250 reflect a reduction of $256,704 from the February 25, 1997 Social Services Estimating Conference due to implementation of direct contracting with provider services networks.

Funds in Specific Appropriation 250 reflect a reduction of $4,382,726 from the projections of the February 25, 1997 Social Services Estimating Conference due to implementing a variable dispensing fee for prescribed drugs.

251 SPECIAL CATEGORIES
PRIVATE DUTY NURSING SERVICES

FROM GENERAL REVENUE FUND	17,071,984	
FROM MEDICAL CARE TRUST FUND		21,430,459

252 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	87,618	
FROM ADMINISTRATIVE TRUST FUND		87,618

253 SPECIAL CATEGORIES
RURAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	15,569,855	
FROM MEDICAL CARE TRUST FUND		19,544,839
FROM REFUGEE ASSISTANCE TRUST FUND		18,040

254 SPECIAL CATEGORIES
SPEECH THERAPY SERVICES

FROM GENERAL REVENUE FUND	2,711,981	
FROM MEDICAL CARE TRUST FUND		3,404,352
FROM REFUGEE ASSISTANCE TRUST FUND		71

255 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM

FROM MEDICAL CARE TRUST FUND		14,278,199

256 SPECIAL CATEGORIES
MEDIPASS SERVICES

FROM GENERAL REVENUE FUND	8,428,190	
FROM MEDICAL CARE TRUST FUND		10,579,906
FROM REFUGEE ASSISTANCE TRUST FUND		76,389

257 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		105,907,042

257A SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		2,444,444

257B SPECIAL CATEGORIES
PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM

FROM GRANTS AND DONATIONS TRUST FUND		4,500,000
FROM MEDICAL CARE TRUST FUND		5,500,000

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Funds in Specific Appropriation 257B, are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. Funds appropriated herein are for Medicaid disproportionate share payments to hospitals qualifying for the primary care disproportionate share program, as defined in s. 409.9117, Florida Statutes. The agency must determine the eligibility of a hospital to participate in the primary care disproportionate share program based on the criteria in s. 409.9117 and, if more than one hospital qualifies, must submit an allocation methodology for the primary care disproportionate share payments to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In the event the Health Care Financing Administration decreases the state's total disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share programs.

258 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER DISPROPORTIONATE
SHARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000
FROM MEDICAL CARE TRUST FUND 3,764,374

From the funds provided in Specific Appropriation 258, $3,000,000 from the Grants and Donations Trust Fund and $3,764,374 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to Chapter 383, Florida Statutes. Such funds shall be distributed pursuant to s. 409.9112, F.S. and shall conform with federal requirements.

259 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 167,444,723
FROM MEDICAL CARE TRUST FUND 184,335,343

260 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 1,474,358
FROM MEDICAL CARE TRUST FUND 1,850,762

261 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 11,867,250
FROM MEDICAL CARE TRUST FUND 14,896,957
FROM REFUGEE ASSISTANCE TRUST FUND 44,722

Funds in Specific Appropriation 261 provided for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in subsection (19) of s. 409.908, Florida Statutes.

262 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM MEDICAL CARE TRUST FUND 490,639

263 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 50,000,000

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264 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 9,879,511
FROM MEDICAL CARE TRUST FUND 12,236,362

Funds in Specific Appropriation 264 shall be transferred to Specific Appropriation 241 if the nursing home diversion waiver expansion is delayed or is otherwise unable to divert a sufficient number of persons from Medicaid nursing home care and the Social Service Estimating Conference projects that a deficit will occur in the nursing home care program.

265 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES
TECHNOLOGY CENTER
FROM GENERAL REVENUE FUND 72,336
FROM ADMINISTRATIVE TRUST FUND 72,336

265A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 28,294
FROM ADMINISTRATIVE TRUST FUND 28,294

HEALTH CARE REGULATION

The Agency for Health Care Administration will gather data to be used for the purpose of establishing standards for the following measures in the Health Care Quality Improvement Program to conform with the Government Performance and Accountability Act of 1994.

STATE REGULATION OF HEALTH CARE PRACTITIONERS
OUTCOMES:
Percentage of Priority I practitioner investigations resulting in emergency actions.
Ratio of emergency actions that result in license revocation, license suspension, reprimand, probation with conditions, or administrative fines.
Average length of time to take emergency action on Priority I practitioner investigations.
Percentage of practitioner facility inspections that do not result in an investigation.
Percentage of investigations of alleged unlicensed practitioners that result in cease and desist orders.
Percentage of cease and desist orders issued to unlicensed practitioners in which another complaint of unlicensed activity is subsequently filed against the same practitioner.
Percentage of licensed practitioners involved in: 1. serious incidents 2. peer review discipline reports
Percentage of complaints not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.
OUTPUTS:
Number of complaints closed administratively as not legally sufficient.

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Number of complaints determined legally sufficient.

Number of legally sufficient complaints resolved by:
1. Findings of no probable cause, including:
a. Nolle prosse
b. Letters of guidance
c. Notice of noncompliance
2. Issuance of citation for minor violations
3. Stipulations or informal hearings.
4. Formal hearings.

Number of complaint investigations completed by priority classification:
1. Priority I
2. Priority II
3. Other

Average amount of time (in days) to complete complaint investigations by priority classification:
1. Priority I
2. Priority II
3. Other

Number of emergency actions taken.

Average cost per practitioner complaint investigation.

Average number of practitioner complaint investigations per FTE.

Number of practitioner facility inspections completed.

Average number of mandated practitioner facility inspections per FTE.

Average work hours per practitioner facility inspection (excludes travel time).

Average cost per practitioner facility inspection.

Number of cease and desist orders issued.

Number of inquiries to the call center regarding practitioner licensure and disciplinary information.

STATE LICENSURE AND FEDERAL CERTIFICATION OF HEALTH CARE FACILITIES AND PROGRAMS

OUTCOMES:

Percentage of investigations of alleged unlicensed facilities and programs that result in cease and desist orders.

Percentage of cease and desist orders issued to unlicensed facilities and programs in which another complaint of unlicensed activity is subsequently filed against the same facility or program.

Percentage of positive interview responses from nursing home residents and families regarding satisfaction with care and services.

Direct the agency to develop a means of measuring consumers', facilities' and programs' satisfaction with the agency's performance - incorporate

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outcome measures in the FY 1998-1999 budget.

Percentage of cases referred to the Subscriber-Provider Assistance Panel that are resolved by the Panel.

Percentage of Class I consumer complaints about licensed facilities and programs that are investigated within 48 hours.

Percentage of health care facilities and programs that have been sent a written statement of deficiencies within 10 days of the completion of the on-site survey.

Percentage of accredited hospitals and ambulatory surgical centers that have been cited for not complying with life safety, licensure or emergency access standards.

Percentage of accreditation validation surveys that result in findings of licensure deficiencies.

Percentage of nursing homes and assisted living facilities in which deficiencies are found that pose a serious threat to the health, safety or welfare of the public.

Direct the agency to develop a similar measure for home health agencies, hospitals, clinical laboratories and ambulatory surgical centers - incorporate outcome measures in the FY 1998-1999 budget.

Percentage of hospital failures to report serious incidents and peer review disciplinary actions that are identified by the agency that result in sanctions against the hospital.

Percentage of field surveyors that have less than 1 year of surveying experience.

Percentage of Medicare/Medicaid certified facilities and programs that are not licensed by the state that the agency recommends be decertified.

OUTPUTS:

Number of facility emergency actions taken.

Average annual quality-of-care survey costs per survey.

Average amount of annual quality-of-care surveyor time per regulated facility.

Total number of full facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Total number of follow-up facility quality-of-care surveys conducted and by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

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Total number of facility quality-of-care complaint investigations conducted, by type:
1. nursing homes
2. home health agencies
3. assisted living facilities
4. laboratories
5. hospitals
6. other

Number of cases processed by the Subscriber-Provider Assistance Panel.

Average processing time for Subscriber-Provider Assistance Panel case resolution.

Average processing time for initial facility license application.

Average annual cost to process licensure/certification applications per regulated facility.

Average annual combined cost of facility application processing and quality-of-care survey activity per facility.

Number of failures by hospitals to report serious incidents and peer review disciplinary actions that are identified by the agency.

Number of certification recommendations processed by the agency for Medicare/Medicaid certified facilities and programs that are not licensed by the state.

HEALTH FACILITY PLANS AND CONSTRUCTION REVIEW

OUTCOMES:

Percentage of facility construction plans reviewed in which defects were identified relating to the NFPA 101 Life Safety Code or physical plant requirements and engineering system codes and standards stated in 59A-3, 4, and 5, F.A.C.

Percentage of inspections which identified construction defects relating to engineering systems performance or physical plant requirements.

Percentage of plans and specifications submitted that are approved or disapproved within 60 days after receipt of the fee for review of plans.

OUTPUTS:

Number of plans and construction reviews performed by type:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Average number of hours for plans and construction survey and review:
1. nursing homes
2. hospitals
3. ambulatory surgical centers

Number of projects receiving approval after review of initial construction documents.

Number of construction projects receiving approval after an initial final survey.

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266	SALARIES AND BENEFITS POSITIONS	594	
	FROM GENERAL REVENUE FUND	150,105	
	FROM HEALTH CARE TRUST FUND		24,258,501
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		39,300
266A	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		1,008,038
266B	EXPENSES		
	FROM GENERAL REVENUE FUND	26,794	
	FROM HEALTH CARE TRUST FUND		7,379,286
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		327,948
266C	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE TRUST FUND		420,966
266D	LUMP SUM		
	IMPLEMENTATION OF HB 1353 POSITIONS	1	
	FROM HEALTH CARE TRUST FUND		50,000
268	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		1,422,452
269	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		700,000
270	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND . . .		103,000
270A	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		252,499
271	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HEALTH CARE TRUST FUND		117,126
271A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM HEALTH CARE TRUST FUND		14,494

CHILDREN AND FAMILIES, DEPARTMENT OF

CHILDREN AND FAMILIES - ADMINISTRATION

OFFICE OF THE SECRETARY

272	SALARIES AND BENEFITS POSITIONS	173	
	FROM GENERAL REVENUE FUND	5,559,068	
	FROM ADMINISTRATIVE TRUST FUND		2,588,089
273	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,401	
	FROM ADMINISTRATIVE TRUST FUND		165,272
274	EXPENSES		
	FROM GENERAL REVENUE FUND	1,245,000	
	FROM ADMINISTRATIVE TRUST FUND		639,284
275	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	49,361	
275A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	750,000	

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276 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57,739
FROM ADMINISTRATIVE TRUST FUND 7,441

ASSISTANT SECRETARY FOR ADMINISTRATION

From the funds provided to the department in the Salaries and Benefits appropriation categories, the department may transfer funds into an appropriation category for overtime payments based on savings from vacant positions. To the extent funds are transferred into the overtime category, the department must place into reserve those vacant positions from which the funds are taken. The department is authorized to make disbursements from the overtime category to the extent funds are transferred into it.

277 SALARIES AND BENEFITS POSITIONS 309
FROM GENERAL REVENUE FUND 11,250,701
FROM ADMINISTRATIVE TRUST FUND 1,884,133

Of the funds in Specific Appropriations 277, 279 and 280, 1 position and $28,281, $20,813, and $3,165 respectively from the Administrative Trust Fund are provided for implementing and on-going assistance and monitoring of an initiative to maximize the receipt of federal Title IV-E funds. The position and associated budget authority will be released upon submission of a plan by the department and subsequent approval pursuant to the provisions of Chapter 216, Florida Statutes. The plan will include the following:

1. Standard contract for contracting with a local provider funded by public appropriations and/or any other federally approved matching mechanism;
2. A contract provision that the provider will be solely responsible for any and all audit disallowance;
3. A contract provision requiring that all Title IV-E receipts, except as noted below, will be returned to the provider; and,
4. Receipt projections indicating sufficient resources to fund an amount not to exceed $52,259 shall be charged to these federal receipts in order to fund this position and associated costs.

278 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,012
FROM ADMINISTRATIVE TRUST FUND 4,619,176

279 EXPENSES
FROM GENERAL REVENUE FUND 2,500,353
FROM ADMINISTRATIVE TRUST FUND 561,607

280 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 82,607
FROM ADMINISTRATIVE TRUST FUND 3,165

280A LUMP SUM
FISCAL MANAGEMENT SUPPORT
POSITIONS 8
FROM GENERAL REVENUE FUND 1,061,911

280B LUMP SUM
ELECTRONIC BENEFIT TRANSFER
FROM GENERAL REVENUE FUND 1,844,528
FROM ADMINISTRATIVE TRUST FUND 1,844,528

From funds in Specific Appropriation 280B, $350,000 from the General Revenue Fund and $350,000 from the Administrative Trust Fund shall be used to pay for the Automated Fingerprint Imaging Pilot Project. The Department of Children and Families shall develop and implement a pilot program in District 10 by November 1998 to prevent public assistance fraud by utilizing automated fingerprinting technology. The savings derived from the pilot project should be used to offset the cost of the program and shall be used to expand the program to other areas of the state.

281 LUMP SUM
FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM
FROM GENERAL REVENUE FUND 1,845,925
FROM ADMINISTRATIVE TRUST FUND 1,593,925

Funds in Specific Appropriation 281 are provided for modifications and improvements required to be made to the FLORIDA System. No funds shall be released or expended from Specific Appropriation 281 without the Secretary of the Department of Children and Families certifying that the use of the funds is in accordance with the Approved Planning Document Update (APDU). Prior to the release of these funds, the department shall submit a work plan detailing the objectives, and expected outcomes to be attained during the fiscal year with anticipated completion dates. The plan shall be submitted to the Information Resource Commission, the Chairmen of the Fiscal Responsibility Council in the House of Representatives and the Ways and Means Committee in the Senate, the Joint Committee on Information Technology, the Joint Legislative Auditing Committee and the Executive Office of the Governor. The Secretary shall submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal Responsibility Council and the Health & Human Services Appropriations Committee in the House of Representatives and the Ways and Means Committee in the Senate, the Information Resource Commission, the Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

Funds are provided in Specific Appropriation 281 for FLORIDA which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 281 , $75,000 from the General Revenue Fund and $75,000 from the Administrative Trust Fund are provided for the project monitoring contract. These Funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

282 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 1,000,000

283 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 380,145
FROM ADMINISTRATIVE TRUST FUND 132,997

284 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 111,252

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285	SPECIAL CATEGORIES STATE INSTITUTIONAL CLAIMS FROM GENERAL REVENUE FUND	42,630	
286	DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND	25,139,976	
	FROM ADMINISTRATIVE TRUST FUND		20,646,453
286A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	577,615	
287	FIXED CAPITAL OUTLAY DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES FROM GENERAL REVENUE FUND	2,400,000	

INFORMATION SYSTEMS

288	SALARIES AND BENEFITS POSITIONS 331 FROM WORKING CAPITAL TRUST FUND		15,392,154
289	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		770,013
290	EXPENSES FROM WORKING CAPITAL TRUST FUND		4,737,944
291	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		75,701
292	SPECIAL CATEGORIES COMPUTER RELATED EXPENSES FROM WORKING CAPITAL TRUST FUND		56,454,215

Contingent upon documentation of need and the availability of funding, the department is authorized to use funds in Specific Appropriation 292 to upgrade the UNISYS computing environment.

293	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND		20,730

HUMAN SERVICES PROGRAM DEVELOPMENT

The Department of Children and Families is authorized to certify local funds not to exceed $5 million as state match for eligible Title IV-E services for children under the supervision and custody of the state in excess of the amount of state general revenue matching funds specifically appropriated for such services by this Appropriations Act.

Of the funds in Specific Appropriations 294, 296, and 297, 2 positions and $90,054 , $41,626, and $6,330 respectively from the Administrative Trust Fund are provided for implementing and on-going assistance and monitoring of an initiative to maximize the receipt of federal Title IV-E funds. The positions and associated budget authority will be released upon submission of a plan by the department and subsequent approval pursuant to the provisions of Chapter 216, Florida Statutes. The plan will include the following:

1. Standard contract for contracting with a local provider funded by public appropriations and/or any other federally approved matching mechanism;

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2. A contract provision that the provider will be solely responsible for any and all audit disallowances;
3. A contract provision requiring that all Title IV-E receipts, except as noted below, will be returned to the provider; and,
4. Receipt projections indicating sufficient resources to fund an amount not to exceed $138,010 shall be charged to these federal receipts in order to fund this position and associated costs.

294	SALARIES AND BENEFITS POSITIONS 254 FROM GENERAL REVENUE FUND	5,459,983	
	FROM ADMINISTRATIVE TRUST FUND		2,757,359
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		774,539
	FROM FEDERAL GRANTS TRUST FUND		3,423,263
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		27,044

From the funds in Specific Appropriations 294 through 296, the Department shall develop a plan of implementation of financing selected services through vouchers in the areas of Developmental Services and Aging and Adult Services. The Department may consider any findings from ongoing pilot projects and its experience with current voucher financed programs in developing the plan.

295	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	85,035	
	FROM ADMINISTRATIVE TRUST FUND		127,705
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		41,585
	FROM FEDERAL GRANTS TRUST FUND		561,715
296	EXPENSES FROM GENERAL REVENUE FUND	1,643,533	
	FROM ADMINISTRATIVE TRUST FUND		854,517
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		271,956
	FROM FEDERAL GRANTS TRUST FUND		1,324,207
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,147
297	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	22,686	
	FROM ADMINISTRATIVE TRUST FUND		22,256
298	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	170,840	
	FROM ADMINISTRATIVE TRUST FUND		3,494,394
	FROM FEDERAL GRANTS TRUST FUND		1,597,840
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,859
299	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	372,269	
	FROM ADMINISTRATIVE TRUST FUND		145,277
	FROM FEDERAL GRANTS TRUST FUND		157,722
300	DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER FROM GENERAL REVENUE FUND	8,076,005	
	FROM ADMINISTRATIVE TRUST FUND		5,605,515
300A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	2,529,008	

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STATE AND LOCAL PROGRAMS

301	SALARIES AND BENEFITS POSITIONS 153		
	FROM GENERAL REVENUE FUND	4,669,340	
	FROM ADMINISTRATIVE TRUST FUND		940,642
302	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		526,408
303	EXPENSES		
	FROM GENERAL REVENUE FUND	1,596,371	
	FROM ADMINISTRATIVE TRUST FUND		392,257
304	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,133	
	FROM ADMINISTRATIVE TRUST FUND		37,037
305	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,424	
306	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES		
	TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	953,854	
	FROM ADMINISTRATIVE TRUST FUND		1,416,836

DISTRICT SERVICES

DISTRICT ADMINISTRATION

307	SALARIES AND BENEFITS POSITIONS 1,228		
	FROM GENERAL REVENUE FUND	18,445,052	
	FROM ADMINISTRATIVE TRUST FUND		28,557,066
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,005,468
308	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		531,872
309	EXPENSES		
	FROM GENERAL REVENUE FUND	5,787,073	
	FROM ADMINISTRATIVE TRUST FUND		1,612,674
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		119,131

From the funds provided in Specific Appropriation 309, the department may expend the funds necessary to meet the costs of legal requirements in the acquisition of the Grant Pediatric Center located in Dade County. Such costs shall include, but not be limited to: appraisals, environmental analysis and surveys and shall be paid only from funds allocated to District 11.

310	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,315	
	FROM ADMINISTRATIVE TRUST FUND		167,171
312	SPECIAL CATEGORIES		
	CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
	FROM GENERAL REVENUE FUND	43,368	
313	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	250,000	

Of the funds in Specific Appropriation 313, $100,000 is continued to provide for a shared data-base for educational and human service programs in Broward County.

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314	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
	FROM ADMINISTRATIVE TRUST FUND		1,131,753
315	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,354,123	
315A	FIXED CAPITAL OUTLAY		
	CHILD ENRICHMENT CENTER - DADE COUNTY		
	FROM ADMINISTRATIVE TRUST FUND		2,800,000

From the funds in Specific Appropriation 315A, if the department determines that it is in its best interest, and if sufficient private contributions are received, the department may execute the option to acquire the buildings, land and appurtenances thereon through the execution of a purchase or lease-purchase agreement. The facility shall be used as a Child Enrichment Center or other similar purpose.

315B	FIXED CAPITAL OUTLAY		
	DISTRICT 6 ADMINISTRATIVE FACILITY PASS THROUGH		
	FROM ADMINISTRATIVE TRUST FUND		6,811,173

From the funds in Specific Appropriation 315B, the department may purchase or execute a lease-purchase agreement to acquire a facility for District 6 administrative functions. The acquisition or lease-purchase is contingent upon the receipt of funds from the County of Hillsborough.

Funds in Specific Appropriations 315A and 315B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

AGING AND ADULT SERVICES

316	SALARIES AND BENEFITS POSITIONS 555		
	FROM GENERAL REVENUE FUND	14,540,528	
	FROM ADMINISTRATIVE TRUST FUND		70,793
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,726,751
317	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	5,086	
318	EXPENSES		
	FROM GENERAL REVENUE FUND	2,434,418	
	FROM ADMINISTRATIVE TRUST FUND		2,832
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		530,622
319	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,371	
321	SPECIAL CATEGORIES		
	HOME CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	2,219,860	
322	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,979,166	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		226,507

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Of the funds provided in Specific Appropriation 322 for the Community Care for Disabled Adults (CCDA) demonstration project in District 5, a report shall be submitted to the chairs of the Senate Ways and Means Committee and the House Fiscal Responsibility Council, Health and Human Services Appropriations Committee by November 1, 1997. The report shall be submitted with documentation of the demonstration, implementation of the demonstration, effectiveness of serving the CCDA population and possible statewide utilization of the project, including cost efficiencies.

323	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	256,685	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		212,569
324	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	1,949,581	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,777,752
325	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	637,114	
326	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

327	SALARIES AND BENEFITS POSITIONS	117	
	FROM GENERAL REVENUE FUND	4,334,895	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		349,425
	FROM FEDERAL GRANTS TRUST FUND		128,685
	FROM GRANTS AND DONATIONS TRUST FUND . . .		641,267
327A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	115,988	
	FROM FEDERAL GRANTS TRUST FUND		843,819
327B	EXPENSES		
	FROM GENERAL REVENUE FUND	865,114	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		145,022
	FROM FEDERAL GRANTS TRUST FUND		300,071
	FROM GRANTS AND DONATIONS TRUST FUND . . .		44,813
327C	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,365	

From the funds in Specific Appropriations 328A, 328B, 329, 332A, 332C, 334, 335, 336, 339, 343, 346, 347, 350, and 352 the department is authorized to establish a public/private partnership in Palm Beach County to implement a community based, integrated child welfare, mental health and substance abuse delivery system for children under its supervision or custody that will have the following characteristics: front end assessment, family centered service planning, independent case management, and purchase of services from providers in conformance with the provisions of the case plan.

328A	LUMP SUM		
	SUBSTANCE ABUSE CONTINGENCY FUND FOR CHILDREN AND ADOLESCENTS		
	FROM GENERAL REVENUE FUND	4,000,000	

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Funds in Specific Appropriation 328A are provided for the treatment of children and adolescents with substance abuse problems not involved in the criminal justice system. The award of these funds shall be based on the following: Contracts shall be competitive bid and provider applicants shall be rated based on demonstration of ability to achieve the highest level of performance and outcomes for the individuals served and, evaluation of the services provided shall include measurement of performance and outcomes to include, at a minimum, the numbers of individuals served, the length of time to complete treatment, treatment completion rates, readmission rates and a one year follow-up survey of individuals completing treatment.

328B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,298,408	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		10,667,122
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM FEDERAL GRANTS TRUST FUND		188,800

From the funds in Specific Appropriations 328B through 333A, the department's payment for services to state supported clients shall be reduced by client fees. Client fees are defined as compensation received by the provider for services rendered to clients from any source of funds, including city, county, state, federal and private sources.

Funds in Specific Appropriations 328B through 333A shall be distributed among the fifteen service districts as follows:

Funds provided that are in addition to the FY 1996-97 recurring estimated expenditures shall be distributed to the districts that received below average funding compared to the statewide average in FY 1996-97.

From the funds in Specific Appropriations 328B through 333A, the department may not make payment to a private provider for alcohol, drug abuse and mental health services unless standard client demographic and service information required for the department's Interim Data System is submitted to the department by the provider within 90 days after the due date specified in the provider contract. The Interim Data System requirements for client demographic and service information are those data elements that are included in the department's Single Data System software for alcohol, drug abuse and mental health services.

329	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	16,286,824	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		4,764,872
	FROM FEDERAL GRANTS TRUST FUND		1,126,214
	FROM GRANTS AND DONATIONS TRUST FUND . . .		650,000

Of the funds in Specific Appropriation 329, $26,000 from General Revenue is provided to fund I'm Thumbody, a children's mental health prevention program of Broward County.

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330 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 6,745,372
FROM FEDERAL GRANTS TRUST FUND 8,238,154

331A SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 98,403,378
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 11,831,328
FROM FEDERAL GRANTS TRUST FUND 1,218,119

When allocating funds from Specific Appropriation 331A to service districts, the department shall reserve sufficient general revenue to cover the transfer required by the proviso language following Specific Appropriation 220 in the Agency for Health Care Administration. The department shall determine the appropriate amount to reserve in consultation with the Agency for Health Care Administration.

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 220 results in state match requirements exceeding $6,930,899, the Department of Children & Families shall transfer general revenue as necessary from Specific Appropriation 331A. The Department of Children & Families shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 10E-15.

331B SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 48,277,899

331C SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES
FROM GENERAL REVENUE FUND 26,545,982
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 38,170,196
FROM FEDERAL GRANTS TRUST FUND 949,401
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,385,419
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,880

332A SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 9,317,814

332B SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 6,085,621

332C SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 22,284,763

332D SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 945,446
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 61,440

333 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 69,136

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333A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 8,908,208

From the funds provided in Specific Appropriations 327 through 333A, the Alcohol, Drug Abuse and Mental Health Services Program will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards are to enable adults and children with, or at risk of, substance abuse problems to be self-sufficient and addiction free and to enable adults to be self-sufficient and to enable children to be self-sufficient at adulthood.

Performance Measures	
OUTCOMES:	
Increase successful completion of treatment (Children)	52.0%
Increase successful completion of treatment (Adults)	51.0%
Percent of discharges successfully completing treatment with no alcohol or other drug use during the month prior to discharge	
Reduced substance use (Children)	61.0%
Reduced substance use (Adults)	64.0%
Percentage reduction in frequency of substance use for unsuccessful discharges during the month prior to discharge compared to the month prior to admission	
Reduce readmissions for substance abuse (Children)	98/99 measure
Reduce readmission for substance abuse services (Adults)	98/99 measure
Percentage of clients successfully completing treatment who are readmitted for substance abuse services during the 12 months following discharge	
Increase employment at discharge	53.0%
Percentage of adults employed upon discharge from treatment services	
Reduce substance exposed newborns	70.0%
Percentage of adult women pregnant during treatment who give birth to substance free newborns	
Reduce low birth weight newborns	98/99 measure
Percent of pregnant women receiving substance abuse treatment who deliver infants with normal birth weight	
Decrease arrest rates	"
Percentage of adults who reduce the frequency of arrest during the 90 days following discharge as compared to the 90 days prior to treatment admission	
Increase client satisfaction (Adults)	138
Average level of satisfaction on the Behavioral Healthcare Rating of Satisfaction	
Increase client satisfaction (Children)	98/99 measure
Average level of satisfaction for children in treatment as scored on a reliable scale of client satisfaction	
Increase family satisfaction	"
Average level of satisfaction on the Family Centered Behavior Scale for parents of children receiving	

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substance abuse services	
Increase community satisfaction (Adults).. 98/99	
Increase community satisfaction measure	
(Children)	
Percentage achieving expected level of performance on key informant community satisfaction scale	
Decrease juvenile justice commitments/ recommitments..... 98/99	
Percentage of children committed or recommitted to the Department of Juvenile Justice during the 12 months following completion of substance abuse treatment services measure	
Increase education achievement (Math)..... 71.0%	
Percentage of children in targeted prevention programs who achieve expected level of improvement in math	
Increase education achievement (Reading).. 67.0%	
Percentage of children in targeted prevention programs who achieve expected kevek of improvement in reading	
Reduce admissions to substance abuse services..... 98/99	
Percentage of children who receive targeted prevention services that are admitted to substance abuse services during the 12 months following completion of prevention services measure	
Increase perception of substance use as harmful..... 98/99	
Perception of children in targeted prevention programs who perceive substance use to be harmful at the time of discharge when compared to admission measure	
Increase perception of substance use as harmful..... 98/99	
Percentage of children in the general population who perceive substance use to be harmful measure	
Decrease substance use by middle and high school students..... 98/99	
Percentage reduction in monthly or or more use of alcohol and other drugs by middle and high school students as measured on a statewide survey of students	
OUTPUTS:	

Number of children served with or at risk of substance abuse problems..... 30,574	
Number of adults served with substance abuse problems..... 100,379	
" Baseline being established	
==========	
OUTCOMES:	

Adults With a Serious and Persistent Mental Illness in the Community	

Average annual days spent in the community (Days not spent in crisis stabilization unit (CSU), short-term residential	

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treatment unit (SRI), state treatment facility, inpatient unit, or jail, or homeless..... 300	
Functioning scale scores of service recipients..... 52.9	
Increase client satisfaction scale scores given to service recipients 036o record their level of satisfaction..... 140	
Increase total annual days worked for pay..... 22	
Increase total average monthly income..... 550	

Adults in Mental Health Crisis	

Improve average Global Assessment of Functioning scale change scores of service recipients from admission to discharge..... 12	
Increase client satisfaction scale scores given to service recipients to record their level of satisfaction..... 130	

Adults with Forensic Involvement	

Improve average Global Assessment of Functioning scale scores of service recipients..... 51	
Increase client satisfaction scale scores given to service recipients to record their level of satisfaction..... 134	

Children and Adolescents with a Serious Emotional Disturbance	

Average annual days spent in the community (Days not spent in crisis stabilization unit (CSU), detention center, inpatient hospital, wilderness camp, residential treatment unit, or runaway)..... 293	
Improve average Children's Global Assessment of Functioning scale scores of service recipients..... 54	
Percent of families who report good satisfaction on the Family Centered Behavior Scale (Scores range from 1 to 5. The percent of families whose average score was 4 or above is indicated here)..... 79%	
OUTPUTS:	

Number of Adults with a Serious and Persistent Mental Illness served..... 64,662	
Number of Adults in Mental Health Crisis served..... 68,228	
Number of Adults with Forensic Involvement served..... 3,848	
Number of Children and Adolescents with a Serious Emotional Disturbance served..... 9,301	
Number of Children and Adolescents with a Serious Disturbance served..... 46,777	
==========	

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333B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FIRST STEP'S DETOX COCAINE BABIES FACILITY - SUBSTANCE ABUSE
FROM GENERAL REVENUE FUND 550,000

333C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
REPLACE ROOF FOR NON-PROFIT MENTAL HEALTH PROVIDER - 45TH STREET
FROM GENERAL REVENUE FUND 75,000

333D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCT FACILITY FOR SUNCOAST CENTER FOR COMMUNITY MENTAL HEALTH
FROM GENERAL REVENUE FUND 175,000

333E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TEMPORARY LIVING CENTER - PREGNANT WOMEN AND CHILDREN
FROM GENERAL REVENUE FUND 150,000

333F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LOCK TOWN COMMUNITY MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 100,000

333G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STEWART-MARCHMAN - FLAGLER COUNTY SERVICE CENTER
FROM GENERAL REVENUE FUND 425,000

333H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAKESIDE ALTERNATIVES SHORT-TERM RESIDENTIAL TREATMENT
FROM GENERAL REVENUE FUND 125,000

333I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RIVER REGION HUMAN SERVICES
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriations 333B, 333C, 333D, 333E, 333F, 333G, 333H, and 333I for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

FAMILY SAFETY AND PRESERVATION

Of the funds provided in Specific Appropriation 343, the department may contract with one or more community based providers of children's services to develop, implement and test a system of coordinated care for the provision of child protective services. These contracts may include designation of a lead agency with responsibility to provide services in a specific geographic area. Each contract may include the provision of one or more of the following services: out of home care; therapeutic services; foster care services; and adoption services.

Each contract should include an evaluation report. An interim progress report shall be completed by February 15, 1998, and be submitted to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

From the funds in Specific Appropriations 334 and 336, the Department of Children and Families shall contract with the Office of the Attorney General and the State Attorney for additional Child Welfare Legal Services pilot projects in Hillsborough, Manatee and Palm Beach Counties. Fifty-three positions and $1,933,429 shall be used for this purpose. The scope of such contract shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

334	SALARIES AND BENEFITS POSITIONS 4,621		
	FROM GENERAL REVENUE FUND	52,080,486	
	FROM FEDERAL GRANTS TRUST FUND		63,504,170
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,633
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		23,423
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		37,943,364

The funds appropriated in Specific Appropriation 334 for implementation of the competency based pay plan initiative shall be granted in full to employees qualifying for a salary increase including those employees already at the maximum of their pay grade and those employees caused to be at or in excess of the maximum of their pay grade as a result of the pay increase.

335	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	64,876	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		5,725
	FROM FEDERAL GRANTS TRUST FUND		20,000
336	EXPENSES		
	FROM GENERAL REVENUE FUND	23,433,295	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		1,155,137
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		250,000
	FROM FEDERAL GRANTS TRUST FUND		3,702,572
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,697,652
337	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	98,753	
338	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES) POSITIONS 15		
	FROM GENERAL REVENUE FUND	4,569,844	
	FROM FEDERAL GRANTS TRUST FUND		10,122,790

Funds in Specific Appropriation 338 are provided for the Statewide Automated Child Welfare Information System (SACWIS). Prior to the release of these funds, the department shall submit a work plan detailing the objectives, and expected outcomes to be attained with anticipated completion dates and total projected costs. The plan shall be submitted for review and approval by the Information Technology Resource Procurement Advisory Council in consultation with the Joint Committee on Information Technology. Upon approval, the department is authorized to request the Executive Office of the Governor to release these funds. The department

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shall submit a quarterly report describing the progress made to date, actual completion dates, actual costs incurred, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal Responsibility Council in the House of Representatives and the Ways and Means Committee in the Senate, the Information Resource Commission, the Committee on Legislative Auditing Committee and the Joint Committee on Information Technology.

Funds are provided in Specific Appropriation 338 for SACWIS which is recommended for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. From the funds in Specific Appropriations 338, $160,000 from the Direct Assistance Trust Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

From the funds in Specific Appropriation 338, a study shall be completed on the feasibility of establishing electronically transmitted employer checks of the adult abuse registry. Included will be a comparison of the FDLE electronic criminal check system with coordination as a goal. A report shall be submitted to the Chairs of the Senate Ways and Means Committee and the House Fiscal Responsibility Council, Health and Human Services Appropriations Committee by January 1, 1998.

339 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PROGRAM
FROM GENERAL REVENUE FUND 2,442,374

341 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING
FROM GENERAL REVENUE FUND 800,369
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 187,922

342 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 8,284,314

343 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 35,906,353
FROM CHILD WELFARE TRAINING TRUST FUND . . 10,270,307
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 7,358,790
FROM FEDERAL GRANTS TRUST FUND 17,969,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 970,052
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 37,688

From the funds in Specific Appropriation 343, $250,000 from the General Revenue Fund shall be used for the Commission on Responsible Fatherhood. The commission shall use this funding to focus on productive parenting skills for both mothers and fathers, as both are critical to the well-being of children. Parenting skills, particularly among teen parents, should also be the focus of this commission's work. The commission shall make specific recommendations to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives by December 31 of each year

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concerning successful programs and strategies for assisting teen parents and their children.

From funds in Specific Appropriation 343, $106,000 is to be used for the continuation of the Foster Care Citizen Review Board of the Fourth Judicial Circuit and $300,000 is to be used for the Florida Foster Care Review Project, Inc. (Dade County). The department is strongly encouraged to provide support to other voluntary citizen review panels of foster care programs from funds in Specific Appropriation 352.

From the funds in Specific Appropriation 343, $150,000 in additional General Revenue is provided for expansion of the Foster Care Citizen Review Panels. Of these funds, $75,000 is for the program in Palm Beach County and $75,000 is for Marion County.

Of the funds in Specific Appropriation 343, $113,000 is provided for the department to contract directly with the Family Visitation Centers.

Funds in Specific Appropriation 343 which have been provided for contracting with Citizens Review Advisory Boards, shall be administered by the Department of Children and Families State Program Office. The department shall be responsible for executing, monitoring, and auditing these contracts.

From funds in Specific Appropriation 343, the non-recurring sum of $500,000 in general revenue shall be allocated for Project Home Safe.

From the funds in Specific Appropriation 343, the department may contract with the Florida Association of Child and Family Agencies to assist in developing a performance-based system for use in operating and evaluating privatized child welfare pilot projects in Districts 1, 4, 8A and 13 created pursuant to Chapter 96-402, Laws of Florida.

344 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM
FROM GENERAL REVENUE FUND 375,000
FROM DOMESTIC VIOLENCE TRUST FUND 6,138,776
FROM FEDERAL GRANTS TRUST FUND 1,149,202

From General Revenue Funds in Specific Appropriation 344, $250,000 shall be allocated to Women in Distress of Broward County, $75,000 in nonrecurring general revenue to Dawn Center in Hernando County, and $50,000 in nonrecurring general revenue to Sunrise Transitional Living Facility.

345 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 296,243

346 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING
FROM GENERAL REVENUE FUND 3,681,502
FROM OPERATIONS AND MAINTENANCE TRUST FUND 276,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 607,057

347 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM
FROM FEDERAL GRANTS TRUST FUND 18,816,912
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 60,706

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348	SPECIAL CATEGORIES MAINTENANCE ADOPTION SUBSIDY		
	FROM GENERAL REVENUE FUND	20,241,430	
	FROM FEDERAL GRANTS TRUST FUND		15,018,740
349	SPECIAL CATEGORIES MEDICAL COST OF SUBSIDIZED ADOPTIONS		
	FROM GENERAL REVENUE FUND	668,285	
350	SPECIAL CATEGORIES PURCHASE OF ADOPTION SERVICES		
	FROM GENERAL REVENUE FUND	93,239	
	FROM FEDERAL GRANTS TRUST FUND		41,712
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524
350A	SPECIAL CATEGORIES CHILD CARE - WAGES		
	FROM GENERAL REVENUE FUND	102,778,375	
	FROM FEDERAL GRANTS TRUST FUND		124,302,807
350B	SPECIAL CATEGORIES CHILD CARE - WORKING POOR AND AT-RISK FAMILIES		
	FROM GENERAL REVENUE FUND	5,279,000	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		51,924,774
	FROM FEDERAL GRANTS TRUST FUND		40,378,893
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,550,907
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,703,588

Funds in Specific Appropriation 350B shall require an eight percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed toward children at risk of abuse.

In addition to the eight percent match required from local sources by this proviso, the sum of $4 million appropriated in Specific Appropriation 350B shall be matched, dollar by dollar, by an amount of up to $4 million from local funds for the provision of child care slots for working poor and at-risk families.

351	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,617,309	
	FROM FEDERAL GRANTS TRUST FUND		25,593
352	SPECIAL CATEGORIES OUT OF HOME CARE		
	FROM GENERAL REVENUE FUND	47,630,684	
	FROM FEDERAL GRANTS TRUST FUND		28,167,453
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,276,287
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,059,100

Funds in Specific Appropriation 352 may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served. The expenditure of funds in this manner is calculated by the department to be a cost savings over shelter placement. The flexible expenditure of funds in this Specific Appropriation is allowable only if such expenditures do not result in a budget deficit.

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352A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS CONSTRUCT DAY CARE CENTER FOR DADE HOMELESS TRUST		
	FROM GENERAL REVENUE FUND	500,000	
352B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BAPTIST CHILDREN'S HOME COTTAGE CONSTRUCTION		
	FROM GENERAL REVENUE FUND	100,000	
352C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS OKALOOSA BOYS AND GIRLS CLUB		
	FROM GENERAL REVENUE FUND	50,000	

Funds in Specific Appropriations 352A, 352B, and 352C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

DEVELOPMENTAL SERVICES

353	SALARIES AND BENEFITS POSITIONS 494		
	FROM GENERAL REVENUE FUND	14,464,219	
	FROM FEDERAL GRANTS TRUST FUND		50,047
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,598,775
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,335,496
354	EXPENSES		
	FROM GENERAL REVENUE FUND	2,222,127	
	FROM FEDERAL GRANTS TRUST FUND		202,738
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		541,008
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		220,467
355	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	158,906	
356	LUMP SUM CONTINGENCY FUND FOR INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS		
	FROM GENERAL REVENUE FUND	10,000,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		11,357,385

Funds in Specific Appropriation 356 are provided to fund services in the event that emergency situations or other unforeseen circumstances arise that require the provision of additional services to protect the safety and well being of clients due to the transition from institutional to community-based funding of services. Upon determination by the department that the critical phase of the transition is complete and emergency situations or other unforeseen circumstances are not likely to develop due to the transition, the department may distribute these funds to meet critical waiting list needs as provided by law.

357	LUMP SUM NON-WAIVER COVERED EXPENSES OF INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS		

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FROM GENERAL REVENUE FUND	4,342,000	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,701,230

358 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS

FROM GENERAL REVENUE FUND	21,823,656	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,510
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,933,080

From the funds in Specific Appropriation 358, $150,000 non-recurring general revenue is provided to the Association for Retarded Citizens of Florida (ARC/FL) for the purpose of establishing the Leo Plotkin Training Institute. This grant shall be the initial source of funds for the development of the institute, to be managed by the ARC/FL. Any fees or revenues earned by the institute shall be used for training parents, consumers and professionals on applicable services, programs, laws, rules and regulations pertaining to the unique needs of persons with developmental disabilities.

Funds from Specific Appropriation 358 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

359 SPECIAL CATEGORIES
GRANT AND AID ROOM AND BOARD PAYMENTS

FROM GENERAL REVENUE FUND	9,539,043	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,037,290

360 SPECIAL CATEGORIES
CONTRACTED CASEWORK SERVICES

FROM GENERAL REVENUE FUND	403,038	

360A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	33,000	

361 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES

FROM GENERAL REVENUE FUND	339,519	
FROM FEDERAL GRANTS TRUST FUND		18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND		35,799

362 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER

FROM GENERAL REVENUE FUND	94,881,015	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		130,887,308

Funds from Specific Appropriation 362 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

The Department of Children and Family Services shall develop individual plans for persons transitioning from ICF/DD that reflect the necessary costs to provide needed supports and services in the most cost effective manner. The department shall report the aggregate cost for serving these individuals to the Chair of the House Health and Human Services Fiscal Responsibility Council and the Chair of Ways and Means Subcommittee C by December 31, 1997 for action deemed necessary by the committees to assure adequate funding.

From the funds in Specific Appropriation 362, $84,878,065 is provided to continue services for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

363 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA

FROM GENERAL REVENUE FUND	403,674	

Funds in Specific Appropriation 363 are provided for incidental, non-medical expenditures incurred by persons with spina bifida.

364 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	255,606	

365 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES

FROM GENERAL REVENUE FUND	72,960	
FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960

366 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER

FROM GENERAL REVENUE FUND	410,486	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244

366A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CENTER FOR INDEPENDENCE OF PASCO COUNTY - CONSTRUCTION

FROM GENERAL REVENUE FUND	150,000	

Funds in Specific Appropriation 366A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

ENTITLEMENT BENEFITS AND SERVICES

ECONOMIC SELF-SUFFICIENCY SERVICES

The department may transfer positions and general revenue funds between departments as necessary to implement the Work and Gain Economic Self-Sufficiency (WAGES) Act as determined appropriate by the department in consultation with the WAGES State Board of Directors.

From amounts in Specific Appropriations 367, 368, and 370, the department is directed to enter into contracts collaboratively with the Department of Labor and Employment Security for joint pilot projects to demonstrate the feasibility of privatizing all service delivery functions associated with the WAGES program in no fewer than three locations that are in separate regions and are representative of service centers in inner city,

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suburban and rural settings. The WAGES State Board and, in project areas, local WAGES Coalitions, shall participate in project design, site selection, proposal development and bid evaluation for all pilot projects. Requests for proposals for all three pilot project sites must be issued no later than December 31, 1997, and all providers must be selected for all sites no later than March 1, 1998. Implementation activities in all pilot project sites must commence no later than April 1, 1998. The department is authorized to use funds from Specific Appropriations 367, 368, and 370 for costs associated with developing and issuing requests for proposals for the pilot projects and for evaluating proposals received. The department, in cooperation with the WAGES state board, is required to submit quarterly progress reports on pilot project implementation and operation to the Governor and the Legislature beginning September 30, 1997. The Office of Program Policy Analysis and Governmental Accountability is directed to submit an evaluation of startup and early implementation activities to the President of the Senate and Speaker of the House by December 31, 1998, and an evaluation of pilot project outcomes by December 31, 1999.

367	SALARIES AND BENEFITS POSITIONS 7,465		
	FROM GENERAL REVENUE FUND	105,462,053	
	FROM ADMINISTRATIVE TRUST FUND		101,718,118
	FROM REFUGEE ASSISTANCE TRUST FUND		241,450

From the funds in Specific Appropriations 367, 368, 369, and 381, the Department of Children and Families is authorized to reinvest up to $1,000,000 from General Revenue for settlement of 1994, 1995, and 1996 Food Stamp program penalties as assessed by the Food and Consumer Services Division, United States Department of Agriculture.

368	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	410,959	
	FROM ADMINISTRATIVE TRUST FUND		410,959
369	EXPENSES		
	FROM GENERAL REVENUE FUND	24,612,988	
	FROM ADMINISTRATIVE TRUST FUND		25,810,789
	FROM REFUGEE ASSISTANCE TRUST FUND		58,360
370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,341	
370A	LUMP SUM		
	WAGES SERVICE ASSISTANCE INITIATIVE		
	FROM FEDERAL GRANTS TRUST FUND		10,000,000

From the funds in Specific Appropriation 370A, the Department of Children and Families and the Department of Labor and Employment Security, in consultation with the WAGES State Board, shall develop a program designed to provide intensive up-front employment preparation and activity monitoring for participants who need additional intensity of services. If the departments determine that child care resources are insufficient to meet the needs of WAGES participants, these funds may be utilized for child care. The services provided under this program may be targeted to specific regions of the state or specific groups of recipients as determined appropriate. Use of the funds provided for in this category shall be subject to the oversight of the WAGES State Board and may be transferred between the departments as needed to implement this program.

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371	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	988,322	
	FROM ADMINISTRATIVE TRUST FUND		1,800,000
	FROM FEDERAL GRANTS TRUST FUND		2,298,502
372	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	744,241	
	FROM ADMINISTRATIVE TRUST FUND		17,924,423
373	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM GENERAL REVENUE FUND	47,752	
	FROM ADMINISTRATIVE TRUST FUND		4,450,000
374	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE MAILING COSTS		
	FROM GENERAL REVENUE FUND	1,689,360	
	FROM ADMINISTRATIVE TRUST FUND		1,689,360
374A	SPECIAL CATEGORIES		
	WAGES RESERVE		
	FROM FEDERAL GRANTS TRUST FUND		36,849,050
374B	SPECIAL CATEGORIES		
	ASSISTANCE FOR NICARAGUANS		
	FROM GENERAL REVENUE FUND	180,000	

Funds in Specific Appropriation 374B, are for the Dario-Marti Foundation for assistance to Nicaraguans and their families facing immediate deportation.

375	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,188,792	
	FROM ADMINISTRATIVE TRUST FUND		1,188,792
376	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND		40,380
377	SPECIAL CATEGORIES		
	ECONOMIC SERVICES PRE-ENTRY TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	1,890,022	
	FROM ADMINISTRATIVE TRUST FUND		1,890,022
378	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	727,242	
	FROM ADMINISTRATIVE TRUST FUND		799,832
378A	SPECIAL CATEGORIES		
	FOOD STAMP REINVESTMENT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000
378B	FINANCIAL ASSISTANCE PAYMENTS		
	CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	189,671,774	
	FROM DIRECT ASSISTANCE TRUST FUND		343,090,978
380	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM REFUGEE ASSISTANCE TRUST FUND		20,000,000

ADULT PAYMENT SERVICES

381	SALARIES AND BENEFITS POSITIONS 951		
	FROM GENERAL REVENUE FUND	14,450,471	
	FROM ADMINISTRATIVE TRUST FUND		13,985,253

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382	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	261,688	
	FROM ADMINISTRATIVE TRUST FUND		259,455
383	EXPENSES		
	FROM GENERAL REVENUE FUND	2,344,506	
	FROM ADMINISTRATIVE TRUST FUND		2,497,834
384	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,162	
	FROM ADMINISTRATIVE TRUST FUND		5,163
385	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	51,415	
	FROM ADMINISTRATIVE TRUST FUND		49,399
386	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	17,825,838	

Funds are provided in Specific Appropriations 386 and 387 to continue the current payment and eligibility standard for the Optional State Supplementation program. However, the department may establish a revised monthly payment and eligibility standard to become effective January, 1998, at the rate of $612 per month plus an amount not to exceed the cost of living adjustment to the Federal Benefits Rate provided that the average state Optional Supplementation contribution does not increase as a result. Nothing in this paragraph shall be construed as legislative approval for similar Optional State Supplementation payment and eligibility standard adjustments for future years.

387	FINANCIAL ASSISTANCE PAYMENTS		
	FOSTER HOME CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	1,817,142	
388	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	314,456	

MULTI-DISTRICT SERVICES

MENTAL HEALTH - INSTITUTIONS

389	SALARIES AND BENEFITS POSITIONS	6,305	
	FROM GENERAL REVENUE FUND	83,399,341	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,129
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		126,020,846
390	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	761,440	
391	EXPENSES		
	FROM GENERAL REVENUE FUND	17,063,242	
	FROM FEDERAL GRANTS TRUST FUND		17,411
	FROM GRANTS AND DONATIONS TRUST FUND . . .		482,347
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,002,736
392	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	980,093	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
393	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	4,011,425	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		324,330
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		147,559

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394	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,912,891	
395	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	7,802,894	
396	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	67,131	

DEVELOPMENTAL SERVICES - INSTITUTIONS

397	SALARIES AND BENEFITS POSITIONS	3,749	
	FROM GENERAL REVENUE FUND	53,010,713	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		55,376,198
398	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,804,430	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		198,003
399	EXPENSES		
	FROM GENERAL REVENUE FUND	5,462,893	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,370
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,535,251
400	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	361,794	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,500
401	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,162,016	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		302,356
402	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,918,629	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,272,904
403	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,520,902	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		69,398

ELDER AFFAIRS, DEPARTMENT OF

404	SALARIES AND BENEFITS POSITIONS	322	
	FROM GENERAL REVENUE FUND	4,257,708	
	FROM ADMINISTRATIVE TRUST FUND		43,038
	FROM FEDERAL GRANTS TRUST FUND		3,644,754
	FROM GRANTS AND DONATIONS TRUST FUND . . .		170,577
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,173,337
405	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	230,393	
	FROM FEDERAL GRANTS TRUST FUND		77,992
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		415,054
406	EXPENSES		
	FROM GENERAL REVENUE FUND	677,543	
	FROM ADMINISTRATIVE TRUST FUND		77,032
	FROM FEDERAL GRANTS TRUST FUND		1,196,166

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FROM GRANTS AND DONATIONS TRUST FUND . . . 24,098
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,027,544

408 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,493

409 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES
FROM GENERAL REVENUE FUND 3,078,824

410 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES
FROM GENERAL REVENUE FUND 6,301,939

From the funds in Specific Appropriations 410, $600,000 in recurring General Revenue Fund are provided for the Alzheimer's Association of Palm Beach County.

411 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 40,278,085
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 750,000

From funds in Specific Appropriation 411, a maximum of $35,000 from the General Revenue Fund may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly.

412 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 13,458,403

413 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,786,758

414 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 60,154,225

415 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 888,900
FROM FEDERAL GRANTS TRUST FUND 10,258,258
FROM GRANTS AND DONATIONS TRUST FUND . . . 128,812
FROM OPERATIONS AND MAINTENANCE TRUST FUND 128,813

From the funds in Specific Appropriations 406 and 415 in the Federal Grants Trust Fund, the Department of Elder Affairs is required to complete a study on the one-year two-county pilot project to increase volunteerism in the elderly population by December 1, 1997.

Of the funds in specific appropriation 415, the following shall apply to the RELIEF respite program. Administrative costs shall consist of salaries and expenses, and shall not exceed 8% for this program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. A voucher system of payment for individual users shall be established in a pilot project as an alternative form of obtaining respite services through consumer choice. The department shall submit a utilization report to the Chairmen of the Senate Ways and Means Committee and the House Fiscal Health and Human Services Committee by February 1, 1998, which shows the usage of respite services by Planning Service Area and county and which shall include the methodology used in distributing amounts for this program, the status of a voucher system pilot project and an administrative cost analysis.

416 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY STAFF TRAINING
FROM ADMINISTRATIVE TRUST FUND 167,030

417 SPECIAL CATEGORIES
GRANTS AND AIDS - ELDERLY MEALS PROGRAMS
FROM GENERAL REVENUE FUND 306,674

From the funds in Specific Appropriation 417, $100,000 is provided for elderly meals increase for Southwest Social Services.

418 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 16,224,640
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,140,143

From the funds in Specific Appropriation 411 (Community Care for the Elderly), $1,600,000, and $400,000 from the funds in Specific Appropriation 421 (Local Services Programs - Dade County) are transferred to Specific Appropriation 418 (Home and Community Based Services) to permit the department to maximize federal funding for provision of in-home services.

In order to facilitate this transfer and ensure an equitable redistribution of Community Care for the Elderly funding within the department's Planning and Service Areas (PSA's), the department shall reduce the Community Care for the Elderly allocation in each PSA according to each PSA's proportionate share of 60+ Medicaid eligibles.

419 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT WAIVER
FROM GENERAL REVENUE FUND 2,500,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,117,658

421 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,333,443

From the funds in Specific Appropriation 421, $310,233 is provided for congregate meals for the City of Sweetwater's elderly program and $75,000 is provided for elderly meals program of West Miami.

From the funds in Specific Appropriation 421, $248,750 is provided to Pinellas, Pasco, and Broward Counties.

422 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,815
FROM FEDERAL GRANTS TRUST FUND 11,619

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423 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 33,203

424 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 180,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 169,737

424A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,688
FROM FEDERAL GRANTS TRUST FUND 14,625
FROM OPERATIONS AND MAINTENANCE TRUST FUND 736

424B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 875,000

Funds in Specific Appropriation 424B are provided for Senior Center construction and renovation in the following areas: $60,000 for the Gulfport Senior Center, $555,650 for the Palm Harbor Senior Center and $41,000 for the Tarpon Springs Senior Center in Pinellas County; and $100,000 for Senior Centers in Elfers, Hudson and Zephyrhills in Pasco County.

425 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANGONIA ASSISTED LIVING FACILITY - PALM BEACH
FROM GENERAL REVENUE FUND 600,000

425A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCT ALZHEIMER'S DISEASE RESIDENTIAL PROGRAM AT MENORAH MANOR IN PINELLAS
FROM GENERAL REVENUE FUND 300,000

425B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AUTUMN HOUSE ASSISTED LIVING FACILITY
FROM GENERAL REVENUE FUND 500,000

425C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DEEDCO GARDENS HOUSING FOR THE ELDERLY
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 425C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

HEALTH, DEPARTMENT OF

PROGRAM PLANNING, SUPPORT AND REGULATION

426 SALARIES AND BENEFITS POSITIONS 646
FROM GENERAL REVENUE FUND 6,953,967
FROM HEALTH CARE TRUST FUND 7,545,540
FROM ADMINISTRATIVE TRUST FUND 255,407
FROM FEDERAL GRANTS TRUST FUND 9,159,990
FROM GRANTS AND DONATIONS TRUST FUND . . . 415,250
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 90,102
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,096,152

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From the funds in Specific Appropriations 426 through 428, the department shall develop recommendations for pediatric providers and standards for health care facilities and services for children.

427 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 417,961
FROM HEALTH CARE TRUST FUND 2,993,035
FROM ADMINISTRATIVE TRUST FUND 60,107
FROM FEDERAL GRANTS TRUST FUND 944,903
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,813
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 65,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 114,596

428 EXPENSES
FROM GENERAL REVENUE FUND 2,418,575
FROM HEALTH CARE TRUST FUND 5,904,238
FROM ADMINISTRATIVE TRUST FUND 213,746
FROM FEDERAL GRANTS TRUST FUND 10,950,801
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,136
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 36,676
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,218,344

429 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM GENERAL REVENUE FUND 150,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 366,747

431 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 48,890
FROM HEALTH CARE TRUST FUND 869,775
FROM FEDERAL GRANTS TRUST FUND 969

431A LUMP SUM
IMPLEMENTATION OF HB 1353
POSITIONS 1
FROM HEALTH CARE TRUST FUND 75,000

Funds in Specific Appropriation 431A are contingent upon HB 1353 or similar legislation providing for the regulation of orthotics and prosthetics becoming law.

431B LUMP SUM
IMPLEMENTATION OF HB 329/SB 420
POSITIONS 3
FROM HEALTH CARE TRUST FUND 90,762

Funds in Specific Appropriation 431B are contingent upon HB 329 or similar legislation becoming law relating to regulation of mental health professions.

432 LUMP SUM
CREATION OF THE DEPARTMENT OF HEALTH (HOUSE BILL 555)
POSITIONS 13
FROM GENERAL REVENUE FUND 2,622,994

433 LUMP SUM
INFRASTRUCTURE NEEDS - DEPARTMENT OF HEALTH
POSITIONS 100
FROM GENERAL REVENUE FUND 6,500,000

From the funds in Specific Appropriation 433, the department shall develop standards for on-site storage and handling of solid waste including trash chutes in areas not regulated by the Department of Environmental Protection.

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434 SPECIAL CATEGORIES		
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION		
FROM HEALTH CARE TRUST FUND		3,723,351
435 SPECIAL CATEGORIES		
UNLICENSED ACTIVITIES		
FROM HEALTH CARE TRUST FUND		307,950
436 SPECIAL CATEGORIES		
GRANTS AND AIDS - OUNCE OF PREVENTION		
FROM GENERAL REVENUE FUND	3,428,412	
FROM FEDERAL GRANTS TRUST FUND		571,588
437 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM HEALTH CARE TRUST FUND		366,865
438 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	128,110	
FROM FEDERAL GRANTS TRUST FUND		42,788
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		900,000
439 SPECIAL CATEGORIES		
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING		
FROM HEALTH CARE TRUST FUND		52,600
441 SPECIAL CATEGORIES		
HOSPITAL REIMBURSEMENT		
FROM GENERAL REVENUE FUND	452,801	
442 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	161,599	
443 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	158,084	
FROM HEALTH CARE TRUST FUND		32,440
444 DATA PROCESSING SERVICES		
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
FROM GENERAL REVENUE FUND	1,554,104	
FROM ADMINISTRATIVE TRUST FUND		5,246,854
445 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM HEALTH CARE TRUST FUND		227,100
445A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,332,823	
HEALTH SERVICES		
446 SALARIES AND BENEFITS POSITIONS	1,163	
FROM GENERAL REVENUE FUND	14,763,373	
FROM ADMINISTRATIVE TRUST FUND		1,786,199
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		342,092,474
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		855,405
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,188,772
FROM FEDERAL GRANTS TRUST FUND		4,068,615
FROM GRANTS AND DONATIONS TRUST FUND . . .		714,985
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		16,485
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		140,373
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,375,502
FROM PLANNING AND EVALUATION TRUST FUND .		7,779,304
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		66,825
FROM RADIATION PROTECTION TRUST FUND . . .		4,476,924
447 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	43,403	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		31,314,671
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		159,583
FROM FEDERAL GRANTS TRUST FUND		216,674
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		37,074
FROM OPERATIONS AND MAINTENANCE TRUST FUND		57,211
FROM PLANNING AND EVALUATION TRUST FUND .		250,388
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
448 EXPENSES		
FROM GENERAL REVENUE FUND	5,384,920	
FROM ADMINISTRATIVE TRUST FUND		1,701,891
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		89,589,152
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		236,557
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,733,742
FROM FEDERAL GRANTS TRUST FUND		4,146,954
FROM GRANTS AND DONATIONS TRUST FUND . . .		551,751
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		871,010
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		50,159
FROM OPERATIONS AND MAINTENANCE TRUST FUND		811,742
FROM PLANNING AND EVALUATION TRUST FUND .		8,999,186
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		77,364
FROM RADIATION PROTECTION TRUST FUND . . .		1,656,612
449 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM GENERAL REVENUE FUND	7,269,168	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
FROM FEDERAL GRANTS TRUST FUND		5,438,261

From funds appropriated in Specific Appropriation 449, the sum of $50,000 from recurring general revenue shall be provided for the Child Birth and Parenting Association of St. Johns County.

450 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - AIDS PATIENT CARE		
FROM GENERAL REVENUE FUND	6,393,792	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,073,996
451 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - RYAN WHITE CONSORTIA		
FROM FEDERAL GRANTS TRUST FUND		11,104,358
451A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - ORAL HEALTH DENTAL INITIATIVE		
FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 451A are restricted for non-recurring capital improvement for building

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renovation, dental and distance learning equipment for the purpose of providing comprehensive dental care to Florida's low income citizens.

451B	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MOBILE DENTAL CARE FROM GENERAL REVENUE FUND	100,000	
452	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS FROM GENERAL REVENUE FUND	10,745,449	

From the funds in Specific Appropriation 452, Monroe County's allocation from the funds provided shall be no less than the allocation provided in the 1996-97 General Appropriations Act.

The Public Health Trust, Jackson Memorial Hospital, shall continue to be the administrative agency for the South Florida AIDS Network.

453	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS FROM FEDERAL GRANTS TRUST FUND		40,144,017
454	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		14,533,960
455	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND	113,165,181	
	FROM FEDERAL GRANTS TRUST FUND		70,405,254
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,341,391
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		18,537
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		70,374

From the funds in Specific Appropriation 455. $200,000 is for an indigent dental clinic in Pinellas County.

Of the funds in Specific Appropriation 455, $100,000 is provided for increased funding for screening for chlamydia and gonorrhea in county health units.

456	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY HEALTH CENTERS FROM FEDERAL GRANTS TRUST FUND		1,204,010
457	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	20,527,692	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		6,548,687
458	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE FROM GENERAL REVENUE FUND	1,218,729	
459	AID TO LOCAL GOVERNMENTS IMPACT AID FROM FEDERAL GRANTS TRUST FUND		5,995,650
460	AID TO LOCAL GOVERNMENTS IMPROVED PREGNANCY OUTCOME PROGRAM FROM GENERAL REVENUE FUND	28,462,230	

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	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		3,375,616
461	AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES FROM GENERAL REVENUE FUND	901,969	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		6,355,584
462	AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES FROM GENERAL REVENUE FUND	17,021,881	
463	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,814,639
464	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,850,920
465	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	299,212	
	FROM ADMINISTRATIVE TRUST FUND		33,000
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		10,379,668
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
	FROM PLANNING AND EVALUATION TRUST FUND .		28,302
	FROM RADIATION PROTECTION TRUST FUND . . .		56,997
466	FOOD PRODUCTS FROM GENERAL REVENUE FUND	92,548	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		431,313
467	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM PLANNING AND EVALUATION TRUST FUND .		90,285
	FROM RADIATION PROTECTION TRUST FUND . . .		120,571
467A	SPECIAL CATEGORIES PRIMARY CARE CHALLENGE GRANT WAIVER FROM GENERAL REVENUE FUND	1,000,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,561,111
468	SPECIAL CATEGORIES AREA HEALTH EDUCATION CENTERS FROM GENERAL REVENUE FUND	6,900,255	
469	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	2,687,944	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		27,500
	FROM FEDERAL GRANTS TRUST FUND		5,780,188
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		50,000
470	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES FROM GENERAL REVENUE FUND	259,540	
471	SPECIAL CATEGORIES GRANTS AND AIDS - EPILEPSY SERVICES FROM GENERAL REVENUE FUND	1,738,870	
472	SPECIAL CATEGORIES GRANTS AND AIDS - HEALTHY START COALITIONS FROM GENERAL REVENUE FUND	3,014,217	
	FROM FEDERAL GRANTS TRUST FUND		2,388,004

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From funds in Specific Appropriation 472, $250,000 from the General Revenue Fund, any prenatal and infant health care coalition may apply for a grant for a community-based program aimed at promoting responsible fatherhood. Such grants are to be consistent with the program and financial guidelines developed by the state Department of Health in conjunction with the Commission on Responsible Fatherhood and Florida Association of Healthy Start Coalitions.

473 SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION
FROM GENERAL REVENUE FUND 1,303,422
FROM FEDERAL GRANTS TRUST FUND 2,064,120

474 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 17,309,719
FROM FEDERAL GRANTS TRUST FUND 13,715,522

475 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 576,183

476 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM
FROM GENERAL REVENUE FUND 1,021,941
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,264,792

From the funds in Specific Appropriation 476, the $1,264,792 from the Operations and Maintenance Trust Fund reflects federal earnings in anticipation of approval of a Medicaid waiver allowing free-standing dialysis clinics to be reimbursed for services to Medicaid eligible individuals at no more than $85 dollars per treatment. The department may use General Revenue to continue operations until the waiver is approved.

477 SPECIAL CATEGORIES
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND 1,340,000

478 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,170,492
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,262
FROM RADIATION PROTECTION TRUST FUND . . . 14,190

479 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

480 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 93,747

481 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 196,322,692

482 SPECIAL CATEGORIES
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 686,656

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483 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT
FROM ADMINISTRATIVE TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 414,775

484 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 5,093

485A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM GENERAL REVENUE FUND 14,289,766

Funds in Specific Appropriation 485A for renovation/construction of County Health Department facilities are provided as follows:

Duval - West Jacksonville.....1,100,000
Nassau - Yulee.....1,300,000
Monroe - Key West..... 300,000
Leon - Southside.....1,000,000
Madison County Health Unit.....1,000,000
Pasco County - Land O' Lakes County Health Unit.....1,300,000
Second Phase for Franklin County Health Unit Construction..... 425,000
South Santa Rosa County Health Unit Construction.....1,100,000
Planning Funds for Alachua County Health Unit Construction..... 300,000
St. Lucie County Health Unit Construction.....1,000,000
Brevard County Health Unit Expansion.....1,196,641
Osceola County Health Unit..... 548,500
Baker County Health Unit..... 160,000
Columbia County - Ft. White County Health Unit..... 75,000
Hamilton County Health Unit..... 100,000
Hendry County Health Unit in Clewiston.... 150,000
St. Johns County Health Unit - Flagler Hospital West Purchase..... 800,000
Sumtner CPHU - Bushnell.....1,040,625
Sumtner CPHU - Wildwood..... 594,000
Taylor County Health Unit Construction.... 800,000

Funds in Specific Appropriation 485A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least equal to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

485B FIXED CAPITAL OUTLAY
DESIGN, CONSTRUCTION, RENOVATION, AND EQUIPMENT - STATE HEALTH LABS
FROM GENERAL REVENUE FUND 2,687,500

Funds in Specific Appropriation 485B for design, construction, renovation and equipment for state health laboratories are provided as follows:

Update & Replace Obsolete Lab Equipment and Instrumentation.....1,900,000
Replace Lab Previously in W. T. Edwards - USF - Tampa..... 787,500

485C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

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COMMUNITY HEALTH CENTERS
FROM GENERAL REVENUE FUND 2,025,000

Funds in Specific Appropriation 485C are provided for capital outlay and other non-recurring purposes of Community Health Programs as follows:

Memorial Healthcare System/South Broward Hospital District - Joe DiMaggio Children Hospital - Construction.....1,000,000
Construct a Heart Care Center for Mount Sinai Medical Center..... 200,000
Medical Office Equipment for Family Health Center of Southwest Florida - Pine Island Facility..... 200,000
Dental Care for Duval County and Surrounding Areas - Bus..... 100,000
Medivan for Elderly Interest Fund of Broward County..... 25,000
Equipment for Health Choice Network..... 100,000
Health on Wheels - Miami Children's Hospital..... 100,000
Mother & Child Development Center at St. Joseph's Hospital..... 150,000
Northwest Quadrant Community Health Center, Inc. Procurement & Renovation of Medical Facility..... 150,000

Funds in Specific Appropriation 485C for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a secutiry interest in the property at least to the amount of state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

CHILDREN'S MEDICAL SERVICES

486	SALARIES AND BENEFITS POSITIONS 673		
	FROM GENERAL REVENUE FUND	14,616,090	
	FROM DONATIONS TRUST FUND		6,256,292
	FROM FEDERAL GRANTS TRUST FUND		1,993,411
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		802,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,147,162
487	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	327,515	
	FROM DONATIONS TRUST FUND		71,250
	FROM FEDERAL GRANTS TRUST FUND		213,750
488	EXPENSES		
	FROM GENERAL REVENUE FUND	1,253,134	
	FROM DONATIONS TRUST FUND		1,961,180
	FROM FEDERAL GRANTS TRUST FUND		1,209,758
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		164,747
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013
489	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,970	
490	SPECIAL CATEGORIES		
	CATASTROPHIC MEDICAL SERVICES		
	FROM DONATIONS TRUST FUND		2,000,000

Funds in Specific Appropriation 490 are to be used for catastrophic services to CMS-sponsored children whose medical expenses exceed $25,000.

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491	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	190,168	
492	SPECIAL CATEGORIES		
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
	FROM GENERAL REVENUE FUND	185,153	
493	SPECIAL CATEGORIES		
	REGIONAL GENETICS PROGRAM		
	FROM GENERAL REVENUE FUND	1,057,084	
	FROM DONATIONS TRUST FUND		194,926
494	SPECIAL CATEGORIES		
	SICKLE CELL EDUCATION AND SCREENING		
	FROM GENERAL REVENUE FUND	690,686	

From funds in Specific Appropriation 494, $140,830 is for the Sickle Cell Statewide Association for education and screening.

495	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	3,587,867	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
496	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,989,178	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539
497	SPECIAL CATEGORIES		
	MASTER CONTRACTS		
	FROM GENERAL REVENUE FUND	6,015,581	
498	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
	FROM GENERAL REVENUE FUND	602,673	
499	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM FOR CHILDREN		
	FROM GENERAL REVENUE FUND	813,077	
500	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES - IMPACT AID		
	FROM FEDERAL GRANTS TRUST FUND		35,626
501	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
	FROM GENERAL REVENUE FUND	7,540,570	
	FROM DONATIONS TRUST FUND		2,215,009
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		5,075,593
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724
502	SPECIAL CATEGORIES		
	POISON CONTROL CENTER		
	FROM GENERAL REVENUE FUND	3,408,378	
503	SPECIAL CATEGORIES		
	RHEUMATIC FEVER		
	FROM GENERAL REVENUE FUND	87,421	
504	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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FROM GENERAL REVENUE FUND 201,023
FROM DONATIONS TRUST FUND 37,115

505 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 400,441

506 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 15,017,599
FROM DONATIONS TRUST FUND 334,159
FROM FEDERAL GRANTS TRUST FUND 2,850,185

Funds in Specific Appropriation 506 are contingent upon the department ensuring that no early intervention provider participating in the Part H program shall provide both core and required Part H services without a waiver from the Director of Children's Medical Services. For the purposes of this paragraph, core services are limited to ChildFind and referral, family support planning, services coordination, and the initial multi-disciplinary evaluation.

Further, funds in Specific Appropriation 506, are also contingent upon the development of a plan to increase administrative efficiency and programmatic cost-effectiveness within the Part H program which includes at least the following elements: (1) eligibility criteria; (2) administrative and programmatic structure; (3) payment structure, which may include the use of vouchers; (4) sliding fees or co-payments if appropriate; (5) third party collections; and (6) local contributions. The department shall submit a report on the plan to the Chair of the Senate Ways and Means Committee, Chair of the House Fiscal Responsibility Council and the Chair of the House Health and Human Services Appropriations Committee by September 30, 1997.

507 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART H
FROM GENERAL REVENUE FUND 1,641,322
FROM FEDERAL GRANTS TRUST FUND 15,502,104

From the funds in Specific Appropriation 507, the Department of Health, jointly with the Department of Education, is authorized to prepare a tenth year grant application to United States Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation with the Senate Ways and Means Committee and the House Fiscal Responsibility Council pursuant to s. 216.177, Florida Statutes.

In addition, $1,641,322 in general revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 224. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in general revenue between Specific Appropriation 506 and Specific Appropriation 507.

Since Part H is an optional program, the Department of Health shall not redirect funds from other populations and programs other than those specified previously to pay for the entitlement.

508 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,462,183
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 411,375

509 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 537,163

510 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

Funds in Specific Appropriation 510 are provided to continue the enhanced reimbursement rate for medically fragile young adults who have reached the age of 21 and are no longer eligible for Medicaid "OBRA" services and are deemed to be technology dependent and cognitively intact.

511 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 1,404,663
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 631,934

511A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 511A are provided for renovation/construction of Children Medical Services facilities as follows:

Gainesville Children's Medical Services Center.....2,500,000
Jacksonville Children's Medical Services Center.....2,500,000
Construct a new Children's Medical Center for Collier County in Naples 1,000,000

VETERANS' AFFAIRS, DEPARTMENT OF

512 SALARIES AND BENEFITS POSITIONS 272
FROM GENERAL REVENUE FUND 3,764,728
FROM FEDERAL GRANTS TRUST FUND 313,556
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,875,458

513 OTHER PERSONAL SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 160,448

514 EXPENSES
FROM GENERAL REVENUE FUND 238,356
FROM FEDERAL GRANTS TRUST FUND 45,608
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,234,117

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515	OPERATING CAPITAL OUTLAY		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		76,268
516	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	135,947	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		370,452
517	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,000
518	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	10,950	
	FROM FEDERAL GRANTS TRUST FUND		805
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		69,738
518A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,145	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,632
519	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		1,900,205
	FROM VETERANS' AFFAIRS DESIGN AND CONSTRUCTION TRUST FUND		3,528,952
520	FIXED CAPITAL OUTLAY		
	ADDITIONS AND IMPROVEMENTS TO THE VETERANS' HOMES		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		351,454
521	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		312,464
	TOTAL OF SECTION 3 POSITIONS	31,686	
	FROM GENERAL REVENUE FUND	4247,758,988	
	FROM TRUST FUNDS		7663,005,469
	TOTAL ALL FUNDS		11910,764,457

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

DEPARTMENT ADMINISTRATION

522	SALARIES AND BENEFITS POSITIONS	446	
	FROM GENERAL REVENUE FUND	17,629,452	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		59,995
	FROM GRANTS AND DONATIONS TRUST FUND . . .		498,621
	FROM WORKING CAPITAL TRUST FUND		1,181,802
523	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	172,925	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000

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524	EXPENSES		
	FROM GENERAL REVENUE FUND	3,224,980	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		953,863
	FROM GRANTS AND DONATIONS TRUST FUND . . .		135,157
	FROM WORKING CAPITAL TRUST FUND		3,268,979
525	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	62,720	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		179,985
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,500
	FROM WORKING CAPITAL TRUST FUND		452,510
526	SPECIAL CATEGORIES		
	FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	104,112	
527	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	23,155	
527A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DADE HART PROGRAM		
	FROM GENERAL REVENUE FUND	500,000	

From the funds in Specific Appropriation 527A, $500,000 from General Revenue is provided for the Dade County Homeless Assessment, Referral, and Tracking (HART) Program operated in conjunction with the Dade County jail system.

528	SPECIAL CATEGORIES		
	OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,649	
529	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	150,000	

Funds in Specific Appropriation 529 are to be used to contract for on-the-job training services for offenders after release.

Funds provided in Specific Appropriation 529 for Transition, Inc. are contingent upon the department conducting an evaluation of the program and certifying that the program warrants continued funding based on successful program outcomes. The Secretary of the department must provide his written determination to the Comptroller, the Executive Office of the Governor, and the chairmen of the Senate Ways and Means Committee and House Appropriations Committee prior to the release of funds.

530	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	316,208	
	FROM WORKING CAPITAL TRUST FUND		1,286
531	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	2,000	
532	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND	355,360	

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533 DATA PROCESSING SERVICES
JUSTICE DATA CENTER
FROM GENERAL REVENUE FUND 4,077,323
FROM GRANTS AND DONATIONS TRUST FUND . . . 827,254

534 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

535 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,037,065
FROM GRANTS AND DONATIONS TRUST FUND . . . 455,000

535A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 33,352

CUSTODY AND CARE

Of the funds provided in Specific Appropriations 537 through 554, the Department of Corrections may contract for comprehensive health care services if the bid demonstrates a savings. The bid may request a capitated rate for the provision of such care. Phase-in of existing contracted institutions shall be considered part of the bid.

Of the funds provided in Specific Appropriations 537 through 554 the Department of Corrections may issue a bid for mental health services on an institution-specific basis.

537 SALARIES AND BENEFITS POSITIONS 22,882
FROM GENERAL REVENUE FUND 796,321,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,841,562
FROM OPERATING TRUST FUND 12,115,816

From the funds provided in Specific Appropriations 537 through 551, the department must consolidate health care staff and services among facilities located in close proximity to each other pursuant to the recommendations made by the Office of Program Policy Analysis and Government Accountability in their report number 96-22 dated November 27, 1996. The department must submit a report to the Legislature and the Executive Office of the Governor by January 15, 1998, detailing the consolidations made.

From the funds and positions provided in Specific Appropriations 537, 539 and 540, the department may implement close management status at additional major institutions.

From the funds in Specific Appropriation 537, $1,125,024 from General Revenue for inmate work squads must be used to the extent appropriate for working chain gangs.

538 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,637,743
FROM GRANTS AND DONATIONS TRUST FUND . . . 813,160

539 EXPENSES
FROM GENERAL REVENUE FUND 165,177,688
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 87,962
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,314,614
FROM OPERATING TRUST FUND 1,305,522

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From the Grants and Donations funds provided in Specific Appropriation 539, $1,000,000 is provided for the Life Skills Foundation program.

540 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,032,234
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 10,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,913,908
FROM OPERATING TRUST FUND 116,000

541 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 48,160,950
FROM GRANTS AND DONATIONS TRUST FUND . . . 615,378
FROM OPERATING TRUST FUND 543,729

542 LUMP SUM
CORRECTIONAL WORK PROGRAMS
POSITIONS 100
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,597,752

From the funds in Specific Appropriation 542, $6,597,752 from Grants and Donations Trust Fund and 100 positions is provided for interagency community service squads, to be funded by state and local agencies or municipalities. To the extent appropriate, the department shall work these service squads as chain gangs.

543 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 447,879
FROM OPERATING TRUST FUND 875,000

544 SPECIAL CATEGORIES
COMMUNITY HOSPITAL COSTS
FROM GENERAL REVENUE FUND 22,847,386

545 SPECIAL CATEGORIES
CONTRACT CORRECTIONAL INSTITUTION
FROM GENERAL REVENUE FUND 14,195,404

546 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 5,308,609
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,270,728

546A SPECIAL CATEGORIES
CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER
FROM GENERAL REVENUE FUND 10,681,650

546B SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE FUND
FROM GRANTS AND DONATIONS TRUST FUND . . . 39,900,000

Funds provided in Specific Appropriation 546B are federal reimbursements for incarcerated aliens.

547 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

548 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,361,373

549 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,912,037
FROM OPERATING TRUST FUND 54,990

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550 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER
OPERATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

551 SPECIAL CATEGORIES
TREATMENT OF INMATES WITH ACQUIRED IMMUNE
DEFICIENCY SYNDROME (AIDS)
FROM GENERAL REVENUE FUND 6,300,000

552 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 56,394,113

Funds provided in Specific Appropriation 552 shall be applied to the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contract and Lease-Purchase Agreement for two adult 750 bed medium/minimum custody secure correctional facilities located in Bay and Glades Counties, one adult 1,318 bed close/medium custody secure correctional facility located in Palm Beach County, and one youthful offender 350 bed correctional facility located in Columbia County. The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

553 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 1,407,705

554 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 925,000

554A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,287,719
FROM OPERATING TRUST FUND 10,063

556 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 1,000,000

557 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 5,926,275

558 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 7,373,473

560 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO SECURITY SYSTEMS
FROM GENERAL REVENUE FUND 1,000,000

562 FIXED CAPITAL OUTLAY
FLORIDA STATE PRISON LOCKDOWN
FROM GENERAL REVENUE FUND 131,820
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,186,377

564 FIXED CAPITAL OUTLAY
UPGRADE FACILITIES AT FLORIDA CORRECTIONAL
INSTITUTION
FROM GENERAL REVENUE FUND 2,376,265
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,386,388

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From the funds in Specific Appropriation 564, a portion of the funds are to be used to renovate the Jones Cottage for use as a Female Boot Camp.

564A FIXED CAPITAL OUTLAY
COLUMBIA CORRECTIONAL INSTITUTE
CONSTRUCTION
FROM GENERAL REVENUE FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000

566 FIXED CAPITAL OUTLAY
NEW AND EXPANDED STAFF FACILITIES
FROM SALE OF GOODS AND SERVICES CLEARING
TRUST FUND 1,000,000

COMMUNITY SUPERVISION

Funds provided in Specific Appropriations 567 through 578A for the probation and restitution centers shall only be used for supervision of felony probationers.

567 SALARIES AND BENEFITS POSITIONS 4,765
FROM GENERAL REVENUE FUND 170,526,698
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,401,766

568 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 49,138

569 EXPENSES
FROM GENERAL REVENUE FUND 29,186,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,467,858

570 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 213,312
FROM GRANTS AND DONATIONS TRUST FUND . . . 827,190

571 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,605,067

572 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE ALTERNATIVES
TO INCARCERATION PROGRAMS
FROM GENERAL REVENUE FUND 500,000

Of the funds in Specific Appropriation 572, $500,000 shall be used to contract for alternatives to incarceration services in the Eleventh Judicial Circuit.

572A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,000

572B SPECIAL CATEGORIES
GRANTS AND AIDS TO LOCAL GOVERNMENTS -
DRUG PUNISHMENT CENTER
FROM GENERAL REVENUE FUND 200,000

The funds in Specific Appropriation 572B shall be used for a drug offender diversion/rehabilitation program located in Orange County.

573 SPECIAL CATEGORIES
DIVERSION CENTERS OPERATIONS
FROM GENERAL REVENUE FUND 5,840,000

574 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,011

575 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,121,460

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576 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 111,840

577 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 13,660,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,353,320

578 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 764,638

578A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 241,303

EDUCATION AND JOB TRAINING

From the funds in Specific Appropriations 579 through 584, any funds expended for academic and vocational materials must to the extent possible be used to purchase used books and equipment from the public schools. The department must submit a report to the chairmen of the Senate Ways and Means Committee and the House Committee on Criminal Justice Appropriations by February 1, 1998 detailing the purchases made from local public schools, purchases made from other sources combined by major type of purchase, and funds remaining to be spent during the fiscal year 1997-98 for similar items.

579 SALARIES AND BENEFITS POSITIONS 479
FROM GENERAL REVENUE FUND 12,127,111
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,443,062

580 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,584,203

581 EXPENSES
FROM GENERAL REVENUE FUND 40,759
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,056,924

582 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,158
FROM GRANTS AND DONATIONS TRUST FUND . . . 576,681

583 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,003

584 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 69,229

585 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 377,537

585A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,996

586 FIXED CAPITAL OUTLAY
NEW AND EXPANDED EDUCATIONAL FACILITIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,422,240

JUSTICE ADMINISTRATION

JUSTICE ADMINISTRATIVE COMMISSION

587 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,074,564

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FROM GRANTS AND DONATIONS TRUST FUND . . . 28,238

588 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,094

589 EXPENSES
FROM GENERAL REVENUE FUND 145,404
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

590 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,322

593 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,500,000

The allocation of funds in Specific Appropriation 593 for conflict cases shall be used solely for compensation of court appointed attorneys who are members of the Florida Bar and who have been approved by the circuit's conflict committee to handle such cases. Attorneys shall be appointed by the trial court for purposes of representation and compensated as provided in ss. 27.53, 925.035, 925.036, and 925.037, Florida Statutes.

594 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

595 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 43,736

596 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

597 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

597A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,886

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

598 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 3,344,906
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 76,554

599 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,068

600 EXPENSES
FROM GENERAL REVENUE FUND 933,657
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 81,622

601 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,890

602 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,073

602A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,506

SECTION 4
SPECIFIC
APPROPRIATION
STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 603 through 747A. Funding for this office shall not exceed $200,000.

From the funds in Specific Appropriations 603 through 747A no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is included in the top ten priorities of the Information Resource Commission, in the Information Resource Commission approved agency strategic plan, or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

New Assistant State Attorney positions shall be established at a rate not to exceed $30,114.

From the funds in Specific Appropriations 603 to 747A, each State Attorney may transfer general revenue up to $250,000 in accordance with the provisions of Chapter 216, Florida Statutes, for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

603	SALARIES AND BENEFITS POSITIONS 180		
	FROM GENERAL REVENUE FUND	7,724,492	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		304,204
604	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,213	
605	EXPENSES		
	FROM GENERAL REVENUE FUND	418,492	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		9,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,000
606	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,386	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		4,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,000
606A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
607	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	11,396	
608	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,998	
609	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	56,693	
610	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	98,633	

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SPECIFIC
APPROPRIATION

610A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	2,207	

SECOND JUDICIAL CIRCUIT

611	SALARIES AND BENEFITS POSITIONS 102		
	FROM GENERAL REVENUE FUND	4,580,762	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		274,811
612	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,386	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		142,871
613	EXPENSES		
	FROM GENERAL REVENUE FUND	322,841	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,740
614	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	31,475	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
614A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
615	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,935	
616	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,195	
617	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	22,296	
617A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,507	

THIRD JUDICIAL CIRCUIT

618	SALARIES AND BENEFITS POSITIONS 56		
	FROM GENERAL REVENUE FUND	2,669,418	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		94,778
619	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,605	
620	EXPENSES		
	FROM GENERAL REVENUE FUND	251,168	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,634
621	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,850	
621A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
622	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,942	
623	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
624	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	2,813	
	FROM CIVIL RICO TRUST FUND		11,946

SECTION 4 SPECIFIC APPROPRIATION		
624A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,303	
FOURTH JUDICIAL CIRCUIT		
625 SALARIES AND BENEFITS POSITIONS	308	
FROM GENERAL REVENUE FUND	13,271,393	
FROM GRANTS AND DONATIONS TRUST FUND . . .		406,234
626 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	147,500	
FROM CONSUMER FRAUDS TRUST FUND		21,272
FROM GRANTS AND DONATIONS TRUST FUND . . .		303,761
627 EXPENSES		
FROM GENERAL REVENUE FUND	335,462	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		10,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		465,989
628 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	83,011	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		84,578
628A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		65,200
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
629 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	85,118	
630 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	
631 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	49,053	
631A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,360	
FIFTH JUDICIAL CIRCUIT		
632 SALARIES AND BENEFITS POSITIONS	178	
FROM GENERAL REVENUE FUND	7,594,299	
FROM GRANTS AND DONATIONS TRUST FUND . . .		85,061
633 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,732	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,600
634 EXPENSES		
FROM GENERAL REVENUE FUND	303,686	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,188
635 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	49,686	
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
635A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		146,700

SECTION 4 SPECIFIC APPROPRIATION		
636 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	33,906	
637 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	15,938	
638 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	37,089	
639 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	70,000	
639A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,476	
SIXTH JUDICIAL CIRCUIT		
640 SALARIES AND BENEFITS POSITIONS	378	
FROM GENERAL REVENUE FUND	16,529,771	
641 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	94,204	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,208
642 EXPENSES		
FROM GENERAL REVENUE FUND	610,978	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,286
643 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	172,069	
FROM CIVIL RICO TRUST FUND		3,748
FROM CONSUMER FRAUDS TRUST FUND		2,075
FROM GRANTS AND DONATIONS TRUST FUND . . .		548,920
643A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		51,600
644 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	63,207	
645 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	23,009	
646 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	48,561	
646A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,557	
SEVENTH JUDICIAL CIRCUIT		
647 SALARIES AND BENEFITS POSITIONS	198	
FROM GENERAL REVENUE FUND	7,619,004	
FROM GRANTS AND DONATIONS TRUST FUND . . .		358,397
648 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,264	
FROM GRANTS AND DONATIONS TRUST FUND . . .		326,869
649 EXPENSES		
FROM GENERAL REVENUE FUND	450,712	
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000

SECTION 4
SPECIFIC
APPROPRIATION

650	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	36,397	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		117,725
650A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
651	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	88,821	
652	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
653	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	16,419	
653A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	3,254	

EIGHTH JUDICIAL CIRCUIT

654	SALARIES AND BENEFITS POSITIONS	124	
	FROM GENERAL REVENUE FUND	4,742,959	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		680,978
655	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,640	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,955
656	EXPENSES		
	FROM GENERAL REVENUE FUND	274,772	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,834
657	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	140,193	
	FROM CIVIL RICO TRUST FUND		3,117
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,995

From the funds provided from the Grants & Donations Trust Fund $412,367 and 9 FTE, $66,653 and $495, respectively, are provided in Specific Appropriations 654, 656, and 657 to continue the pilot projects initiated in the 1996-97 General Appropriations Act between the Department of Children and Families and the State Attorney Offices of the 8th and 16th Judicial Circuits in which all personnel engaged in providing legal services pursuant to Sections 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 are being supervised and directed by the Office of the State Attorney in the 16th Judicial Circuit, Monroe County, and the Office of the State Attorney in the 8th Judicial Circuit. The Office of the State Attorney in the 8th Judicial Circuit will continue to provide such legal services to the Department of Children and Families, District 3 covering portions of the 3rd, 7th, and 8th Judicial Circuits. Furthermore, funds shall be used to implement an additional pilot project, for the same purpose, by the Office of the State Attorney in the 15th Judicial Circuit, Palm Beach County. The new pilot project shall be established by August 1, 1997. Funds appropriated for the new pilot are in the Department of Legal Affairs in Specific Appropriations 960A. The scope of the concerned contract services shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

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APPROPRIATION

657A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
658	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,493	
659	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
660	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,673	
660A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,272	

NINTH JUDICIAL CIRCUIT

661	SALARIES AND BENEFITS POSITIONS	265	
	FROM GENERAL REVENUE FUND	11,664,674	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		36,336
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,932
662	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	92,265	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,680
663	EXPENSES		
	FROM GENERAL REVENUE FUND	315,540	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		13,511
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
664	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	74,154	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,157
664A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		16,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
665	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,069	
666	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	27,936	
667	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	61,284	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
668	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	39,000	
668A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,199	

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SPECIFIC
APPROPRIATION
TENTH JUDICIAL CIRCUIT

669	SALARIES AND BENEFITS POSITIONS 165		
	FROM GENERAL REVENUE FUND	7,083,876	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,504
670	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,871	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,945
671	EXPENSES		
	FROM GENERAL REVENUE FUND	349,767	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
672	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,864	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
672A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,600
673	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	447,120	
674	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
675	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	10,429	
675A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,149	

ELEVENTH JUDICIAL CIRCUIT

676	SALARIES AND BENEFITS POSITIONS 1,070		
	FROM GENERAL REVENUE FUND	31,444,824	
	FROM CHILD SUPPORT TRUST FUND		11,004,872
	FROM GRANTS AND DONATIONS TRUST FUND . . .		905,488
677	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	243,644	
	FROM CHILD SUPPORT TRUST FUND		180,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
678	EXPENSES		
	FROM GENERAL REVENUE FUND	955,668	
	FROM CHILD SUPPORT TRUST FUND		2,066,100
	FROM CIVIL RICO TRUST FUND		7,000
	FROM CONSUMER FRAUDS TRUST FUND		10,939
	FROM GRANTS AND DONATIONS TRUST FUND . . .		239,923
679	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	155,768	
	FROM CHILD SUPPORT TRUST FUND		171,393
	FROM CIVIL RICO TRUST FUND		3,044
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		11,799
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,930

From the funds in Specific Appropriations 676, 677, 678, and 679, 14.25 FTE, $601,599, $95,343, $20,510 and $36,960 respectively, from General Revenue, is provided for the Truancy Intervention Pilot Program in Dade County to extend the program to 88 more schools. Up to $30,000 of Specific Appropriation 677 shall be used for an independent evaluation of the actual impact of the pilot program on delinquency in Dade County.

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SPECIFIC
APPROPRIATION

679A	LUMP SUM		
	CHILD SUPPORT ENFORCEMENT STAFFING POSITIONS 64		
	FROM CHILD SUPPORT TRUST FUND		2,700,000

The funds in Specific Appropriation 679A shall be used for workload needs of the Dade County State Attorney related to implementation of federal requirements for Child Support Enforcement. The funds shall be used for the assignment of attorneys, support staff, and associated expenses needed to process the increase in unobligated child support cases resulting from enforcement activities. The Dade County State Attorney shall provide a proposed allocation of funds to the Department of Revenue for inclusion in its work plan submitted to the Executive Office of the Governor.

679B	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		81,500
680	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	161,014	
	FROM CHILD SUPPORT TRUST FUND		21,679
681	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
682	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	67,635	
682A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,927	

TWELFTH JUDICIAL CIRCUIT

683	SALARIES AND BENEFITS POSITIONS 164		
	FROM GENERAL REVENUE FUND	7,134,255	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,542
684	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,375	
685	EXPENSES		
	FROM GENERAL REVENUE FUND	359,909	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
686	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,046	
686A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
687	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	43,339	
688	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
689	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	39,904	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500

SECTION 4
SPECIFIC
APPROPRIATION

689A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,757	

THIRTEENTH JUDICIAL CIRCUIT

690	SALARIES AND BENEFITS POSITIONS	292	
	FROM GENERAL REVENUE FUND	12,903,012	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,261
691	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,519
692	EXPENSES		
	FROM GENERAL REVENUE FUND	289,536	
693	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	384,057	
694	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	47,425	
695	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
696	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	34,404	
696A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	999	

FOURTEENTH JUDICIAL CIRCUIT

697	SALARIES AND BENEFITS POSITIONS	84	
	FROM GENERAL REVENUE FUND	3,797,844	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,722
698	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,721	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,500
699	EXPENSES		
	FROM GENERAL REVENUE FUND	233,159	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
700	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,075	
700A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,600
701	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,508	
702	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
703	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	7,058	
703A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,559	

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APPROPRIATION
FIFTEENTH JUDICIAL CIRCUIT

704	SALARIES AND BENEFITS POSITIONS	285	
	FROM GENERAL REVENUE FUND	12,371,998	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		289,753
705	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,629	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,387
706	EXPENSES		
	FROM GENERAL REVENUE FUND	609,182	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		93,267
707	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	74,278	
707A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
708	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	115,803	
709	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
710	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,309	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,500
710A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,397	

SIXTEENTH JUDICIAL CIRCUIT

711	SALARIES AND BENEFITS POSITIONS	66	
	FROM GENERAL REVENUE FUND	2,470,215	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		526,677
712	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,684	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,075
713	EXPENSES		
	FROM GENERAL REVENUE FUND	179,353	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,834
714	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,117	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		35,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,623

From the funds provided from the Grants & Donations Trust Fund $139,192 and 3 FTE, and $28,759, respectively, are provided in Specific Appropriations 711 and 713 to continue the pilot projects initiated in the 1996-97 General Appropriations Act between the Department of Children and Families and the State Attorney Offices of the 8th and 16th Judicial Circuits in which all personnel engaged in providing legal services pursuant to Sections 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 are being supervised and directed by the Office of the State Attorney in the 16th Judicial Circuit, Monroe County, and the Office of the State Attorney in the 8th Judicial Circuit. The

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Office of the State Attorney in the 8th Judicial Circuit will continue to provide such legal services to the Department of Children and Families, District 3 covering portions of the 3rd, 7th, and 8th Judicial Circuits. Furthermore, funds shall be used to implement an additional pilot project, for the same purpose, by the Office of the State Attorney in the 15th Judicial Circuit, Palm Beach County. The new pilot project shall be established by August 1, 1997. Funds appropriated for the new pilot are in the Department of Legal Affairs in Specific Appropriation 960A. The scope of the concerned contract services shall include all personnel engaged in providing legal services pursuant to Sections 39.40-39.418, 39.45-39.456, 39.46-39.516 and other directly related child welfare legal services which shall be determined pursuant to contract.

714A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		32,600
715	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	18,828	
716	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	7,129	
717	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	1,285	
717A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,279	

SEVENTEENTH JUDICIAL CIRCUIT

718	SALARIES AND BENEFITS POSITIONS 405 FROM GENERAL REVENUE FUND	17,796,188	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		166,118
719	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	29,945	
720	EXPENSES FROM GENERAL REVENUE FUND	750,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
721	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	197,397	
722	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	87,553	
723	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	23,786	
724	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	35,372	
725	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	508,058	

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725A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,279	

EIGHTEENTH JUDICIAL CIRCUIT

726	SALARIES AND BENEFITS POSITIONS 239 FROM GENERAL REVENUE FUND	9,653,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		661,902
727	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	49,868	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,530
728	EXPENSES FROM GENERAL REVENUE FUND	532,819	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,136
729	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	190,495	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,300
729A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		97,100
730	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	45,132	
731	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,707	
732	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	45,772	
732A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	2,552	

NINETEENTH JUDICIAL CIRCUIT

733	SALARIES AND BENEFITS POSITIONS 134 FROM GENERAL REVENUE FUND	5,231,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,287
734	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	19,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
735	EXPENSES FROM GENERAL REVENUE FUND	306,766	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		105,254
736	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	34,946	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		27,100
736A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		32,600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
737	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	120,812	
738	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	8,874	

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739	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	20,410	
739A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,540	

TWENTIETH JUDICIAL CIRCUIT

740	SALARIES AND BENEFITS POSITIONS 213 FROM GENERAL REVENUE FUND	8,948,823	
	FROM CIVIL RICO TRUST FUND		181,669
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190,194
741	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	37,974	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,086
742	EXPENSES FROM GENERAL REVENUE FUND	360,811	
	FROM CIVIL RICO TRUST FUND		36,044
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,992
743	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	137,266	
	FROM CIVIL RICO TRUST FUND		6,334
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,450
743A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CIVIL RICO TRUST FUND		16,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
744	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	49,081	
745	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	21,288	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		480
746	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	10,160	
	FROM CIVIL RICO TRUST FUND		600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000
747	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,000	
747A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	1,402	

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 748 through 872A. The total funding for this office shall not exceed $254,000.

From the funds in Specific Appropriations 748 through 872A for the Public Defenders, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is included in the top ten priorities of the Information Resource Commissions, in the Information Resource Commission approved agency strategic plan, or unless such purchase is

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recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

New Assistant Public Defender positions shall be established at a rate not to exceed $30,114. New Assistant Public Defender positions for appeals shall be established at a rate not to exceed $34,452.

Within the funds in Specific Appropriations 748 through 872A, the Public Defenders' Coordination Office shall report quarterly to the Executive Office of the Governor and chairs of the House Fiscal Responsibility Council and the Senate Ways and Means Committee the number of appellate and trial level conflict cases in each judicial circuit. Conflict cases are defined in section 27.54(2)(b), F.S., section 27.53(3), F.S., and include court appointed outside counsel as a result of that office's inability to provide adequate representation due to a stated lack of resources.

From the funds in Specific Appropriations 748 to 872A, each Public Defender may transfer General Revenue up to $250,000 in accordance with the provisions of Chapter 216, F.S., for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

748	SALARIES AND BENEFITS POSITIONS 103 FROM GENERAL REVENUE FUND	4,463,596	
749	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	22,888	
750	EXPENSES FROM GENERAL REVENUE FUND	211,335	
751	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	68,354	
752	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND	19,139	
753	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	13,860	
753A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	546	

SECOND JUDICIAL CIRCUIT

754	SALARIES AND BENEFITS POSITIONS 75 FROM GENERAL REVENUE FUND	3,164,656	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,966
755	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,744	
756	EXPENSES FROM GENERAL REVENUE FUND	185,851	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,150

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757 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 120,000

758 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,325

759 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,651

760 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 37,400

760A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,075

THIRD JUDICIAL CIRCUIT

761 SALARIES AND BENEFITS POSITIONS 26
FROM GENERAL REVENUE FUND 1,385,767

762 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887

763 EXPENSES
FROM GENERAL REVENUE FUND 120,086

764 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,764

765 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,468

766 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,141

766A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 596

FOURTH JUDICIAL CIRCUIT

767 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 6,280,489

768 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277

769 EXPENSES
FROM GENERAL REVENUE FUND 259,373

770 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 139,621

771 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,953

772 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 51,077

772A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 921

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FIFTH JUDICIAL CIRCUIT

773 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 3,028,932
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,347

774 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000

775 EXPENSES
FROM GENERAL REVENUE FUND 185,100

776 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,298

777 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,597

778 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,123

779 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 38,250

779A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 648

SIXTH JUDICIAL CIRCUIT

780 SALARIES AND BENEFITS POSITIONS 188
FROM GENERAL REVENUE FUND 8,414,663

781 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

782 EXPENSES
FROM GENERAL REVENUE FUND 475,857

783 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 214,789

784 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 44,057

785 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,315

785A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,658

SEVENTH JUDICIAL CIRCUIT

786 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 4,511,799

787 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34

788 EXPENSES
FROM GENERAL REVENUE FUND 202,535

789 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 229,692

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790 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 39,946

791 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,517

791A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 653

EIGHTH JUDICIAL CIRCUIT

792 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 2,825,271

793 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919

794 EXPENSES
FROM GENERAL REVENUE FUND 113,945

795 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,285

796 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,940

797 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,403

797A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 499

NINTH JUDICIAL CIRCUIT

798 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 5,161,566

799 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000

800 EXPENSES
FROM GENERAL REVENUE FUND 292,085

801 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 61,386

802 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 24,977

803 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,299

804 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 39,000

804A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

TENTH JUDICIAL CIRCUIT

805 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 4,207,712

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806 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580

807 EXPENSES
FROM GENERAL REVENUE FUND 197,669

808 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 127,098

809 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,093

810 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 108,119

810A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 746

ELEVENTH JUDICIAL CIRCUIT

811 SALARIES AND BENEFITS POSITIONS 349
FROM GENERAL REVENUE FUND 14,502,336
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,776,410

812 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217

813 EXPENSES
FROM GENERAL REVENUE FUND 679,425

814 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 88,621

815 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 84,443

816 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,295

816A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,467

TWELFTH JUDICIAL CIRCUIT

817 SALARIES AND BENEFITS POSITIONS 83
FROM GENERAL REVENUE FUND 3,669,399

818 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699

819 EXPENSES
FROM GENERAL REVENUE FUND 261,111

820 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 86,663

821 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 50,081

822 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,528

822A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,304

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THIRTEENTH JUDICIAL CIRCUIT

823 SALARIES AND BENEFITS POSITIONS 175
FROM GENERAL REVENUE FUND 7,573,938

824 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954

825 EXPENSES
FROM GENERAL REVENUE FUND 558,325

826 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 148,068

827 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,230

828 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 115,167

828A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,414

FOURTEENTH JUDICIAL CIRCUIT

829 SALARIES AND BENEFITS POSITIONS 40
FROM GENERAL REVENUE FUND 2,176,932

830 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101

831 EXPENSES
FROM GENERAL REVENUE FUND 133,659

832 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,911

833 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,265

834 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,785

834A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 566

FIFTEENTH JUDICIAL CIRCUIT

835 SALARIES AND BENEFITS POSITIONS 178
FROM GENERAL REVENUE FUND 7,320,115

836 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199

837 EXPENSES
FROM GENERAL REVENUE FUND 272,273

838 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 60,911

839 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,580

840 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,021

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840A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 640

SIXTEENTH JUDICIAL CIRCUIT

841 SALARIES AND BENEFITS POSITIONS 35
FROM GENERAL REVENUE FUND 1,540,515

842 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468

843 EXPENSES
FROM GENERAL REVENUE FUND 114,940

844 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,782

845 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,986

846 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,086

846A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 503

SEVENTEENTH JUDICIAL CIRCUIT

847 SALARIES AND BENEFITS POSITIONS 188
FROM GENERAL REVENUE FUND 8,780,759

848 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757

849 EXPENSES
FROM GENERAL REVENUE FUND 434,683

850 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 90,680

851 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 52,876

852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,749

852A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 565

EIGHTEENTH JUDICIAL CIRCUIT

853 SALARIES AND BENEFITS POSITIONS 83
FROM GENERAL REVENUE FUND 3,570,638

854 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,953

855 EXPENSES
FROM GENERAL REVENUE FUND 213,237

856 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,756

857 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,238

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858 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,971

858A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 470

NINETEENTH JUDICIAL CIRCUIT

859 SALARIES AND BENEFITS POSITIONS 58
FROM GENERAL REVENUE FUND 2,502,207

860 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,893

861 EXPENSES
FROM GENERAL REVENUE FUND 154,257

862 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,637

863 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 42,694

864 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,454

865 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 48,000

865A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,144

TWENTIETH JUDICIAL CIRCUIT

866 SALARIES AND BENEFITS POSITIONS 76
FROM GENERAL REVENUE FUND 3,052,379
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,888

867 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,287

868 EXPENSES
FROM GENERAL REVENUE FUND 171,497

869 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 77,436

870 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,941

871 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,216

872 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,000

872A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

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PUBLIC DEFENDERS APPELLATE DIVISION

SECOND JUDICIAL CIRCUIT

873 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 1,561,952

874 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,500

875 EXPENSES
FROM GENERAL REVENUE FUND 124,063

876 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,159

877 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,126

877A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 170

SEVENTH JUDICIAL CIRCUIT

878 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,436,178

879 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

880 EXPENSES
FROM GENERAL REVENUE FUND 174,651

881 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 60,620

882 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,216

882A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 218

TENTH JUDICIAL CIRCUIT

883 SALARIES AND BENEFITS POSITIONS 46
FROM GENERAL REVENUE FUND 2,215,397

884 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,744

885 EXPENSES
FROM GENERAL REVENUE FUND 186,077

886 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,774

887 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,488

887A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 405

ELEVENTH JUDICIAL CIRCUIT

888 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 1,408,538

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889 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

890 EXPENSES
FROM GENERAL REVENUE FUND 99,008

891 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,629

892 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 7,767

892A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 146

FIFTEENTH JUDICIAL CIRCUIT

893 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 2,301,071

894 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

895 EXPENSES
FROM GENERAL REVENUE FUND 108,132

896 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,127

897 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,948

897A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 87

JUVENILE JUSTICE, DEPARTMENT OF

OFFICE OF SECRETARY AND MANAGEMENT AND BUDGET

From the funds in Specific Appropriations 898 through 936, the Department of Juvenile Justice shall include in its competitive solicitations for purposes of evaluating proposals and awarding contracts all of the following criteria:

1) the provider has an established history of program implementation within the fiscal constraints of the contract;
2) the program has achieved measurable results in educational achievements by its participants;
3) the program has recidivism rates for clients served which are lower than the department average for contract providers at comparable levels or types;
4) the provider has received satisfactory or higher ratings in the department's Quality Assurance Evaluation;
5) the provider has documented involvement by the community in which the program is located indicating the community's support for the continuation of the program, such as local boards, volunteers, local financial or in-kind support, and support by local governmental organizations.

Based on the above criteria, the department shall develop criteria for renewing current provider contracts without requiring the issuance of an RFP, and shall submit such criteria to the Speaker of the House of Representatives and the President of the Senate by December 1, 1997.

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From the funds in Specific Appropriations 898 through 936, by February 1, 1998, the department must report to the Legislature and to the Office of the Governor the following information, to the extent available, for fiscal year 1996-97 and estimates for fiscal year 1997-98:
--The number and percent of juvenile cases received that are detained in juvenile detention centers prior to adjudication.
--The number and percent of juveniles committed to residential programs, by level of commitment, that are detained in juvenile detention centers after adjudication while awaiting a commitment bed.
--The average length of stay in detention post adjudication while awaiting a commitment bed.
--The number of youth that are placed in a commitment program, by level of commitment.
--The average length of stay in commitment programs, by level of commitment, for youth discharged during the fiscal year.
--The number and percent of juvenile cases received that are placed on Community Control.
--The average caseload of youth supervised on Community Control.
--The number and percent of programs for which a quality assurance review is completed.
--The percent of programs receiving an overall satisfactory or better rating in their quality assurance review.
--The number of contracts executed with private providers.
--The number and percent of contracts awarded on a competitive basis.
--The number and dollar value of grants awarded to local community organizations.
--The ratio of direct care staff to youth in programs; and the ratio of non-direct care staff to youth in programs.
--The number of contract monitoring reviews conducted.
--The ratio of staff monitoring contracts to the number of contracts and to the number of contract reviews conducted.

898 SALARIES AND BENEFITS POSITIONS 417
FROM GENERAL REVENUE FUND 16,089,802
FROM ADMINISTRATIVE TRUST FUND 210,484
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,174

899 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 591,235
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712

900 EXPENSES
FROM GENERAL REVENUE FUND 8,756,125
FROM ADMINISTRATIVE TRUST FUND 1,061,801
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,113
FROM JUVENILE JUSTICE TRAINING TRUST FUND 685,913

Funds are provided in Specific Appropriations 898, 899, 900 and 901 for the Juvenile Justice Information System. Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained during the fiscal year with anticipated completion dates and total projected costs. The plan shall be submitted to the House Fiscal Responsibility Council, the Senate Committee on Ways and Means, the Legislative Information Technology Resource Committee, and the Executive Office of the Governor. The Department shall also schedule quarterly project review meetings with the

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Governor's Office of Planning and Budgeting, and the appropriate substantive and fiscal committees of the Legislature, to describe the progress made to date, actual completion dates, anticipated problems, and any recommended changes to the plan.

Funds are provided in Specific Appropriation 900 for the Juvenile Justice Information System (JJIS) which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 900, $150,000 from the General Revenue Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

From the funds provided in Specific Appropriation 899, the Department of Juvenile Justice shall contract for project management assistance, including knowledge transfer, in the planning, development, and implementation of the Juvenile Justice Information System.

901	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,409	
	FROM ADMINISTRATIVE TRUST FUND		3,587,992
902	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	450,000	
903	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	10,079	
904	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,190,645

From the funds in Specific Appropriation 904, $459,000 from General Revenue Fund is provided for the Juvenile Justice Role Model Development Project and $441,000 from General Revenue is provided for the Juvenile Justice Curriculum Development Project.

905	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,567	
905A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	295,954	

ASSISTANT SECRETARY FOR PROGRAM PLANNING

906	SALARIES AND BENEFITS POSITIONS	59	
	FROM GENERAL REVENUE FUND	1,976,301	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		763,496
907	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,690
908	EXPENSES		
	FROM GENERAL REVENUE FUND	614,462	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		263,142
909	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,368

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909A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,800,000
910	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	37,831	

DISTRICT OPERATIONS

911	SALARIES AND BENEFITS POSITIONS	4,484	
	FROM GENERAL REVENUE FUND	125,935,822	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		661,635
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		9,914,478
912	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	789,583	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		106,204
913	EXPENSES		
	FROM GENERAL REVENUE FUND	21,013,326	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,311,090
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,016,035
914	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - INVEST IN CHILDREN		
	FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND		400,000
915	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	401,261	
916	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,487,059	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,281,119
917	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	79,000	
917A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AT RISK ACADEMY OPERATION CONTRACTS		
	FROM GENERAL REVENUE FUND	500,000	
917B	SPECIAL CATEGORIES		
	GRANTS AND AID TO LOCAL GOVERNMENTS - JUVENILE CRIME PREVENTION PROGRAMS		
	FROM GENERAL REVENUE FUND	350,000	
918	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	242,819,594	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,356,771
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		243,331

From the funds in Specific Appropriation 918, $2,475,000 from General Revenue Fund is provided for an average of 60 days operational costs of a minimum of 500 commitment beds. The department may use these funds for procuring bed capacity through operations contracts with private providers who can provide facilities as part of the operating costs, and may also enter into lease-purchase contracts with private providers when in the best interest of the state. All lease-purchase contracts must be executed as separate instruments from those which procure operational services. The department must procure the maximum bed capacity possible with these

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funds, provided that the state's long-term interests in property and facilities is adequately sustained. From these funds, priority consideration must be given to procuring commitment beds from the Stewart-Marchman Center. In contracting for services with these funds, the department is authorized to establish programs with lengths of stay greater than those currently in operation statewide.

From the funds in Specific Appropriation 918 , $250,000 from General Revenue Fund is provided for the Duval County Community/Church-Based Out-of-School Suspension Pilot Project.

From the funds in Specific Appropriation 918, $125,000 from General Revenue Fund shall be used to contract with First Coast Community Consortium, Inc. Project for suspension programs in Duval County.

From the funds in Specific Appropriation 918, $470,500 from General Revenue Fund and $1,500,000 from the Grants and Donations Trust Fund is provided for an average of 6 months operations of a minimum 239 intensive aftercare slots. Of these funds, the department may use up to $100,000 to support an aftercare research project in conjunction with the Juvenile Justice Advisory Board designed to determine the most effective aftercare program models for the juvenile justice continuum. The department shall submit an interim report to the Legislature no later than November 1, 1997 and a final report not later than January 30, 1999.

From the funds in Specific Appropriation 918, $704,076 from General Revenue Fund is provided for an average of 6 months operations of 4 new Practical and Cultural Education programs in districts 3,5,6,and 8 with a minimum of 120 slots between the 4 programs. The allocation of slots to service districts and among the new programs must consider the number of at-risk juvenile females and the number of female cases received in the respective service areas, and must also consider previously funded PACE resources. An additional $700,000 from General Revenue Fund is provided in Specific Appropriation 918 for 6 months funding to equalize the per diem rate for all previously funded PACE programs at $45 perdiem statewide.

From the funds in Specific Appropriation 918, $298,000 from General Revenue Fund is provided for juvenile assessment center operations in districts 3,12,and 15 to allow these centers to become fully operational; $20,000 from General Revenue Fund is provided for increased operational expenses of the Dade County Juvenile Assessment Center; and $230,000 from General Revenue Fund is provided for operations of the Sarasota Juvenile Assessment Center. Operational funding for the Sarasota Juvenile Assessment Center shall go to the existing lead agency at the assessment center.

From the funds in Specific Appropriation 918, $500,000 from General Revenue Fund is provided for an average of 4 months funding of grants for new Teen Courts to be awarded by the department according to criteria, standards, and recommendations provided by the Florida Association of Teen Courts, Inc.; $150,000 from General Revenue Fund is provided for the Kid's Central Manuel Artime Community Center program; $200,000 from General Revenue Fund is provided for 12 months funding of the statewide office of the Youth Crime Watch in

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Schools program; and $175,000 from General Revenue Fund is provided for 12 months funding for a youth prevention program in Spring Hill.

From the funds in Specific Appropriation 918, $759,000 from General Revenue Fund is provided for the Secrets of Success program; $800,000 shall be used to contract with the Adult Mankind Organization, Inc.; $899,000 of non-recurring General Revenue is provided for four Boys and Girls Clubs, one each in Manatee and Pasco counties for $260,000 each, one for Boys and Girls Clubs of Suncoast for $179,000, and one for Nassau County for $200,000;

From the funds in Specific Appropriation 918, $1,000,000 from recurring General Revenue is provided for services for juveniles mentally incompetent to stand trial. Total funding of $2,800,000, including $1,800,000 from the department base may be expended only for youth who are charged with a felony offense. Expenditure of appropriated funds is limited to the purchase of services for the restoration of competency of juveniles and may not be used to supplant other existing treatment funding being provided to those juveniles. No more than 4% of appropriated funds may be used for administrative, training or any other non-service purpose.

From the funds in Specific Appropriation 918, $200,000 recurring funds from General Revenue Fund and $80,000 non-recurring funds from General Revenue Fund is provided for an Associated Marine Institute non-residential program in South Palm Beach.

From the funds in Specific Appropriation 918, $328,000 of recurring General Revenue is provided for the YMCA Teen Program of Miami, of which $70,000 shall fund the Inner City Youth Center in Dade County for afterschool and summer youth programs and $35,000 shall be used for the Metro-Dade Community Action Agency Youth Leadership community resource specialist to conduct motivational sessions for at-risk youth; $369,000 of recurring General Revenue is provided for an additional site of the Troy Academy Diversion Program of Dade County;

The department shall use funds from Specific Appropriation 918 to continue the operation of a sexual offender program on the grounds of the South Florida State Hospital. In addition, the department shall continue the operation of residential and non-residential juvenile justice programs on the grounds of the "Old" Orlando Sunland Training Center. The Department of Juvenile Justice shall provide for the continued existing use of the property by the Department of Children and Families and previously approved community activities.

From the funds in Specific Appropriation 918, each provider identified in proviso to whom a specific amount of funds is allocated must provide the Department of Juvenile Justice with a proposal prior to the distribution of funds which details the services to be delivered, the results to be expected and recommended performance measures. The department must include in the contract documents performance measures based on the proposal. Each provider must provide quarterly performance results to the department. Funds must be distributed to providers based on successful compliance.

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From the funds in Specific Appropriation 918, the department is authorized to transfer up to one percent of the new funding provided, to establish positions in excess of those authorized by this act, for administrative support and contract management, pursuant to the budget amendment provisions of Chapter 216, F.S.

From the funds provided for the Community Partnership Grant Program, prevention and diversion grants and Invest in Children license plate grant program contained in Specific Appropriations 909A, 914 and 918, the department is authorized to issue grants and aid to local governments and not-for-profit organizations for the purposes of preventing juvenile crime and diverting juveniles from the juvenile justice system.

920 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,849,687

921 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 28,136,918
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 921, $1,307,896 from General Revenue Fund is provided for 6 months operations of at least three new runaway shelters in Manatee, Charlotte, and Lake counties, and for enhancements to existing shelters. In addition: $35,000 from General Revenue is provided for an expanded runaway toll free hotline to assist parents; $1,826,875 from General Revenue Fund is provided for 6 months operations of staff secure shelters, contingent upon Senate Bill 278 or other authorizing legislation becoming law; and $520,000 from General Revenue Fund is provided for 6 months funding of one physically secure shelter pilot project contingent upon Senate Bill 278 or other authorizing legislation becoming law. If authorizing legislation does not become law, then the funds provided for the staff secure and physically secure shelters may be used for expanded intervention services for CINS/FINS youths and their families.

From the funds in Specific Appropriation 921, $80,000 from General Revenue Fund is provided for expansion of the Outward Bound Program in Duval County, $95,000 from General Revenue Fund is provided for a rate increase for current Outward Bound programs, and $150,000 from General Revenue Fund is provided to continue Outward Bound funding which was provided with nonrecurring funds in fiscal year 1996-97.

922 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,475,364

922A FIXED CAPITAL OUTLAY
PALM BEACH YOUTH CENTER KITCHEN RENOVATION
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 922A are for repairs and kitchen upgrades to the Palm Beach Youth Center commitment facility.

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923 FIXED CAPITAL OUTLAY
COMPLETE ORANGE COUNTY BOOT CAMP
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

924 FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 3,408,077
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,672,695

From the funds in Specific Appropriation 924, $3,208,077 from General Revenue Fund and $28,872,695 from Grants and Donations Trust Fund is provided for purchase or construction of a minimum of 700 commitment beds. Of these funds: $193,077 from General Revenue Fund and $1,737,695 from Grants and Donations Trust Fund is provided for construction in Desoto County of a secure intensive mental health treatment center for level 8 committed youth with a minimum of 30 beds; and the remainder of the funds may be used by the department to build new facilities or purchase and renovate existing facilities statewide, including existing ICF/MR-DD facilities, for use as commitment program facilities. Additionally, consideration must be given to purchasing the following facilities with these funds: the Jefferson County jail; the Liberty Intermediate Care Facility in Bristol, Florida; and the Hannon property and facilities in Leon County. The department is authorized to contract with the Correctional Privatization Commission for facility procurement, and may also contract with the Department of Corrections for the use of inmate labor in construction projects.

From the funds in Specific Appropriation 924, $200,000 from General Revenue Fund and $1,800,000 from Grants and Donations Trust Fund is provided for construction of a co-located juvenile assessment center/residential multi-level commitment program in Lee County. These funds provided may not represent more than fifty percent of the project cost, and local matching funds must represent the balance of the project cost. The commitment portion of the facility must provide a minimum of 60 beds, and must be constructed to accommodate at least two levels of commitment programming to be operated separately within the compound but sharing common areas of the facility such as dining rooms, classrooms, and other multipurpose areas.

924A FIXED CAPITAL OUTLAY
DETENTION BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 972,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,748,000

924B FIXED CAPITAL OUTLAY
BOOT CAMP BEDS - STATEWIDE
FROM GRANTS AND DONATIONS TRUST FUND . . . 245,000

Funds in Specific Appropriation 924B are for completion of the Martin County and Monroe County Boot Camps, to meet the local match requirements set by the federal government.

924C FIXED CAPITAL OUTLAY
ASSESSMENT CENTERS - RENOVATIONS/ CONSTRUCTION
FROM GENERAL REVENUE FUND 995,000

Of the funds in Specific Appropriation 924C: $300,000 is provided for the Brevard County Juvenile Assessment Center; no more than $385,000 is provided for the Marion County Juvenile Assessment Center and

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consideration must first be given to purchasing the Ferguson Lumber property adjacent to the Marion County Sheriff's Department and the District 13 Juvenile Detention Center; and $310,000 is provided for the St. Lucie County Juvenile Assessment Center.

924D	FIXED CAPITAL OUTLAY AT RISK ACADEMY CONSTRUCTION FROM GRANTS AND DONATIONS TRUST FUND . . .		12,000,000
925	FIXED CAPITAL OUTLAY CAPITAL NEEDS / CENTRAL MANAGED FACILITIES FROM GENERAL REVENUE FUND	1,500,000	

From the funds in Specific Appropriation 925, $500,000 is provided for repairs for the Dade Juvenile Detention Center.

926	FIXED CAPITAL OUTLAY RENOVATION & EQUIP / EMOTIONALLY DISTURBED YOUTH IN DETENTION FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000

Funds in Specific Appropriation 926 are provided for renovation and equipment for the Dade County Juvenile Justice/Detention Center.

928	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	2,764,233	
928A	FIXED CAPITAL OUTLAY DEMOLITION STUDY - SUNLAND ORLANDO FROM GENERAL REVENUE FUND	100,000	

JUVENILE JUSTICE INSTITUTIONS

929	SALARIES AND BENEFITS POSITIONS 220 FROM GENERAL REVENUE FUND	4,715,463	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,401
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,855,993
930	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	146,688	
931	EXPENSES FROM GENERAL REVENUE FUND	855,897	
932	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	33,861	
933	FOOD PRODUCTS FROM GENERAL REVENUE FUND	113,347	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,053
934	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- DOZIER TRAINING SCHOOL FROM GENERAL REVENUE FUND	447,787	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
935	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL FROM GENERAL REVENUE FUND	5,340,742	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

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936	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	362,099	

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

937	SALARIES AND BENEFITS POSITIONS 129 FROM GENERAL REVENUE FUND	5,734,439	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		80,319
	FROM GRANTS AND DONATIONS TRUST FUND . . .		988
	FROM OPERATING TRUST FUND		146,290
938	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	38,190	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,000
	FROM OPERATING TRUST FUND		54,000
939	EXPENSES FROM GENERAL REVENUE FUND	1,080,742	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		239,165
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,500
	FROM OPERATING TRUST FUND		166,095
	FROM REVOLVING TRUST FUND		1,000,000
940	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	27,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
941	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	10,052	
942	SPECIAL CATEGORIES OVERTIME FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
943	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	10,150	
	FROM OPERATING TRUST FUND		1,848
944	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	19,667	
945	SPECIAL CATEGORIES VIOLENT CRIME INVESTIGATIVE EMERGENCIES FROM GENERAL REVENUE FUND	500,000	
	FROM OPERATING TRUST FUND		500,000
945A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	12,779	
	FROM OPERATING TRUST FUND		1,910

CRIMINAL JUSTICE INVESTIGATIONS AND PROTECTION

946	SALARIES AND BENEFITS POSITIONS 945 FROM GENERAL REVENUE FUND	48,454,478	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		866,581
	FROM OPERATING TRUST FUND		515,568
946A	EXPENSES FROM GRANTS AND DONATIONS TRUST FUND . . .		11,000
946B	AID TO LOCAL GOVERNMENTS CRIME PREVENTION TRAINING FOR LOCAL LAW ENFORCEMENT FROM GENERAL REVENUE FUND	100,000	

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The funds in Specific Appropriation 946B, are provided to Miami Shores Village for local crime prevention programs.

946C AID TO LOCAL GOVERNMENTS		
CRIMINAL INVESTIGATIONS		
FROM GENERAL REVENUE FUND	102,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		117,260

From the funds in Specific Appropriation 946C, $102,000 from nonrecurring General Revenue is provided for local law enforcement equipment to the West Miami Police Department.

947 LUMP SUM		
PERFORMANCE BASED PROGRAM BUDGET (PBPB)		
FOR CRIMINAL JUSTICE (CJ) INVESTIGATIONS		
AND PROTECTION		
FROM GENERAL REVENUE FUND	12,655,902	
FROM FORFEITURE AND INVESTIGATIVE		
SUPPORT TRUST FUND		4,397,383
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,857,495
FROM OPERATING TRUST FUND		4,085,027

From the funds provided in Specific Appropriation 947, $500,000 from the Operating Trust Fund is provided for the implementation of a statewide victim and witness protection protocol contingent upon passage of legislation establishing the protocol, and $75,000 is provided from the Operating Trust Fund for criminal profiling.

From the funds provided in Specific Appropriation 947 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available.

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Laboratory Services during Fiscal Year 1997-98:

Number/percentage of service requests by lab discipline completed	67,576/95%
Number of crime scenes processed	500
Number of DNA samples added to DNA database	22,000
Number of expert witness appearances in court proceedings	1,900
Number of inspections of law enforcement agencies utilizing breathtesting instruments	900
Number of DUI breathtesting operators certified/recertified	2,750
Average number of days to complete lab service requests (excluding serology and DNA)	35
Average number of days to complete lab service requests for serology	50
Average number of days to complete lab service requests for DNA	190

The actual occurrence for each of the following projections must also be reported for Laboratory Services for use in further program policy analysis:

Number of matches (hits) as a result of the DNA database	54
Number of matches (hits) as a result of the AFIS database	2,100
Number/percentage of physical evidence collection and analyses which were of value to customers in their investigation	57,440/85%
Percentage of cases in which physical evidence collection and analyses was useful in establishing a DUI offense	89%

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Investigation and Support Services during Fiscal Year 1997-98:

Number of Missing Children Information Clearinghouse (MCIC) cases worked	524
Number of criminal investigations worked	2,167
Number of criminal investigations commenced	1,140
Number/percentage of closed criminal investigations successfully concluded; i.e., case resolved by: (1) allegation determined unfounded, OR (2) suspect identified and/or arrested, OR (3) requested assistance fully provided, OR (4) exceptional clearance	457/70%
Number of criminal profiling assists	40
Number of new profilers receiving training	3
Number of short-term technical assists	150

The actual occurrence for each of the following projections must also be reported by Investigative and Support Services for use in further program policy analysis:

Number/percentage of criminal investigations closed	649/30%
Number/percentage of criminal investigations closed resulting in an arrest	279/43%
Number/percentage of missing children found through the assistance of MCIC	36/7%
Number/percentage of cases where FDLE investigative assistance aided in obtaining a conviction	268/96%
Number/percentage of cases where FDLE investigative assistance was of value to the investigation	371/93%
Percentage of customers who found investigative intelligence valuable and current	90%

Funds in Specific Appropriations 946 and 947 must be used to achieve the following performance standards for Preventative Services during Fiscal Year 1997-98:

Number of background investigations performed	3,500
Number of individuals provided with FDLE protective services	52

The actual occurrence for each of the following projections must also be reported for Preventative Services for use in further program policy analysis:

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Number of times FDLE responded to an emergency, as defined by Chapter 252, Florida Statutes: emergencies or disasters resulting from natural, technological, or manmade causes	20
Number/percentage of customers who found FDLE's emergency preparedness and response efforts useful	19/95%

948 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 379,193

948A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 52,746
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 9,406

CRIMINAL JUSTICE INFORMATION

949 SALARIES AND BENEFITS POSITIONS 359
FROM GENERAL REVENUE FUND 4,101,747
FROM GRANTS AND DONATIONS TRUST FUND . . . 298,929
FROM OPERATING TRUST FUND 7,591,657

950 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) INFORMATION
FROM GENERAL REVENUE FUND 1,906,419
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,048,076
FROM OPERATING TRUST FUND 22,984,453

Funds in Specific Appropriation 950 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Children and Families', Department of Juvenile Justice and the Department of Elder Affairs' vendors shall not exceed $8.

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Central Records Services during Fiscal Year 1997-98:

Number of "hot" files, Computerized Criminal History (CCH), & Automated Fingerprint Identification System (AFIS) records maintained	5,760,708
Number of counties on-line with AFIS Livescan	40

The actual occurrence for each of the following projections must also be reported for Central Records Services for use in further program policy analysis:

Percentage of customers satisfied with on-line crime data provided by FCIC	95.0%
Percentage of criminal history data on file compiled accurately	82.5%
Percentage of felony criminal history records deemed complete	65.0%
Average turnaround time for AFIS Livescan	10 min

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Information Network Services during Fiscal Year 1997-98:

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Number of agencies/Florida Crime Information Center (FCIC) workstations networked	715/11,500
Number of FCIC data transactions	315,000,000
Percentage of on-line responses to FCIC customer within defined timeframe (3 sec)	96%
Percentage of time FCIC is running and accessible	99%

Funds in Specific Appropriations 949 and 950 must be used to achieve the following performance standards for Identification Screening and Statistical Analysis Services during Fiscal Year 1997-98:

Number of responses to requests for crime statistics	3,030
Number of responses to requests for criminal history record checks	1,320,164
Percentage response to criminal history record check customers within defined time frames	90%

The actual occurrence for each of the following projections must also be reported for Identification Screening and Statistical Analysis Services for use in further program policy analysis:

Number/percentage of criminals identified during criminal history record checks for sensitive employment, licensing or gun purchase	160,496/12%
Percentage of customers satisfied with available crime statistics	85%
Percentage of customers satisfied with criminal history record check service	90%

951 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,895
FROM OPERATING TRUST FUND 11,731

952 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 26,740

952A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,488
FROM OPERATING TRUST FUND 15,867

CRIMINAL JUSTICE PROFESSIONALISM

953 SALARIES AND BENEFITS POSITIONS 101
FROM GENERAL REVENUE FUND 569,429
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 3,535,186
FROM OPERATING TRUST FUND 117,353

954 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) PROFESSIONALISM
FROM GENERAL REVENUE FUND 98,408
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,154,442
FROM OPERATING TRUST FUND 137,105

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Funds in Specific Appropriations 953 and 954 must be used to achieve the following performance standards for Training and Certification Services during Fiscal Year 1997-98:

Number of course curricula and examination developed, administered or revised	10,475
Number of Florida Criminal Justice Executive Institute (FCJEI) hours of instruction	650
Number of individuals trained by the FCJEI	309
Number of DARE hours of instruction	384
Number of law enforcement officers trained by DARE	155

The actual occurrence for each of the following projections must also be reported for Training and Certification Services for use in further program policy analysis:

Number/percentage of target population (K-4, 5, 7) completing DARE programs	464,000/37%
Number of individuals trained in basic recruit	7,500
Number of certificates issued (for successful completion of basic training & employment requirements)	21,304
Number/percentage of individuals who pass the initial administration of the basic professional certification examination	5,518/74%
Number/percentage of individuals who pass the basic professional certification exam on the 2nd attempt	1,527/76%
Number/percentage of individuals who pass the basic professional certification exam on the 3rd attempt	180/89%
Number/percentage of criminal justice officers obtaining initial employment who complete their probationary period	6,100/98%
Percentage of officers completing an Advanced or Specialized training course offered by a certified training facility who rate training effective in improving their ability to perform their duties	91%
Percentage of officers rated as demonstrating improved performance by their supervisors after completing an Advanced or Specialized training course offered by a certified training facility	70%
Number/percentage of customers satisfied with officer information provided through Automated Training Management System (ATMS)	422/79%
Number/percentage of DARE graduates who were arrested for drug or alcohol offenses	(unknown)

Funds in Specific Appropriations 953 and 954 must be used to achieve the following performance standards for Compliance Services during Fiscal Year 1997-98:

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Number of discipline referrals processed (for state & local LEO's and CO's and CPO's pursuant to Ch. 120, F.S.	2,181
Number of criminal justice officer disciplinary actions	452
Number/percentage of criminal justice officer disciplinary actions which are disposed of within defined time frames	1,145/100%
Number of compliance audits conducted (for maintenance of training & employment standards for state and local LEO's and CO's and CPO's pursuant to s. 943.13, F.S.)	6,059
Number of criminal justice officer mandatory retraining completions	6,500

The actual occurrence for each of the following projections must also be reported for Compliance Services for use in further program policy analysis:

Number of requested technical assists provided	89,320
Number/percentage of basic recruit graduates obtaining initial employment in the same discipline within one year	2,520/34%

955 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 84,145

956 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 14,189

956A SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 93,548

956B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 5,685

956C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SANTA FE COMMUNITY COLLEGE CRIMINAL JUSTICE CENTER/REGIONAL PURSUIT AND DEFENSIVE DRIVING FACILITY
FROM GENERAL REVENUE FUND 250,000

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

957 SALARIES AND BENEFITS POSITIONS 861
FROM GENERAL REVENUE FUND 19,276,595
FROM ADMINISTRATIVE TRUST FUND 616,651
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 270,889
FROM CONSUMER FRAUDS TRUST FUND 62,040
FROM CRIMES COMPENSATION TRUST FUND . . . 2,868,246
FROM FLORIDA CRIME PREVENTION TRAINING

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INSTITUTE REVOLVING TRUST FUND		186,888
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,474,923
FROM LEGAL SERVICES TRUST FUND		8,068,167
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		2,413,935
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		1,086,058

958 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	124,008	
FROM ADMINISTRATIVE TRUST FUND		133,904
FROM CRIMES COMPENSATION TRUST FUND . . .		20,851
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		130,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,625
FROM LEGAL SERVICES TRUST FUND		816,000
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		150,000

959 EXPENSES

FROM GENERAL REVENUE FUND	3,743,292	
FROM ADMINISTRATIVE TRUST FUND		121,891
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		35,085
FROM CRIMES COMPENSATION TRUST FUND . . .		380,239
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		122,349
FROM GRANTS AND DONATIONS TRUST FUND . . .		754,475
FROM LEGAL SERVICES TRUST FUND		2,060,745
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		8,913
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		430,462

From the funds in Specific Appropriation 959, $150,000 from the General Revenue Fund shall be used to fund the Simon Bolivar Institute.

From the funds in Specific Appropriation 959, $300,000 from the General Revenue Fund, shall be used to continue the program provided in Section 20, page 608, of the 1995 Supplemental Appropriations Act, for the development of crime prevention strategies at the Center for the Administration of Justice at Florida International University.

From the General Revenue funds in Specific Appropriation 959, $150,000 is to be used to establish the Address Confidentiality Program for Victims of Domestic Violence, contingent upon passage of implementing legislation.

959A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER

FROM GENERAL REVENUE FUND	10,000	

From the funds in Specific Appropriation 959A, $10,000 from General Revenue Fund is provided for the Dade County Haitian Refugee Center.

960 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	265,722	
FROM ADMINISTRATIVE TRUST FUND		111,233
FROM LEGAL SERVICES TRUST FUND		6,330

960A LUMP SUM
CHILD WELFARE LEGAL SERVICES

POSITIONS	50	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000

The funds in Specific Appropriation 960A must be used to implement a pilot project by the Office of the Attorney General in the Department of Children and Families, District 6, comprising of Hillsborough and Manatee County, in which all personnel engaged in providing legal services pursuant to sections 39.40-39.418, 39.45-39.456, 39.46-39.516 are being supervised and directed by the office of the Attorney General. In addition, the funds in Specific Appropriation 960A must be used to implement a pilot project, for the same purpose, by the Office of the State Attorney in the 15th judicial circuit, Palm Beach County. The scope of such contract services shall include all personnel engaged in providing legal services pursuant to sections 39.40-39.418, 39.45-39.456, 39.46-39.516 Florida Statutes, and other directly related child welfare legal services which shall be determined pursuant to contract.

961 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY

FROM GENERAL REVENUE FUND	211,010	

962 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY

FROM GENERAL REVENUE FUND	1,679,163	

The Auditor General shall annually produce a financial and performance audit on those entities which receive funds from Specific Appropriations 962. The audit results shall be reported to the Executive Office of the Governor and the chairs of the House Fiscal Responsibility Council and the Senate Ways and Means Committee.

963 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS

FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		1,470,011

964 SPECIAL CATEGORIES
CONSUMER FRAUD INVESTIGATIONS

FROM CONSUMER FRAUDS TRUST FUND		528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		134,126

965 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS

FROM CRIMES COMPENSATION TRUST FUND . . .		22,558,000

From the funds in Specific Appropriation 965, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

966 SPECIAL CATEGORIES
LITIGATION EXPENSES

FROM GENERAL REVENUE FUND	46,500	

967 SPECIAL CATEGORIES
GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION

FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		1,920,000

From the Funds provided in Specific Appropriation 967, $100,000 is allocated to the Stolen Vehicle Anti-Chase Device Program piloted by the North Miami Beach police department.

968 SPECIAL CATEGORIES
RICO INVESTIGATIONS

FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		737,055

969 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	186,726	
FROM CRIMES COMPENSATION TRUST FUND . . .		15,860

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970 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 16,399,000

971 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 7,448

972 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 504,536
FROM ADMINISTRATIVE TRUST FUND 250,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 118,500
FROM LEGAL SERVICES TRUST FUND 250,000

972A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 56,781

OFFICE OF STATEWIDE PROSECUTION

973 SALARIES AND BENEFITS POSITIONS 51
FROM GENERAL REVENUE FUND 2,812,968
FROM GRANTS AND DONATIONS TRUST FUND . . . 274,406

973A EXPENSES
FROM GENERAL REVENUE FUND 96,323

973B OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 65,740
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,800

974 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 423,461
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,072

975 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,505

975A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,719

PAROLE COMMISSION

Funds and positions in Specific Appropriations 976 through 982 provided to the Parole Commission may be used for clemency investigations as the lowest priority of workload. All other investigations and workload functions statutorily required of the Parole Commission must be given first priority in allocating manpower and resources.

976 SALARIES AND BENEFITS POSITIONS 164
FROM GENERAL REVENUE FUND 6,711,787

977 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,751

978 EXPENSES
FROM GENERAL REVENUE FUND 1,372,133

979 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,836

980 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,533

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981 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

982 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 972,624

982A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,545

TOTAL OF SECTION 4 POSITIONS 44,003

FROM GENERAL REVENUE FUND 2376,748,860

FROM TRUST FUNDS 396,860,110

TOTAL ALL FUNDS 2773,608,970

SECTION 5 - NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Florida Game and Fresh Water Fish Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

983 SALARIES AND BENEFITS POSITIONS 472
FROM GENERAL REVENUE FUND 18,347,641
FROM ADMINISTRATIVE TRUST FUND 2,906,170
FROM CITRUS INSPECTION TRUST FUND 241,769
FROM GENERAL INSPECTION TRUST FUND 27,794

984 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,463
FROM ADMINISTRATIVE TRUST FUND 82,800

985 EXPENSES
FROM GENERAL REVENUE FUND 1,854,865
FROM ADMINISTRATIVE TRUST FUND 1,110,681
FROM CITRUS INSPECTION TRUST FUND 26,691
FROM GENERAL INSPECTION TRUST FUND 48,272

986 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 343,251
FROM ADMINISTRATIVE TRUST FUND 14,000

986A LUMP SUM
ADMINISTRATIVE SUPPORT
POSITIONS 1
FROM GENERAL REVENUE FUND 125,000

986B LUMP SUM
ENVIRONMENTAL ADMINISTRATIVE
POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

987 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 39,773
FROM ADMINISTRATIVE TRUST FUND 45,509

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988 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	272,820	
FROM ADMINISTRATIVE TRUST FUND		5,481
989 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	114,947	
FROM GENERAL INSPECTION TRUST FUND		881
991 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM ADMINISTRATIVE TRUST FUND		9,900
991A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	16,194	
STANDARDS, DIVISION OF		
993 SALARIES AND BENEFITS POSITIONS	190	
FROM GENERAL REVENUE FUND	1,518,664	
FROM GENERAL INSPECTION TRUST FUND		5,231,921
994 OTHER PERSONAL SERVICES		
FROM GENERAL INSPECTION TRUST FUND		59,572
995 EXPENSES		
FROM GENERAL REVENUE FUND	343,362	
FROM GENERAL INSPECTION TRUST FUND		1,264,051
996 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	36,600	
FROM GENERAL INSPECTION TRUST FUND		14,000
997 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,767	
FROM GENERAL INSPECTION TRUST FUND		116,021
998A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	7,432	
FROM GENERAL INSPECTION TRUST FUND		4,000
DAIRY INDUSTRY, DIVISION OF		
999 SALARIES AND BENEFITS POSITIONS	38	
FROM GENERAL REVENUE FUND	1,524,505	
1000 EXPENSES		
FROM GENERAL REVENUE FUND	231,715	
1001 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	26,000	
1002 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,188	
1003A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,830	
MARKETING AND DEVELOPMENT, DIVISION OF		
1004 SALARIES AND BENEFITS POSITIONS	210	
FROM GENERAL REVENUE FUND	2,983,450	
FROM CITRUS INSPECTION TRUST FUND		965,711
FROM CONTRACTS AND GRANTS TRUST FUND . . .		261,759
FROM GENERAL INSPECTION TRUST FUND		780,730

SECTION 5 SPECIFIC APPROPRIATION		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,743,049
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		704,597
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		30,798
1005 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,000	
FROM CITRUS INSPECTION TRUST FUND		233,597
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		19,682
1006 EXPENSES		
FROM GENERAL REVENUE FUND	897,446	
FROM CITRUS INSPECTION TRUST FUND		461,441
FROM CONTRACTS AND GRANTS TRUST FUND . . .		986,698
FROM GENERAL INSPECTION TRUST FUND		497,686
FROM MARKET TRADE SHOW TRUST FUND		267,625
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		770,988
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		301,261
FROM VITICULTURE TRUST FUND		7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		170,625
1007 OPERATING CAPITAL OUTLAY		
FROM CITRUS INSPECTION TRUST FUND		45,600
FROM MARKET TRADE SHOW TRUST FUND		10,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		98,542
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		33,600
1008 SPECIAL CATEGORIES		
GRANTS AND AIDS - VITICULTURE PROGRAM		
FROM VITICULTURE TRUST FUND		108,000
1009 SPECIAL CATEGORIES		
FLORIDA AGRICULTURE PROMOTION CAMPAIGN		
FROM GENERAL REVENUE FUND	550,000	
1010 SPECIAL CATEGORIES		
GRANTS AND AIDS - AQUACULTURE MARKET DEVELOPMENT AID PROGRAM		
FROM GENERAL REVENUE FUND	50,000	
1011 SPECIAL CATEGORIES		
GRANTS AND AIDS - MARKETING ORDERS		
FROM CITRUS INSPECTION TRUST FUND		1,500,000
FROM GENERAL INSPECTION TRUST FUND		475,000
1012 SPECIAL CATEGORIES		
FOOD RECOVERY PROGRAM		
FROM GENERAL REVENUE FUND	400,000	
1013 SPECIAL CATEGORIES		
GRANTS AND AIDS - PROMOTIONAL AWARDS		
FROM GENERAL REVENUE FUND	200,000	
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		68,250
1014 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,830,261
1015 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		

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FROM GENERAL REVENUE FUND	47,676	
FROM CITRUS INSPECTION TRUST FUND		14,026
FROM CONTRACTS AND GRANTS TRUST FUND . . .		12,563
FROM GENERAL INSPECTION TRUST FUND		25,215
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		51,651
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		14,272

1016 SPECIAL CATEGORIES
TROPICAL FRUIT
FROM GENERAL REVENUE FUND 250,000

1016A SPECIAL CATEGORIES
FEASIBILITY STUDY OF EXISTING AND FUTURE AGRICULTURAL FACILITIES
FROM GENERAL REVENUE FUND 100,000

From funds provided in Specific Appropriation 1016A, a committee shall be created to evaluate the need for and to prioritize the expenditure of funds provided for Fairs, Festivals, and Agriculture Centers, Pavilions, Expositions and Arenas. The committee shall also develop criteria and a process for reviewing future funding requests. From the funds provided in Specific Appropriation 1016A, members shall be paid per diem and expenses associated with the committee. The funds in Specific Appropriations 1017G, 1017H and 1017M shall not be released until the committee makes recommendations as to the funding level for each project listed.

The committee shall consist of the following: three members appointed by the Commissioner of Agriculture, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, and three members appointed by the Governor. In appointing the members, persons from the Florida Farm Bureau, the fruit and vegetable industry, and the private marketing sector shall be considered, among others.

1017A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	9,997	
FROM GENERAL INSPECTION TRUST FUND		5,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		5,000

1017B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRISCIENCE CENTER
FROM GENERAL REVENUE FUND 90,000

1017C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EXPANSION OF AQUACULTURE DEVELOPMENT PARK
FROM GENERAL REVENUE FUND 125,000

1017D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRI-COUNTY AGRICULTURE CENTER - COLUMBIA/HAMILTON/SUWANEE
FROM GENERAL REVENUE FUND 325,000

1017E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PALMETTO TOMATO FESTIVAL
FROM GENERAL REVENUE FUND 30,000

1017F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANATEE RIVER FAIR
FROM GENERAL REVENUE FUND 425,000

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1017G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COUNTY FAIR ASSOCIATIONS
FROM GENERAL REVENUE FUND 750,000

Funds are provided in Specific Appropriation 1017G for the following projects:

Walton County Fair
St. Lucie Fair
Okaloosa County Fairgrounds
Bradford County Fair
Holmes County Fair Association

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

1017H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRICULTURE - LIVESTOCK MARKETS, PAVILIONS AND CENTERS
FROM GENERAL REVENUE FUND 1,750,000

Funds are provided in Specific Appropriation 1017H for the following projects:

Suwannee River Livestock Pavilion
Ocala Livestock Pavilion
Madison County Agriculture Center
Indian River Agriculture Arena
Jackson County Agriculture Center
Youth Pavilion for Girl Scouts and 4H
Tri-County Agriculture Complex (Calhoun, Gulf, Liberty)
Wakulla Expo Center
Blackman Community Center
Walnut Hill Community Center
Jay Recreation Center
Okeechobee County Agriculture Pavilion
Holmes County Agriculture Center
Polk County Livestock Pavilion

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

1017I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STRAWBERRY FESTIVAL - PLANT CITY INFRASTRUCTURE IMPROVEMENT
FROM GENERAL REVENUE FUND 100,000

1017J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RUSKIN SEAFOOD FESTIVAL
FROM GENERAL REVENUE FUND 20,000

1017K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BRANDON BALLOON FESTIVAL
FROM GENERAL REVENUE FUND 40,000

1017L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TEMPLE ARTS FESTIVAL
FROM GENERAL REVENUE FUND 40,000

1017M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FESTIVALS
FROM GENERAL REVENUE FUND 500,000

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Funds are provided in Specific Appropriation 1017M for the following projects:

Florida Sports Hall of Fame
Miss Universe Pageant, 1997
Florida Africa Trade Symposium
James Weldon Johnson Festival
Wellsbilt Museum, Cultural Arts Program
Zora Neale Hurston Festival
Eatonville Multi-Cultural Performing Arts
Juneteenth Celebration, S. Pinellas/Manatee
1999 Superbowl Host Committee
Black Enterprise Challenge/Entrepreneurs Conf
Old Hometown
Goombay Festival

These funds shall be distributed in accordance with proviso language following Specific Appropriation 1016A.

FRUIT AND VEGETABLES, DIVISION OF

1018 SALARIES AND BENEFITS POSITIONS 356
FROM CITRUS INSPECTION TRUST FUND 9,709,971
FROM GENERAL INSPECTION TRUST FUND 2,268,156

1019 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 500,000
FROM GENERAL INSPECTION TRUST FUND 710,000

1020 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,496,380
FROM GENERAL INSPECTION TRUST FUND 469,226

1021 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 57,430

1022 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 254,756

1023 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS INSPECTION TRUST FUND 463,561
FROM GENERAL INSPECTION TRUST FUND 53,667

1024A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL INSPECTION TRUST FUND 7,073

PLANT INDUSTRY, DIVISION OF

1025 SALARIES AND BENEFITS POSITIONS 301
FROM GENERAL REVENUE FUND 7,907,725
FROM CITRUS INSPECTION TRUST FUND 715,556
FROM PLANT INDUSTRY TRUST FUND 1,773,698

From funds in Specific Appropriation 1025, 5 positions are time limited to three years, which is the expected duration of citrus canker eradication efforts.

1026 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 67,017
FROM CITRUS INSPECTION TRUST FUND 7,800
FROM CONTRACTS AND GRANTS TRUST FUND . . . 104,230
FROM PLANT INDUSTRY TRUST FUND 759,550

1027 EXPENSES
FROM GENERAL REVENUE FUND 891,721
FROM CITRUS INSPECTION TRUST FUND 96,605
FROM CONTRACTS AND GRANTS TRUST FUND . . . 44,444
FROM PLANT INDUSTRY TRUST FUND 777,895

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1027A AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 15,133,000

From the funds in Specific Appropriation 1027A, $6 million is based on the transfer of funds from the Solid Waste Management Trust Fund, contingent on legislation becoming law that amends section 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

1028 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 10,000
FROM PLANT INDUSTRY TRUST FUND 265,000

1028A LUMP SUM
AQUATIC PLANT MANAGEMENT
POSITIONS 32
FROM AQUATIC PLANT CONTROL TRUST FUND . . 3,588,887

1029 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND 560,000

1029A SPECIAL CATEGORIES
TROPICAL SODA APPLE CONTROL
FROM GENERAL REVENUE FUND 75,000

1030 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

1031 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 300,000

1032 SPECIAL CATEGORIES
CARIBBEAN FRUIT FLY MANAGEMENT
FROM CONTRACTS AND GRANTS TRUST FUND . . . 125,000

1032A SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM PLANT INDUSTRY TRUST FUND 8,594,725

Funds provided in Specific Appropriation 1032A, are contingent upon receipt of federal funds designated for this purpose.

1032B SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,000,000

From funds in Specific Appropriation 1032B, $170,000 is provided to continue the invasive exotics program in the Florida Keys.

1033 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 387,184
FROM PLANT INDUSTRY TRUST FUND 8,192

1033A SPECIAL CATEGORIES
ANTHRACNOSE ERADICATION
FROM GENERAL REVENUE FUND 450,000

1033B SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 880,000

1033C SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA -

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COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM AQUATIC PLANT CONTROL TRUST FUND . . 25,000

1034A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 11,909
FROM AQUATIC PLANT CONTROL TRUST FUND . . 2,307

Funds are provided in Specific Appropriations 1027A, 1028A, 1032B, 1033B, 1033C, and 1034A for the Aquatic Plant Management program from the Aquatic Plant Control Trust Fund, contingent on legislation becoming law which transfers the functions from the Department of Environmental Protection. In the event that such legislation does not become law, the Executive Office of the Governor is authorized to transfer the appropriations to the Department of Environmental Protection to continue the program.

ANIMAL INDUSTRY, DIVISION OF

1035 SALARIES AND BENEFITS POSITIONS 187
FROM GENERAL REVENUE FUND 5,162,513
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,502,907
FROM GENERAL INSPECTION TRUST FUND 89,440

1036 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 216,866

1037 EXPENSES
FROM GENERAL REVENUE FUND 698,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 339,462
FROM GENERAL INSPECTION TRUST FUND 286,033

1038 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 70,000

1039 SPECIAL CATEGORIES
PAYMENT OF INDEMNITIES
FROM GENERAL REVENUE FUND 25,000

1040 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,089
FROM CONTRACTS AND GRANTS TRUST FUND . . . 30

1041A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,026

CONSUMER SERVICES, DIVISION OF

1042 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 924,568
FROM CONTRACTS AND GRANTS TRUST FUND . . . 607
FROM GENERAL INSPECTION TRUST FUND 2,123,898

1043 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,216
FROM GENERAL INSPECTION TRUST FUND 42,353

1044 EXPENSES
FROM GENERAL REVENUE FUND 143,305
FROM CONTRACTS AND GRANTS TRUST FUND . . . 8,771
FROM GENERAL INSPECTION TRUST FUND 584,628

1045 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,495
FROM GENERAL INSPECTION TRUST FUND 28,610

1046 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,018

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1047A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 6,419

FORESTRY, DIVISION OF

1048 SALARIES AND BENEFITS POSITIONS 1,082
FROM GENERAL REVENUE FUND 32,233,076
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,042,318
FROM INCIDENTAL TRUST FUND 3,696,344

1049 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 208,742
FROM CONTRACTS AND GRANTS TRUST FUND . . . 71,000
FROM INCIDENTAL TRUST FUND 360,580

1050 EXPENSES
FROM GENERAL REVENUE FUND 3,102,411
FROM CONTRACTS AND GRANTS TRUST FUND . . . 792,778
FROM INCIDENTAL TRUST FUND 3,776,281

1051 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 528,000

1053 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION
FROM CONTRACTS AND GRANTS TRUST FUND . . . 72,589

1054 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PLANT A TREE PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 200,000

1055 AID TO LOCAL GOVERNMENTS
STATE FOREST RECEIPT DISTRIBUTION
FROM INCIDENTAL TRUST FUND 700,050

1056 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,152,666
FROM INCIDENTAL TRUST FUND 2,617,635

1056A LUMP SUM
BLACKWATER FOREST ENTOMOLOGY
POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

1057 SPECIAL CATEGORIES
ON-CALL FEES
FROM GENERAL REVENUE FUND 333,296
FROM INCIDENTAL TRUST FUND 10,000

1058 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,401,991
FROM INCIDENTAL TRUST FUND 198,160

1059 SPECIAL CATEGORIES
GRANTS AND AIDS - UNITED STATES SMALL BUSINESS ADMINISTRATION TREE PLANTING PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 754,110

1060 SPECIAL CATEGORIES
AMERICA THE BEAUTIFUL GRANT
FROM CONTRACTS AND GRANTS TRUST FUND . . . 150,000

1062 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INCIDENTAL TRUST FUND 1,632

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1062A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 52,662

1063 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,120,000

1063A FIXED CAPITAL OUTLAY
RELOCATE STUART WORK CENTER
FROM GENERAL REVENUE FUND 250,000

1064 FIXED CAPITAL OUTLAY
COMPLETE WORK CENTER - CALHOUN COUNTY
FROM GENERAL REVENUE FUND 125,000

1064A FIXED CAPITAL OUTLAY
HEADQUARTERS FACILITY - LITTLE-BIG ECON STATE FOREST
FROM GENERAL REVENUE FUND 393,250

1065A FIXED CAPITAL OUTLAY
NEW RIVER RANGER STATION - DMS MGD
FROM GENERAL REVENUE FUND 225,000

1065B FIXED CAPITAL OUTLAY
RELOCATE COCOA WORK CENTER
FROM GENERAL REVENUE FUND 135,000

AGRICULTURE MANAGEMENT INFORMATION CENTER

1066 SALARIES AND BENEFITS POSITIONS 53
FROM GENERAL REVENUE FUND 984,904
FROM GENERAL INSPECTION TRUST FUND 1,517,875

1067 EXPENSES
FROM GENERAL REVENUE FUND 1,370,452
FROM GENERAL INSPECTION TRUST FUND 888,369

From funds in Specific Appropriation 1067, $450,708 from the General Inspection Trust Fund may be used to continue the current software licensing agreement or to replace the current mainframe computer of the Agriculture Management Information Center with an enterprise server.

1068 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND 1,000,000
FROM GENERAL INSPECTION TRUST FUND 1,396,232

From funds in Specific Appropriation 1068, $1,000,000 from the Administrative Trust Fund is provided for the enterprise server.

1069 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND 6,934

1069A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL INSPECTION TRUST FUND 1,349

AGRICULTURAL ENVIRONMENTAL SERVICES, DIVISION OF

1070 SALARIES AND BENEFITS POSITIONS 213
FROM GENERAL REVENUE FUND 2,516,839
FROM CONTRACTS AND GRANTS TRUST FUND . . . 523,373
FROM GENERAL INSPECTION TRUST FUND 3,959,378
FROM PEST CONTROL TRUST FUND 1,228,730

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1071 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 52,000
FROM PEST CONTROL TRUST FUND 10,765

1072 EXPENSES
FROM GENERAL REVENUE FUND 741,881
FROM CONTRACTS AND GRANTS TRUST FUND . . . 308,299
FROM GENERAL INSPECTION TRUST FUND 529,452
FROM PEST CONTROL TRUST FUND 399,767

1073 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL INSPECTION TRUST FUND 2,278,598

From the funds provided in Specific Appropriation 1073, $250,000 shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

1074 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 48,000
FROM CONTRACTS AND GRANTS TRUST FUND . . . 83,000
FROM PEST CONTROL TRUST FUND 41,844

1074A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) FOR BLIND MOSQUITO RESEARCH
FROM GENERAL REVENUE FUND 100,000

1075 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND 930,000

1076 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 78,867

1077A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 11,630
FROM GENERAL INSPECTION TRUST FUND 4,000

FOOD SAFETY, DIVISION OF

1078 SALARIES AND BENEFITS POSITIONS 278
FROM GENERAL REVENUE FUND 3,048,167
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,500,904
FROM GENERAL INSPECTION TRUST FUND 5,162,992

1079 OTHER PERSONAL SERVICES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 90,413

1080 EXPENSES
FROM GENERAL REVENUE FUND 813,755
FROM CONTRACTS AND GRANTS TRUST FUND . . . 816,934
FROM GENERAL INSPECTION TRUST FUND 508,516

From the funds in Specific Appropriation 1078, 46 positions, $775,000 from the General Revenue Fund and $775,000 from the Contracts and Grants Trust Fund and from the funds in Specific Appropriation 1080, $175,000 from General Revenue and $175,000

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from the Contracts and Grants Trust Fund are provided for the state meat inspection program. If it is determined by the Commissioner of Agriculture that this level of funding is not sufficient to operate the meat inspection program in compliance with federal requirements, the Commissioner shall notify the United States Department of Agriculture of the state's intention to turn the entire program over to the federal government. The Executive Office of the Governor may adjust the initial 1997-98 Position and Rate Ledger to temporarily restore 46 additional positions through 12/31/97. If the program reverts to the federal government, the unspent program funds and associated positions shall be placed in reserve by the Executive Office of the Governor.

1081	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,400	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		30,000
1082	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	82,092	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		22,777
	FROM GENERAL INSPECTION TRUST FUND		43,615
1084	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		9,206
1084A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	9,294	
	FROM GENERAL INSPECTION TRUST FUND		3,994

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1085	SALARIES AND BENEFITS POSITIONS 130		
	FROM GENERAL REVENUE FUND	2,738,698	
	FROM ADMINISTRATIVE TRUST FUND		2,027,376
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		338,573
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		75,749
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		35,278
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		503,436
	FROM GRANTS AND DONATIONS TRUST FUND . . .		193,869
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		31,748
1086	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		485,626
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		296,000
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		150,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,941
1087	EXPENSES		
	FROM GENERAL REVENUE FUND	551,329	
	FROM ADMINISTRATIVE TRUST FUND		950,539
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		311,070
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		6,541
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		4,562
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		154,849
	FROM GRANTS AND DONATIONS TRUST FUND . . .		52,907
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		5,329
1088	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		8,018
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,401
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		263

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1089	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	464,350	
1090	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,039	
	FROM ADMINISTRATIVE TRUST FUND		15,039
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,712
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		559
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		298
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		3,164
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,117
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		298
1091	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,629,543
1091A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	40,795	
	FROM ADMINISTRATIVE TRUST FUND		40,795
1092	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM FLORIDA PRESERVATION 2000 TRUST FUND		28,000,000

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

1093	SALARIES AND BENEFITS POSITIONS 81		
	FROM GENERAL REVENUE FUND	3,248,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250,300
1094	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,650	
1095	EXPENSES		
	FROM GENERAL REVENUE FUND	641,492	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,722
1096	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS		
	FROM GENERAL REVENUE FUND	748,691	

From funds provided in Specific Appropriation 1096, $40,000 shall be provided each to the cities of Deltona, Aventura, Wellington, Fort Myers Beach, and the Village of Pinecrest, for the development of comprehensive plans, as required pursuant to the state mandated Growth Management and Land Development Regulation Act of 1985, Chapter 163, Part II, Florida Statutes.

1097	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500
1098	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PLANNING COUNCILS		
	FROM GENERAL REVENUE FUND	2,286,250	

From funds provided to the regional planning councils in Specific Appropriation 1098, 70% is to be divided equally and 30% shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy

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plans, perform regional review and comment functions, and assist local governments to address problems of greater-than-local significance.

From funds provided in Specific Appropriation 1098, $50,000 is granted to the Treasure Coast Planning Council for assistance in developing an economic development plan for the Treasure Coast.

1099 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,284

EMERGENCY MANAGEMENT, DIVISION OF

1100 SALARIES AND BENEFITS POSITIONS 118
FROM GENERAL REVENUE FUND 1,056,265
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 890,548
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 335,184
FROM GRANTS AND DONATIONS TRUST FUND . . . 283,441
FROM OPERATING TRUST FUND 662,841
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 676,448
FROM U.S. CONTRIBUTIONS TRUST FUND 853,261

1101 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 285,555
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 271,934
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000
FROM OPERATING TRUST FUND 1,280,000
FROM U.S. CONTRIBUTIONS TRUST FUND 237,406

1102 EXPENSES
FROM GENERAL REVENUE FUND 217,870
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 353,436
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 147,895
FROM GRANTS AND DONATIONS TRUST FUND . . . 251,631
FROM OPERATING TRUST FUND 253,001
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 280,180
FROM U.S. CONTRIBUTIONS TRUST FUND 413,630

1103 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 2,189,944

1104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM U.S. CONTRIBUTIONS TRUST FUND 1,000,000

1105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM U.S. CONTRIBUTIONS TRUST FUND 4,600,000

1106 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1107 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 16,227
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 7,202
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,837
FROM OPERATING TRUST FUND 3,165

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FROM PERSONNEL AND ADMINISTRATION TRUST FUND 50,791
FROM U.S. CONTRIBUTIONS TRUST FUND 15,903

1108 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

1109 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 8,034,960
FROM U.S. CONTRIBUTIONS TRUST FUND 83,438

1110 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,347,900

1111 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,347,900

1112 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,155
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 10,154

1113 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 590,026
FROM U.S. CONTRIBUTIONS TRUST FUND 977,513

1114 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,956,232
FROM U.S. CONTRIBUTIONS TRUST FUND 50,836,805

From the funds provided in Specific Appropriation 1114 from the U.S. Contributions Trust Fund, $300,000 shall be utilized for the Bonifay Flood Project.

Funds provided in Specific Appropriation 1114, $4,041,169 in the Grants and Donations Trust Fund, reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe fund pursuant to section 215.555(7)(c).

1114A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND
FROM GENERAL REVENUE FUND 5,476,160

It is the intent of the Legislature that the state return to its long time policy and match requirement for future federally declared local governments at 12.5% each. Because the location, type of disaster and severity of the event can materially effect the magnitude of costs, the local government's share may be initially provided by the state with future repayment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation.

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Additionally, the Executive Office of the Governor may waive the local 12.5% match after consultation with the Legislature pursuant to s. 216.177, Florida Statutes if it is determined that such a match can not be provided or that by doing so would effect a hardship on the local entity.

1115 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 1,139,211

1116 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 178,698,214

1117 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ERIN
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,164,014
FROM U.S. CONTRIBUTIONS TRUST FUND 15,089,850

1118 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE OPAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,119,924
FROM U.S. CONTRIBUTIONS TRUST FUND 32,236,138

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

1119 SALARIES AND BENEFITS POSITIONS 110
FROM GENERAL REVENUE FUND 724,076
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 326,014
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 312,774
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 873,890
FROM STATE HOUSING TRUST FUND 40,069
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 795,582
FROM GRANTS AND DONATIONS TRUST FUND . . . 145,566
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 162,900
FROM OPERATING TRUST FUND 1,324,091

1120 OTHER PERSONAL SERVICES
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 500,675
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 619,668
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 498,408
FROM GRANTS AND DONATIONS TRUST FUND . . . 390,967
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 71,625
FROM OPERATING TRUST FUND 770,201

1121 EXPENSES
FROM GENERAL REVENUE FUND 88,762
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 293,231
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 84,404
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 540,560
FROM STATE HOUSING TRUST FUND 29,979
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 530,722
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,247
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 291,110
FROM OPERATING TRUST FUND 786,270

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1122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 19,118,106

1123 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 9,035,240

1124 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,683,102

1125 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,529,434

1126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 33,998,837

Funds provided in Specific Appropriation 1126 shall be divided and distributed among the statutorily established program categories as follows: Housing 20%; Economic Development 30%; Neighborhood Revitalization 40%; and Commercial Revitalization 10%. Programs which provide employment opportunities to clients of Workforce Development Initiatives and the WAGES Program shall be given consideration in the distribution of these funds. The department shall evaluate opportunities to give priority consideration to these programs within the federal law and state statute which govern the CDBG Program. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization Program categories shall be transferred to the program category receiving the greatest dollar value of request for grants. In the event that all eligible applications are funded in the three grant categories, other than Economic Development, and funds remain available, then these remaining funds shall be transferred to the Economic Development category for allocation.

1127 OPERATING CAPITAL OUTLAY
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 8,431
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 223
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,197
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 41,223
FROM GRANTS AND DONATIONS TRUST FUND . . . 88
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 10
FROM OPERATING TRUST FUND 1,571

1128 LUMP SUM
RESIDENTIAL CONSTRUCTION MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,136,431

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Funds provided in Specific Appropriation 1128 reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe funds pursuant to section 215.555(7)(c), Florida Statutes, and shall be allocated to improve the wind resistance of residences, including loan subsidies, grants, and demonstration projects; cooperative programs with local governments, the Federal Government, and the Insurance Institute for Property Loss Reduction; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

1129 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,497,908

1130 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 588,828

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1130, this transfer shall be reduced proportionately.

1131 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM OPERATING TRUST FUND 800,000

1132 SPECIAL CATEGORIES
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM OPERATING TRUST FUND 1,500,000

Funds provided in Specific Appropriation 1132 shall be used for loans to expand the availability of affordable housing.

1133 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 12,291,783

1134 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1135 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 21,900,000

1136 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 508,302

1137 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 4,684,957
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1138 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM OPERATING TRUST FUND 100,000

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1139 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,004
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 16,590
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 9,759
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 45,397
FROM STATE HOUSING TRUST FUND 1,576
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 14,133
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 18,456
FROM OPERATING TRUST FUND 55,431

1140 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS OPERATING TRUST FUND
FROM GENERAL REVENUE FUND 800,000
FROM STATE HOUSING TRUST FUND 1,500,000

1141 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 684,803

1142 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 486,796

1143 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 747,848

1144 SPECIAL CATEGORIES
GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 526,770

1145 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,650,929

1146 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 26,355,267

1147 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENCE AGAINST WOMEN PROGRAM - STATE AND LOCAL UNITS OF GOVERNMENT, AND NON-PROFITS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 5,093,900

1148 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF THE SECRETARY
FROM OPERATING TRUST FUND 60,161

1148A FIXED CAPITAL OUTLAY
UNIVERSITY COMMUNITY CENTER
FROM GENERAL REVENUE FUND 1,000,000

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1149 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 22,600,000

If revenue collections and deobligations provide less than the appropriated level, the department will pro-rate the amount provided for each project funded, unless reducing the project is not economically viable, as determined by the Secretary of the Department of Community Affairs. None of the funds provided in Specific Appropriation 1149 shall be used to contract with or be administered by Enterprise Florida.

From funds provided in Specific Appropriation 1149, $450,000 is to be used for the Electric to Natural Gas Energy Conversion Project in Hernando County.

From funds in Specific Appropriation 1149, $675,000 are to be provided in grants for Electrochromic Commercialization Projects.

1150 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO ECONOMIC OPPORTUNITY TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

1151 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 2,500,000

1151A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - ENTERPRISE COMMUNITIES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 7,521,654

HOUSING FINANCE AGENCY

1152 SALARIES AND BENEFITS POSITIONS 71
FROM STATE HOUSING TRUST FUND 756,501
FROM HOME PARTNERSHIP TRUST FUND 285,899
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 109,903
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,963,745

1153 OTHER PERSONAL SERVICES
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 75,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,291,000

1154 EXPENSES
FROM STATE HOUSING TRUST FUND 344,775
FROM HOME PARTNERSHIP TRUST FUND 9,482
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 36,147
FROM HOUSING FINANCE AGENCY TRUST FUND . . 760,087

1155 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL HOUSING PROGRAMS
FROM HOME PARTNERSHIP TRUST FUND 18,500,000

From funds provided in Specific Appropriation 1155, up to 10% may be used for program administration including, but not limited to, the following: credit underwriting services, appraisal reports, plan and cost review services, environmental surveys, federal labor standards compliance, federal environmental assessments, servicing fees, monitoring projects for compliance, and administrative costs (including salaries, expenses, accounting services). In the event that the full 10% is not expended for program administration, the remaining balance may be expended for HOME projects, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1156 OPERATING CAPITAL OUTLAY
FROM HOUSING FINANCE AGENCY TRUST FUND . . 103,773

1157 SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM STATE HOUSING TRUST FUND 200,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 643,400

1158 SPECIAL CATEGORIES
CREDIT UNDERWRITING AND MONITORING
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 15,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 2,308,835

1159 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS
FROM HOUSING FINANCE AGENCY TRUST FUND . . 10,992,388

1160 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE HOUSING TRUST FUND 1,725
FROM HOME PARTNERSHIP TRUST FUND 863
FROM HOUSING FINANCE AGENCY TRUST FUND . . 4,600

1161 SPECIAL CATEGORIES
SERVICING AND TRUSTEE FEES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 410,550

1162 SPECIAL CATEGORIES
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM COMPLIANCE MONITORING
FROM STATE HOUSING TRUST FUND 200,000

1163 SPECIAL CATEGORIES
DATABASE MAINTENANCE
FROM HOUSING FINANCE AGENCY TRUST FUND . . 120,000

1164 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 900,000

1165 FIXED CAPITAL OUTLAY
DEBT SERVICE - LOAN GUARANTEE PROGRAM
FROM STATE HOUSING TRUST FUND 2,000,000

Funds provided in Specific Appropriation 1165 include Fiscal Year 1997-98 debt service on all Florida Affordable Housing Guarantee Program bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program. Furthermore, in the event the full amount of $2,000,000 in Specific Appropriation 1165 is not utilized to pay debt service, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1166 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING PREDEVELOPMENT ASSISTANCE
FROM STATE HOUSING TRUST FUND 1,000,000
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 265,000

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In the event the full amount of $1,265,000 in Specific Appropriation 1166 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1167 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM DISTRIBUTION TO LOCAL GOVERNMENTS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 86,700,000

Counties and eligible municipalities receiving local housing distributions pursuant to section 420.9073, Florida Statutes, and funded with Specific Appropriation 1167 shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives and the WAGES Program.

1168 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME OWNERSHIP ASSISTANCE PROGRAM
FROM STATE HOUSING TRUST FUND 3,000,000
FROM FLORIDA HOMEOWNERSHIP ASSISTANCE TRUST FUND 550,000

In the event the full amount of $3,550,000 in Specific Appropriation 1168 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1169 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME PROGRAM MATCHING FUNDS
FROM STATE HOUSING TRUST FUND 1,500,000

In the event the full amount of $1,500,000 in Specific Appropriation 1169 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, and the budget realigned in accordance with Chapter 216, Florida Statutes.

1170 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM
FROM STATE HOUSING TRUST FUND 24,230,629
FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND 5,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

ADMINISTRATIVE AND TECHNICAL SERVICES, DIVISION OF

1171 SALARIES AND BENEFITS POSITIONS 610
FROM GENERAL REVENUE FUND 7,108,471
FROM ADMINISTRATIVE TRUST FUND 9,990,706
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,089,725
FROM INLAND PROTECTION TRUST FUND 80,180
FROM GRANTS AND DONATIONS TRUST FUND . . . 217,910
FROM LAND ACQUISITION TRUST FUND 1,171,800
FROM MINERALS TRUST FUND 1,087,677
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 379,592
FROM PERMIT FEE TRUST FUND 159,422
FROM WATER QUALITY ASSURANCE TRUST FUND . 854
FROM WORKING CAPITAL TRUST FUND 3,194,685

1172 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 388,659
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,200
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,161,340
FROM COASTAL PROTECTION TRUST FUND 9,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 520,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 731,270
FROM LAND ACQUISITION TRUST FUND 625,600
FROM MINERALS TRUST FUND 14,326
FROM WATER QUALITY ASSURANCE TRUST FUND . 46,800
FROM WORKING CAPITAL TRUST FUND 376,000

1173 EXPENSES
FROM GENERAL REVENUE FUND 1,936,185
FROM ADMINISTRATIVE TRUST FUND 4,997,815
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,009,791
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 6,349
FROM GRANTS AND DONATIONS TRUST FUND . . . 318,885
FROM LAND ACQUISITION TRUST FUND 445,798
FROM MINERALS TRUST FUND 158,864
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 68,250
FROM WORKING CAPITAL TRUST FUND 1,661,898
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 16,306

1174 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 817,219

1174A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PAYMENTS TO COUNTIES FOR CROSS FLORIDA BARGE CANAL LANDS
FROM GENERAL REVENUE FUND 5,000,000

Funds provided in Specific Appropriation 1174A are to be used to pay back those monies owed by the state to Duval County for lands impacted by the Cross Florida Barge Canal.

1175 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1176 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

1177 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 436,018
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 350,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,330
FROM LAND ACQUISITION TRUST FUND 9,000
FROM MINERALS TRUST FUND 25,222
FROM WORKING CAPITAL TRUST FUND 110,000

1178 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM WATER QUALITY ASSURANCE TRUST FUND . 125,000

1179 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 901,526

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1180 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 494,180

1181 SPECIAL CATEGORIES
TRANSFER TO FLORIDA GAME AND FRESH WATER FISH COMMISSION/ ENVIRONMENTAL EDUCATION GRANT ADMINISTRATION
FROM SAVE THE MANATEE TRUST FUND 1,154,000

1182 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 57,745
FROM ADMINISTRATIVE TRUST FUND 479,534

1184 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM GENERAL REVENUE FUND 22,500

1185 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 447,000

1185A SPECIAL CATEGORIES
WATERWAY MANAGEMENT AND CHANNEL MARKING - MONROE COUNTY
FROM LAND ACQUISITION TRUST FUND 100,000

1186 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 200,000

1187 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM WORKING CAPITAL TRUST FUND 445,895

1188 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 48,065
FROM ADMINISTRATIVE TRUST FUND 58,862
FROM LAND ACQUISITION TRUST FUND 17,766

1189 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,435

1190 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 107,407

1191 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM WORKING CAPITAL TRUST FUND 1,035,799

1192 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 113,430
FROM ADMINISTRATIVE TRUST FUND 3,902

1193 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 811,700

1193A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 30,282
FROM ADMINISTRATIVE TRUST FUND 90,843

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1194 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF - JAMES CONSIDDER
FROM ADMINISTRATIVE TRUST FUND 60,637

1195 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA PRESERVATION 2000 TRUST FUND 3,640,000

1196 FIXED CAPITAL OUTLAY
SURFACE WATER IMPROVEMENT PROJECT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 6,000,000

Funds provided in Specific Appropriation 1196 are based on a transfer of funds from the Solid Waste Management Trust Fund, contingent upon legislation becoming law that amends s. 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

From funds in Specific Appropriation 1196, $280,000 is provided for the restoration and enhancement of Biscayne Bay and the Miami River.

From funds in Specific Appropriation 1196, $500,000 is provided to the St. Lucie River Initiative, Inc. for the restoration and enhancement of the St. Lucie River.

From funds in Specific Appropriation 1196, $500,000 is provided to the St. Lucie County Port and Airport Authority for the restoration and enhancement of the Indian River Lagoon and Taylor Creek.

From funds in Specific Appropriation 1196, $525,000 is provided for the Guana Basin Renovation Program, $100,000 is provided for the North Fork of the New River Restoration project, and $1,000,000 is provided for Biscayne Bay Remediation related to the Homestead Air Force Base.

The remaining funds in Specific Appropriation 1196 are provided to the Department of Environmental Protection for distribution to the water management districts based on the department's prioritization of the surface water improvement and management plans.

1200A FIXED CAPITAL OUTLAY
REPAIRS AND MAINTENANCE OF INGLIS LOCK
FROM LAND ACQUISITION TRUST FUND 875,000

1203 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - TRANSPORTATION MITIGATION PROJECTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 6,095,546

Funds provided in Specific Appropriation 1203 shall be used to mitigate Department of Transportation construction projects. In the event that surplus funds are available after the proper mitigation activities have taken place, then the control and maintenance of aquatic plants shall receive first priority for these funds, pursuant to s. 373.4137(9), Florida Statutes.

1203A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BROWARD ENVIRONMENTAL/EDUCATION PARK
FROM LAND ACQUISITION TRUST FUND 500,000

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1203B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SISTERS CREEK MARINA
FROM LAND ACQUISITION TRUST FUND 500,000

1203C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PEACE RIVER LINEAR PARK
FROM GENERAL REVENUE FUND 100,000

1203D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OPA LOCKA PARK IMPROVEMENTS
FROM GENERAL REVENUE FUND 100,000

1203E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DUNE WALKOVERS/MINI-PARK DEVELOPMENT - VOLUSIA COUNTY
FROM GENERAL REVENUE FUND 500,000

1203F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BREVARD COMMUNITY IMPROVEMENT PROGRAM
FROM GENERAL REVENUE FUND 234,540

1203G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OAK HAMMOCK PARK SITE DEVELOPMENT/ IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 750,000

1203H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI SHORES VILLAGE - COMMUNITY PARK
FROM GENERAL REVENUE FUND 180,000

1203I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WHISPERING PINES PARK IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 100,000

1203J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RAILS TO TRAILS STUDY - KEY WEST TO FLORIDA CITY
FROM LAND ACQUISITION TRUST FUND 30,000

1203K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LITTLE WEKIVA RIVER RESTORATION
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 1203K are provided to the St. Johns River Water Management District for fiscal year 1997-98 for continuation of the design and implementation of a basin-wide management plan, including projects to restore, protect and preserve the ecological integrity of the Little Wekiva River in Seminole and Orange Counties, to include projects for erosion control and stormwater retrofits where erosion or stormwater is causing, or is likely to lead to adverse environmental impacts including sedimentation; and projects for restoration of areas where sedimentation is causing, or is likely to lead to, adverse environmental impacts. This management plan shall give first priority to implementing the potential projects identified by the Little Wekiva Technical Working Group.

STATE LANDS, DIVISION OF

1204 SALARIES AND BENEFITS POSITIONS 143
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,379,176
FROM FORFEITED PROPERTY TRUST FUND 107,804
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 4,569,173
FROM WATER MANAGEMENT LANDS TRUST FUND . . 45,767

From funds provided in Specific Appropriation 1204 the Department of Environmental Protection and the Water Management Districts are directed to develop a plan for phasing out the Preservation 2000 Land Acquisition Program. This plan should include a land management strategy and must be provided to the Legislature on or before October 1997.

1205 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 983,478
FROM FORFEITED PROPERTY TRUST FUND 91,030
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,407,345

1206 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 907,807
FROM FORFEITED PROPERTY TRUST FUND 325,191
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,153,582
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,960

1208 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 249,568
FROM FORFEITED PROPERTY TRUST FUND 717
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 156,841

1209 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,000

1210 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 757,586

1211 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,021

1211A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,000,000

1212 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 200,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1213 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,178,750

From the funds provided in Specific Appropriation 1213, $355,000 shall be provided to Glades County to offset ad valorem tax revenues related to opening of privately-owned and operated prisons leased to the state. These funds are contingent on legislation becoming law which authorizes the use of Payment in Lieu of Taxes funds for this purpose.

1214 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,058,308

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1215 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,258,919

1216 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,527,125

1219 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,622,770

1220 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

1221 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 776,532
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 489,189

1221A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 8,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 7,650

1222 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 84,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 40,000,000

1222A FIXED CAPITAL OUTLAY
CASCADES PARK - SITE CONTAMINATION ASSESSMENT
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 100,000

1223 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 22,000,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 140,000,000

1224 FIXED CAPITAL OUTLAY
EVERGLADES LAND ACQUISITION
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 11,415,303

1225 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 187,202,863

Funds provided in Specific Appropriation 1225 from the Land Acquisition Trust Fund are for Fiscal Year 1997-98 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 1997, and for Fiscal Year 1997-98 debt service on outstanding "Save Our Coast" and Conservation and Recreational Land bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

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1226 FIXED CAPITAL OUTLAY
DEBT SERVICE - PRESERVATION 2000 BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds provided in Specific Appropriation 1226 are for the first year of debt service for the eighth series of Preservation 2000 bonds.

1226A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAKE APOPKA LAND AND FACILITY ACQUISITION
FROM GENERAL REVENUE FUND 25,000,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 20,000,000

Funds in Specific Appropriation 1226A from the Florida Preservation 2000 Trust Fund are contingent on legislation becoming law that provides this allocation from Preservation 2000 bond proceeds.

DISTRICT OFFICES

1227 SALARIES AND BENEFITS POSITIONS 796
FROM GENERAL REVENUE FUND 14,494,459
FROM ADMINISTRATIVE TRUST FUND 282,191
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,055,482
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 190,867
FROM INLAND PROTECTION TRUST FUND 2,075,185
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,530,477
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 998,166
FROM PERMIT FEE TRUST FUND 4,521,829
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,206,358
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,341,117

1228 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 128,564
FROM AIR POLLUTION CONTROL TRUST FUND . . 197,346
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 35,000
FROM INLAND PROTECTION TRUST FUND 110,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,459

1229 EXPENSES
FROM GENERAL REVENUE FUND 1,688,649
FROM ADMINISTRATIVE TRUST FUND 547,374
FROM AIR POLLUTION CONTROL TRUST FUND . . 595,348
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 528,843
FROM INLAND PROTECTION TRUST FUND 261,894
FROM GRANTS AND DONATIONS TRUST FUND . . . 194,558
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 220,757
FROM PERMIT FEE TRUST FUND 349,154
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 142,410
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,269,484

1230 AID TO LOCAL GOVERNMENTS
TRANSFER TO ST. LUCIE COUNTY
FROM GRANTS AND DONATIONS TRUST FUND . . . 600,000

1231 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,497
FROM ADMINISTRATIVE TRUST FUND 23,605
FROM AIR POLLUTION CONTROL TRUST FUND . . 131,076
FROM INLAND PROTECTION TRUST FUND 50,000
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 81,225

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1232 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	34,257	
FROM INLAND PROTECTION TRUST FUND		100,000
1233 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		922,491

Funds in Specific Appropriation 1233 include an $851,397 reappropriation for the Munisport Landfill Superfund Site.

1235 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	58,664	
FROM ADMINISTRATIVE TRUST FUND		31,011
FROM AIR POLLUTION CONTROL TRUST FUND . .		13,573
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		13,898
FROM INLAND PROTECTION TRUST FUND		3,912
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,588
FROM PERMIT FEE TRUST FUND		7,364
FROM WATER QUALITY ASSURANCE TRUST FUND .		15,451
1236 SPECIAL CATEGORIES		
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		14,000
1237 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	375,147	
FROM AIR POLLUTION CONTROL TRUST FUND . .		185,204
FROM INLAND PROTECTION TRUST FUND		105,413
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		79,108
1237A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	25,292	
FROM AIR POLLUTION CONTROL TRUST FUND . .		19,391
FROM INLAND PROTECTION TRUST FUND		11,803
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		8,431
FROM WATER QUALITY ASSURANCE TRUST FUND .		19,390
1238 FIXED CAPITAL OUTLAY		
POLLUTION RESTORATION PROJECTS/CAPITAL OUTLAY		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		1,500,000
1238A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
HERNANDO BEACH CHANNEL - PHYSICAL SURVEY		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		100,000

MARINE RESOURCES, DIVISION OF

1239 SALARIES AND BENEFITS POSITIONS	377	
FROM GENERAL REVENUE FUND	4,894,332	
FROM COASTAL PROTECTION TRUST FUND		148,720
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		665,418
FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,084,079
FROM SAVE THE MANATEE TRUST FUND		1,371,825
1240 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	368,553	
FROM COASTAL PROTECTION TRUST FUND		410,000
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		389,443
FROM GRANTS AND DONATIONS TRUST FUND . . .		503,524
FROM MARINE RESOURCES CONSERVATION TRUST FUND		3,428,233
FROM SAVE THE MANATEE TRUST FUND		1,826,383

From funds provided in Specific Appropriation 1240 from the Save the Manatee Trust Fund, $100,000 shall be used by the Department of Environmental Protection to engage an independent third party testing laboratory or otherwise qualified contractor to conduct a study to determine whether existing devices are available for vessels, including inboards and outboards, that would reduce manatee mortality and injury from impact and/or propellers, while at the same time providing protection for boaters, skiers, and swimmers. Test results shall include the effects of the device on the normal operations of vessels and their motors and other relevant factors related to vessel performance such as maneuverability, vessel stability and fuel economy. The study should take into account such factors as how the devices perform during test strikes at various angles, effects of striking submerged objects, and encountering aquatic weeds when the devices would be used in freshwater. Test results also shall be evaluated with respect to international guarding, standards and results of the U.S. Coast Guard Propeller Guard Study presently underway.

Should the results of the study indicate that devices exist which will likely reduce manatee injuries and deaths and not increase the overall risks to boaters, skiers, and swimmers, or unreasonably affect the normal operations of vessels and their motors, then the department is directed to pursue such measures as are appropriate to encourage their voluntary utilization by boaters.

1241 EXPENSES		
FROM GENERAL REVENUE FUND	888,608	
FROM COASTAL PROTECTION TRUST FUND		250,230
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		435,815
FROM GRANTS AND DONATIONS TRUST FUND . . .		165,560
FROM MARINE RESOURCES CONSERVATION TRUST FUND		4,798,972
FROM SAVE THE MANATEE TRUST FUND		682,916
1242 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	167,608	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		106,547
FROM GRANTS AND DONATIONS TRUST FUND . . .		202,014
FROM MARINE RESOURCES CONSERVATION TRUST FUND		345,271
FROM SAVE THE MANATEE TRUST FUND		141,000
1242A SPECIAL CATEGORIES		
AQUATIC RESOURCES EDUCATION		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		400,000
1243 SPECIAL CATEGORIES		
INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		19,926
1244 SPECIAL CATEGORIES		
OYSTER PLANTING		
FROM GENERAL REVENUE FUND	350,000	

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FROM MARINE RESOURCES CONSERVATION TRUST FUND		104,400
1245 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	110,332	
FROM COASTAL PROTECTION TRUST FUND		1,916
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		11,497
FROM MARINE RESOURCES CONSERVATION TRUST FUND		91,517
FROM SAVE THE MANATEE TRUST FUND		21,078
1246 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,248
1248 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	525,540	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		247,927
1248A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		24,917
FROM SAVE THE MANATEE TRUST FUND		16,267
1249 FIXED CAPITAL OUTLAY		
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		980,812
1250 FIXED CAPITAL OUTLAY		
DEMOLITION OF BUILDING C - FLORIDA MARINE RESEARCH INSTITUTE - DMS MGD		
FROM GENERAL REVENUE FUND	278,400	
1251 FIXED CAPITAL OUTLAY		
PUMKIN HILL ST BUFFER PRESERVE FACILITY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		25,500
1252 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		600,000
1253A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
LOWRY PARK ZOO		
FROM SAVE THE MANATEE TRUST FUND		50,000

WATER FACILITIES, DIVISION OF

1254 SALARIES AND BENEFITS POSITIONS	317	
FROM GENERAL REVENUE FUND	3,964,594	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		276,775
FROM GRANTS AND DONATIONS TRUST FUND		4,865,460
FROM INTERNAL IMPROVEMENT TRUST FUND		477,241
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,908,828
FROM PERMIT FEE TRUST FUND		679,276
FROM WATER QUALITY ASSURANCE TRUST FUND		2,521,501

From the funds provided in Specific Appropriation 1254, the department shall prepare a study which identifies potential dedicated funding sources for beach management, consistent with the expressed legislative intent to fully fund the state's beach management plan in order to save Florida's critically-eroding beaches. The study shall be prepared in consultation with the Executive Office of the Governor, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council, and shall be completed no later than January 1, 1998.

1255 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	660,453	
FROM GRANTS AND DONATIONS TRUST FUND		101,408
FROM INTERNAL IMPROVEMENT TRUST FUND		40,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		145,479
FROM WATER QUALITY ASSURANCE TRUST FUND		830,971
1256 EXPENSES		
FROM GENERAL REVENUE FUND	721,314	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		64,615
FROM GRANTS AND DONATIONS TRUST FUND		160,014
FROM INTERNAL IMPROVEMENT TRUST FUND		37,284
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		548,280
FROM PERMIT FEE TRUST FUND		708,669
FROM WATER QUALITY ASSURANCE TRUST FUND		541,445
1257 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1258 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
FROM PERMIT FEE TRUST FUND		250,000
1260 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	167,411	
FROM GRANTS AND DONATIONS TRUST FUND		225,695
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		110,809
FROM PERMIT FEE TRUST FUND		60,000
1261 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND		200,000
1262 SPECIAL CATEGORIES		
GROUND WATER QUALITY MONITORING NETWORK		
FROM WATER QUALITY ASSURANCE TRUST FUND		1,299,027
1263 SPECIAL CATEGORIES		
WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM GRANTS AND DONATIONS TRUST FUND		6,573,925
1263A SPECIAL CATEGORIES		
JURISDICTIONAL DETERMINATION GRANTS/MINE PERMITS		
FROM GRANTS AND DONATIONS TRUST FUND		100,000
1264 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND		2,550,000
1265 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	91,793	

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FROM GRANTS AND DONATIONS TRUST FUND . . . 8,601
FROM PERMIT FEE TRUST FUND 8,601
FROM WATER QUALITY ASSURANCE TRUST FUND . 8,603

1266 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

1267 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 78,500
FROM WATER QUALITY ASSURANCE TRUST FUND . 214,897

1268 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 700,000

1269 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,889,202

1269A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH
FROM WATER QUALITY ASSURANCE TRUST FUND . 310,000

Funds in Specific Appropriation 1269A are provided to support the Lakewatch Program at the Institute of Food and Agricultural Sciences. These funds shall be advanced in total.

1270 SPECIAL CATEGORIES
WETLANDS PROTECTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 534,582

1271 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 80,716
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,442
FROM PERMIT FEE TRUST FUND 850,127
FROM WATER QUALITY ASSURANCE TRUST FUND . 984,778

1271A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,046
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 2,163
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 4,901
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,616

1272 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 12,000,000

1272A FIXED CAPITAL OUTLAY
MITIGATION - POLK COUNTY PARKWAY
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 105,420

1272B FIXED CAPITAL OUTLAY
HURRICANE OPAL - DUNE AND BEACH RECOVERY
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,100,000

Funds provided in Specific Appropriation 1272B represent federal reimbursements to the state or local government sponsors for post Hurricane Opal beach nourishment, shore protection, or marine debris removal activities and shall be deposited in the Grants and Donations Trust Fund and used as the 1996 Legislature provided, for continued implementation of the "Hurricane Opal Post Storm Beach and Dune Recovery Strategic Management Plan" until completed or funding is exhausted.

1273 FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 6,845,197
FROM COASTAL PROTECTION TRUST FUND 11,180,289
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,822,400

Funds in Specific Appropriation 1273 from the General Revenue Fund are provided for the following projects:

Statewide Inlet Sand Transfer/ Inlet Management.....$1,250,000
Blind Pass Inlet Management Plan Implementation.....562,500
Broward County Beach Nourishment.....5,032,697

Funds in Specific Appropriation 1273 from the Coastal Protection Trust Fund are contingent on legislation becoming law which authorizes the use of Coastal Protection Trust Funds for this purpose. Funding is provided for the following projects:

Sand Key Phase IV Restoration/Nourishment..$449,378
Port Canaveral Inlet Management Implementation..... 286,500
Ft. Pierce Inlet Management Plan Implementation.....4,012,750
Boca Raton Inlet Management Plan Implementation.....184,250
Bal Harbor/Sunny Isle/Golden Beach Nourishment..... 1,288,665
Lido Key Beach Nourishment.....863,625
North Treasure Island Beach Nourishment.....521,650
Martin County Four Mile Beach Restoration...461,861
St. Lucie Inlet Management Plan Implementation.....1,250,000
Orange Ridge/Jupiter/Carlin Beach Restoration.....490,501
Ponce DeLeon Inlet Management Plan.....197,509
Smathers Beach Nourishment.....1,173,600

Funds in Specific Appropriation 1273 from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555 (7)(c), Florida Statutes. The legislature finds that dune restoration is an integral component both of reducing potential losses in the event of a hurricane and of protecting local infrastructure from potential damage from a hurricane. Funding is provided for the following projects:

Palm Beach/South Palm Beach/Lantana Dune Restoration.....$511,550
Brevard County Dune Restoration.....457,537
Crandon Park Dune Restoration.....237,500
Riviera Beach Dune Restoration.....135,500
Seventh Beach Dune Protection.....65,313
Brevard County Shore Protection Design.....250,000
Miami Beach Erosion Emergency Rescue.....250,000
Singer Island Shore Protection.....915,000

1274 FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 9,000,000
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . . 111,500,000

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From funds provided in Specific Appropriation 1274, $2,000,000 from the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund is provided for a Walton County Wastewater Treatment Facility.

1275 FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN
FROM GENERAL REVENUE FUND 7,000,000
FROM DRINKING WATER REVOLVING LOAN TRUST FUND 42,000,000

1276 FIXED CAPITAL OUTLAY
KEYS WASTEWATER MANAGEMENT PLAN IMPLEMENTATION
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 1276 are provided for wastewater treatment grants to Monroe County to assist low income residents in replacing illegal or inadequate onsite wastewater treatment systems. These funds are to be matched 100% by Monroe County. The county shall work with the Executive Office of the Governor, the Department of Health/Monroe County Public Health Unit, and the Department of Environmental Protection to establish specific criteria for the use of these funds.

1277 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

1277A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM GENERAL REVENUE FUND 6,850,000

Funds in Specific Appropriation 1277A are provided for water system and waste water treatment system grants to the following municipalities:

Lake Weir Water/Wastewater System.....$550,000
City of Carrabelle Wastewater Collection System.....700,000
Suwannee Wastewater Improvement Project.....575,000
City of Gretna Wastewater Treatment Facility.900,000
White Springs Wastewater Management System...900,000
Lee Water System-Pretreatment Process.....400,000
City of East Palatka Wastewater Treatment....900,000
City of West Miami.....225,000
Okeechobee/Glades County Wastewater Treatment System.....900,000
Everglades City Wastewater Treatment System..800,000

1277B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
REST PARK IMPROVEMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000

WASTE MANAGEMENT, DIVISION OF

1278 SALARIES AND BENEFITS POSITIONS 259
FROM INLAND PROTECTION TRUST FUND 3,923,290
FROM GRANTS AND DONATIONS TRUST FUND . . . 826,472
FROM PERMIT FEE TRUST FUND 59,667
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,931,131
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,157,101

1279 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 23,780

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FROM GRANTS AND DONATIONS TRUST FUND . . . 498,242
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 75,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1280 EXPENSES
FROM INLAND PROTECTION TRUST FUND 617,736
FROM GRANTS AND DONATIONS TRUST FUND . . . 569,365
FROM PERMIT FEE TRUST FUND 199,657
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 340,130
FROM WATER QUALITY ASSURANCE TRUST FUND . 360,630

1281 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 600,000

1282 AID TO LOCAL GOVERNMENTS
PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL
FROM INLAND PROTECTION TRUST FUND 6,000,000

1283 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 36,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 72,500
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 61,292
FROM WATER QUALITY ASSURANCE TRUST FUND . 61,292

1283A LUMP SUM
BROWNFIELDS REDEVELOPMENT ACT
POSITIONS 7
FROM GENERAL REVENUE FUND 485,000

Funds in Specific Appropriation 1283A are contingent on Senate Bill 1306 or similar legislation becoming law.

1284 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,011

1285 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 8,000,000

1286 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1287 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1288 SPECIAL CATEGORIES
GRANTS AND AIDS - KEEP FLORIDA BEAUTIFUL INCORPORATED
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1289 SPECIAL CATEGORIES
DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1290 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,327,514

1291 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,000,000

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1292 SPECIAL CATEGORIES
RECYCLING MARKET DEVELOPMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1293 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND 65,000,000

Funds in Specific Appropriation 1293 which are not needed for debt service payments due to the timing of the bond sale in FY 1997-98 shall be transferred to Specific Appropriation 1305, Underground Storage Tank Cleanup, to provide additional funds for priority cleanup sites in accordance with the budget amendment provisions in Chapter 216, Florida Statutes.

1294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/
RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1295 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1296 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES - MOSQUITO CONTROL
PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1297 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,000,000

Funds in Specific Appropriation 1297 shall only be used to continue site rehabilitation as defined in s. 376.301(36), F.S., at eligible drycleaning solvent contamination sites at which the department has initiated site rehabilitation pursuant to s. 376.3078(2)(b) prior to July 1, 1997.

1298 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 28,367
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 13,800
FROM WATER QUALITY ASSURANCE TRUST FUND . 34,500

1299 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR
IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1300 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH
AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1301 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 596,537

1302 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID
WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1303 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID
WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 139,135

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1304 SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID
AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1304A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF BANKING AND
FINANCE FOR PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND 654,117

1305 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 50,276,149

1305A SPECIAL CATEGORIES
TRANSFER TO AUDITOR GENERAL - PETROLEUM
CLEANUP AUDIT
FROM INLAND PROTECTION TRUST FUND 5,000,000

1306 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 951,336

1306A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INLAND PROTECTION TRUST FUND 22,325
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 5,582

1307 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,850,000

1308 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 15,000,000

1309 FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 23,000,000

1310 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
KEEP FLORIDA BEAUTIFUL - LITTER PREVENTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1311A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
SUMTER COUNTY INTEGRATED SOLID WASTE
SYSTEM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

RECREATION AND PARKS, DIVISION OF

1312 SALARIES AND BENEFITS POSITIONS 1,008
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,940,935
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,190
FROM STATE PARK TRUST FUND 28,752,078

1313 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 245,000
FROM STATE PARK TRUST FUND 2,337,438

1314 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 786,738
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,960
FROM STATE PARK TRUST FUND 8,690,690

From funds provided in Specific Appropriations 1312 through 1314 the department shall develop a

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five-year park development plan to be submitted with its FY 1998-1999 legislative budget request.

1314A AID TO LOCAL GOVERNMENTS
BOATING IMPROVEMENTS - CURRENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,544,973

1316 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 209,523
FROM STATE PARK TRUST FUND 1,407,019

1317 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 550,000

1318 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM STATE PARK TRUST FUND 560,000

1319 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,186,420

1320 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PARK TRUST FUND 1,324,487

1321 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM STATE PARK TRUST FUND 651,717

1321A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE PARK TRUST FUND 107,347

1322 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 4,016,000

Funds in Specific Appropriation 1322 include $300,000 for the Ft. Pierce Inlet State Park and $600,000 for the Sebastian Inlet Museum and Ranger Station.

1323 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,120,000

1323A FIXED CAPITAL OUTLAY
FANNING SPRINGS MAINTENANCE
FROM LAND ACQUISITION TRUST FUND 200,000

1324 FIXED CAPITAL OUTLAY
PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS
FROM LAND ACQUISITION TRUST FUND 500,000

1324A FIXED CAPITAL OUTLAY
LAKE LOUISA STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 375,000

1325 FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 225,000

1325A FIXED CAPITAL OUTLAY
LATT MAXEY STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 479,075

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1326 FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1327 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 500,000

1328 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1329 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 2,835,000

1330 FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1331 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,307,384

1332 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 7,140,813
FROM LAND ACQUISITION TRUST FUND 3,690,000

From funds in Specific Appropriation 1332, $25,000 from the Land Acquisition Trust Fund is provided for the Winfield Recreation Complex.

From funds in Specific Appropriation 1332, $100,000 from the Conservation and Recreation Lands Trust Fund is provided for the City of Ormond Beach SR40/Halifax River Pedestrian Underpass Walkway.

1332A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - WALLOP BREAUX BOATING ACCESS PROJECTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 105,000

Funds in Specific Appropriation 1332A are provided for the Sebastian River boat ramp.

1332B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FIREFIGHTERS COMMUNITY PARK
FROM LAND ACQUISITION TRUST FUND 400,000

1332C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
VIETNAM WALL SOUTH
FROM GENERAL REVENUE FUND 50,000

1332D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WETLANDS EXHIBITS
FROM LAND ACQUISITION TRUST FUND 100,000

1332E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DUDLEY FARM - NEWBERRY
FROM LAND ACQUISITION TRUST FUND 200,000

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1332F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF MIAMI PARKS
FROM LAND ACQUISITION TRUST FUND 600,000

Funds in Specific Appropriation 1332F shall be allocated for the following parks and projects:

City of Miami Parks.....400,000
City of Coral Gables Parks.....100,000
Village of Key Biscayne Community Center...100,000

1332G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WASHINGTON COUNTY PATE LAKE DOCK
FROM GENERAL REVENUE FUND 30,000

1332H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI SPRINGS MUNICIPAL POOL RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 100,000

AIR RESOURCES MANAGEMENT, DIVISION OF

1333 SALARIES AND BENEFITS POSITIONS 93
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,378,256

1334 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 6,120,687

1335 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,820,750
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 9,251

1336 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 5,995,936

1337 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 433,574

1338 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 50,000

1338A SPECIAL CATEGORIES
ELECTRIC VEHICLE INCENTIVE PROGRAM
FROM AIR POLLUTION CONTROL TRUST FUND . . 900,000

From funds provided in Specific Appropriation 1338A an incentive program is hereby established to encourage the purchase of electric vehicles. Such funds shall be administered by the Secretary of the Department of Environmental Protection and shall be distributed to the first 300 individual consumers of electric vehicles at an equal rate.

1339 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 13,361

1340 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 565,770

1340A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM AIR POLLUTION CONTROL TRUST FUND . . 10,340

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LAW ENFORCEMENT, DIVISION OF

1341 SALARIES AND BENEFITS POSITIONS 616
FROM GENERAL REVENUE FUND 17,528,603
FROM COASTAL PROTECTION TRUST FUND 2,499,272
FROM INLAND PROTECTION TRUST FUND 364,446
FROM GRANTS AND DONATIONS TRUST FUND . . . 598,688
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,030,676
FROM WATER QUALITY ASSURANCE TRUST FUND . 286,341

1342 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 88,759
FROM COASTAL PROTECTION TRUST FUND 573,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 265,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,500

1343 EXPENSES
FROM GENERAL REVENUE FUND 1,905,706
FROM COASTAL PROTECTION TRUST FUND 482,072
FROM INLAND PROTECTION TRUST FUND 60,350
FROM GRANTS AND DONATIONS TRUST FUND . . . 643,587
FROM MARINE RESOURCES CONSERVATION TRUST FUND 181,390
FROM WATER QUALITY ASSURANCE TRUST FUND . 47,324

1344 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS
FROM COASTAL PROTECTION TRUST FUND 366,311

1345 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,469,916
FROM MARINE RESOURCES CONSERVATION TRUST FUND 229,514

1346 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 54,600
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,848,760

1347 SPECIAL CATEGORIES
BOATING RELATED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 875,000

1347A SPECIAL CATEGORIES
OCEANOGRAPHIC DATA SYSTEM
FROM COASTAL PROTECTION TRUST FUND 399,000

1348 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,071,105

1349 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,282,134
FROM COASTAL PROTECTION TRUST FUND 1,208,262
FROM GRANTS AND DONATIONS TRUST FUND . . . 554,781
FROM MARINE RESOURCES CONSERVATION TRUST FUND 871,822

1350 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1351 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

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1352 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 577,987

1353 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 174,107
FROM COASTAL PROTECTION TRUST FUND 37,740
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,142
FROM MARINE RESOURCES CONSERVATION TRUST FUND 166,618

1354 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 300,000

1355 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 550,000

1355A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM COASTAL PROTECTION TRUST FUND 250,000

Funds provided in Specific Appropriation 1355A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that: (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by The Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard.

1356 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 63,877
FROM MARINE RESOURCES CONSERVATION TRUST FUND 131,662

1356A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 20,480
FROM MARINE RESOURCES CONSERVATION TRUST FUND 20,803

1357 FIXED CAPITAL OUTLAY
CONSTRUCT DISTRICT OFFICE - MIAMI - DMS MGD
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,326,200

MARINE FISHERIES COMMISSION

1359 SALARIES AND BENEFITS POSITIONS 10
FROM MARINE RESOURCES CONSERVATION TRUST FUND 552,566

1360 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 31,562

1361 EXPENSES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 193,032

1362 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 27,726

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1363 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,335

1364 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,816

1364A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 705

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1365 SALARIES AND BENEFITS POSITIONS 145
FROM GENERAL REVENUE FUND 69,416
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 342,659
FROM LAND ACQUISITION TRUST FUND 64,130
FROM NON-GAME WILDLIFE TRUST FUND 1,312,630
FROM STATE GAME TRUST FUND 4,344,863

1366 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500
FROM LAND ACQUISITION TRUST FUND 53,000
FROM NON-GAME WILDLIFE TRUST FUND 59,000
FROM STATE GAME TRUST FUND 361,259

1367 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 53,308
FROM LAND ACQUISITION TRUST FUND 41,462
FROM NON-GAME WILDLIFE TRUST FUND 494,308
FROM STATE GAME TRUST FUND 2,051,510

1368 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,774
FROM LAND ACQUISITION TRUST FUND 29,337
FROM NON-GAME WILDLIFE TRUST FUND 86,985
FROM STATE GAME TRUST FUND 34,218

1369 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500,000

1370 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION - DEPARTMENT OF EDUCATION
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 641,540

1371 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM NON-GAME WILDLIFE TRUST FUND 13,077

1372 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM NON-GAME WILDLIFE TRUST FUND 5,000

1373 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		3,633
FROM LAND ACQUISITION TRUST FUND		1,370
FROM NON-GAME WILDLIFE TRUST FUND		25,778
FROM STATE GAME TRUST FUND		153,965
1374 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF MARINE RESOURCES/ MARINE TURTLES		
FROM NON-GAME WILDLIFE TRUST FUND		300,000
1375 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM STATE GAME TRUST FUND		45,898
1375A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	33,614	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,352
FROM NON-GAME WILDLIFE TRUST FUND		7,213
FROM STATE GAME TRUST FUND		51,048
1376 FIXED CAPITAL OUTLAY		
MITIGATION PARK LAND ACQUISITION		
FROM LAND ACQUISITION TRUST FUND		2,000,000
1377 FIXED CAPITAL OUTLAY		
MITIGATION ADMINISTRATION OFFICE BUILDING		
FROM LAND ACQUISITION TRUST FUND		116,250
1377A FIXED CAPITAL OUTLAY		
NEW REGIONAL OFFICE, WEST PALM BEACH - DMS MGD		
FROM GENERAL REVENUE FUND	250,000	
1378 FIXED CAPITAL OUTLAY		
8TH SERIES - P2000		
FROM FLORIDA PRESERVATION 2000 TRUST FUND		8,120,000
1378A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
LOXAHATCHEE PRESERVE NATURE CENTER		
FROM GENERAL REVENUE FUND	652,000	
LAW ENFORCEMENT, DIVISION OF		
1379 SALARIES AND BENEFITS POSITIONS	433	
FROM GENERAL REVENUE FUND	20,405,310	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		305,326
FROM STATE GAME TRUST FUND		328,477
1379A LUMP SUM		
UNIFORM PATROL		
FROM GENERAL REVENUE FUND	1,251,783	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,045,510
FROM STATE GAME TRUST FUND		2,927,157

From funds provided in Specific Appropriations 1379 through 1384, the Division of Law Enforcement will meet the indicated standards as required by the Government Performance and Accountability Act of 1994, in providing patrol and protection activities to safeguard the opportunities for boating, camping, fishing, hunting, wildlife viewing, and other natural resource related activities in a safe and healthy environment.

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Performance Measures	1997-98 Standards
Number of land, water, and air hours spent in prevention patrol:	
Hours Patrolled:	
Land	516,259
Water	68,320
Air	8,244
Number of violations	29,130
Felony	n/a
Misdemeanor	n/a
Infractions	n/a

1379B LUMP SUM		
INVESTIGATIONS		
FROM GENERAL REVENUE FUND		15,000

Performance Measures	1997-98 Standards
Number of hours devoted to investigating poaching and related illegal activities	297,167
Number of violations encountered	14,050
Number of Investigations opened	806
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Number of Investigations closed	725
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Total Violations	1,368
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Conviction rate	n/a
Felony	n/a
Misdemeanor	n/a
Infraction	n/a

1379C LUMP SUM		
INSPECTIONS		
FROM GENERAL REVENUE FUND		68,243

Performance Measures	1997-98 Standards
Number of Inspections of Licensed and Permitted Captive Wildlife Facilities	4,446
Number of Violations	534

1379D LUMP SUM		
AVIATION		
FROM GENERAL REVENUE FUND		153,414

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Performance Measures	1997-98 Standards
Number of air contacts resulting in detection/apprehensions	445
Number of hours of Biological flight time requested/provided	1,666/1,220

1379E LUMP SUM
BOATING SAFETY

FROM GENERAL REVENUE FUND	45,928	
FROM STATE GAME TRUST FUND		25,000

Performance Measures	1997-98 Standards
Number of vessel safety inspections	154,408
Number of accidents, fatalities, and injuries investigated	
Accidents	210
Fatalities	26
Injuries	136
Number of hours devoted to vessel safety inspections in specified waterbodies, compared with the number of boating accidents in those same water bodies:	
Number of hours devoted to vessel safety inspections on the St. Johns River	9,318
Number of boating accidents on the St. Johns River	21
Number of hours devoted to vessel safety inspections on Lake Okeechobee	5,861
Number of boating accidents on Lake Okeechobee	15

1379F LUMP SUM
HUNTER EDUCATION

FROM GENERAL REVENUE FUND	301,562	
FROM STATE GAME TRUST FUND		28,125

Performance Measures	1997-98 Standards
Number of hunter education classes offered	350
Number of students graduating courses	n/a
Percent of total students meeting minimum standards for graduation	85%
Number of hunting accidents, compared with the number of people involved in such accidents who had attended/graduated from hunting courses:	
Number of hunting accidents	23
Number of people involved in hunting accidents who had attended/graduated from hunting courses	7

1384 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	490,823	
FROM STATE GAME TRUST FUND		73,933

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WILDLIFE, DIVISION OF

1386 SALARIES AND BENEFITS POSITIONS 207		
FROM GENERAL REVENUE FUND	28,832	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		804,141
FROM NON-GAME WILDLIFE TRUST FUND		1,379,125
FROM STATE GAME TRUST FUND		5,989,695
1387 OTHER PERSONAL SERVICES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		200,800
FROM NON-GAME WILDLIFE TRUST FUND		713,428
FROM STATE GAME TRUST FUND		376,064
1388 EXPENSES		
FROM GENERAL REVENUE FUND	9,088	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		285,818
FROM NON-GAME WILDLIFE TRUST FUND		569,739
FROM STATE GAME TRUST FUND		2,333,277

From funds in Specific Appropriation 1388, $50,000 from the Florida Panther Research and Management Trust Fund is provided to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program.

1389 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	29,250	
FROM NON-GAME WILDLIFE TRUST FUND		75,889
FROM STATE GAME TRUST FUND		117,195
1390 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM STATE GAME TRUST FUND		606,537
1391 SPECIAL CATEGORIES		
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6		
FROM NON-GAME WILDLIFE TRUST FUND		135,417
1392 SPECIAL CATEGORIES		
LAND MANAGEMENT/SAVE OUR RIVERS		
FROM STATE GAME TRUST FUND		70,423
1393 SPECIAL CATEGORIES		
MANAGEMENT AREA LEASE PAYMENTS		
FROM STATE GAME TRUST FUND		900,000
1394 SPECIAL CATEGORIES		
DUCKS UNLIMITED MARSH PROJECT		
FROM STATE GAME TRUST FUND		106,272
1395 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		2,514
FROM NON-GAME WILDLIFE TRUST FUND		9,386
FROM STATE GAME TRUST FUND		55,294
1396 SPECIAL CATEGORIES		
WILD TURKEY PROJECTS		
FROM STATE GAME TRUST FUND		40,000
1397 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM STATE GAME TRUST FUND		22,583

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FISHERIES, DIVISION OF

1398	SALARIES AND BENEFITS POSITIONS	164	
	FROM GENERAL REVENUE FUND	78,201	
	FROM STATE GAME TRUST FUND		6,565,554
1399	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		155,922
1400	EXPENSES		
	FROM GENERAL REVENUE FUND	19,835	
	FROM STATE GAME TRUST FUND		1,846,653
1401	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	41,225	
	FROM STATE GAME TRUST FUND		202,581
1403	SPECIAL CATEGORIES		
	LAKE RESTORATION		
	FROM STATE GAME TRUST FUND		1,593,454
1404	SPECIAL CATEGORIES		
	BOAT RAMP MAINTENANCE CATEGORY		
	FROM STATE GAME TRUST FUND		175,000
1405	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND		58,507
1406A	FIXED CAPITAL OUTLAY		
	RESTORATION - LAKE MICCOSUKEE		
	FROM GENERAL REVENUE FUND	300,000	

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1490T through 1490Z, 1490AL through 1490AX, 1490BF through 1490BO, and 1490CT through 1490DR, are provided from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

From funds in Specific Appropriations 1490A, 1490AA, 1490AY, 1490BP and 1490BY, up to 1/2 of 1% may be used for lump sum salary bonuses for qualified departmental employees pursuant to the Department's Personnel Program, contingent upon passage of HB 1969 or SB 2004 or similar legislation becoming law.

Specific Appropriations 1490A to 1490DR fund the seven Department of Transportation programs identified for measurement under Performance Based Program Budgeting in the budget entity structure used in 1996/97. For 1998/99, the department shall submit its budget request in a format that would allow for visibility of these seven programs in the appropriations bill. The department will also submit proposed legislation to provide the resource flexibility necessary to execute these programs in an efficient and effective manner.

FINANCE AND ADMINISTRATION

1490A	SALARIES AND BENEFITS POSITIONS	1,800	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		58,164,956
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND		656,796

From funds and positions provided in Specific Appropriation 1490A, $414,429 from the State Transportation (Primary) Trust Fund and 29 positions shall be placed in reserve by the Executive Office of the Governor until the department demonstrates the need based upon a schedule of actual toll facility opening dates.

1490B	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,524,299
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND	10,000
1490C	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	31,459,087
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND	146,907
1490D	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,898,420
1490E	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	92,100
1490F	SPECIAL CATEGORIES	
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	200,801
1490G	SPECIAL CATEGORIES	
	CONSULTANT FEES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	7,392,401
1490H	SPECIAL CATEGORIES	
	TOLL OPERATION CONTRACTS	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	22,646,213

From funds provided in Specific Appropriation 1490H the department shall develop and submit to the Executive Office of the Governor by December 1, 1997, a report that compares the fiscal year 1996-97 actual contract expenditures with the projected expenditures as stated in the December 1, 1996, Toll Collection Contracting Cost Analysis Report. This report shall include a recommendation and implementation plan which either continues the conversion to contracted services or returns to utilization of state employees.

1490I	SPECIAL CATEGORIES	
	PAYMENT TO EXPRESSWAY AUTHORITIES	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	6,812,250
1490J	SPECIAL CATEGORIES	
	HUMAN RESOURCES DEVELOPMENT	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	341,005
1490K	SPECIAL CATEGORIES	
	OVERTIME	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	661,500
1490L	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	13,209,286

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APPROPRIATION

1490M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 697,717

1490N SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

Funds in Specific Appropriation 1490N shall be credited to the Department of Transportation's mitigation requirements for impacts to wetlands pursuant to s. 373.4137, Florida Statutes, 1996 Supp.

From funds in Specific Appropriation 1490N, $125,000 shall be allocated for the environmental mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries.

1490O SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,671,200

1490P SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY
AFFAIRS - CONSISTENCY REVIEW OF STATE
TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 284,877

1490Q SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1490R DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,846,811

1490S FIXED CAPITAL OUTLAY
RENOVATIONS - HEATING, VENTILATION AND AIR
CONDITIONING - BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,600,000

1490T FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1490U FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1490V FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 25,914,253

1490W FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

SECTION 5
SPECIFIC
APPROPRIATION

1490X FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 6,734,000

1490Y FIXED CAPITAL OUTLAY
DESIGN AND CONSTRUCTION - ROSE BAY BRIDGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1490Z FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,397,760

From funds in Specific Appropriations 1490A through 1490Z, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Toll Operations Program	
Toll Operations Program Component....	82,153,898
FTE: 1,181	
Tolls Systems Equipment & Development Appropriation Category.....	3,397,760
Preliminary Engineering Consultants Appropriation Category.....	500,000
Performance Measures	
Number of toll transactions.....	404,785,847
Operational cost per toll transaction.....	0.163
Support Services Program	
Administrative Direction & Support Services Program Component.....	83,661,797
FTE: 1,006	
Data Center Operations Program Component.....	25,478,049
FTE: 139	
Bond Guarantee Appropriation Category	500,000
Transportation Planning Consultants Appropriation Category.....	100,000
G\A-Trans. Expressway Authority.....	6,734,000
G\A-Transportation Disadvantaged Appropriation Category.....	25,914,253
Performance Measures	
Administrative costs as a percent of total program.....	2.72%
Data Center Costs as percent of total program.....	089%
Fixed Capital Outlay - Buildings and Grounds.....	26,874,782

SECTION 5
SPECIFIC
APPROPRIATION
PLANNING AND ENGINEERING

1490AA SALARIES AND BENEFITS POSITIONS 1,212
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 56,307,098

1490AB OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 543,438

1490AC EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,718,517

1490AD OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,293,915

1490AE SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 352,000

1490AF SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,305,000

1490AG SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,725,677

1490AH SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 431,312

1490AI SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 149,400

1490AJ SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,816,730

1490AK SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 168,000

1490AL FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/
ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 450,000

1490AM FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,670,000

1490AN FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 320,000

1490AO FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,740,040

SECTION 5
SPECIFIC
APPROPRIATION

1490AP FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1490AQ FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1490AR FIXED CAPITAL OUTLAY
CONSTRUCTION - ACCELERATED PAVEMENT
TESTING FACILITY - GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

1490AS FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,629,289

1490AT FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000,000

Funds in Specific Appropriation 1490AT include $10,000,000 contingent upon HB 1997 or similar legislation becoming law. The Executive Office of the Governor is authorized to place these funds in reserve and release them when the Department of Transportation demonstrates that expenditure of these funds will not impact the projects contained in the 1997-98 Work Program adopted pursuant to chapter 339, F.S., and that the release and expenditure of these funds will not cause the cash balance in the State Transportation Trust Fund to drop below the $50,000,000 minimum required in section 339.135(6)(b), F.S..

1490AU FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,145,855

No funds in Specific Appropriation 1490AU shall be spent on the High Speed Rail project until federal approvals for financial guarantees are secured.

1490AV FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,736,215

1490AW FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,450,000

1490AX FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,326,298

From funds in Specific Appropriations 1490AA through 1490AX, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Motor Carrier Compliance Program
Motor Carrier Compliance Program

SECTION 5
SPECIFIC
APPROPRIATION

Component	18,427,756
FTE: 393	
Performance Measures	
Percent of commercial motor vehicles that pass safety inspections	8,000,000
Number of Commercial Vehicles Weighted	88,000
Number of Commercial Vehicles Safety Inspections Performed	
Percent of commercial vehicles weighed that were overweight	
Fixed scale weighings	0.5%
Portable scale weighings	34.0%
Number of scale weighings performed	64,569

TURNPIKE OPERATIONS

1490AY SALARIES AND BENEFITS POSITIONS 174
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,045,135

1490AZ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 187,015

1490BA EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,439,623

1490BB OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 201,230

1490BC SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,877,171

1490BD SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 76,095

1490BE SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,093,036

1490BF FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 15,680,000

1490BG FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,232,597
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 36,489,044
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 861,200
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 32,488,770
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 485,000

1490BH FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 3,474,605

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SPECIFIC
APPROPRIATION

FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,428,572
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 11,683,550

1490BI FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 7,556,640
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 28,356,659
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 5,000,000

1490BJ FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,567,490

1490BK FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 10,298,209
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 2,448,039

1490BL FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 811,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 37,184,941
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 514,050

1490BM FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 3,480,000
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 794,669
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 2,352,000

1490BN FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,220,000

1490BO FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,276,050
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 15,161,478
FROM TURNPIKE BOND CONSTRUCTION TRUST FUND 2,800,000

DISTRICT ADMINISTRATION

1490BP SALARIES AND BENEFITS POSITIONS 469
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 18,806,995

1490BQ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 750,746

1490BR EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,213,676

1490BS OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 177,984

1490BT SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 95,000

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APPROPRIATION

1490BU SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,000

1490BV SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,800

1490BW FIXED CAPITAL OUTLAY
ADDITION AND RENOVATION - CHIPLEY DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 650,000

1490BX FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,020,000

DISTRICT OPERATIONS

1490BY SALARIES AND BENEFITS POSITIONS 6,836
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 259,353,832

1490BZ OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,089,238

1490CA EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,507,254

1490CB OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,290,741

1490CC SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,542,000

1490CD SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,500,000

1490CE SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,613,657

1490CF SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,000,000

From funds in Specific Appropriation 1490CF, funds sufficient to cover the cost of round trip tolls on the Orlando Orange County Expressway Authority's Bee Line Expressway toll plaza West of SR 520 per Department of Corrections employee per shift at the Central Florida Reception Center shall be identified and reimbursed to the Orlando Orange County Expressway Authority.

1490CG SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 692,318

1490CH SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,503,889

1490CI SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,181,743

1490CJ FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 537,000

1490CK FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 350,000

1490CL FIXED CAPITAL OUTLAY
ROOF REPLACEMENT AND REPAIRS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 312,000

1490CM FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,012,500

1490CN FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 800,000

1490CO FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - NORTH DADE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

1490CP FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,688,000

1490CQ FIXED CAPITAL OUTLAY
CONSTRUCTION - MATERIALS OFFICE AND LABORATORY COMPLEX, BARTOW
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,520,000

1490CR FIXED CAPITAL OUTLAY
CONSTRUCTION - MAINTENANCE FACILITY, DEFUNIAK
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,000

1490CS FIXED CAPITAL OUTLAY
CONSTRUCTION - KEPLER MAINENANCE FACILITY, DELAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,499,782

1490CT FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,383,000

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1490CU FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 114,041,577

1490CV FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 239,615,722

From funds in Specific Appropriation 1490CV, the department may process the necessary work program and budget amendments pursuant to Chapter 339, Florida Statutes, in the event a Congressional authorization or appropriation is received for U.S. 192 or State Road 70 for road widening in Brevard, Osceola and Okeechobee Counties. The department is further authorized to provide up to twenty percent matching funds for authorized or appropriated federal funds.

From funds provided in Specific Appropriation 1490CV $100,000 from the State Transportation (Primary) Trust Fund are for dredging, additional navigation equipment, and operating purposes related to the Physical Oceanographic Real Time System to improve maritime vessel safety for the Sunshine Skyway Bridge in Tampa Bay.

1490CW FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 372,810,462

1490CX FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 121,314,306
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 2,038,713

1490CY FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 82,500,004

1490CZ FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - BROOKSVILLE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 690,000

1490DA FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - TAMPA
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 828,500

1490DB FIXED CAPITAL OUTLAY
CONSTRUCTION - PARKING FACILITY/EMERGENCY OPERATIONS CENTER/ STORAGE - DISTRICT 4 OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,173,000

1490DC FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,494,000

1490DD FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 84,611,281

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1490DE FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 219,074,408
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 174,708,028

1490DF FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 69,061,818

1490DG FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 41,160,460

1490DH FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 313,753,419

1490DI FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 184,205,269
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 26,253,117

1490DJ FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 220,664,631
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 4,487,004

1490DK FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,500,000

Funds in Specific Appropriation 1490DK require an equal match from non-state funds by the program participants. The grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

1490DL FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 45,565,945
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 21,207,161

1490DM FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,852,136

1490DN FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR, OFFICE OF TOURISM, TRADE & ECONOMIC DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,000,000

Funds in Specific Appropriation 1490DN shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor on a quarterly basis during the fiscal year.

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APPROPRIATION

1490DO FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,768,002

1490DP FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 950,000

1490DQ FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,297,521

1490DR FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 53,200,000

From funds in Specific Appropriations 1490BY through 1490DR, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Highway Construction/Engineering Program
Highway Construction/Engineering Program Component..... 59,766,534
FTE: 1,337
Pre-construction/Design Services Program Component..... 80,733,931
FTE: 1,373
Materials Testing & Research Program Component..... 25,004,506
FTE: 544
Traffic Operations Program Component. 10,799,000
FTE: 193
Transportation Planning Program Component..... 17,808,429
FTE: 297
Intrastate Highway Construction Appropriation Category..... 312,172,333
Arterial Highway Construction Appropriation Category..... 374,550,502
Construction Inspection Consultants Appropriation Category..... 150,439,746
Highway Safety Construction/Grants Appropriation Category..... 48,896,675
Resurfacing Appropriation Category.. 316,320,909
Bridge Construction Appropriation Category..... 221,204,634
Transfer/EOG/OTTED/Transportation Projects Appropriation Category..... 10,000,000
Local Government Reimbursement Appropriation Category..... 15,297,521
Turnpike Systems Equipment and Development Appropriation Category.. 20,237,528
Preliminary Engineering Consultants Appropriation Category..... 265,111,626
Materials & Research Appropriation Category..... 8,326,298
Traffic Engineering Consultants Appropriation Category..... 950,000
Transportation Planning Consultants Appropriation Category..... 17,053,000
Transportation Planning Grants Appropriation Category..... 10,852,136
Total Highway Construction/ Engineering.....1,965,525,308
FTE: 3,744

Performance Measures	1997-98 Standards
Number of lane miles let to contract for resurfacing.....	1,835
Number of lane miles let to contract for highway capacity improvements...	241
Percentage of construction contracts planned for letting that were actually let.....	96.0%
Number of bridges let to contract for repair.....	157
Percentage of vehicle crashes on state highway system where road-related conditions were listed as contributing factor.....	<.05%
Number of bridges let to contract for replacement.....	35
Motor vehicle fatalities per 100 million miles traveled.....	<2.25
Bicycle and pedestrian deaths per 100,000 population.....	<5.0
Percentage of state highway system pavement in good condition.....	79.0%
Percentage of state-maintained bridges in good condition.....	96.0%
Percentage increase in number of days required for completed construction contracts over original contract days (less weather days).....	<30.0%
Percentage increase in final amount paid for completed construction contracts over original contract amount.....	<10.0%
Right-of-Way Acquisition Program	
Right-of-Way Acquisition Program Component..... 26,390,505	
FTE: 519	
Right-of-Way Land Acquisition	

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Appropriation Category	434,695,735
Right-of-Way Support Appropriation Category	73,399,775
Debt Service Appropriation Category	53,200,000
Total Right-of-Way	587,886,015
FTE: 519	

Performance Measures	1997-98 Standards
Number of right-of-way parcels acquired	3,298
Number of projects certified ready for construction	105
Public Transportation Program	
Public Transportation Program Component	8,454,278
FTE: 136	
Aviation Development/Grants Appropriation Category	83,500,004
Public Transit Development/Grants Appropriation Category	87,240,570
Intermodal Rail Development/Grants Appropriation Category	104,207,673
Seaport Economic Development Appropriation Category	15,000,000
Total Public Transportation	298,402,525
FTE: 136	
Performance Measures	
Number of passenger enplanements	49,000,000
Number of transit capital projects funded	46
Number of transit operating projects funded	153
Number of aviation projects funded	231
Tons of Cargo Shipped by air	4,000,000
Number of Public Transit Passenger Trips	170,909,390
Number of aviation projects funded	237
Transit ridership growth compared to population growth transit	
Ridership growth	1.0%
Population growth	2.0%
Total waterborne trade in tons	128,300,000
Number of cruise embarkations and disembarkations at Florida ports	7,500,000

SECTION 5
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Number of intermodal projects funded	40
Number of rail projects funded	70
Routine Highway Maintenance Program	
Routine Highway Maintenance Program Component	138,265,056
FTE: 2,966	
Mobile Equipment/Signs & Equipment Program Component	60,448,239
FTE: 369	
Welcome Centers Program Component	959,611
FTE: 38	
Total Maintenance	345,202,485
FTE: 3,373	
Highway Maintenance Contracts Appropriation Category	130,041,577
Bridge Construction	2,000,000
Highway Beautification Grants Appropriation Category	1,500,000
Bridge Inspection Appropriation Category	11.988,002
Performance Measures	
Maintenance condition of state highway system as measured against the department's maintenance manual standards	80
Tons of asphalt placed by maintenance crews	97,617

TOTAL OF SECTION 5 POSITIONS 19,703

FROM GENERAL REVENUE FUND 272,260,429

FROM TRUST FUNDS 5658,298,568

TOTAL ALL FUNDS 5930,558,997

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Department of Insurance/Treasurer, Department of Labor and Employment Security, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

ADMINISTERED FUNDS

1491 LUMP SUM
RENT INCREASE FOR DEBT SERVICE AND MAINTENANCE OF STATE FACILITIES
FROM GENERAL REVENUE FUND 863,034
FROM TRUST FUNDS 863,033

1492 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 64,243,313
FROM TRUST FUNDS 40,129,416

SECTION 6
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APPROPRIATION

1494 LUMP SUM
STATEWIDE INNOVATION FUND
FROM GENERAL REVENUE FUND 2,000,000
FROM TRUST FUNDS 2,000,000

Funds from Specific Appropriation 1494 will be allocated based on a competitive evaluation process designed to award funds to agencies for demonstrating, in a proposal, innovative changes to their operations which will show quantifiable savings.

Proposals shall be evaluated by the Department of Management Services. Proposals shall be approved by a State Innovation Committee as established in Section 216.235(4), F.S. Criteria shall be used by the Committee and be based on the merit of the innovative idea as it relates to achieving the following results: 1) cutting the cost of government, and 2) achieving privatization.

The Department of Management Services shall submit its recommendations to the State Innovation Committee. The State Innovation Committee shall approve proposals for funding. The Office of Planning and Budgeting shall release the funds through budget amendments which shall be subject to legislative consultation as set forth in Chapter 216, Florida Statutes.

From funds in Specific Appropriation 1494, up to $25,000 may be expended by the Executive Office of the Governor to contract for an integrated approach to increasing Florida non-tax revenues. The contract may be let on a contingency basis. Revenue shall be optimized by enhancing the Federal Financial Participation or complying with program regulations to generate additional revenue from the federal government, including but not limited to Title IV-F unliquidated obligations, Title IV-B/Social Service Block Grant Fungibility, statewide cost allocation methodologies and JOBS - Title IV-F. The contract shall call for recommendations for additional general revenues that might be used to optimize federal funds. These recommendations shall consider items such as statewide investment pool, agency retention of revenues, and incentive alignments.

1495 LUMP SUM
INFORMATION SYSTEM DATA CONVERSION FOR
YEAR 2000
FROM GENERAL REVENUE FUND 7,524,220
FROM TRUST FUNDS 7,147,609

Funds in Specific Appropriation 1495 are provided for correction of the Year 2000 date problem in existing computer systems. The funds shall be held in reserve and released based upon the following:

1. State agencies and the Judicial Branch shall submit information the Year 2000 Task Force deems necessary in order to facilitate assessment, coordination, and cost savings of the state's Year 2000 conversion effort;

2. The Year 2000 Task Force shall review the agencies' and Judicial Branches' submission and make funding recommendations to the Executive Office of the Governor; and

3. The Executive Office of the Governor shall review and approve release of the funds pursuant to the budget amendment process set forth under Chapter 216, F.S.

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The Executive Office of the Governor is authorized to employ a project manager to coordinate the state's Year 2000 date change conversion and inter-organizational data compatibility activities, including reviewing, evaluating, and making recommendations on plans that are submitted; ensuring agencies are effectively managing their Year 2000 projects; identifying exceptional situations in agency Year 2000 activities; and, establishing a framework for agency compliance validation.

1495A LUMP SUM
CONSTITUTIONAL REVISION COMMISSION
FROM GENERAL REVENUE FUND 1,600,000

Funds provided in Specific Appropriation 1495A to the Constitutional Revision Commission are only for the operational costs of the Commission. The Executive Office of the Governor shall place the funds in Specific Appropriation 1495A in reserve until such time as the Commission members are appointed and the Commission begins its business. No funds in Specific Appropriation 1495A may be used for expenditures other than the Constitutional Revision Commission.

1497 LUMP SUM
INTEGRATED FINANCIAL SYSTEM
FROM GENERAL REVENUE FUND 6,000,000

Funds from Specific Appropriation 1497 are for the acquisition and implementation of an integrated human resources management and payroll system that will use an identical chart of accounts, a common data base and graphical user interface, and a common software language. The FFAMIS Coordinating Council shall conduct a proof of concept implementation in which the integrated human resources management and payroll system component will be implemented in a limited number of agencies to determine how well the software works and to determine to what extent it will be possible to re-engineer the current processes.

The proof of concept shall demonstrate if it is possible to buy an integrated financial management system, or major components, so that the FFAMIS systems may be replaced with purchased software. The proof of concept shall demonstrate if it is possible to modify existing procedures or administrative rules for the use of new automated workflow processes or procedures. If there is existing law or administrative rule which prohibits the efficient procedure or requires the continuation of a process or action that is functionally no longer necessary, the FFAMIS Coordinating Council shall identify those statutes or administrative rules which amending would allow an alternative process to occur.

The funds contained within Specific Appropriation 1497 shall be held in reserve by the Executive Office of the Governor until the FFAMIS Coordinating Council has approved a spending plan. The spending plan shall include the distribution of the appropriated funds to the Department of Banking and Finance, the Department of Management Services, and the Executive Office of the Governor. The Office of Planning and Budgeting shall distribute and release the appropriated funds through budget amendments which shall be subject to the legislative consultation requirements set forth in Chapter 216, Florida Statutes. The Administration Commission may

SECTION 6
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APPROPRIATION

approve positions in excess for staff to provide administrative and managerial support based on a recommendation by the FFAMIS Coordinating Council in consultation with the Legislature pursuant to section 216.177(2)(a), Florida Statutes.

1498 LUMP SUM
STATE EMPLOYEES HEALTH INSURANCE
FROM GENERAL REVENUE FUND 49,212,800
FROM TRUST FUNDS 18,387,200

From the funds in Specific Appropriation 1498, the Department of Management Services is directed to secure, on a contingency fee basis, claims auditing services which will provide for the recovery of claims overpayments made from funds in the State Employees Health Insurance Trust Fund. Such recovered overpayments, net of collection costs, shall be deposited into the State Employees Health Insurance Trust Fund within the Department of Management Services.

The health insurance premiums paid by the state and the state employees that are in effect in Fiscal Year 1996-97 shall remain in effect in Fiscal Year 1997-98. The funds in Specific Appropriation 1498 from the General Revenue Fund shall be transferred to the State Employees Health Insurance Trust Fund within the Department of Management Services and released on a quarterly basis by the Executive Office of the Governor. The funds from Specific Appropriation 1498 from trust funds shall be allocated to the various state agencies by the Executive Office of the Governor prorated on the basis of the funding relationships of the Salaries & Benefits appropriations contained within this act and adjusted by the Executive Office of the Governor in consultation with the Senate Committee on Ways and Means and the Appropriations Committees of the House Fiscal Responsibility Council. The state agencies shall transfer the additional trust funded appropriations to the State Employees Health Insurance Trust Fund within the Department of Management Services in the normal process established for paying the monthly health insurance premiums.

1499A LUMP SUM
LEGAL IMMIGRANT'S TEMPORARY INCOME BRIDGE PROGRAM
FROM GENERAL REVENUE FUND 23,000,000

Funds are provided in Specific Appropriation 1499A to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The Program shall be administered by the Department of Children and Families ("Department"). The Program will provide temporary income assistance to legal immigrants who will lose their benefits while they are awaiting completion of the citizenship process; or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Families to implement this program.

The program shall be designed to provide temporary income assistance to legal immigrants, 65 years of age or older, who were residents of the State of Florida prior to February 1, 1997; who after August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Act"), have become ineligible for Federal benefits, specifically Supplemental Security Income (SSI) and food stamp benefits; who will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and who can demonstrate that they are engaged in the process of becoming United States citizens or are seeking an exemption thereto. The total amount of temporary income assistance provided to an individual shall not exceed half of the supplemental security income (SSI) and/or food stamps benefits for which they have become ineligible. The Department shall give priority to disabled persons, persons who as a direct result of losing their federal benefits may lose their permanent housing, and person living in public or rent-assisted housing.

The Department of Children and Families' total administrative charges for this program shall not exceed 1% of the funds provided. Administrative charges for contract service providers for this program shall not exceed 3% of the total funds provided in each service contract.

Provided, however, that should the United States Congress act to extend the implementation date of these portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 applicable to services for noncitizens in order to allow states to prepare for said Act, funds provided herein may be used to provide block grants to severely impacted school districts, local governments, and community based organizations that will assist legal immigrants while in the naturalization and citizenship process or in the process of seeking an exemption thereto.

1499B LUMP SUM
CITIZENSHIP OUTREACH GRANT PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

From funds provided in Specific Appropriation 1499B, the Department of State shall provide grants to community-based organizations and local governments to provide outreach and assistance to legally immigrated permanent residents seeking citizenship or an exemption thereto.

No community-based organization shall be reimbursed for any costs that exceed $10 per case (except those application fees required by the Immigration and Naturalization Services to process such applications) and shall have a documented record of providing these services to at least 5,000 individuals in the preceeding year. No community-based organization or governmental entity shall receive more than $500,000 from the Department of State under this program.

Funds from this specific appropriation shall include reimbursement to Metro-Dade County for $500,000 in contracted funds for the Immigration Reform Project, including but not limited to, necessary expenses for staffing and related costs.

1500 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 172,900

1501 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 205,526

1502 SPECIAL CATEGORIES
SOUTHERN GROWTH POLICY BOARD
FROM GENERAL REVENUE FUND 50,784

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1503 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1504 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1505 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

1507 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 4,827,286

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF
ADMINISTRATION

1508 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 2,457,699
FROM ADMINISTRATIVE TRUST FUND 2,719,656

1509 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 44,250

1510 EXPENSES
FROM GENERAL REVENUE FUND 511,074
FROM ADMINISTRATIVE TRUST FUND 703,425

1511 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 235,630
FROM ADMINISTRATIVE TRUST FUND 252,696

1512 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 86,058

1513 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,922
FROM ADMINISTRATIVE TRUST FUND 11,934

1514 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 108,622
FROM ADMINISTRATIVE TRUST FUND 480,598

1514A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,526
FROM ADMINISTRATIVE TRUST FUND 4,062

ACCOUNTING AND AUDITING, DIVISION OF

1515 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 5,883,425
FROM ADMINISTRATIVE TRUST FUND 115,941
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 169,801

1516 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 142,104

1517 EXPENSES
FROM GENERAL REVENUE FUND 1,118,776
FROM ADMINISTRATIVE TRUST FUND 28,176
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,159

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1518 AID TO LOCAL GOVERNMENTS
FLOOD CONTROL
FROM FLOOD CONTROL TRUST FUND 12,000

1519 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FLORIDA NATIONAL FOREST TRUST FUND . 2,700,000

1520 AID TO LOCAL GOVERNMENTS
PROCEEDS FROM SALE OF TIMBER PRODUCTS
FROM U.S. MILITARY INSTALLATIONS TIMBER
PRODUCTS TRUST FUND 335,000

1521 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,639
FROM ADMINISTRATIVE TRUST FUND 10,000

1522 SPECIAL CATEGORIES
GRANTS AND AIDS - SMALL COUNTY TECHNICAL
ASSISTANCE
FROM GENERAL REVENUE FUND 300,000

1523 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 60,237

1523A SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM ADMINISTRATIVE TRUST FUND 500,000

1524 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 26,967

1524A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,604

INFORMATION SYSTEMS, DIVISION OF

1525 SALARIES AND BENEFITS POSITIONS 169
FROM WORKING CAPITAL TRUST FUND 7,422,879

1526 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 100,000

1527 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,427,794

1528 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,302,188

1529 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 16,691

BANKING, DIVISION OF

1530 SALARIES AND BENEFITS POSITIONS 150
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 7,318,613

1531 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 21,396

1532 EXPENSES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 1,643,921

1533 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 10,000

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1534 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 34,020

1535 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 250,418

1535A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 6,059

FINANCE, DIVISION OF

1536 SALARIES AND BENEFITS POSITIONS 127
FROM REGULATORY TRUST FUND 5,283,181

From funds provided in Specific Appropriations 1536 for the Abandoned Property Program, the department is directed to eliminate four positions and related funds by June 30, 1998. This reduction represents savings resulting from the privatization of the claims processing function of the Abandoned Property Program. If the department is unable to award a contract to privatize location and claims processing services, the department may submit a budget amendment to the Executive Office of the Governor for the necessary funding to continue administering the Abandoned Property Program within the department.

1537 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 3,809,789

From funds in Specific Appropriation 1537, a reduction of $4,910,894 is contingent upon HB 441 or similar legislation becoming law, which allows contractors to remit unclaimed property to the state net of their fee for locating that property.

1538 EXPENSES
FROM REGULATORY TRUST FUND 1,388,849

1539 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 129,835

1540 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM REGULATORY TRUST FUND 388,145

1540A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM REGULATORY TRUST FUND 28,062

SECURITIES AND INVESTOR PROTECTION, DIVISION OF

1541 SALARIES AND BENEFITS POSITIONS 109
FROM GENERAL REVENUE FUND 4,476,355
FROM ANTI-FRAUD TRUST FUND 149,532

1542 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000
FROM ANTI-FRAUD TRUST FUND 157,161

1543 EXPENSES
FROM GENERAL REVENUE FUND 715,897
FROM ANTI-FRAUD TRUST FUND 92,839

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1545 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,433

1546 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 125,367

1547 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 49,056

1547A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,682

FINANCIAL INVESTIGATIONS, DIVISION OF

1548 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 1,214,315
FROM ADMINISTRATIVE TRUST FUND 1,515,507

1550 EXPENSES
FROM GENERAL REVENUE FUND 273,453
FROM ADMINISTRATIVE TRUST FUND 331,583

1551 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,866
FROM ADMINISTRATIVE TRUST FUND 16,474

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

Funds in Specific Appropriation 1552 through 1618 reflect reductions to the Department of Business and Professional Regulation related to the transfer of medical professions regulation to the Agency for Health Care Administration and the Department of Health. The actual amount of reductions are contingent upon the completion of a plan to finalize the transfers, agreed to by all agencies involved, that ensures uninterrupted program administration.

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1552 SALARIES AND BENEFITS POSITIONS 228
FROM ADMINISTRATIVE TRUST FUND 9,544,314
FROM PROFESSIONAL REGULATION TRUST FUND . 172,549

1553 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,121,998
FROM PROFESSIONAL REGULATION TRUST FUND . 36,581

1554 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,711,779
FROM PROFESSIONAL REGULATION TRUST FUND . 154,764

1555 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 824,874
FROM PROFESSIONAL REGULATION TRUST FUND . 800

1556 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 144,228

1557 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM ADMINISTRATIVE TRUST FUND 249,339

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1558 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ADMINISTRATIVE TRUST FUND 3,800

1559 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 35,456
FROM PROFESSIONAL REGULATION TRUST FUND . 316

1560 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 2,240

1561 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER OPERATION
FROM ADMINISTRATIVE TRUST FUND 64,000

1562 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 582,039

1563 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,714

1563A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 223,255

PROFESSIONAL REGULATION, DIVISION OF

1564 SALARIES AND BENEFITS POSITIONS 444
FROM PROFESSIONAL REGULATION TRUST FUND . 15,675,140

Funds in Specific Appropriations 1564, 1566, and 1570 reflect reductions to the Department of Business and Professional Regulation based on the privatization of computer based testing. The reductions are contingent upon legislation becoming law authorizing the privatization and computerization of professional license exams and the successful award of a contract to private providers.

1565 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,509,408

1566 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 5,632,901

1567 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 111,540

1568 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 279,000

1569 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 836,283

1570 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 2,662,751

1571 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,580,050

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APPROPRIATION

1572 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

1573 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 200,000

1574 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 397,611

1575 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 519,044

1577 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1578 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 704,858

PARI-MUTUEL WAGERING, DIVISION OF

1579 SALARIES AND BENEFITS POSITIONS 85
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,457,275

1580 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,862,363

Funds in Specific Appropriation 1580 include $185,000 for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

1581 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 998,166

1582 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

1583 AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 157,000

1584 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 202,802

1585 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

1586 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 250,000

1587 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 84,724

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1588 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

1589 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

1590 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,000,000

Funds in Specific Appropriation 1590 are provided to contract the day to day operations of the Pari-Mutuel Laboratory with the University of Florida, College of Veterinary Medicine for fiscal year 1997-98. The College of Veterinary Medicine shall perform a feasibility study assessing the serviceability of existing equipment, determination of backlog of samples to be tested, and the annual operating costs for the College to run the laboratory on an annual basis. The annual operating costs shall be translated into costs per sample tested. This information shall be reported to the Executive Office of the Governor and the Legislature on or before January 1, 1998.

1591 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 396,476

HOTELS AND RESTAURANTS, DIVISION OF

1592 SALARIES AND BENEFITS POSITIONS 328
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,508,274

1593 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 54,080

1594 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,207,855

From the funds in Specific Appropriation 1594, $50,000 from the Hotel and Restaurant Trust Fund shall be used to support food safety training programs pursuant to s. 509.302(7), Florida Statutes.

1595 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 41,556

1596 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 346,414

1597 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 498,416

1598 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 100,000

1599 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 235,075

1600 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

1601 SALARIES AND BENEFITS POSITIONS 419
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 17,865,503

From the funds provided in Specific Appropriations 1601 through 1603, at least $100,000 shall be used to enforce the provisions of Chapters 561, 562, 563, 564, 565, and 567, Florida Statutes, against persons or entities that sell or ship alcoholic beverage products directly to Florida consumers from a location outside the state.

1602 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 45,658

1603 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 4,175,290

1604 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

1605 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 309,528

1606 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 529,200

1607 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 55,000

1608 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 510,081

1609 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 851,262

1610 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 179,970

1611 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 301,415

1612 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 235,422

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

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1613 SALARIES AND BENEFITS POSITIONS 172
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 6,058,734

1614 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 28,950

1615 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,558,895

1616 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 44,470

1617 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 106,320

1618 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 150,567

CITRUS, DEPARTMENT OF

1619 SALARIES AND BENEFITS POSITIONS 160
FROM CITRUS ADVERTISING TRUST FUND 7,877,142

1620 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 268,000

1621 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 5,791,039

From the funds provided in Specific Appropriation 1621, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 1649H dispensed at the Florida Welcome Stations.

1622 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 1,031,500

1623 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 69,602,028

1625 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 19,188

1626 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM CITRUS ADVERTISING TRUST FUND 20,000

1627 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 15,000

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1627A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CITRUS ADVERTISING TRUST FUND 17,005

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

1627B AID TO LOCAL GOVERNMENTS
SOUTH FLORIDA SEARCH AND RESCUE
FROM GENERAL REVENUE FUND 500,000

1627C AID TO LOCAL GOVERNMENTS
PERRINE CUTLER RIDGE ECONOMIC DEVELOPMENT COUNCIL
FROM GENERAL REVENUE FUND 300,000

1627D AID TO LOCAL GOVERNMENTS
CAMACOL
FROM GENERAL REVENUE FUND 300,000

1627E AID TO LOCAL GOVERNMENTS
HIALEAH CHAMBER
FROM GENERAL REVENUE FUND 200,000

1627F AID TO LOCAL GOVERNMENTS
MIAMI PERFORMING ARTS CENTER - PLANNING
FROM GENERAL REVENUE FUND 300,000

1627G AID TO LOCAL GOVERNMENTS
METRO-DADE AIR RESCUE UPGRADES
FROM GENERAL REVENUE FUND 150,000

1628 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
POSITIONS 121
FROM GENERAL REVENUE FUND 8,308,222
FROM GRANTS AND DONATIONS TRUST FUND . . . 421,245

From the funds in Specific Appropriation 1628, $50,000 from the General Revenue Fund is provided for reimbursement of travel and per diem expenses for the Public Schools Construction Study Commission, which is hereby created. The Commission shall consist of 17 members who are residents of Florida. Seven members shall be appointed by the Governor, 5 members shall be appointed by the Senate President, and 5 members shall be appointed by the Speaker of the House. It shall be the duty of the Commission to study in detail and recommend appropriate reforms related to the planning, and siting, of public schools, and reforms related to school concurrency. The Commission shall issue a written report, including recommendations for any changes in law, to the Governor, the Senate President, and the Speaker of the House, on or before January 1, 1998. Members of the Commission shall serve without compensation, but shall be entitled to receive reimbursement of travel and per diem as provided in Section 112.061, F.S., while carrying out official business of the Commission.

1629 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
POSITIONS 91
FROM GENERAL REVENUE FUND 5,730,812
FROM GRANTS AND DONATIONS TRUST FUND . . . 84,496

1630 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
POSITIONS 5
FROM GENERAL REVENUE FUND 417,621

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1632A LUMP SUM
DISTANCE LEARNING INFRASTRUCTURE
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,758,678

From the funds in Specific Appropriation 1632A, $7,758,678 shall be used to complete the development and implementation of the infrastructure for distance learning. Such infrastructure shall provide for an advisement and academic support system for students to access Florida postsecondary education information which as a first priority, shall include, but not be limited to: 1) degree shopping 2) career counseling and information 3) student financial aid network 4) student registration and fee payment system 5) student admissions. In the event funds are available after completing the above, no funds shall be used for the development of curriculum or other programs for distribution by distance learning, as defined by the Florida Distance Learning Network (FDLN), until such time as a proposed expenditure plan has been approved by FDLN.

1632B LUMP SUM
WAGES STATE BOARD
POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 471,174

1633 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
POSITIONS 45
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 4,744,872

1633A LUMP SUM
INSPECTOR GENERAL/GENERAL COUNSEL
FROM GENERAL REVENUE FUND 250,000

1633B LUMP SUM
ENHANCEMENT OF PRODUCTION CAPABILITIES AT THE UNIVERSITY OF FLORIDA
FROM GENERAL REVENUE FUND 200,000

1634 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 84,352

1634A SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 350,000

1634B SPECIAL CATEGORIES
FLORIDA SPORTS DEVELOPMENT CENTER
FROM GENERAL REVENUE FUND 350,000

1635 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

1635A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 114,987

1640 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 65,744
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,464
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 13,864

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1643 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 44,550

1644 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 24,000

1644A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,732

OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

1649A SALARIES AND BENEFITS POSITIONS 20
FROM GENERAL REVENUE FUND 479,144
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 74,181
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 175,683
FROM TOURISM PROMOTION TRUST FUND 175,683

1649B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 166,855
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 24,641
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 53,368
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,000
FROM TOURISM PROMOTION TRUST FUND 53,368

1649C LUMP SUM
ECONOMIC DEVELOPMENT/INTERNATIONAL TRADE AND PROMOTION
FROM GENERAL REVENUE FUND 40,771,170
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 3,375,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 5,340,525
FROM GRANTS AND DONATIONS TRUST FUND . . . 37,250,000

From funds provided in Specific Appropriation 1649C from the General Revenue Fund the following appropriations are for the named economic development initiatives:

Sister City Program/City of Clearwater	$750,000
Spaceport Florida RLV Program	$4,000,000
I-4 High Technology Corridor of Central Florida	$925,000
G/A Enterprise Florida - Operations	$6,331,668
G/A EFI-Capital, Innovation, Quick Response	$9,875,000
G/A Targeted Industry Incentive Program	$4,900,000
G/A Jobs and Education Operation	$ 283,446
Brownfields Redevelopment	$3,000,000
Microelectronics	$3,900,000
Micro Enterprise Capital	$1,000,000
Pilot Job Training Matching Grant Program	$2,000,000
Linkage Institutes	$ 300,000
Targeted Industry Reconnaissance Program	$1,000,000
Spaceport Florida Authority-Operation.	$752,844
Custom Forwarders and Facilitation	$100,000
Southern States Trade Obligations Compact Japan	$250,000
Southeast Asia Trade Operations-Vietnam Embassy Office	$270,000

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|Soldiers to Scholars Program .....$300,000|
|Florida Business Incubation Center.....$300,000|
|G/A FAVA/CA.....$533,212|

From funds provided in Specific Appropriation 1649C from the Florida International Trade and Promotion Trust Fund the following appropriations are for the named economic development initiatives:

|Trade Data Center.....$ 290,525|
|Intensive Export Assistance.....$1,500,000|
|G/A Enterprise Florida - Operation Foreign |
|Offices.....$1,700,000|
|Florida Export Finance Corp |
|Administration .....$1,850,000|

From funds provided in Specific Appropriation 1649C from the Economic Development Trust Fund the following appropriations are for the named economic development initiatives:

|G/A Targeted Industry Incentive |
| Program/Defense Reinvestment.....$1,375,000|
| |
|Economic Development Trust Fund |
|Rural Community Development Grants...$2,000,000|

From the funds in Specific Appropriation 1649C from the Grants and Donations Trust Fund for performance based programs and incentives, Enterprise Florida shall develop at least 3 geographically dispersed private demonstration programs for applied basic and work skills job training. Such programs shall be in the areas of: retraining employees displaced by contracting or obsolete industries to move from one industry to another; training for specific industries, such as seaports and construction or other related industries that support international trade; or training employees for industries expanding their employment base in Florida. Enterprise Florida shall solicit proposals that demonstrate effective management and supervision of employee learning, be transportable by geographic region, use applied technologies such as computer based applications and demonstrate the ability to train the largest number of employees within the shortest period of time during the 1997-98 fiscal year. Special preferences for training shall be offered for persons affected by the WAGES programs.

From funds provided in Specific Appropriation 1649C, the sum of $500,000 from the General Revenue Fund for Pilot Job Training Matching Grant Program is designated for the Port Training Program as provided in HB 1997 or similar legislation.

From the funds provided in Specific Appropriation 1649C the sum of $200,000 from funds appropriated for Rural Community Development Grants shall be allocated and granted to the Florida Foreign Trade Association for purposes of increasing exports from rural areas of the state by assisting Florida businesses from counties with populations of 75,000 persons or fewer to participate in major international trade shows in this hemisphere.

From funds provided in specific Appropriation 1649C, the Office of Tourism Trade and Economic Development shall in conjunction with its contracted partnerships develop "Program Work Plans" for 1997-98 incorporating contractual performance measures and appropriated resources. These plans shall be due on or before July 1, 1997, and

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submitted to the Senate Ways and Means Committee Chairman and to the House Fiscal Responsibility Council Chairman. The plan shall be designed to reflect quarterly goals and objectives. On October 1, 1997 and quarterly thereafter, a report shall be made to the above Chairs which compares the actual quarterly accomplishments to the "Program Work Plan" submitted on July 1st or before. Where a variance occurs, the contracted partnership must provide written justification for the difference at the time of the quarterly report.

1649D	SPECIAL CATEGORIES GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD FROM GENERAL REVENUE FUND	454,705	
1649E	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND		2,500,000
1649F	SPECIAL CATEGORIES PORTS PROGRAM FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		209,475
1649G	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	208	
1649H	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM FROM TOURISM PROMOTION TRUST FUND		20,000,000
1649I	SPECIAL CATEGORIES ENTERPRISE FLORIDA - JOBS AND EDUCATION SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		414,805
1649J	SPECIAL CATEGORIES ENTERTAINMENT FLORIDA FROM TOURISM PROMOTION TRUST FUND		200,411
1649K	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS FROM GENERAL REVENUE FUND	1,500,000	
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		19,000,000

From General Revenue Funds included in Specific Appropriation 1649K, $1,000,000 is for construction of a service road to SR 85 in Crestview.

From General Revenue Funds included in Specific Appropriation 1649K, $500,000 is to be provided to Putnam County on an equal match basis from non-state funds to assist in project site preparation and building construction for the purpose of enhancing business and industry development including improvements to SR 207 and U.S. Highway 17.

From the Economic Development Transportation Trust Fund included in Specific Appropriation 1649K, $3,000,000 is for construction of an Overpass at Maitland Boulevard and Forest City Road.

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HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1650	SALARIES AND BENEFITS POSITIONS	425	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		12,636,896
	FROM GRANTS AND DONATIONS TRUST FUND . . .		82,101
	FROM LAW ENFORCEMENT TRUST FUND		96,455
1651	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		91,785
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,000
1652	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,573,560
	FROM GRANTS AND DONATIONS TRUST FUND . . .		205,400
	FROM LAW ENFORCEMENT TRUST FUND		7,460
1653	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		93,695
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,000
1654	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	25,406	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		55,380
1655	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,099
1656	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		501
1657	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	317,534	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		579,677
	FROM LAW ENFORCEMENT TRUST FUND		3,437
1657A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	49,312	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		107,543

FLORIDA HIGHWAY PATROL, DIVISION OF

It is the intent of the Legislature that the Office of Program Policy Analysis and Government Accountability review the Florida Highway Patrol's traffic and investigation activities on local roads in order to assist the Legislature in the evaluation of the performance of their operations.

1658	SALARIES AND BENEFITS POSITIONS	2,207	
	FROM GENERAL REVENUE FUND	91,758,545	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,666,641
	FROM GAS TAX COLLECTION TRUST FUND		183,513
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,310,018
	FROM LAW ENFORCEMENT TRUST FUND		829,452
1659	LUMP SUM		
	HIGHWAY SAFETY PROGRAM		
	FROM GENERAL REVENUE FUND	13,322,160	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		12,474,562
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,099,453
	FROM LAW ENFORCEMENT TRUST FUND		228,203

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From the Funds in Specific Appropriation 1658 and 1659, the Florida Highway Patrol will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing highway safety in Florida through law enforcement, preventive patrol and public education.

Performance Measures	1997-98 Standards
OUTCOMES:	
Annual percentage change and actual compliance rate of safety belt use statewide and compared to national average	+6%/68%/67%
Annual mileage death rate on patrolled highways per 100,000,000 vehicle miles of travel compared to national average	1.7 nat'l/2.2 FL
Annual alcohol-related mileage death rate per 100,000,000 vehicle miles of travel	0.8%
Annual percent change and actual number of reported crashes on patrolled highways	+6%/194,644
Percent of recruits retained by the FHP for one year after completion of training	N/A
OUTPUTS:	
Actual number of hours spent on criminal investigations and the number of cases resolved	54,631/788
Actual number of hours spent on professional compliance investigations and the number of cases resolved	19,527/156
Actual number and hours spent on traffic safety presentations to the public and number of persons receiving those presentations	1,470/7,280
Actual average response time to calls for crashes or assistance from the motoring public	16.37 min
Number of law enforcement officer duty hours and percent of time spent on preventive patrol	1,125,135/144%
Number of law enforcement officer duty hours and percent of time spent on crash investigation	331,569/13%
Number of law enforcement officer duty hours and percent of time spent on assistance rendered and number of motorists assisted	127,527/5%
Actual number of hours spent on traffic homicide investigations (THI) and number of investigations successfully resolved	122,821/1,688
Actual number of training courses offered to FHP recruits and personnel and number of students successfully completing the course	21-N/A

1660	SPECIAL CATEGORIES	
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS	
	FROM HIGHWAY PATROL INSURANCE TRUST FUND .	152,000

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1661	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,130,604	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		166,010
1662	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,168,097	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		580,368
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,600
1663	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,000
1664	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		215,735

DRIVER LICENSES, DIVISION OF

1666	SALARIES AND BENEFITS POSITIONS	1,492	
	FROM GENERAL REVENUE FUND	79,581	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		40,900,209
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		292,623
1667	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		967,016
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		143,467
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,064
1668	EXPENSES		
	FROM GENERAL REVENUE FUND	89,761	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,802,674
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		81,604
	FROM GRANTS AND DONATIONS TRUST FUND . . .		191,228
1669	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,000	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		80,323
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		7,769
	FROM GRANTS AND DONATIONS TRUST FUND . . .		176,132
1671	SPECIAL CATEGORIES		
	PAYMENT TO OUTSIDE CONTRACTOR		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		500,000
1672	SPECIAL CATEGORIES		
	PURCHASE OF DRIVER LICENSES		
	FROM GENERAL REVENUE FUND	208,066	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,225,149
1673	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		993,155
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		4,648
1674	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	3,113,395	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,147,114

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MOTOR VEHICLES, DIVISION OF

1675	SALARIES AND BENEFITS POSITIONS	627	
	FROM GENERAL REVENUE FUND	58,500	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,894,631
	FROM GAS TAX COLLECTION TRUST FUND		2,445,167
1676	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		109,516
	FROM GAS TAX COLLECTION TRUST FUND		11,438
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
1677	EXPENSES		
	FROM GENERAL REVENUE FUND	11,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,116,353
	FROM GAS TAX COLLECTION TRUST FUND		498,162
	FROM GRANTS AND DONATIONS TRUST FUND . . .		360,626
1678	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
1679	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000
1680	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		3,368,000
1681	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		160,165
	FROM GAS TAX COLLECTION TRUST FUND		5,001
	FROM GRANTS AND DONATIONS TRUST FUND . . .		145,656
1682	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASE OF LICENSE PLATES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,531,999
1683	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		181,744
	FROM GAS TAX COLLECTION TRUST FUND		38,096
1684	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF ENVIRONMENTAL PROTECTION EMISSIONS PROGRAM		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		250,000
1685	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	153,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		144,696
1686	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	1,925,790	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,322,540
	FROM GAS TAX COLLECTION TRUST FUND		514,697

KIRKMAN DATA CENTER

1687	SALARIES AND BENEFITS POSITIONS	225	
	FROM WORKING CAPITAL TRUST FUND		8,109,152
1688	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		1,738,723

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1689 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,824,609

1690 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 952,796

1691 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 33,929

1692 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 3,936,434

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1693 SALARIES AND BENEFITS POSITIONS 144
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 6,154,020

1694 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 344,121

1695 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,118,405

1696 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 19,300

1697 LUMP SUM
MITIGATING COASTAL HOMES - PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,400,000

Funds in Specific Appropriation 1697 shall be used to develop a Mitigating Coastal Homes Pilot Program contingent upon legislation becoming law authorizing this program. The Department of Insurance shall develop a Mitigating Coastal Homes component plan in conjunction with the Department of Community Affairs comprehensive plan for the distribution of funds received from the Florida Hurricane Catastrophe Trust Fund. At a minimum the department's component plan should include criteria for monitoring and evaluating the projects to determine the effectiveness of reducing property damage to coastal residential structures. All funds will remain in lump sum until the department's component plan has been incorporated into the Department of Community Affairs comprehensive plan, and approved by the Executive Office of the Governor.

1698 LUMP SUM
HAZARD RESISTANT CONSTRUCTION MATERIALS
AND METHODS - PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,100,000

Funds in Specific Appropriation 1698 shall be used to develop a Hazard Resistant Construction Materials and Methods Pilot Program contingent upon legislation becoming law authorizing this program. The Department of Insurance shall develop a Hazard Resistant Construction Materials and Methods component plan in conjunction with the Department of Community Affairs comprehensive plan for the distribution of funds received from the Florida

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Hurricane Catastrophe Trust Fund. At a minimum the department's component plan should include criteria for monitoring and evaluating the projects to determine the effectiveness of reducing property damage to new residential structures and retrofitted older residential structures. All funds will remain in lump sum until the department's component plan has been incorporated into the Department of Community Affairs comprehensive plan, and approved by the Executive Office of the Governor.

1701 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 65,592

1702 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,400

1703 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,783

1703A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 10,683

TREASURY, DIVISION OF

1704 SALARIES AND BENEFITS POSITIONS 76
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,958,028

1705 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 9,000

1706 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,208,404

1707 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 7,216

1707A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 4,014

AGENTS AND AGENCIES SERVICES, DIVISION OF

1708 SALARIES AND BENEFITS POSITIONS 139
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 4,610,610

1709 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,370,781

1710 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,302,609

1711 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY
LICENSE TAX TRUST FUND 3,600,000

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1712 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,200

1713 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200,000

1714 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 50,252

1714A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,965

INSURER SERVICES, DIVISION OF

1715 SALARIES AND BENEFITS POSITIONS 308
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 13,152,265

1716 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 570,000

From the funds in Specific Appropriation 1716, $75,000 is provided for the Florida Commission on Integrated Health Care Delivery Systems to conduct an analysis of various health care providers, and is contingent on Senate Bill 2066 or similar legislation becoming law.

From the funds in Specific Appropriation 1716, $100,000 is provided for the department to hire expert consultants to develop appropriate territorial mapping and related hurricane risk factors associated with various coastal territories of the state, and is contingent on Senate Bill 794, House Bill 1815 or similar legislation becoming law.

1717 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,103,253

Funds in Specific Appropriations 1715 and 1717 reflect the reduction of 5.0 positions, $180,843 in salaries and benefits, and $110,000 in expense, associated with a four-year initiative to privatize market conduct examinations. Implementation of this initiative is contingent on legislation becoming law which authorizes market conduct exams to be performed by contracted examiners.

1718 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 16,050

1719 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 64,524

1720 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 35,212

1720A DATA PROCESSING SERVICES
SAMAS USER CHARGE

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FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,638

REHABILITATION AND LIQUIDATION, DIVISION OF

1721 SALARIES AND BENEFITS POSITIONS 13
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 741,158

1722 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 300,000

1723 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 513,170

1724 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 76,530

1724A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 332

INSURANCE CONSUMER SERVICES, DIVISION OF

1725 SALARIES AND BENEFITS POSITIONS 160
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,379,158

1726 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

1727 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,519,595

1728 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 68,215

1729 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 40,897

1729A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,109

STATE FIRE MARSHAL, DIVISION OF

1730 SALARIES AND BENEFITS POSITIONS 230
FROM FIRE COLLEGE TRUST FUND 1,199,523
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,260,697

1731 OTHER PERSONAL SERVICES
FROM FIRE COLLEGE TRUST FUND 115,630
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 270,531

1732 EXPENSES
FROM FIRE COLLEGE TRUST FUND 637,756
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,119,120

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1733 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 991,907

1734 LUMP SUM
FIRE COLLEGE DISTANCE LEARNING PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 824,303

Funds in Specific Appropriation 1734 shall be used to develop a Fire College Distance Learning Pilot Program in conjunction with the University of Florida and the Department of Management Services. All funds will remain in lump sum until a plan has been developed and approved by the Executive Office of the Governor.

Upon approval of the plan, the Department of Insurance shall transmit a quarterly progress report on the results to the Executive Office of the Governor. No later than September 15,1998, the department shall provide an annual report evaluating the results of the plan to the Executive Office of the Governor, the Department of Management Services, the Speaker of the House, and the President of the Senate and the Minority Leaders of the House and Senate.

1735 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM FIRE COLLEGE TRUST FUND 150,000

1736 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 251,141

1737 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 95,306

1738 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 79,098

1739 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM FIRE COLLEGE TRUST FUND 17,500
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,500

1739A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FIRE COLLEGE TRUST FUND 3,446
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,170

1739B FIXED CAPITAL OUTLAY
FLORIDA'S FIRE/RESCUE TRAINING AND EDUCATION SYSTEM UPGRADE - DMS MGD
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 992,727

RISK MANAGEMENT, DIVISION OF

1740 SALARIES AND BENEFITS POSITIONS 106
FROM CASUALTY INSURANCE TRUST FUND 3,565,829
FROM FIRE INSURANCE TRUST FUND 241,722

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1741 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 5,000
FROM FIRE INSURANCE TRUST FUND 250,000

1742 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 883,813
FROM FIRE INSURANCE TRUST FUND 35,545

1743 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 29,855

1744 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 11,130,000
FROM FIRE INSURANCE TRUST FUND 6,750,000

1745 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CASUALTY INSURANCE TRUST FUND 14,385

1745A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CASUALTY INSURANCE TRUST FUND 3,264
FROM FIRE INSURANCE TRUST FUND 363

INSURANCE FRAUD, DIVISION OF

1746 SALARIES AND BENEFITS POSITIONS 133
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,839,812

1747 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 120,000

1748 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,335,310

1749 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 392,580

1750 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 37,277

1751 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 146,260

1751A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,558

TREASURER'S MANAGEMENT INFORMATION CENTER

1752 SALARIES AND BENEFITS POSITIONS 65
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,951,777

1753 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 890,000

1754 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,987,340

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1755 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 500,000

1756 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 15,737

1757 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 252,000

1757A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,852

LEGAL SERVICES, DIVISION OF

1758 SALARIES AND BENEFITS POSITIONS 75
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,370,808

1759 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 298,235

1760 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 938,357

1761 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,200

1762 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 449,723

1763 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 61,670

1763A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,454

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1764 SALARIES AND BENEFITS POSITIONS 365
FROM GENERAL REVENUE FUND 1,292,408
FROM ADMINISTRATIVE TRUST FUND 11,761,279
FROM REVOLVING TRUST FUND 747,739

From the positions in Specific Appropriation 1764 one full-time equivalent shall be designated for the purpose of supporting quality improvement initiatives in state government.

1765 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,000
FROM ADMINISTRATIVE TRUST FUND 402,492
FROM REVOLVING TRUST FUND 487,946

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1766 EXPENSES
FROM GENERAL REVENUE FUND 228,265
FROM ADMINISTRATIVE TRUST FUND 3,049,887
FROM REVOLVING TRUST FUND 3,568,915
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 45,880

1767 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 208,129
FROM REVOLVING TRUST FUND 185,176

1768 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 30,000

1769 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 57,372

1770 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 277,494

1771 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 1,640
FROM ADMINISTRATIVE TRUST FUND 589,780

1771A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 636
FROM ADMINISTRATIVE TRUST FUND 33,878

1772 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,174,000

1773 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

PUBLIC EMPLOYEES RELATIONS COMMISSION

1774 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 2,519,339

1775 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 134,640
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 5,000

1776 EXPENSES
FROM GENERAL REVENUE FUND 524,066
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 48,648

1777 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,189

1778 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,295

1779 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 30,448

1779A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,389

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OFFICE OF THE JUDGES OF COMPENSATION CLAIMS

1780 SALARIES AND BENEFITS POSITIONS 196
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,913,920

1781 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 893,362

1782 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,370,380

1783 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 60,049

1784 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 343,446

1785 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 50,000

1785A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 8,934

SAFETY AND WORKERS' COMPENSATION

The measurements of the activities of the Divisions of Safety and Workers' Compensation shall be jointly used to assess governmental performance and accountability for the Workers' Compensation Program.

1786 SALARIES AND BENEFITS POSITIONS 798
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 28,506,696
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 969,502

1787 LUMP SUM
WORKERS' COMPENSATION LUMP SUM
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 12,861,888
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 699,327

1788 SPECIAL CATEGORIES
REIMBURSEMENT OF EMPLOYERS
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 125,609,261

1789 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 209,288

1790 SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 645,408

1791 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 4,353,607

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1792 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 500,000

1793 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 23,920,026

1794 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,980,847

1794A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 47,679

From the funds provided in Specific Appropriations 1786, 1787, 1788, 1790, 1791, 1792, 1793, 1794 and 1794A, the Divisions of Safety & Workers' Compensation will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards are to empower individuals with work related injuries to maximize their economic self-sufficiency and independence; to pursue vocational rehabilitative services; and to provide safe working conditions for all of Florida's private and public employees.

Performance Measures	1997-98 Standards
OUTCOMES:	
Actual vs. projected premium rates in Florida	321
Percentage of injured workers returning to work at 80 percent or more of previous average weekly wage for at least 1 quarter the year following injury	60.0%
Percentage of initial payments made on time by insurance carriers	91.8%
Percent of total supplemental benefits paid to injured workers timely and accurately	99.0%
Number of workers newly protected by workers' compensation coverage per fiscal year as a result of compliance efforts	13,897
Number of investigated disputes totally resolved by the Employee Assistance Office	23,622
Percent of investigated disputes totally resolved by the Employee Assistance Office	30.2%
Average closure time for disputed issues through efforts of EAO (in days)	24
Percent of non-complying carriers in compliance after division intervention	78.0%
Percent of cases closed during fiscal year in which a worker returns to work	60.0%

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Number of employers brought into compliance through investigations	2,995
Estimated amount of insurance premium dollars newly generated due to compliance	$ 9,740,524
Estimated cost avoidance to workers' compensation system from EAO resolution of disputes.	$ 54,082,261
Average total cost per 4-year old case	$18,946
OUTPUTS:	
Number of private sector employers directly receiving services	1,571
Number of public sector employers directly receiving services	2,836
Number of services provided (hazard identification, safety program assistance and training)	15,540
Number of individual self-insureds' documents processed	1,658
Number of individual self-insureds' applications reviewed	15
Number of individual self-insureds' applications approved	6
Number of permanent total supplemental benefits mailed or electronically processed by the program	42,240
Number of employer coverage documents processed, including exemptions from coverage filed by construction employers	621,694
Number of notices and penalty assessments served on non-complying employers	3,014
Number of stop work orders served to employers failing to comply after penalty	21
Number of employer investigations conducted for compliance with workers' compensation law	22,758
Number of requests for assistance within the jurisdiction of the Employee Assistance Office that were investigated	78,135
Number of applicants screened for re-employment services	1,921
Number of program applicants provided re-employment services	1,164
Percentage of program applicants provided re-employment services	62.0%
Number of cases created from the DWC-1 form	80,000
Number of carriers audited annually	95
Percentage of carriers found in compliance on initial audit	30.0%

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JOBS AND BENEFITS, DIVISION OF

1795	SALARIES AND BENEFITS POSITIONS 2,775		
	FROM GENERAL REVENUE FUND	1,296,794	
	FROM CREW CHIEF REGISTRATION TRUST FUND		858,831
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		87,196,147
1796	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,133,171
1797	EXPENSES		
	FROM GENERAL REVENUE FUND	243,053	
	FROM CREW CHIEF REGISTRATION TRUST FUND		165,657
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		21,772,607
1798	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		618,530

From amounts in Specific Appropriations 1795, 1796, and 1798, the department is directed to enter into contracts collaboratively with the Department of Children and Family Services in consultation with the WAGES Board for joint pilot projects to demonstrate the feasibility of privatizing all service delivery functions associated with the WAGES program in no fewer than three locations that are in separate regions and are representative of service centers in inner city, suburban and rural settings. The WAGES State Board shall participate in project design, site selection, proposal development and bid evaluation for all pilot projects. Requests for proposals for all three pilot project sites must be issued no later than December 31, 1997, and all providers must be selected for all sites no later than March 1, 1998. Implementation activities in all pilot project sites must commence no later than April 1, 1998. The department is authorized to use funds from Specific Appropriations 1795, 1796, and 1798 for costs associated with developing and issuing requests for proposals for the pilot projects and for evaluating proposals received. The department, in cooperation with the WAGES state board, is required to submit quarterly progress reports on pilot project implementation and operation to the President of the Senate and Speaker of the House beginning September 30, 1997. The Office of Program Policy Analysis and Governmental Accountability is directed to submit an evaluation of startup and early implementation activities to the President of the Senate and Speaker of the House by December 31, 1998, and an evaluation of pilot project outcomes by December 31, 1999.

1798A	LUMP SUM	
	INTEGRATED CLIENT COMMON INTAKE	
	FROM GENERAL REVENUE FUND	600,000

In accordance with the Integrated Workforce Development System goal identified in the department's Agency Strategic Plan, funds in Specific Appropriation 1798A, $600,000 shall be used by the department and the Palm Beach County Workforce Development Board to develop and establish a pilot Integrated Client Common Intake and Client Services Tracking System. This system shall be designed to allow agencies participating in the One-Stop Career Centers initiatives the ability to create efficiencies in service delivery. The department shall submit a report to the House Fiscal Responsibility Council and the Senate Ways and Means

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Committee by January 1, 1998 on the progress of the pilot.

1799 LUMP SUM
ONE-STOP CENTERS INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 12,558,704

From funds in Specific Appropriation 1799, $295,235 shall be used by the Florida Community Opportunity Partnership Center at the University of South Florida to expand its pilot program to provide a total of five one-stop job development centers in west central Florida.

Funds in Specific Appropriation 1799 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for One Stop Center Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1800 LUMP SUM
HIGH SKILL/HIGH WAGE INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 34,347,941

Funds in Specific Appropriation 1800 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for High Skill / High Wage Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1801 LUMP SUM
SCHOOL-TO-WORK INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 51,163,823

Funds in Specific Appropriation 1801 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for School to Work Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

1802 LUMP SUM
WELFARE-TO-WORK INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 45,644,105

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Funds in Specific Appropriation 1802 must be expended in accordance with the plan approved by the Jobs and Education Partnership. The plan shall include goals, incentives and performance benchmarks for Welfare to Work Activities. The plan for the expenditure of these funds must be submitted by state agencies for approval by the Jobs and Education Partnership (JEP) and notification to the Executive Office of the Governor no later than June 2, 1997 and must be approved by JEP no later than June 25, 1997. Wherever appropriate, activities are to be delivered at a local level and coordinated through chartered Jobs and Education Partnership Regional Boards.

From funds provided in Specific Appropriation 1802, the chartered Jobs and Education Partnership Regional Boards may utilize $3.2 million in Title IIA funds to provide on-the-job training for WAGES parents participating in the Certified-Teacher-Aide Welfare Transition Program, after approval of the Jobs and Education Partnership.

1803 SPECIAL CATEGORIES
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP
ACT SERVICE DELIVERY AREA ALLOTMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 11,535,922

From funds provided in Specific Appropriation 1803, $2,000,000 will be used on an annual basis for dislocated worker services provided by the State of Florida's Dislocated Worker Unit and $2,000,000 will be used for contracted rapid response services for dislocated workers. The State of Florida Dislocated Worker Unit will be responsible for all services received by dislocated workers in Florida.

1804 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 825,000

1805 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS/WAGES COALITIONS ALLOTMENTS
FROM GENERAL REVENUE FUND 500,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 92,111,506

From funds in Specific Appropriation 1805, $6,000,000 from the Employment Security Administration Trust Fund may be used for the purpose of operating the performance-based incentive program (Chapter 239.249, F.S.). The funds will be earned by school districts and community colleges under a performance-based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Section 216.136, F.S.) and for enrolling, training and placing WAGES participants.

From funds in Specific Appropriation 1805, each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the state WAGES Board and the Commission on Responsible Fatherhood. These initiatives may include, but not be limited to, improved paternity establishment, work activities for noncustodial parents, and programs

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aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child support payments.

1806 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 595,547

1807 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,878,973

1808 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 4,450,935

1809 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 152,500

1809A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 177,653

UNEMPLOYMENT COMPENSATION, DIVISION OF

1810 SALARIES AND BENEFITS POSITIONS 912
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 29,785,860

1811 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,408,527
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 2,042,790

1812 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 9,581,722
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 348,469

1813 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,339,688
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 872,747

1814 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 572,139

1815 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 1604,608,909

1816 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 4,445,022
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 246,500

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1816A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 62,117

INFORMATION MANAGEMENT CENTER

1817 SALARIES AND BENEFITS POSITIONS 142
FROM WORKING CAPITAL TRUST FUND 5,935,227

1818 EXPENSES
FROM WORKING CAPITAL TRUST FUND 6,230,193

1819 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 562,902

1820 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 17,062

1820A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKING CAPITAL TRUST FUND 6,780

VOCATIONAL REHABILITATION, DIVISION OF

1821 SALARIES AND BENEFITS POSITIONS 1,132
FROM GENERAL REVENUE FUND 7,701,600
FROM FEDERAL REHABILITATION TRUST FUND . . 28,670,499
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,304,865

1822 LUMP SUM
VOCATIONAL REHABILITATION PROGRAM
FROM GENERAL REVENUE FUND 14,745,059
FROM FEDERAL REHABILITATION TRUST FUND . . 68,500,134
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 17,723,287

From funds in Specific Appropriation 1822, $500,000 in the General Revenue Fund shall be provided each eligible quarter for incentive funding. One-third shall be released by the Office of Planning and Budgeting for use by the Rehabilitation Program in providing employee bonuses, incentive pay or other productivity enhancements upon demonstration by the Rehabilitation Program that it has achieved the following standards for two consecutive quarters:

1) An average time lapse in days between application and eligibility determination for Vocational Rehabilitation customers of no more than 60 days (excluding federally authorized exceptions),

2) An average time lapse in days between eligibility determination for the Vocational Rehabilitation Program and the beginning of planned services of 90 days or less, and

3) A percentage of most severely disabled customers gainfully employed for at least 60 days of at least 57 percent.

In the event that these funds will reduce future federal funding for the Rehabilitation Program based on federal requirements for maintenance of effort, the state funds for incentives shall be placed in reserve by the Office of Planning and Budgeting.

1823 SPECIAL CATEGORIES
VOCATIONAL REHABILITATION SERVICES
FROM GENERAL REVENUE FUND 1,265,036
FROM FEDERAL REHABILITATION TRUST FUND . . 2,504,617

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1824	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FEDERAL REHABILITATION TRUST FUND . .		294,467
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		15,158
1825	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GENERAL REVENUE FUND	208,930	
	FROM FEDERAL REHABILITATION TRUST FUND . .		648,007
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		74,878
1825A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	3,629	
	FROM ADMINISTRATIVE TRUST FUND		1,372
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,019,248
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		41,627
	FROM U.S. TRUST FUND		134,186

From funds provided in Specific Appropriations 1821, 1822, 1824, 1825, and 1825A, the Division of Vocational Rehabilitation (VR) will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards is to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence; and to ensure the referral of persons with moderate to severe brain or spinal cord injuries to a coordinated rehabilitation program for services that will enable them to return to an appropriate level of functioning in their communities.

Performance Measures	1997-98 Standards
OUTCOMES:	
Rate (and no.) of customers gainfully employed (rehabilitated) at least 90 days	56% (8,017)
a. of VR severely disabled	47.5% (1,723)
b. of VR most severely disabled	57.4% (4,771)
c. of BSCI customers referred to VR	33.4% (74)
d. of all other VR disabled	62.7% (1,523)
Rate (and no.) of VR customers placed in competitive employment	97.1% (7,785)
Rate (and no.) of VR customers retained in employment after one year	62% (5,000)
Projected average annual earnings of VR customers at placement	$13,248
Average annual earnings of VR customers after one year	$13,075
Rate (and no.) of BSCI customers returned (reintegrated) to their communities at an appropriate level of functioning for their injuries	84% (507)
Rate (and no.) receiving temporary family assistance at VR closure	
a. of gainfully employed	1.7% (142)
b. of other VR closures	2.3% (168)
Percentage reduction in temporary family assistance for gainfully employed VR customers at closure	75.5%
Percentage of case costs covered by third-party payers	32%
Average cost of case life (to Division)	
a. for severely disabled VR customers	$4,269
b. for most severely disabled VR customers	$3,676
c. for all other disabled VR customers	$455
d. for brain injured BSCI customers	$2,021
e. for spinal cord injured BSCI customers	$5,230
OUTPUTS:	
No. of customers reviewed for eligibility	31,920
No. of individualized written plans for services	17,700
No. of customers served	76,716
Average time lapse (in days) between	
a. application and eligibility determination for VR customers	64
b. referral and eligibility determination for brain and spinal cord injured customers	51
Average time lapse (in days) between eligibility determination for the VR Program and the beginning of planned services	94
Customer caseload per counseling/case management team member	136

OFFICE OF DISABILITY DETERMINATIONS

1826	SALARIES AND BENEFITS POSITIONS	936	
	FROM GENERAL REVENUE FUND	350,545	
	FROM ADMINISTRATIVE TRUST FUND		352,798
	FROM U.S. TRUST FUND		31,636,146
1827	LUMP SUM		
	DISABILITY DETERMINATION PROGRAM		
	FROM GENERAL REVENUE FUND	338,792	
	FROM ADMINISTRATIVE TRUST FUND		375,884
	FROM U.S. TRUST FUND		31,938,404
1828	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,031	
	FROM ADMINISTRATIVE TRUST FUND		3,032
	FROM U.S. TRUST FUND		220,480
1829	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM U.S. TRUST FUND		50,000

From funds provided in Specific Appropriations 1826, 1827, 1828, and 1829 the Office of Disability Determination will meet the following standards as required by the Government and Performance

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Accountability Act. The purposes of meeting these standards is to make timely and accurate disability determinations under the Medically Needy Program and Titles II (20 CFR 404.1610) and XVI (20 CFR 416.1010) of the Social Security Act. The Office of Disability Determination has a contract with the Department of Children and Family Services to make disability decisions for Floridians applying for Medicaid benefits under the Medically Needy Program. Title II, the Social Security Disability Insurance Program, provides cash benefits for disabled workers and their dependents who have contributed to the Social Security Trust Fund through the FICA tax on their earnings. Title XVI, the Supplemental Security Income (SSI) Program, provides benefits because of financial need, as defined in the law.

Performance Measures	1997-98 Standards
OUTCOMES:	
Ave. no. of days required to complete initial disability determinations under Title II	70
under Title XVI	80
Ave. no. of days required to complete initial Medically Needy decisions	111
Percentage of disability decisions completed accurately as measured by the Social Security Administration	90.6%
Percentage of Medically Needy decisions completed accurately, as measured by the internal ODD quality assurance section	90.6%
Cost per case (Titles II and XVI)	$248
Cost per case (Medically Needy)	$188
OUTPUTS:	
No. of disability decisions completed	240,000
No. of Titles II and XVI claims processed per FTE	300
No. of Medically Needy decisions completed	7,682
No. of Medically Needy claims processed per FTE	343

BLIND SERVICES, DIVISION OF

1830	SALARIES AND BENEFITS POSITIONS 310		
	FROM GENERAL REVENUE FUND	3,088,998	
	FROM FEDERAL REHABILITATION TRUST FUND . .		6,600,582
1831	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,591	
	FROM ADMINISTRATIVE TRUST FUND		29,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		86,479
1832	EXPENSES		
	FROM GENERAL REVENUE FUND	492,100	
	FROM ADMINISTRATIVE TRUST FUND		95,047
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,216,134

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1833	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM ADMINISTRATIVE TRUST FUND		1,259,121
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,536,053
1835	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,347	
	FROM ADMINISTRATIVE TRUST FUND		123,536
	FROM FEDERAL REHABILITATION TRUST FUND . .		501,785
1836	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		79,920
1837	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FEDERAL REHABILITATION TRUST FUND . .		50,000
1838	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	738,050	
	FROM ADMINISTRATIVE TRUST FUND		563,277
1839	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	3,451,911	
	FROM FEDERAL REHABILITATION TRUST FUND . .		2,043,414
1840	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	183,132	
	FROM FEDERAL REHABILITATION TRUST FUND . .		340,103
1841	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM ADMINISTRATIVE TRUST FUND		895,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,002,707
1842	DATA PROCESSING SERVICES		
	KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
	FROM GENERAL REVENUE FUND	19,216	
	FROM FEDERAL REHABILITATION TRUST FUND . .		410,576
1843	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM FEDERAL REHABILITATION TRUST FUND . .		10,000
1844	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM FEDERAL REHABILITATION TRUST FUND . .		166,900
1845	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM GENERAL REVENUE FUND	4,162	
	FROM FEDERAL REHABILITATION TRUST FUND . .		115,838
1846	FIXED CAPITAL OUTLAY		
	INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD		
	FROM ADMINISTRATIVE TRUST FUND		400,000
1846A	FIXED CAPITAL OUTLAY		
	DIVISION OF BLIND SERVICES - CAPITAL PROJECTS		
	FROM ADMINISTRATIVE TRUST FUND		306,056

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UNEMPLOYMENT APPEALS COMMISSION

1847 SALARIES AND BENEFITS POSITIONS 37
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,702,544

1848 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 53,600

1849 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 351,902

1850 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 62,990

1851 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 32,187

1851A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,591

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1852 and 1853 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

From the amounts provided in Specific Appropriations 1852 and 1853, $1,500 shall be paid to each member of the Florida Legislature each month during Fiscal Year 1997-98 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, $250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during Fiscal Year 1997-98 as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplement was approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

In addition to the specific dollar amounts set in the foregoing paragraph, the amount for each intradistrict expense allowance, and the President's and Speaker's additional supplemental intradistrict expense allowances, shall all be adjusted automatically effective July 1, 1997 by the percentage change in the Consumer Price Index, all Urban Consumers (CPI-U), over the previous twelve months based on data available from the U.S. Bureau of Labor Statistics on June 15th of each year. The change index shall be calculated as the sum of the monthly index numbers for the twelve monthly figures available on June 15th divided by the sum of the monthly index numbers for the same twelve months of the previous year.

If the Speaker of the House of Representatives and the President of the Senate agree, they may shift funds between the budget entities of the Legislative Branch contained in Specific Appropriations 1852 through 1872.

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SENATE

1852 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 27,893,476

From the amount provided in Specific Appropriation 1852, $250 shall be paid each month during Fiscal Year 1997-98 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff positions, has been authorized a third district staff position in any such month. An additional $250 shall be paid each month during Fiscal Year 1997-98 as an additional supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to three full time district staff positions, has a fourth district staff position authorized in any such month. These supplements were approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

From the amount provided in Specific Appropriation 1852, an additional constituent service workload supplement of $500 per month shall be paid to each member of the Florida Senate for expenses associated with the larger number of constituents in Senate districts. This constituent service workload supplement was approved by the Joint Legislative Management Committee pursuant to s 11.13(4), Florida Statutes.

In addition to the specific amounts set in Specific Appropriation 1852 for the supplemental intradistrict expense allowance and the additional supplemental intradistrict expense allowance, they shall be adjusted automatically effective July 1, 1997 by the percentage change in the Consumer Price Index, all Urban Consumers (CPI-U), over the previous twelve months based on data available from the U.S. Bureau of Labor Statistics on June 15th of each year. The change index shall be calculated as the sum of the monthly index numbers for the twelve monthly figures available on June 15th divided by the sum of the monthly index numbers for the same twelve months of the previous year.

HOUSE OF REPRESENTATIVES

1853 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 50,162,204

JOINT MANAGEMENT

1854 LUMP SUM
LOBBY REGISTRATION
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 192,000

1855 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 2,518,662

1856 LUMP SUM
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
FROM GENERAL REVENUE FUND 23,331,595

From the funds provided in Specific Appropriation 1856, the Office of Economic and Demographic Research shall coordinate a workgroup consisting of representatives of the Department of Education, the Department of the Lottery, the Executive Office of

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the Governor and the Legislature to develop a list of possible ways to enhance revenues generated by the lottery. The workgroup's review should identify the technical advantages and disadvantages of each proposal, suggest implementation and operational alternatives and include estimates as to the economic impact of each alternative. The Office shall report the findings of the workgroup by February 1, 1998 to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives and the minority leaders of both legislative bodies.

1857 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 188,000

1857A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 41,800

ADMINISTRATIVE PROCEDURES COMMITTEE

1858 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,282,789

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1859 LUMP SUM
INFORMATION TECHNOLOGY RESOURCE
FROM GENERAL REVENUE FUND 522,011

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON

1860 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND 712,373

OFFICE OF PUBLIC COUNSEL

1861 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,670,703

ETHICS, COMMISSION ON

1862 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 114,935

1863 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,494,374

1864 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 35,457

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1865 EXPENSES
FROM GENERAL REVENUE FUND 62,340

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

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1866 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 6,289,899

1867 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,743

AUDITOR GENERAL

1868 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 37,720,528
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 3,561,135
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

From the funds provided in Specific Appropriation 1868, $5,000,000 from the Grants and Donations Trust Fund is provided for the Auditor General to enter into contracts with certified public accountants to audit applications for reimbursement (including supporting documentation) for cleanup of petroleum contamination sites. The auditing program shall provide that audit procedures include determination of the reasonableness and allowability of costs submitted for reimbursement. The Auditor General is authorized to establish three positions for the administration of this program, one of which shall be an engineer designated for site inspections.

1869 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 502,108
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 14,367

1869A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,002

AUDITING COMMITTEE

1870 LUMP SUM
JUVENILE JUSTICE ADVISORY BOARD
FROM GENERAL REVENUE FUND 755,753
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,000

1871 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 296,780

1872 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 401

LOTTERY, DEPARTMENT OF THE

1873 SALARIES AND BENEFITS POSITIONS 730
FROM ADMINISTRATIVE TRUST FUND 28,339,364

1874 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,437,863

1875 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 15,770,208

1876 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,941,350

1876A LUMP SUM
PUBLIC RELATIONS SUPPORT
POSITIONS 5
FROM ADMINISTRATIVE TRUST FUND 235,000

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Funds and positions in Specific Appropriation 1876A are provided to promote and increase the visibility of the Lottery's contributions to education at the local level. The department shall ensure that advertising contracts and promotional initiatives contain provisions to direct all radio, print, television and any other lottery advertisements to include space and/or airtime promoting the use of lottery dollars to enhance education, including emphasis on lottery contributions for the Bright Futures scholarship program.

1878 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 10,793,100

1879 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 31,992,961

1880 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,111,500

1881 SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 1,200,000

Funds in Specific Appropriation 1881 continue the lease of the original 500 Instant Ticket Vending Machines (ITVM's) for months 7 through 18 of the pilot project scheduled for completion by June 30, 1998. No later than September 30, 1997 the department shall provide the Executive Office of the Governor, the Speaker of the House, the President of the Senate and the Minority Leaders of the House and Senate with a report of the preliminary results for the first 8 months of ITVM sales.

1882 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

1883 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 259,181

1884 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 19,583

1885 SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 19,000,962

Funds in Specific Appropriation 1885 represent estimated administrative funds unallocated for department operations. The department shall transfer these funds to the Educational Enhancement Trust Fund. However, if lottery sales fall below official estimates for fiscal year 1997-98, the department may proportionately reduce said transfer to a level necessary to meet its appropriated operating requirements.

1886 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,498

1886A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 77,256

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APPROPRIATION
MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1887	SALARIES AND BENEFITS POSITIONS	125	
	FROM GENERAL REVENUE FUND	242,149	
	FROM ADMINISTRATIVE TRUST FUND		5,055,612
	FROM GRANTS AND DONATIONS TRUST FUND . . .		272,111
1888	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,000	
	FROM ADMINISTRATIVE TRUST FUND		8,700
1889	EXPENSES		
	FROM GENERAL REVENUE FUND	350,478	
	FROM ADMINISTRATIVE TRUST FUND		766,665
1890	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		79,260
1891	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		25,063
1892	SPECIAL CATEGORIES		
	CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	226,747	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,054
1893	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,349	
	FROM ADMINISTRATIVE TRUST FUND		29,498
1894	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		49,930
1894A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	285	
	FROM ADMINISTRATIVE TRUST FUND		4,444
	FROM GRANTS AND DONATIONS TRUST FUND . . .		68

INFORMATION RESOURCE COMMISSION

1895	SALARIES AND BENEFITS POSITIONS	14	
	FROM GENERAL REVENUE FUND	936,516	
1896	EXPENSES		
	FROM GENERAL REVENUE FUND	136,977	
1897	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,470	
1897A	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		550,000
1898	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,350	
1898A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	855	

Funds and positions in Specific Appropriation 1895 through 1898A may be reallocated by the Executive

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Office of the Governor as necessary between the Department of Management Services and the Executive Office of the Governor in the event that HB 827 or similar legislation becomes law, subject to the notice and review provisions in section 216.177, F.S.

WORKFORCE PROGRAM

1899	SALARIES AND BENEFITS POSITIONS	172	
	FROM PRETAX BENEFITS TRUST FUND		971,403
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		67,939
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		2,272,632
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		36,157
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		4,302,539
1900	LUMP SUM		
	WORKFORCE PROGRAM		
	FROM GENERAL REVENUE FUND	21,618	
	FROM PRETAX BENEFITS TRUST FUND		831,323
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		24,871
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		1,296,627
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		40,750
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		1,620,428

From funds in Specific Appropriations 1899 and 1900 the department will meet the following standards as required by the Government Performance and Accountability Act to contribute to a productive workforce, representative of the labor market, by providing cost-effective personnel services, employee insurance and flexible benefits.

Performance Measures	1997-98 Standards
OUTCOMES:	
Administrative Cost per FTE	
- Personnel Management Service (PMS)	
COPES Cost	$42.84
Admin Cost Net of COPES	$36.01
Total Admin Cost per FTE	$78.85
-Comparable States	$166.83
Customer Feedback Ranking (PMS) - 10 Point Scale	
- Improve Employee Knowledge, Skills and Abilities through Training	6.5
- Maintain Fair/Equitable Employment Practices	7.9
- Attract and Retain Employees	8.84
- Provide Quality Child Care	9.39
- Motivate Employees Through the Meritorious Service Awards Program	7.30
- Personnel Staff Technical Assistance	7.95
Customer Feedback Ranking (DSEI) - Out of a Possible 10 Points	6.5
Percent of claims reaching final action within 30 days of receipt	95.00%
Overall payment and procedural error rate	5.00%
Telephone queue time (minutes)	45
Unprocessed original claims inventory	30,000
Average Annual Cost Per Contract to Administer Insurance Programs	$15.09
Percent of agencies at or above EEO parity with available labor market	49.78%

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Funds in Specific Appropriations 1899 and 1900, from the State Personnel System Trust Fund, are based upon a personnel assessment of $59 per person.

From the funds in Specific Appropriations 1899 and 1900, $255,816 from the State Employees Health Insurance Trust Fund and 3 positions are provided to the Insurance Benefits Program to enhance activities associated with monitoring the State self-insured third-party administrator. With these and other approved appropriations, the Insurance Benefits Program shall develop a unit capable of detailed monitoring and auditing of the third-party administrator and conducting research and development on insurance issues. The Department of Management Services shall report monthly to the Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council as to the third-party administrator's performance and progress in accomplishing the standards established in the request for proposal.

1901	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		15,026
1902	SPECIAL CATEGORIES		
	TRANSFER TO AGENCY FOR HEALTH CARE FOR HEALTH CARE ADMINISTRATION		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		664,590
1903	SPECIAL CATEGORIES		
	ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		11,872,439
1904	SPECIAL CATEGORIES		
	PRESCRIPTION DRUG CLAIMS ADMINISTRATION		
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		942,903
1905	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PRETAX BENEFITS TRUST FUND		2,623
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		181
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		4,729
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND		90
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		25,156
1906	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	1,276,276	
	FROM PRETAX BENEFITS TRUST FUND		305,520
	FROM STATE EMPLOYEES LIFE INSURANCE		

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	TRUST FUND	28,215
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	681,685
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	52,272
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .	3,743,561
1906A	DATA PROCESSING SERVICES SAMAS USER CHARGE	
	FROM PRETAX BENEFITS TRUST FUND	1,437
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND	82
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	11,752
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	89
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .	5,298

FACILITIES PROGRAM

1907	SALARIES AND BENEFITS POSITIONS	737	
	FROM GENERAL REVENUE FUND	181,075	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		2,551,171
	FROM SUPERVISION TRUST FUND		18,402,207
1908	LUMP SUM FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	642,680	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		734,698
	FROM SUPERVISION TRUST FUND		23,359,733

From funds in Specific Appropriations 1907 and 1908, the department will meet the following standards as required by the Government Performance and Accountability Act in providing the best value office facilities considering the total cost of constructing, managing and maintaining office facilities, and compared to comparable industry standards.

Performance Measures	1997-98 Standards
OUTCOMES:	
Construction cost of office facilities - cost per gross square foot:	
DMS	$75.92
Private-industry average	$87.07
New office building percent efficiency: net square foot/gross square foot	87.00%
Full service rent - cost per net square foot:	
DMS (actual)	$14.74
Private-industry average	$15.65
Operations and maintenance cost - cost per maintained square foot:	
DMS	$4.83
Private-industry average	$6.27
Criminal Incidents--number per 100,000 gross square feet	5.10
Criminal Incidents--number per 1,000 employees	21.86
OUTPUTS:	
Gross square feet completed--office facilities	221,959
Net square feet of office space occupied by state agencies	
State Owned (includes non-DMS owned facilities)	7,180,960
Private	10,666,917
Number of square feet maintained by	
DMS	5,266,724
Private Contracts	1,195,349
Gross square feet monitored for security purposes	7,070,993
Number of investigations	210

Funds in Specific Appropriations 1907 and 1908 from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the state. The assessments for appropriations made for the 1997-98 Fiscal Year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

1909	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		250,000
1910	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,911	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		10,924
	FROM SUPERVISION TRUST FUND		479,819
1911	DATA PROCESSING SERVICES BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		26,730
1912	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		10,993
	FROM SUPERVISION TRUST FUND		79,421
1912A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	119	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		4,319
	FROM SUPERVISION TRUST FUND		42,340
1913	FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	168,092	
	FROM SUPERVISION TRUST FUND		1,557,932
1914	FIXED CAPITAL OUTLAY BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD		
	FROM SUPERVISION TRUST FUND		372,395
1915	FIXED CAPITAL OUTLAY PARKING LOT REPAIRS AND PAVING - DMS MGD		
	FROM GENERAL REVENUE FUND	61,321	
1916	FIXED CAPITAL OUTLAY ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR		

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STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 22,215
FROM SUPERVISION TRUST FUND 1,136,295

1917 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 14,935
FROM SUPERVISION TRUST FUND 422,095

1918 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 649,727
FROM SUPERVISION TRUST FUND 909,917

1919 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 3,160,379

1920 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 177,471

1921 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 46,139

1922 FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 111,554
FROM SUPERVISION TRUST FUND 268,372

1923 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 24,254

1923A FIXED CAPITAL OUTLAY
RENOVATION OF COLLINS BUILDING - NEW TENANTS - DMS MGD
FROM GENERAL REVENUE FUND 750,000

1924 FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE
FROM SUPERVISION TRUST FUND 1,689,109

1924A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - OPA LOCKA - DMS MGD
FROM GENERAL REVENUE FUND 60,000

1925 FIXED CAPITAL OUTLAY
OFFICE BUILDING #2B - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM SUPERVISION TRUST FUND 320,000

1926 FIXED CAPITAL OUTLAY
INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 4,000,000

1927 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM GENERAL REVENUE FUND 117,772
FROM SUPERVISION TRUST FUND 754,665

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1928 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,500,000

1929 FIXED CAPITAL OUTLAY
OFFICE BUILDING - NUMBERS THREE AND FOUR - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 1,173,181
FROM PUBLIC FACILITIES FINANCING TRUST FUND 10,240,000

1930 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 5,264,300
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 22,178,733

1931 FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES
FROM GENERAL REVENUE FUND 535,000

SUPPORT PROGRAM

1932 SALARIES AND BENEFITS POSITIONS 131
FROM GENERAL REVENUE FUND 2,421,388
FROM BUREAU OF AIRCRAFT TRUST FUND 853,192
FROM GRANTS AND DONATIONS TRUST FUND . . . 645,345
FROM MOTOR VEHICLE OPERATING TRUST FUND . 548,804
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 710,690

1933 LUMP SUM
SUPPORT PROGRAM
FROM GENERAL REVENUE FUND 767,414
FROM BUREAU OF AIRCRAFT TRUST FUND 1,067,955
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,073,641
FROM MOTOR VEHICLE OPERATING TRUST FUND . 1,965,928
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 775,900

From funds in Specific Appropriations 1932 and 1933, the department will meet the following standards as required by the Government Performance and Accountability Act to provide government entities access to best value commodities and services through centralized procurement, federal property assistance, and fleet management.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percent of state term contracts savings	31%
State term contracts cost avoidance	$146,570,000
Average percent below private sector fleet maintenance/retail parts	13/26%
Average percent state rental vehicles below state rental contract rates	45%
Passenger load factor, large corporation/DMS	3.3/4.0
Cost per flight hour: DMS aircraft pool	$973
Percent of active federal property donees	42.5%
Federal property distribution rate	80%
Estimated percent of disposal net return	

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| above published wholesale..... 15%|
|
|OUTPUTS:
|-------
|
|Commodities/services on term contracts.... 182,500|
|Number/percent of agencies using SPURS... 33/78.5%|
|Federal property orders processed..... 2,150|
|Vehicle maintenance service hours..... 8,900|
|Days/miles of state rental
| vehicle service provided..... 44,620/1,758,108|
|Flights by executive aircraft pool..... 1,850|
==========|

1934 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	13,093	
FROM BUREAU OF AIRCRAFT TRUST FUND		118,740
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,179
FROM MOTOR VEHICLE OPERATING TRUST FUND .		26,251
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,617

1935 SPECIAL CATEGORIES
TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND

FROM GENERAL REVENUE FUND	1,166,097	

1936 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE

FROM GENERAL REVENUE FUND	3,465	

1937 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES

FROM GENERAL REVENUE FUND	88,956	
FROM BUREAU OF AIRCRAFT TRUST FUND		9,494
FROM GRANTS AND DONATIONS TRUST FUND . . .		664,800
FROM MOTOR VEHICLE OPERATING TRUST FUND .		370,158
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,808

1937A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	7,865	
FROM BUREAU OF AIRCRAFT TRUST FUND		3,700
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,792
FROM MOTOR VEHICLE OPERATING TRUST FUND .		3,973
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,312

1938 FIXED CAPITAL OUTLAY
BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD

FROM GENERAL REVENUE FUND	20,713	
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		12,101

1939 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,964

1940 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		574,055

1941 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,161

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1942 FIXED CAPITAL OUTLAY
REPLACE MOTOR VEHICLE SERVICE GARAGE - STARKE - DMS MGD

FROM SURPLUS PROPERTY REVOLVING TRUST FUND		443,946

RETIREMENT, DIVISION OF

1943 SALARIES AND BENEFITS POSITIONS 234

FROM OPERATING TRUST FUND		8,714,292
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		42,509
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		463,750
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		30,497

1944 LUMP SUM
RETIREMENT BENEFITS PROGRAM

FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,642
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND		10,000
FROM OPERATING TRUST FUND		10,155,650
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		45,249
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		77,543
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		12,461

From funds in Specific Appropriations 1943 and 1944, the division will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing quality and cost effective retirement services.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percentage of participating agencies/members satisfied with retirement information:	
Agencies	98.5%
Members	
Active	70.0%
Recent Retired	91.0%
Other Retired	94.0%
Percentage of agency payroll transactions correctly reported	98.5%
Percentage of retirement services offered by FRS compared to comparable programs	77.0%
Percentage of participating agencies/members satisfied with retirement services	
Agencies	98.5%
Members	
Active	70.0%
Recent Retired	91.5%
Other Retired	94.0%
Administrative cost per active and retired member	$30.58
Ratio of active and retired members to division FTE	3,382:1

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Funding ratio of FRS assets to liabilities	82.0%
Percentage of local retirement systems funded on a sound actuarial basis	98.0%
OUTPUTS:	
Number of retirements	14,113
Number of retirement benefit estimates	72,000
Number of changes processed	48,899
Number of benefit payments issued	1,944,177
Number of local pension plan valuations and impact statements reviewed	590

Funds in Specific Appropriations 1943 and 1944 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

From the funds in Specific Appropriation 1944 from the Operating Trust Fund, $7,357,224 is provided to begin Phase III of the Reengineering Improvement Modernization project.

From funds in Specific Appropriation 1944, $100,000 from the Operating Trust Fund shall be used for special project monitoring pursuant to 282.322, Florida Statutes.

From the funds in Specific Appropriation 1944, the Division of Retirement shall contract for a study of an innovative, efficient retirement and benefits program to review various benefit plans as applied in the private sector and recommend objectives of minimizing cost while maximizing motivation and work initiative among public employees; identifying and recommending appropriate personnel administrative policy relating to technical, professional and managerial personnel; and reviewing and recommending specific alternative benefit plans for nonpermanent employees in the public sector.

1944A LUMP SUM
DEFERRED RETIREMENT OPTION PLAN
POSITIONS 14
FROM OPERATING TRUST FUND 815,000

Funds provided in Specific Appropriation 1944A are for planning and system development for the implementation of the Deferred Retirement Option Plan. These funds are contingent upon Senate Bill 748 or similar legislation becoming law.

1945 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 4,051

1946 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 34,323
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 157
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 1,566
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 157

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1947 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 1,499,091
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 9,416

1947A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM OPERATING TRUST FUND 21,841

1948 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 258,015

1949 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 4,622,775

1950 PENSIONS AND BENEFITS
MEMBERS BENEFITS
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 1809,289,931
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 598,865
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 108,329,491

1951 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 9,775

1952 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,968,944

1953 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 18,990

TECHNOLOGY PROGRAM

1954 SALARIES AND BENEFITS POSITIONS 274
FROM GENERAL REVENUE FUND 2,103,860
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 3,930,168
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,420,781
FROM WORKING CAPITAL TRUST FUND 5,254,002

1955 LUMP SUM
INFORMATION TECHNOLOGY PROGRAM
FROM GENERAL REVENUE FUND 1,465,518
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,949,087
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 13,036,566
FROM WORKING CAPITAL TRUST FUND 6,891,450

From funds in Specific Appropriations 1954 and 1955, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively and efficiently satisfy customer needs for using, sharing and managing information technology resources.

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Performance Measures	Standards
OUTCOMES:	
Percent of Utilization	
- Unisys/IBM	88%/23.5%
Percent of Availability	
- Unisys/IBM	99.5%/99.5%
Cost of Communications Engineering Services (Hourly Rate):	
- Private	$92.07
- State	$41.63
Percent of the State Covered by the Joint Task Force Radio System	36%
Percent of Statewide Joint Task Force Law Enforcement Personnel Using the Joint Radio System	39.3%
Percent SUNCOM Discount from Commercial Tariff Rates:	
- Voice Local Service	50.0%
- Voice Long Distance	40.0%
- Data Service	25.0%
Percent SUNCOM Service Growth:	
Voice Local Service	17.0%
Voice Long Distance Service	3.0%
Data Service	9.0%
Customer Feedback Ranking (Technology Resource Center)	
Operations and Maintenance	8.5
Planning and Development	8.5
OUTPUTS:	
Number of engineering projects and approvals handled for state/local governments	136/550
Number of Joint Task Force Radio Systems Operated and Maintained	
-Fixed Sites	81
-Mobile Equipment	6,203
Long Distance - Number of SUNCOM Billable Minutes	226,678,100
Local Service - Number of SUNCOM Local Service Main Stations	1,974,380
SUNCOM Locations Served	9,268
TRC Research/Consulting/ Development Projects Completed	13/5/750

Funds in Specific Appropriations 1954 and 1955, from the Working Capital Trust Fund may be adjusted by the Executive Office of the Governor to provide services to users of the Technology Resource Center as appropriate. The department shall submit a budget amendment to the Executive Office of the Governor by October 15, 1997 to request amendments necessary to balance the funds budgeted in Specific Appropriations 1954 and 1955 to those appropriations made to user agencies.

From funds in Specific Appropriation 1955 from the Law Enforcement Radio System Trust Fund, the following amounts shall be transferred only as needed for the purchase of radios and contract maintenance as required for the Statewide Law Enforcement Radio System:

Florida Department of Law Enforcement.....$684,108
Department of Corrections.....500,000
Department of Highway Safety.....2,332,382
Department of Environmental Protection....1,676,268
Game and Fish Commission.....1,355,698

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From the amounts specified, any funds not needed for 800MHz radios and associated maintenance shall remain in the Law Enforcement Radio Trust Fund. Any funds received by an agency in excess of the amount required for this specific purpose shall be returned to the Law Enforcement Radio Trust Fund in the Department of Management Services.

1956	SPECIAL CATEGORIES CENTREX AND SUNCOM PAYMENTS FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		96,804,544
1957	SPECIAL CATEGORIES VIDEO TELECONFERENCING INCENTIVE AND CREDIT (TELECREDIT) PILOT PROGRAM FROM GENERAL REVENUE FUND	220,000	

From the funds in Specific Appropriation 1957, the Department of Management Services is authorized to create a Teleconferencing Incentive Program that is designed to reduce statewide travel costs. The department shall, in consultation with the Office of Planning and Budgeting in the Executive Office of the Governor, determine which agencies have the greatest potential to reduce travel expenses through the use of video teleconferencing. Based on these findings, the Incentive Program shall offer appropriate pricing incentives to those agencies for using video teleconferencing services in the Department of Management Services. The funds provided are intended to allow the department to recover operating cost in exchange for offering price discounts to encourage use of its video teleconferencing facility.

1958	SPECIAL CATEGORIES DATA CENTER RESEARCH AND DEVELOPMENT FROM WORKING CAPITAL TRUST FUND		750,000
1960	SPECIAL CATEGORIES MAINTENANCE OF EXISTING LAW ENFORCEMENT RADIO SYSTEM FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		200,000
1961	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	5,416	
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		7,602
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,221
	FROM WORKING CAPITAL TRUST FUND		19,257
1961A	SPECIAL CATEGORIES 911 SERVICE ENHANCEMENT GRANTS AND IMPROVEMENTS FROM GENERAL REVENUE FUND	200,000	

Funds provided in Specific Appropriation 1961A are for enhanced 911 systems in the following counties:

Baker.....$17,000
Calhoun..... 35,000
Gilchrist..... 10,000
Glades..... 10,000
Hamilton..... 14,000
Hendry..... 30,000
Holmes..... 10,000
Jefferson..... 12,000
Lafayette..... 38,000
Liberty..... 10,000
Union.....14,000

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1962 SPECIAL CATEGORIES
MANAGEMENT OF SATELLITE TRANSPONDER
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 300,000

Funds in Specific Appropriation 1962 are provided to the Department of Management Services for administrative expenses associated with managing the satellite transponder. These administrative costs shall be reimbursed by the first $300,000 in revenues from leasing the satellite transponder.

1963 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

1964 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 950

1964A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,273
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 71,134
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 29,879
FROM WORKING CAPITAL TRUST FUND 7,416

1964B FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 18,000,000

Funds in Specific Appropriation 1964B shall be used for the purpose of enhancing and completing Phase II of the statewide law enforcement radio system to include mobile and portable radio coverage as set forth by the recommendations contained in the November 27, 1997 report from the Joint Task Force on State Agency Law Enforcement Communications and as specifically depicted in Attachment G, of the March 18, 1994 Coverage Map.

COMMISSION ON HUMAN RELATIONS

1965 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,383,015
FROM GRANTS AND DONATIONS TRUST FUND . . . 488,292

1966 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 77,040

1967 EXPENSES
FROM GENERAL REVENUE FUND 149,255
FROM GRANTS AND DONATIONS TRUST FUND . . . 158,677

1968 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736
FROM GRANTS AND DONATIONS TRUST FUND . . . 96,000

1969 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 178,525

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1970 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,000

1971 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,427
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,992

1971A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 993
FROM GRANTS AND DONATIONS TRUST FUND . . . 461

ADMINISTRATIVE HEARINGS, DIVISION OF

1972 SALARIES AND BENEFITS POSITIONS 66
FROM ADMINISTRATIVE TRUST FUND 4,785,262

1973 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 204,742

1974 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 686,413

From funds in Specific Appropriations 1972 through 1974, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 1997. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

1975 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,550

1976 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 9,939

1977 SPECIAL CATEGORIES
TRANSFER TO CITRUS ADVERTISING TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 41,129

1977A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 4,343

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1978 SALARIES AND BENEFITS POSITIONS 222
FROM GENERAL REVENUE FUND 4,333,795
FROM ARMORY BOARD TRUST FUND 3,373,312

1979 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 223,000
FROM ARMORY BOARD TRUST FUND 580,300

1980 EXPENSES
FROM GENERAL REVENUE FUND 4,207,782
FROM ARMORY BOARD TRUST FUND 5,854,532

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1981	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	78,290	
	FROM ARMORY BOARD TRUST FUND		110,000
1982	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	66,000	
1983	SPECIAL CATEGORIES		
	NATIONAL GUARD TUITION ASSISTANCE		
	FROM GENERAL REVENUE FUND	174,150	

The funds in Specific Appropriation 1983 are provided for tuition benefits to members of the Florida National Guard and are contingent upon the legislation becoming law authorizing changes in the program.

1985	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	93,524	
1985A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	10,446	
1986	FIXED CAPITAL OUTLAY		
	COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT		
	FROM GENERAL REVENUE FUND	180,000	
1987	FIXED CAPITAL OUTLAY		
	ASBESTOS ABATEMENT - PLANNING/REMOVAL - AGENCYWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	128,000	

CAMP BLANDING MANAGEMENT

1988	SALARIES AND BENEFITS POSITIONS	26	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		722,254
1989	OTHER PERSONAL SERVICES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		125,918
1990	EXPENSES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		560,004
1991	OPERATING CAPITAL OUTLAY		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		157,013
1992	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		693,500
1993	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		61,428
1993A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND .		2,444

PUBLIC SERVICE COMMISSION

1994	SALARIES AND BENEFITS POSITIONS	380	
	FROM REGULATORY TRUST FUND		18,821,460
1995	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND		349,638
1996	EXPENSES		
	FROM REGULATORY TRUST FUND		4,643,791

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1997	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND		270,228
1998	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM REGULATORY TRUST FUND		72,791
1999	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM REGULATORY TRUST FUND		3,928
2000	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND		67,235
2001	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM REGULATORY TRUST FUND		78,548
2001A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM REGULATORY TRUST FUND		11,762

REVENUE, DEPARTMENT OF

ADMINISTRATIVE SERVICES PROGRAM

2002	SALARIES AND BENEFITS POSITIONS	358	
	FROM GENERAL REVENUE FUND	8,369,158	
	FROM ADMINISTRATIVE TRUST FUND		4,483,291
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		16,371
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,247,923
2003	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		105,960
2004	EXPENSES		
	FROM GENERAL REVENUE FUND	475,725	
	FROM ADMINISTRATIVE TRUST FUND		1,975,838
	FROM GRANTS AND DONATIONS TRUST FUND . . .		173,641
2005	AID TO LOCAL GOVERNMENTS		
	CIGARETTE TAX TO MUNICIPALITIES		
	FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND		23,500,000
2006	AID TO LOCAL GOVERNMENTS		
	COUNTY REVENUE SHARING		
	FROM COUNTY REVENUE SHARING TRUST FUND . .		321,400,000
2007	AID TO LOCAL GOVERNMENTS		
	MUNICIPAL REVENUE SHARING		
	FROM MUNICIPAL REVENUE SHARING TRUST FUND		205,100,000
2008	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		299,493
2009	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		288,410
2010	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	14,220	
	FROM ADMINISTRATIVE TRUST FUND		59,252
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,530
2011	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		

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FROM GENERAL REVENUE FUND	1,378	
FROM ADMINISTRATIVE TRUST FUND		1,021,599
FROM GRANTS AND DONATIONS TRUST FUND . . .		132

2011A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	3,287	
FROM ADMINISTRATIVE TRUST FUND		18,314
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,879

PROPERTY TAX ADMINISTRATION PROGRAM

2012 SALARIES AND BENEFITS POSITIONS 140
FROM INTANGIBLE TAX TRUST FUND 6,072,905

2013 LUMP SUM
PROPERTY TAX ADMINISTRATION
FROM INTANGIBLE TAX TRUST FUND 2,521,413

From funds provided in Specific Appropriations 2012 and 2013, the Property Tax Administration Program will meet the following standards as required by the Government Performance and Accountability Act to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage.

Performance Measures	1997-98 Standards
OUTCOMES:	
Percent of classes studied found to have a level of at least 90%	97%
Taxroll uniformity (average for coefficient of dispersion)	12%
Percent of taxing authorities in total or substantial truth in millage compliance on initial submission	97%
Percentage of refund and tax certificate applications processed within 30 days of receipt	71%
Refund request per 100,000 parcels	32.8
OUTPUTS:	
Number of subclasses of property studied with feedback to property appraisers	5,000
Number of tax roll review notices issued	7
Total number of tax roll defects found	12
Number of truth in millage compliance letters sent to taxing authorities	472
Number of truth in millage compliance letters sent to taxing authorities with minor infractions	121
Number of property tax refund requests processed	3,000
Number of tax certificates cancellations/ corrections processed	1,960
Number of taxpayers audited on behalf of county property appraisers (TPP)	225
Student training hours provided to property appraisers and their staff (TPP)	3,800

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2014 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 300,000

2015 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 8,140

2016 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 184,541

2016A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INTANGIBLE TAX TRUST FUND 14,503

CHILD SUPPORT ENFORCEMENT PROGRAM

The Department of Revenue is to develop baseline data concerning the following, and is to report this data to the President of the Senate and the Speaker of the House of Representatives, on or before January 1, 1998:

Performance Measures
I. Effectiveness of child support enforcement program:
1. Average percent of all child support obligations collected;
2. For pre-1997 Cases:
(a) Number of unobligated cases by year;
(b) Percent of collections of newly obligated pre-1997 cases;
3. Percent of children with paternity established; and
4. Percent of children with court order for support.
II. Timeliness of Enforcement Actions:
1. Average time to establish paternity and support for cases requiring establishment of both paternity and support;
2. Average time to establish support for cases requiring the establishment of support only;
3. Average time from delinquency to initial payment towards delinquency:
(a) Average time from delinquency to commencement of enforcement; and
(b) Average time from commencement of enforcement to initial payment towards delinquency.
III. Efficiency of Enforcement Actions:
1. Ratio of AFDC collections to CSE's total administrative cost; and
2. Ratio of non-AFDC collections to CSE's total administrative costs.

2017 SALARIES AND BENEFITS POSITIONS 2,078

FROM GENERAL REVENUE FUND	11,508,754	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		9,936,839
FROM GRANTS AND DONATIONS TRUST FUND . . .		41,634,253

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2018	EXPENSES		
	FROM GENERAL REVENUE FUND	3,125,310	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,623,099
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,158,681
2019	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	280,538	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,793
	FROM GRANTS AND DONATIONS TRUST FUND . . .		549,995
2019A	LUMP SUM		
	IMPLEMENT FEDERAL PROVISIONS FOR CHILD SUPPORT ENFORCEMENT		
	POSITIONS	325	
	FROM GENERAL REVENUE FUND	9,750,000	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		11,500,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		41,250,000

From funds in Specific Appropriation 2019A, $9,750,000 in General Revenue is provided to the Department of Revenue to implement federal requirements for the Child Support Enforcement Program. Funds and positions included in Specific Appropriation 2019A shall be placed in reserve by the Executive Office of the Governor until such time as the Department of Revenue submits a detailed program plan of expenditures including goals, objectives and program measures.

The plan submitted by the department shall fund the most critical requirements of welfare reform while emphasizing privatization as a means of addressing the growing backlog of child support cases. The plan shall also provide funds for the assignment of senior judges, child support hearing officers, and associated expenses to address related workload needs of the State Courts System. The release of resources included in Specific Appropriation 2019A is subject to the notice, review and objection procedures included in section 216.177, Florida Statutes.

2020	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF HEALTH		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		29,936
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,110
2021	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	5,158,571	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		6,679,573
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		251,551
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		4,300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,636,096
2022	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	76,430	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		148,364
2022A	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000
2023	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT PAYMENTS		
	FROM CHILD SUPPORT CLEARING TRUST FUND . .		453,100,000
	FROM SECURITY DEPOSIT TRUST FUND		50,000

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2024	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	783,478	
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,873,010
2024A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	34,106	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		66,206

GENERAL TAX ADMINISTRATION PROGRAM

2025	SALARIES AND BENEFITS POSITIONS	2,371	
	FROM GENERAL REVENUE FUND	61,690,053	
	FROM ADMINISTRATIVE TRUST FUND		24,438,519
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		1,396,956
	FROM GRANTS AND DONATIONS TRUST FUND . . .		144,937
2026	AID TO LOCAL GOVERNMENTS		
	CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES		
	FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		4,734,000
2027	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - OIL AND GAS TAX		
	FROM OIL AND GAS TAX TRUST FUND		1,061,000
2028	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		1063,492,440
2029	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		5,314,602
2030	AID TO LOCAL GOVERNMENTS		
	INMATE SUPPLEMENTAL DISTRIBUTION		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
2031	AID TO LOCAL GOVERNMENTS		
	FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		162,150,000
2032	AID TO LOCAL GOVERNMENTS		
	SEVENTH CENT/COUNTIES/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		63,980,000
2033	LUMP SUM		
	GENERAL TAX ADMINISTRATION		
	FROM GENERAL REVENUE FUND	12,557,149	
	FROM ADMINISTRATIVE TRUST FUND		17,373,729
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		261,559
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,701

From funds provided in Specific Appropriation 2025 and 2033, for the General Tax Administration Program, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively administer and enforce tax laws and process revenue.

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Performance Measures	Standards
OUTCOMES:	
Average days from receipt of payment to deposit (sales, corp, intangibles, fuel)..	68
Number of days between initial distribution of funds and final adjustments (sales, corp, intangibles, fuel).....	72
Percent of sales tax returns filed substantially error free and on time....	79%
Percent of sales tax returns that did not result in a notice of apparent filing error or late return.....	90.1%
Percent of sales tax returns filed substantially error free and on time by 1st time filers.....	63.9%
Average time in days between the processing of a sales tax return and the first notification to the taxpayer of an apparent filing error or late return.....	42
Dollars collected as a percentage of actual liability of notices sent for apparent sales tax return filing errors or late returns.....	59.5%
Percent of delinquent sales tax return and filing error or late return notices issued accurately to taxpayer.....	89.5%
Percentage of delinquent tax return and filing error or late return notices sent to taxpayers that had to be revised (department or taxpayer error).....	17.9%
Percentage of final audit assessment amounts collected (tax only).....	84.1%
Final audit assessment amounts as a percentage of initial assessment amounts (tax only).....	70.1%
Dollars collected voluntarily as a percentage of total dollars collected.....	97.2%
Average number of days to resolve a dispute of an audit assessment.....	175
Return on investment (total involuntary collections per dollar spent).....	4.60
Return on investment (total collections per dollar spent).....	143.20
OUTPUTS:	
Total voluntary collections (taxes, penalties and interest in millions).....	20,292.0
Total involuntary collections (taxes, penalties and interest in millions)....	581.3
Number of delinquent tax return notices issued to taxpayers.....	756,000
Number of notices sent to taxpayers for apparent tax return filing errors or late return.....	580,000

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2034	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	350,705	
	FROM ADMINISTRATIVE TRUST FUND		428,639
2035	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	11,942	
	FROM ADMINISTRATIVE TRUST FUND		2,078,867
2035A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	79,363	
	FROM ADMINISTRATIVE TRUST FUND		103,712
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		2,416
	FROM GRANTS AND DONATIONS TRUST FUND . . .		372
	REVENUE MANAGEMENT INFORMATION CENTER		
2036	SALARIES AND BENEFITS POSITIONS 36 FROM WORKING CAPITAL TRUST FUND		1,174,909
2037	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		17,680
2038	EXPENSES FROM WORKING CAPITAL TRUST FUND		2,415,465
2039	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		1,420,005
2040	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND		1,777
2041	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM WORKING CAPITAL TRUST FUND		354,573
2041A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM WORKING CAPITAL TRUST FUND		7,944
	INFORMATION SERVICES PROGRAM		
2042	SALARIES AND BENEFITS POSITIONS 119 FROM GENERAL REVENUE FUND	3,425,708	
	FROM ADMINISTRATIVE TRUST FUND		1,328,968
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		387,863
	FROM GRANTS AND DONATIONS TRUST FUND . . .		106,378
2043	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		95,628
2044	EXPENSES FROM GENERAL REVENUE FUND	331,065	
	FROM ADMINISTRATIVE TRUST FUND		522,815
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,187

SECTION 6 SPECIFIC APPROPRIATION		
2045 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		4,327
2046 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	7,033	
FROM ADMINISTRATIVE TRUST FUND		12,510
2047 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	583	
FROM ADMINISTRATIVE TRUST FUND		2,774,701
2047A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,897	
FROM ADMINISTRATIVE TRUST FUND		4,718
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		414
FROM GRANTS AND DONATIONS TRUST FUND . . .		249

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

2048 SALARIES AND BENEFITS POSITIONS	76	
FROM GENERAL REVENUE FUND	2,954,690	
FROM CORPORATIONS TRUST FUND		130,529
FROM DIVISION OF LICENSING TRUST FUND . .		119,178
FROM GRANTS AND DONATIONS TRUST FUND . . .		164,743
2049 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,850	
2050 EXPENSES		
FROM GENERAL REVENUE FUND	344,216	
FROM GRANTS AND DONATIONS TRUST FUND . . .		185,257
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		181,873
2051 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	13,691	
2052 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	17,000	
2053 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	69,777	
2054 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	53,173	
2055 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173

ELECTIONS, DIVISION OF

2056 SALARIES AND BENEFITS POSITIONS	47	
FROM GENERAL REVENUE FUND	1,563,618	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		308,128
2057 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,150	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		17,018

SECTION 6 SPECIFIC APPROPRIATION		
2058 EXPENSES		
FROM GENERAL REVENUE FUND	734,185	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		615,217
FROM PUBLICATIONS REVOLVING TRUST FUND . .		410,310
2058A AID TO LOCAL GOVERNMENTS		
PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	75,000	
2059 AID TO LOCAL GOVERNMENTS		
SPECIAL ELECTIONS		
FROM GENERAL REVENUE FUND	100,000	
2060 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	115,762	
2061 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	32,358	

HISTORICAL RESOURCES, DIVISION OF

2064 SALARIES AND BENEFITS POSITIONS	95	
FROM GENERAL REVENUE FUND	2,892,926	
FROM GRANTS AND DONATIONS TRUST FUND . . .		296,093
FROM OPERATING TRUST FUND		238,295
2065 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	27,626	
FROM GRANTS AND DONATIONS TRUST FUND . . .		726,141
FROM OPERATING TRUST FUND		699,922
2066 EXPENSES		
FROM GENERAL REVENUE FUND	1,507,089	
FROM GRANTS AND DONATIONS TRUST FUND . . .		341,450
FROM OPERATING TRUST FUND		718,609
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		7,155
2067 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		27,000
FROM OPERATING TRUST FUND		68,418
2068 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		48,000
FROM OPERATING TRUST FUND		23,000
2069 SPECIAL CATEGORIES		
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
FROM OPERATING TRUST FUND		1,500,000
2070 SPECIAL CATEGORIES		
HISTORIC PRESERVATION GRANTS		
FROM OPERATING TRUST FUND		2,849,276
2071 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,083	
FROM OPERATING TRUST FUND		59,024
2072 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	34,746	
2072A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES		
FROM GENERAL REVENUE FUND	12,011,824	

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Funds in Specific Appropriation 2072A are provided to fund the historic preservation projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's legislative budget request for 1997-1998.

2072B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANT AND AID - CAPE ST. GEORGE LIGHTHOUSE FROM GENERAL REVENUE FUND	120,000	
2072C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BISCAYNE PARK PUBLIC FACILITIES FROM GENERAL REVENUE FUND	125,000	
CORPORATIONS, DIVISION OF			
2073	SALARIES AND BENEFITS POSITIONS 192 FROM CORPORATIONS TRUST FUND		6,173,958
2074	EXPENSES FROM CORPORATIONS TRUST FUND		3,625,848
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		180,000
2075	OPERATING CAPITAL OUTLAY FROM CORPORATIONS TRUST FUND		280,498
2076	SPECIAL CATEGORIES RICO ACT - ALIEN CORPORATIONS FROM CORPORATIONS TRUST FUND		514,702
2077	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CORPORATIONS TRUST FUND		37,464
LIBRARY AND INFORMATION SERVICES, DIVISION OF			
2078	SALARIES AND BENEFITS POSITIONS 117 FROM GENERAL REVENUE FUND	2,547,317	
	FROM LIBRARY SERVICES TRUST FUND		608,305
	FROM RECORDS MANAGEMENT TRUST FUND		989,121
2079	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY COOPERATIVES FROM GENERAL REVENUE FUND	1,200,000	
2080	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS FROM GENERAL REVENUE FUND	29,000,000	
	FROM LIBRARY SERVICES TRUST FUND		3,890,043
2081	LUMP SUM LIBRARY, ARCHIVES, AND INFORMATION PROGRAM FROM GENERAL REVENUE FUND	2,298,452	
	FROM LIBRARY SERVICES TRUST FUND		711,520
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		635,996
	FROM RECORDS MANAGEMENT TRUST FUND		738,601

From funds in Specific Appropriation 2078 and 2081, the department will meet the following standards as required by the Government Performance and Accountability Act to ensure access to information of past, present and future value for the educational and cultural benefit of the people of Florida, for the efficient and effective management and development of information services.

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Performance Measures	Standards
OUTCOMES:	
Increase in use of local public library service	2%
Increased access for library patrons to materials from other sources	3%
Increase in usage of research collections	3%
Cost avoidance achieved by government agencies through records storage, disposition and micrographics	57,000,000
OUTPUTS:	
Number of items loaned by public libraries	67,053,675
Number of public library customer visits	35,485,095
Number of public library reference requests	25,513,309
Number of public library registered borrowers	6,288,046
Number of persons attending public library programs	2,432,485
Number of volumes in public library collections	21,734,378
Number of records added to the statewide library holdings database	1,315,070
Number of interlibrary loan requests filled by Florida libraries	238,041
Number of new users (State Library, State Archives)	5,547
Number of reference requests handled (State Library, State Archives)	120,736
Number of items used on-site (State (Library, State Archives)	45,163
Number of database searches conducted (State Library, State Archives)	241,456
Number of items loaned (State Library, State Archives)	91,435
Cubic feet of obsolete public records approved for disposal at the Records Center	450,000
Cubic feet of non-current records stored at the Records Center	200,000
Number of microfilm images created, processed or duplicated at the Records Center	200,170,000

2082	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM RECORDS MANAGEMENT TRUST FUND		41,592
2083	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	22,126	
2084	FIXED CAPITAL OUTLAY LIBRARY CONSTRUCTION GRANTS FROM GENERAL REVENUE FUND	1,200,000	
	FROM LIBRARY CONSTRUCTION TRUST FUND . . .		919,368

Funds in Specific Appropriation 2084 are to be expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and s. 1B-3.002 through IB-3.010, Florida Administrative Code, except that $350,000 from the General Revenue

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Fund, shall be provided to Pinellas County contingent upon the county providing an equal match, and $50,000 from the General Revenue Fund shall be provided to the Broward County Division of Libraries.

CULTURAL AFFAIRS, DIVISION OF

2085	SALARIES AND BENEFITS POSITIONS 20		
	FROM GENERAL REVENUE FUND	542,435	
	FROM FINE ARTS COUNCIL TRUST FUND		237,581
2086	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		20,600
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		79,500
2087	EXPENSES		
	FROM GENERAL REVENUE FUND	118,613	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND .		218,255
	FROM FINE ARTS COUNCIL TRUST FUND		210,622
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		111,967
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		3,300
2087A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - TREASURE COAST OPERA SOCIETY		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		50,000
2088	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2089	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS GRANTS		
	FROM FINE ARTS COUNCIL TRUST FUND		220,279
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		2,700,000
2090	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SCIENCES GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2091	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS IN EDUCATION GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2092	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		400,000
2093	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2094	OPERATING CAPITAL OUTLAY		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,000
2094A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FINE ARTS ENDOWMENT		
	FROM GENERAL REVENUE FUND	960,000	
2095	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		300,000
2096	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000

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2097	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL INSTITUTIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,495,872
2098	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES		
	FROM GENERAL REVENUE FUND	128,655	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		151,345
2099	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	216,915	
2100	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE TOURING PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		200,000
2101	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ARTS LICENSE PLATES		
	FROM FINE ARTS COUNCIL TRUST FUND		500,000
2101A	FIXED CAPITAL OUTLAY		
	REHABILITATION OF THE GOVERNOR MARTIN HOUSE - DMS MGD		
	FROM GENERAL REVENUE FUND	50,000	
2101B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	5,851,253	

Funds in Specific Appropriation 2101B are provided to fund the cultural facilities projects that were selected in accordance with the provisions of Chapter 1T-5, Florida Administrative Code, and included in the Department of State's legislative budget request for fiscal year 1997-98.

2101C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE REPAIRS		
	FROM GENERAL REVENUE FUND	500,000	
2101D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	ORMOND MEMORIAL ART MUSEUM AND GARDEN		
	FROM GENERAL REVENUE FUND	200,000	

LICENSING, DIVISION OF

2102	SALARIES AND BENEFITS POSITIONS 131		
	FROM DIVISION OF LICENSING TRUST FUND . .		4,367,389
2103	OTHER PERSONAL SERVICES		
	FROM DIVISION OF LICENSING TRUST FUND . .		191,073
2104	EXPENSES		
	FROM DIVISION OF LICENSING TRUST FUND . .		5,016,042
2105	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF LICENSING TRUST FUND . .		22,296
2106	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM DIVISION OF LICENSING TRUST FUND . .		68,890
2107	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM DIVISION OF LICENSING TRUST FUND . .		58,323

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HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

2108	SALARIES AND BENEFITS POSITIONS	14	
	FROM GENERAL REVENUE FUND	457,038	
2109	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	53,304	
2110	EXPENSES		
	FROM GENERAL REVENUE FUND	16,485	
	FROM OPERATING TRUST FUND		156,978
2111	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,067	

HISTORIC ST AUGUSTINE PRESERVATION BOARD

2112	SALARIES AND BENEFITS POSITIONS	24	
	FROM GENERAL REVENUE FUND	618,345	
	FROM OPERATING TRUST FUND		147,569
2113	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		134,210
2114	EXPENSES		
	FROM OPERATING TRUST FUND		198,261
2115	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		27,315
2116	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		10,767

From the funds in Specific Appropriation 2112 through 2116, the Department of State is authorized to use unexpended balances as of January 1, 1998 to enter into contracts with the City of St. Augustine to continue operations and maintenance of historic properties.

HISTORIC TALLAHASSEE PRESERVATION BOARD

2117	SALARIES AND BENEFITS POSITIONS	5	
	FROM GENERAL REVENUE FUND	176,354	
	FROM OPERATING TRUST FUND		5,731
2118	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,275	
2119	EXPENSES		
	FROM GENERAL REVENUE FUND	2,828	
	FROM OPERATING TRUST FUND		109,048
2120	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		1,763

HISTORIC FLORIDA KEYS PRESERVATION BOARD

2121	SALARIES AND BENEFITS POSITIONS	2	
	FROM GENERAL REVENUE FUND	87,124	
	FROM OPERATING TRUST FUND		11,319
2122	EXPENSES		
	FROM GENERAL REVENUE FUND	3,003	
	FROM OPERATING TRUST FUND		137,139
2123	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	524	

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HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

2124	SALARIES AND BENEFITS POSITIONS	5	
	FROM GENERAL REVENUE FUND	137,184	
	FROM OPERATING TRUST FUND		37,094
2125	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,000	
	FROM OPERATING TRUST FUND		38,214
2126	EXPENSES		
	FROM GENERAL REVENUE FUND	44,443	
	FROM OPERATING TRUST FUND		93,894
2127	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		500

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

2128	SALARIES AND BENEFITS POSITIONS	2	
	FROM GENERAL REVENUE FUND	57,846	
	FROM OPERATING TRUST FUND		11,970
2129	EXPENSES		
	FROM GENERAL REVENUE FUND	12,317	
	FROM OPERATING TRUST FUND		8,475
2130	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	500	
2131	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	524	

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

2132	SALARIES AND BENEFITS POSITIONS	60	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		1,871,311
2133	SPECIAL CATEGORIES		
	RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART		
	FROM INVESTMENT TRUST FUND		200,000
2134	FIXED CAPITAL OUTLAY		
	EMERGENCY REPAIRS - DMS MGD		
	FROM GENERAL REVENUE FUND	1,400,000	
	TOTAL OF SECTION 6 POSITIONS	26,473	
	FROM GENERAL REVENUE FUND	784,679,985	
	FROM TRUST FUNDS		8274,074,093
	TOTAL ALL FUNDS		9058,754,078

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

In the event of a general revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to s. 216, Florida Statutes, funds in Specific Appropriations 2135 through 2175, appropriated for payment of the salaries of judges, their personal staff, court

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reporter services, juror meals and lodging, juror and witness payments, and retired judges shall be deducted from the total amount of judicial branch general revenue monies against which an across the board percentage reduction may be applied pursuant to s. 216.221 (3), Florida Statutes.

SUPREME COURT

2135	SALARIES AND BENEFITS POSITIONS 192		
	FROM GENERAL REVENUE FUND	8,507,054	
	FROM COURT EDUCATION TRUST FUND		399,694
	FROM MEDIATION AND ARBITRATION TRUST FUND		258,150
	FROM GRANTS AND DONATIONS TRUST FUND . . .		329,437
2136	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	184,906	
	FROM COURT EDUCATION TRUST FUND		146,500
	FROM MEDIATION AND ARBITRATION TRUST FUND		160,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000

From the funds in Specific Appropriation 2136, $30,000 is provided for the Office of the State Courts Administrator, through the Family Court Steering Committee, to coordinate an evaluation of parenting courses for divorcing parents implemented in the various circuits, pursuant to s. 61.21, Florida Statutes, and the Supreme Court's Family Court initiative. The evaluation shall include the development of outcome measures and curriculum standards for such courses. Consideration should be given to the manner in which such courses can be made available in rural areas and the feasibility of the development of companion courses for children.

2137	EXPENSES		
	FROM GENERAL REVENUE FUND	1,610,719	
	FROM COURT EDUCATION TRUST FUND		1,151,005
	FROM MEDIATION AND ARBITRATION TRUST FUND		212,495
	FROM APPELLATE OPINION DISTRIBUTION TRUST FUND		12,249
	FROM GRANTS AND DONATIONS TRUST FUND . . .		296,632

No General Revenue funds in Specific Appropriation 2137 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriation 2137, $10,000 is provided for the Dade County Recidivism Project. The funds shall be used to perform a study and prepare a written report of the projects effectiveness in reducing the number of DUI repeat offenders. The report shall be submitted to the Office of the State Courts Administrator by March 31, 1998.

2137A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DADE COUNTY INDIGENCY SCREENING POSITIONS 4		
	FROM GENERAL REVENUE FUND	218,410	

The funds in Specific Appropriation 2137A are provided for criminal indigency screening for the 11th Circuit. Dade County is required to match this appropriation to extend indigency verification to include misdemeanor and juvenile defendants.

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2138	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	31,225	
	FROM COURT EDUCATION TRUST FUND		9,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,167
2139	SPECIAL CATEGORIES DISCRETIONARY FUNDS OF THE CHIEF JUSTICE		
	FROM GENERAL REVENUE FUND	5,000	

Funds in Specific Appropriation 2139 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2140	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	26,695	
2141	SPECIAL CATEGORIES SUPREME COURT LAW LIBRARY		
	FROM GENERAL REVENUE FUND	314,597	
2142	SPECIAL CATEGORIES COMPUTER SUBSCRIPTION SERVICES		
	FROM GENERAL REVENUE FUND	197,500	
2144	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	485,766	
2144A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	50,079	
2144B	FIXED CAPITAL OUTLAY SUPREME COURT SECURITY SYSTEM ENHANCEMENTS - DMS MGD		
	FROM GENERAL REVENUE FUND	73,100	
2144C	FIXED CAPITAL OUTLAY INDEPENDENT AIR CONDITIONING AND LOCALIZED AIR CONDITIONING CONTROL - DMS MGD		
	FROM GENERAL REVENUE FUND	60,000	
2144D	FIXED CAPITAL OUTLAY CLIMATE CONTROLLED LIBRARY STORAGE IN THE SUPREME COURT BUILDING		
	FROM GENERAL REVENUE FUND	30,000	

ADMINISTERED FUNDS - JUDICIAL

2144E	AID TO LOCAL GOVERNMENTS SMALL COUNTY COURTHOUSE FACILITIES		
	FROM GENERAL REVENUE FUND	3,000,000	

From the funds in Specific Appropriation 2144E, $3,000,000 from General Revenue is provided to the following counties:

Baker	$1,572,500
Bradford	225,000
Calhoun	50,000
Columbia	40,500
Dixie	60,000
Gadsden	350,000
Gilchrist	40,500
Jackson	40,500
Liberty	40,500
Wakulla	40,500
Union	540,000

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for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure compliance with the Americans with Disabilities Act and other federal or state requirements, other renovations in court facilities, improvements in court security and other costs paid by the county pursuant to s. 27.006, s. 34.171 or s. 43.28, Florida Statutes, and any other court-ordered improvements.

2145 LUMP SUM
FAMILY COURTS
FROM GENERAL REVENUE FUND 10,000

The funds in Specific Appropriation 2145 must be used by the Institute for Family Violence Studies at Florida State University for staffing and technical assistance to the Florida Family Visitation Network.

2145A LUMP SUM
CERTIFICATION OF NEW JUDGESHIPS
FROM GENERAL REVENUE FUND 75,000

The funds in Specific Appropriation 2145A shall be used for the Office of Program Policy and Government Accountability to study, through its staff or by contract with a vendor, the judicial efficiency and cost effectiveness of Florida's two-tiered trial court system and the jurisdictional distinctions between county and circuit courts. Alternatives, such as full or part-time magistrates for small claims and civil traffic infractions, changes in jurisdiction, and a unified trial court system, should be included in the study. This study should also include an examination of the state case reporting system currently used by the Florida Supreme Court to determine judicial workload. The study must be completed and submitted to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice, and the Governor no later than January 31, 1998.

2146A LUMP SUM
COURT IMPROVEMENTS
POSITIONS 15
FROM GENERAL REVENUE FUND 1,180,944

2147 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,004,968

The funds in Specific Appropriation 2147 are calculated at a rate of $250 per judge day. The Chief Justice shall report quarterly to the chairs of the House Fiscal Responsibility Council and Senate Ways and Means Committee any exercise of his discretion pursuant to 91-256, Laws of Florida, compensating retired judges in the courts at a rate higher than $250 per day. The report shall include the rate paid per judge per day, the number of days purchased, and the calculation of any corresponding reduction in the ability to purchase judge days.

Of the funds provided in Specific Appropriation 2147, $65,000 is provided to fund 260 additional retired judge days in Broward County.

2148 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

2149 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 5,136,910

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Funds in Specific Appropriation 2149 shall be used solely for the payment of jurors and witnesses.

2150 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 240,825

2151 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 389,685

From the funds in Specific Appropriation 2151, $15,500 is contingent upon passage of legislation authorizing new judgeships.

2152 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

DISTRICT COURTS OF APPEAL

2154 SALARIES AND BENEFITS POSITIONS 403
FROM GENERAL REVENUE FUND 26,894,245

2155 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 446,304

2156 EXPENSES
FROM GENERAL REVENUE FUND 1,661,684

2157 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 169,123

2158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,153

2159 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 625,362

2159A FIXED CAPITAL OUTLAY
REPLACEMENT OF AIR CONDITIONING CHILLERS - THIRD DISTRICT COURT OF APPEALS
FROM GENERAL REVENUE FUND 56,620

2159B FIXED CAPITAL OUTLAY
WALLPAPER, PAINTING AND CARPET MAINTENANCE - FIFTH DISTRICT COURT OF APPEAL - DMS MGD
FROM GENERAL REVENUE FUND 80,280

CIRCUIT COURTS

2160 SALARIES AND BENEFITS POSITIONS 1,485
FROM GENERAL REVENUE FUND 107,196,763
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,135
FROM FAMILY COURTS TRUST FUND 3,351,980

2161 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 137,505
FROM GRANTS AND DONATIONS TRUST FUND . . . 362,385

2162 EXPENSES
FROM GENERAL REVENUE FUND 1,314,492
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,750
FROM FAMILY COURTS TRUST FUND 278,376

No General Revenue funds in Specific Appropriation 2162 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

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2163 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUANCY PROGRAM
FROM GENERAL REVENUE FUND 200,000

2164 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MATCH FUNDS FOR THE NEIGHBORHOOD JUSTICE CENTER PROGRAM
FROM GENERAL REVENUE FUND 60,000

2165 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 194,740
FROM FAMILY COURTS TRUST FUND 34,815

From the funds in Specific Appropriations 2160, 2162 and 2165, 16 FTE and $654,551, $44,643 and $68,140 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing new judgeships.

2165A LUMP SUM
CHILD SUPPORT ENFORCEMENT STAFFING
POSITIONS 34
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,439,562

The funds in Specific Appropriation 2165A shall be used for workload needs of the State Courts System related to implementation of federal requirements for Child Support Enforcement. The funds shall be used for the assignment of senior judges, child support hearing officers, and associated expenses needed to process the increase in unobligated child support cases resulting from enforcement activities. The State Courts System shall provide a proposed allocation of funds to the Department of Revenue for inclusion in its work plan submitted to the Executive Office of the Governor.

2166 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 29,246

2167 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC GUARDIANSHIP
FROM GENERAL REVENUE FUND 102,252

2168 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 483,792

2169 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

2170 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM GENERAL REVENUE FUND 3,525,887

The funds in Specific Appropriation 2170 are to be granted to the counties to support the reporting of depositions and court proceedings which are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1995/96 felony filings per county.

2170A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FAMILY COURTS TRUST FUND 1,000,000

COUNTY COURTS

2171 SALARIES AND BENEFITS POSITIONS 526
FROM GENERAL REVENUE FUND 44,388,496

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2172 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,225

2173 EXPENSES
FROM GENERAL REVENUE FUND 99,780

No funds in Specific Appropriation 2173 shall be used for out-of-state judicial educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

2173A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,490

From the funds in Specific Appropriations, 2171, 2173, and 2173A, 6 FTE and $239,793, $16,395 and $26,490 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing judgeships.

2174 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 305,855

Funds are provided in Specific Appropriation 2174 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

2175 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 59,491

JUDICIAL QUALIFICATIONS COMMISSION

2176 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 93,878

2177 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,342

2178 EXPENSES
FROM GENERAL REVENUE FUND 84,067

2179 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

2180 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 133,300

Funds in Specific Appropriation 2180 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

2181 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,463

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TOTAL OF SECTION 7	POSITIONS 2,661	
FROM GENERAL REVENUE FUND	212,601,140	
FROM TRUST FUNDS		9,685,578
TOTAL ALL FUNDS		222,286,718

SECTION 8 - SALARIES AND BENEFITS - Fiscal Year 1997-98

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 1997-98 salary and benefit increases provided in Specific Appropriation 1492. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. All references to "base salary" in this section refer to salaries as of June 30, 1996, inclusive of the 1996-97 fiscal year appropriated salary increases, for the purpose of calculating and distributing allocations to agencies. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

I. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1492 for salary increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, Inc., (2) the Florida Nurses Association, and (3) the American Federation of State, County and Municipal Employees, Council 79, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. The Specific Appropriation includes funds to implement the ruling by the Circuit Court in Florida Police Benevolent Association, Inc., Florida Nurses Association and AFSCME Council 79 v State of Florida, Lawton Chiles, Governor of the State of Florida and the Department of Administration. Prior to the distribution of any funds contained in these specific appropriations the Executive Office of the Governor shall determine all direct and administrative costs of implementing the ruling for Career Service employees represented by the Florida Police Benevolent Association and the AFSCME Council 79. As noticed in the state's wage proposals to the Florida Police Benevolent Association and the AFSCME Council 79, funds in Specific Appropriation 1492 which would have otherwise been distributed to Career Service employees represented by the Florida Police Benevolent Association and the AFSCME Council 79 shall be reduced by the amounts of the direct and administrative costs of implementing the ruling. Funds are to be distributed as follows:

1) All eligible Career Service employees represented by the Florida Police Benevolent Association, Inc. and the AFSCME Council 79 shall receive the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) All eligible Career Service employees represented by AFSCME shall receive an annualized increase of $780.

(b) All eligible Career Service employees represented by the Florida Police Benevolent Association, Inc. shall receive an annualized increase of $810.

In the event that a settlement agreement is reached between the State of Florida and either the Florida Police Benevolent Association or AFSCME Council 79 before July 1, 1997, then the funds shall be distributed as provided for all other eligible unit Career Service employees as described in paragraph (3) below.

2) For all eligible unit and non-unit employees assigned to the professional health care pay plan, funds are provided to grant a three percent (3%) competitive pay adjustment on each employee's base salary

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to be effective on the employee's anniversary date, in accordance with the negotiated collective bargaining agreement. Additionally, funds are provided for eligible employees to receive longevity salary increases pursuant to the negotiated collective bargaining agreement.

3) For all eligible unit and non-unit Career Service employees other than those employees represented by the Florida Police Benevolent Association and the AFSCME Council 79 as well as the unit and non-unit professional health care pay plans, funds are provided for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

B. BOARD OF REGENTS

1) For all eligible University Support Personnel System (USPS), Administrative and Professional (A&P), and General Faculty unit and non-unit employees, funds are provided in Specific Appropriation 173 through 176 and 186 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

These funds shall be distributed to eligible employees subject to reopener negotiations.

2) Funds are provided in Specific Appropriation 173 through 176 and 186 for an overall average 2.78% increase on the base stipends of graduate assistants and graduate health professions assistants, effective January 1, 1998. These funds shall be distributed to eligible employees subject to reopener negotiations.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Commissions:

Specific Appropriation 1492 includes funding to provide salary increases on base salary, effective January 1, 1998. The following officers shall be paid at the annual rate shown below for the period indicated, however, these salaries may be reduced on a voluntary basis:

	7/1/97	1/1/98
Governor	107,961	110,962
Lieutenant Governor	103,415	106,290
Secretary of State	106,870	109,841
Comptroller	106,870	109,841
Treasurer	106,870	109,841
Attorney General	106,870	109,841
Education, Commissioner of	106,870	109,941
Agriculture, Commissioner of	106,870	109,841
Supreme Court Justice	133,600	137,314
Judges - District Courts of Appeal	120,240	123,583
Judges - Circuit Courts	107,758	110,754
Judges - County Courts	95,785	98,448
Commissioner - Public Service Commission	107,758	110,754
Public Employees Relations Commission Chrm.	77,130	79,274

Public Employees Relations Commission

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Commissioners.....	72,987	75,016
Commissioner - Parole and Probation.....	72,987	75,016

State Attorneys:

Circuits with 1,000,000 Population or less.....	107,758	110,754
Circuits over 1,000,000.....	120,240	123,583

Public Defenders:

Circuits with 1,000,000 Population or less.....	101,629	104,454
Circuits over 1,000,000	115,430	118,639

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1997 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, these increases shall be been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

b. For all eligible unit employees represented by the Florida Federation of Physicians and Dentists in the Selected Exempt Service, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, these increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1998. The funds are provided as follows:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

3) Career Service Exempt and the Florida National Guard:

For all eligible Career Service Exempt and Florida National Guard employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. The funds shall be distributed as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

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D. JUDICIAL

1) Funds are provided in Specific Appropriation 1492 to grant the following increases on each eligible employee's base salary on December 31, 1997, effective January 1, 1998. The funds shall be distributed as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

E. LOTTERY

1) For all eligible Lottery unit and non-unit employees, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998. Otherwise, the Lottery Senior Staff increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1998. The funds are provided as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%. base salary, effective January 1, 1997.

F. CORRECTIONAL EDUCATION PROGRAM (CEP)

Funds are provided in Specific Appropriation 1492 to grant a salary increases to each eligible employee's December 31, 1997 base rate of pay in the Classified and Managerial Pay Plans and for all instructional and professional employees within CEP. These increases shall be effective and provided January 1, 1998 as follows:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%

It is the intent of the Legislature that the administrative and professional and managerial pay plans 43 and 44 shall be retained and all positions in these pay plans shall remain. Instructional and classified pay plans 41 and 42 shall be retained until such time as the Department of Management Services and the Department of Corrections reach agreement on the transfer of positions in these pay plans to positions within the career service system after which these pay plans shall be abolished.

G. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

1) For all eligible unit and non-unit non-Career Service employees of the School for the Deaf and the Blind, funds are provided in Specific Appropriation 1492 for the following increases to the December 31, 1997 base rate of pay, effective January 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

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(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Distribution of the funds to non-unit employees shall be at the discretion of the Board of Trustees.

2. CRITICAL CLASS ADJUSTMENTS

$6,400,000 is provided in Specific Appropriation 1492 for the purpose of addressing critical salary needs in classes experiencing excessive turnover and inability to recruit and hire qualified employees. $300,000 of this $6,400,000 is provided for critical pay issues of the State Courts System, as described in its 1997 pay plan request. The Department of Management Services shall review requests made by Executive Branch Agencies for pay grade adjustments and make recommendations to the Executive Office of the Governor prior to November 1, 1997. The Supreme Court will implement recommendations for the State courts System critical pay issues as approved by the Chief Justice. $500,000 of the $6,400,000 is provided to the University of Central Florida to address critical pay issues in accordance with the document, "1990-91 Pay Survey, Competitive Area Differential, Central Florida Region, State University System of Florida, Board of Regents and Department of Administration, USPS Classes."

3. BENEFITS

A. HEALTH, LIFE AND DISABILITY INSURANCE

1) Funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved health maintenance organizations, and life and disability insurance premiums. Additionally, employee premiums shall remain unchanged until changed by the Legislature.

Further, it is the Legislature's intent that the benefits of the State Group Health Self-Insurance Plan which have been approved by the Legislature shall be incorporated into the Group Health Self-Insurance Plan Benefit Document and shall remain in effect during Fiscal Year 1997-98 and shall not be amended without appropriate legislative approval in accordance with s. 110.123(5), F.S.

2) Under the Prescription Drug Program co-payments and supply limits are to continue as provided in s. 110.12315, F.S.

3) The current pharmacy dispensing program shall remain in effect as provided in s. 110.12315(3), F.S.

4) Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor enough that such a statement is not necessary.

5) The $100 per calendar year physical examination benefit shall be limited to active employees covered under the State Group Health Self-Insurance Plan.

4. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements between the Governor and the respective bargaining units, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

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C. Continue to provide, at the current level, uniform maintenance and shoe allowances.

D. Continue to pay employees on-call fees at the current level.

5. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for Career Service employees shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in thisSection under Item "1. SALARY INCREASES."

B. Collective bargaining issues at impasse between the State of Florida and the Florida Police Benevolent Association, Inc. for Career Service employees shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

C. Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service employees shall be resolved as follows:

1) All collective bargaining issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

D. All other collective bargaining issues at impasse for the 1997-98 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

6. STUDIES AND REPORTS AND OTHER PROVISIONS

A. No funds are provided to state branches, departments, or agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave. Therefore, such state branches, departments and agencies shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. No funds are provided to pay employees upon termination from the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, for payments for unused annual leave credits accrued on the employee's last anniversary date greater than those prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the employee's last anniversary date.

C. From the funds appropriated to the Attorney General, he is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

D. The approved annual salary rate for the Division of Administrative Hearings is $3,836,253 and will be adjusted pending final disposition of the collective bargaining impasse hearing to be held by the legislative body.

SECTION 9. In the event the full appropriation in Specific Appropriation 1032A, of $8,594,725 is not received from the federal government for Citrus Canker Eradication, the difference shall be appropriated for this purpose from the Working Capital Fund.

SECTION 10. The unexpended balances of appropriations in Chapter 95-429, Laws of Florida, for the Green Swamp Land Authority are hereby reappropriated.

SECTION 11. The unencumbered balance of funds provided in Specific Appropriation 1865C, Chapter 96-424, Laws of Florida, are hereby

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reappropriated for land acquisition, site preparation and to the extent that funds are sufficient, construction of a replacement surplus property warehouse and/or motor pool facility.

SECTION 12. The Executive Office of the Governor is authorized to reallocate the 1997-98 fiscal year approved General Revenue budget appropriated for the SAMAS User Fee to the Division of Information Services within the Department of Banking and Finance to implement a fund shift from the Working Capital Trust Fund to the General Revenue Fund as recommended by the Governor. The amount reallocated shall be limited to the amount of General Revenue from the SAMAS User Fee category appropriated in the 1996-97 General Appropriations Act, which totals $14,204,068. The Executive Office of the Governor shall place trust fund appropriations for the SAMAS User Fee category in unbudgeted reserve in the agency in which the appropriation was made. These actions are subject to the notice, review, and objection provisions included in section 216.177, Florida Statutes.

SECTION 13. There is hereby appropriated $111,612 from unexpended FY 1996-97 General Revenue appropriations of the General Tax Administration Program of the Department of Revenue to Nassau County for the revenue loss resulting from the delay in implementing the "ninth-cent" tax on motor fuel imposed by Ordinance No.95-27.

SECTION 14. Effective July 1, 1997, the responsibilities and authorities related to grants formerly assigned to the Department of Commerce in Specific Appropriation 2069, Chapter 94-357, Laws of Florida, and Specific Appropriations 1680AB and 1680AC, Chapter 95-429, Laws of Florida, including those authorities and responsibilities related to utilization and expenditure of funds provided for program administration, are hereby assigned to the Department of Community Affairs. The unexpended balances contained in those Specific Fixed Capital Outlay Appropriations, including grants and aids and administrative allocations, shall be transferred to the Department of Community Affairs, and shall be expended in accordance with the original proviso language related to each of the above.

SECTION 15. In the event that the level of funding provided to implement the Legal Immigrants' Temporary Income Bridge Program is inadequate to support identified needs, the Governor, subject to the provisions of Chapter 216, Florida Statutes, is hereby authorized to transfer up to $25,000,000 from the Working Capital Fund to implement the provisions of Specific Appropriation 1499A. This authority is contingent upon:

(1) the federal government officially easing restrictions on the provision of federal SSI and food stamps for legal immigrants in Florida; and

(2) the execution of contracts between the federal government and the State of Florida in which the federal government commits to reimbursing the state for costs financed with the above funds.

SECTION 16. The Comptroller is hereby authorized to transfer $276,600,000 in General Revenue Funds to the Budget Stabilization Fund for Fiscal Year 1997-98, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 17. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the Federal Government in an amount necessary for the payment of interest earned on Federal Funds.

SECTION 18. The unexpended balances of funds provided by Specific Appropriation 1971B, Chapter 95-429, Laws of Florida are hereby reappropriated and $2,000,000 is hereby appropriated from the Public Facilities Financing Trust Fund for use in constructing additional and renovating existing facilities for the Department of Law Enforcement adjacent to their existing crime lab facility in Orlando.

SECTION 19. There is hereby appropriated $15,000,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

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SECTION 20. The unexpended balance of funds provided to Pensacola Junior College in Specific Appropriation 1940 of Chapter 93-184, Laws of Florida, relating to the Community Instruction Center - Milton (p) for $426,656, is hereby reappropriated to Collegewide General Renovation/Remodeling.

SECTION 21. The unexpended balance of funds provided to Palm Beach Community College in Specific Appropriation 54 of Chapter 95-249 and Section 5 of Chapter 96-421, Laws of Florida, relating to the Life Fitness/PE/Aquatic Facility/Road - Eissey partial (p,c) for $5,585,543 and $646,919 respectively, are hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 22. Up to $770,000 of the funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to UF Southwest Student Recreation Fields may be expended for a Lake Wauberg Renovation and Improvement project.

SECTION 23. Funds included in Specific Appropriation 2001, Chapter 94-357 Laws of Florida, for SUS Land Acquisition and subsequently allocated to FSU in an amount of up to $750,000 may be used to purchase land for accomplishment of Call Street/Stadium Drive Intersection Improvements and Realignment/Widening of Bryan Street. FSU may reimburse the City of Tallahassee for purchase of land required for right-of-way purposes and the City may retain title to the purchased property for purposes of maintaining the road and related stormwater facility improvements. Additionally, the City of Tallahassee may proceed with accomplishment of the subject road and intersection improvements and receive reimbursement from future appropriations that may be provided for Stadium Drive Improvements.

SECTION 24. From funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to the FAMU Presidential Residence Entertainment Center and the FAMU Recreational Center - Phase I, up to $1,800,000 may be expended for a Child Care Center and $821,037 may be expended for Restoration of Aquatic Center, including reimbursement for any auxiliary funds expended to initiate the projects.

SECTION 25. Funds included in Specific Appropriation 1941 of Chapter 93-184, Laws of Florida, relating to the UCF Human Factors Aviation Laboratory (p) project in the amount of $257,000, may be expended for the UCF Central Florida Boulevard Realignment project.

SECTION 26. The unexpended balance of Specific Appropriation 209A of Chapter 96-424, Laws of Florida, entitled Treeline Avenue may be expended for construction of FGCU campus roads and parking areas.

SECTION 27. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization is contingent upon the individual university agreeing not to request GR operating funds. Each individual project may be considered alone.

1. University of Florida - Ornamental Genetics Greenhouse at the Gulf Coast Research and Education Center in Manatee/Bradenton

2. University of Florida - Equipment Storage, Collier/Immokalee

3. Florida State University - National Weather Service (NWS) Meteorology Facility (Reauthorization)

4. Florida International University - Holocaust Documentation Center

SECTION 28. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution or s. 240.2093, F.S.:

1. University of Florida - Single Student Residence Hall

2. Florida State University - Remodeling of Broward and Gilchrist Halls (Reauthorization)

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3. Florida A&M University - Housing, Phase IV (Reauthorization)

4. University of South Florida - Parking Structure II (Reauthorization)

5. University of South Florida - Sarasota/New College Residence Hall II (Reauthorization)

6. University of West Florida - Student Housing Apartments (Reauthorization)

7. University of Central Florida - Parking Garage II (Reauthorization)

8. Florida International University - Student Housing Complex and Support Service Facilities (Reauthorization)

9. Florida International University -Parking Garage II (Deck) (Reauthorization)

10. University of North Florida - Student Housing Complex, Phase VI (Reauthorization)

11. University of North Florida - Parking Garage

12. Florida Gulf Coast University - Student Residence, Ph. I (Reauthorization)

13. Florida Atlantic University - Palm Beach Campus Student Housing Facility

14. University of Central Florida Bookstore Expansion (Reauthorization)

SECTION 29. The sum of $4,416,200 is hereby appropriated from the Public Education Capital Outlay and Debt Services Trust Fund to the Broward School Board/City of Ft. Lauderdale - New World Aquarium and Broward Environmental Education Center (p,c,e) pursuant to the provisions of the former Section 236.196, Florida Statutes.

SECTION 30. Pursuant to Sections 240.277 and 240.295, F.S., the Board of Regents is authorized to accomplish the following construction projects to be financed or partially financed from private and university auxiliary sources.

1. FIU President's Residence and Events Center

2. FSU Women's Soccer/Softball and Intramural Fields Complexes

3. UWF Campus Telephone Switch System and Extension of Utilities for Housing

4. FAMU New Beginnings Child Care Center

5. UNF 400 Meter Track-Supplement

SECTION 31. The unexpended balance of funds provided to Palm Beach Community College in the Section 1 of Chapter 93-407, Laws of Florida, relating to the Adjacent land acquisition-Eissey (s,p,e,c), for $1,500,000, is hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 32. Pursuant to section 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources which will require general revenue funds for operation and maintenance. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

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1. Central Florida Community College - Exhibit Center Addition on Main Campus in Marion County

2. Indian River Community College - New Classroom Facility Dixon Hendry Center in Okeechobee County

3. Indian River Community College - Land and Classroom Facility from Department of Corrections adjacent to the Mueller Special Purpose Center in Vero Beach, Indian River County

SECTION 33. The unexpended balance of funds provided to Miami-Dade Community College in the Specific Appropriation Section 14 of Chapter 96-424, Laws of Florida, relating to the Science Lab Facility - N partial (p) for $1,571,000, is hereby re-appropriated to the Land Purchase/Parking Facility(s,p,c) - Wolfson Campus.

SECTION 34. The unexpended balance of funds provided to Pasco-Hernando Community College in Section 6 of Chapter 96-421, Laws of Florida, relating to the Gen ren/rem, roofs, HVAC, Fac 1 - N, Fac 9 - W, ADA, Lights for $727,037 is hereby re-appropriated to Gen ren/rem, roofs, HVAC, Fac 1 - N, Fac 6 - W, ADA, Lights for $727,037.

SECTION 35. The unexpended balance of funds provided to Daytona Beach Community College in the Specific Appropriation 54 of Chapter 95-429, Laws of Florida, relating to the Rem/ren Instructional Bldg 1 South partial for $291,824, is hereby reappropriated to Collegewide General Renovation/Remodeling.

SECTION 36. The unexpended balance of funds provided to Daytona Beach Community College in the Specific Appropriation 63 of Chapter 96-424, Laws of Florida, relating to the Allied Hlth/Sci Building Addition & Parking - Main partial (p) for $450,000, is hereby re-appropriated to Collegewide General Renovation/Remodeling.

SECTION 37. From funds included in Specific Appropriation 208B of Chapter 96-424, Laws of Florida, relating to the FIU Graham Center Supplement - University Park (E), the FIU Gregory B. Wolfe University Center Supplement - North Miami (P,C,E) project, the Recreational Fields - University Park (P,C,E) project, the Tennis Courts with Lighting - North Miami (P,C) project, and the Graham Center Second Floor Expansion (P,C,E) (Reimbursement to Auxiliary) project, up to $6,000,000 may be expended for a FIU - North Miami Student Housing Renovation/Repair or Replacement project. The purpose of the project shall be to renovate or repair the FIU - North Miami Student Apartment Facility, or replace the Student Apartment Facility, or demolish and replace the FIU North Miami Campus Student Apartment Facility. Additional funding may be provided from FIU auxiliary funds. A decision as to the appropriate solution shall be based on an architectural and engineering analysis, a student housing demand analysis, and a fiscal feasibility analysis. If these analyses indicate that the facility should not be used for housing purposes, FIU shall complete a study to determine the best use of the facility. If the architectural/engineering studies indicate the facility should be demolished, funds may be expended for demolition, provided that a replacement student housing facility is constructed and operating revenues are applied to the pre-existing debt service costs. If renovation/repair is to be accomplished, the project budget may include debt service costs during construction. These revisions to Capital Improvement Fee project appropriations shall be subject to the student consultation requirements found in Section 240.295 (3) F.S.

SECTION 38. $500,000 from the unencumbered balance from Specific Appropriation 626, Chapter 95-429, Laws of Florida shall be expended by the Department of Corrections for site acquisition and planning for a major correctional institution in Franklin County.

SECTION 39. Funds in this act may be expended for Bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 40. The remaining unexpended balance of $2,000,000 in General Revenue Funds as appropriated in section 42(4), Chapter 96-320, Laws of Florida, is hereby deposited into the Economic Development Trust Fund in the Executive Office of the Governor.

SECTION 41
SPECIFIC
APPROPRIATION

SECTION 41. The unexpended balance of funds provided in Specific Appropriation 1261 of Chapter 96-424, Laws of Florida, for Contaminated Site Clean-up-Hillsborough County School System is hereby reappropriated to continue the contamination cleanup on the USF Main Campus site and the Moffitt Cancer Center site.

SECTION 42. Any unexpended balance of funds provided in Specific Appropriation 2090A of Chapter 94-357, Laws of Florida, that has not reverted for the John Ringling Tower are hereby appropriated to the Sarasota Arts Council.

SECTION 43. Any section of this act, or any Appropriation herein contained, if found to be invalid shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 44. This act shall take effect July 1, 1997, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1997, then it shall operate retroactively to July 1, 1997.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	125,401	
FROM GENERAL REVENUE FUND	16719,571,939	
FROM TRUST FUNDS		25680,638,458
TOTAL ALL FUNDS		42400,210,397

The Conference Committee Report was read and on motion by Senator Sullivan Rule 2.19 was waived and the report was adopted. **SB 2400** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Madam President	Cowin	Hargrett	McKay
Bankhead	Crist	Harris	Meadows
Bronson	Dantzler	Holzendorf	Myers
Brown-Waite	Diaz-Balart	Horne	Rossin
Burt	Dudley	Jones	Silver
Campbell	Dyer	Kirkpatrick	Sullivan
Casas	Forman	Klein	Thomas
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams

Nays—2

Jenne	Ostalkiewicz

Vote after roll call:

Yea—Lee, Scott

MOTION

On motion by Senator Jenne, the following remarks were ordered spread upon the Journal:

Senator Jenne: Senator Myers, as Chairman of Subcommittee C, does the proviso following Specific Appropriation 426 authorize the Department of Health to regulate or to adopt any rules to regulate pediatric providers or to set standards for health care facilities for children?

Senator Myers: No. The proviso only directs the department to make recommendations with regard to pediatric providers and health care facilities for children.

Senator Jenne: Senator Myers, does the proviso have the effect of transferring to the Deparment of Health from the Agency for Health Care Administration the authority to regulate children's hospitals?

Senator Myers: No.

Senator Jenne: In 1993, in Chapter 408, Florida Statutes the Legislature directed the Agency for Health Care Administration to, "Coordinate the development, endorsement, implementation and evaluation of scientifically sound clinically relevant practice parameters in order to reduce unwarranted variation in the delivery of medical treatment and improve the quality of medical care and promote the appropriate utilization of health care service." I'm curious, does this proviso that we have in front of us have any responsibility for developing practice guidelines for medical care for children to the Department of Health?

Senator Myers: No. The responsibility for developing those guidelines still stays with the Agency for Health Care.

Senator Jenne: And also, Madam President, if I can continue, the Agency for Health Care Administration has been involved in rulemaking proceedings to regulate pediatric providers in health care facilities for children. This proviso directs the Department of Health to develop recommendations on these matters. Are the recommendations developed by the Department of Health required to be consistent with the recommendations in practice parameters recommended by the Agency for Health Care Administration?

Senator Myers: No. They are only recommendations—period. The Department of Health has Children's Medical Services in it. This language gives the Legislature their perspective on the delivery of children's health from the practitioner's point of view. That's it.

Senator Jenne: Madam President, if I may continue. The Agency for Health Care Administration is proceeding through the rulemaking process to implement the recommendations from its working group. Does this proviso affect in any way the rulemaking process on those rules?

Senator Myers: No.

Senator Jenne: Does this proviso give any special significance to the recommendations developed by the Department of Health in the rulemaking process?

Senator Myers: No. It does not.

Senator Jenne: Who or what agency is to receive the recommendations from the Department of Health under the proviso following the Specific Appropriation 426?

Senator Myers: The Legislature.

Senator Jenne: Does the proviso require the Agency for Health Care Administration to implement the recommendations it receives from the Department of Health or to amend its proposed rules to include the recommendation that it receives from the Department of Health?

Senator Myers: No. The Agency for Health Care Administration is not required by the proviso to implement any of the recommendations by the Department of Health. A.H.C.A. is not required to amend any of its rules or proposed rules to implement the recommendations from the department.

Senator Forman: Senator Myers, I wanted to make it clear that on page eleven of the strike everything amendment does not change the existing law. Existing law allows community mental health centers to be reimbursed by the medicaid program for patients' services. Does that amendment change any existing law at all?

Senator Myers: I couldn't tell. We're not on the conforming bill. We're on the budget.

STATEMENT OF INTENT

Notwithstanding the provisions of Specific Appropriations 1025, in the event it is determined that the Citrus Budwood Registration Program in the amount of $601,396 can not be funded from Citrus Inspection Trust Fund, then the Citrus Budwood Registration Program shall be funded from budget transfers within the Department of Agriculture and Consumer Services' operating budget.

s/W. D. Childers	*s/Tom Lee*
s/Rick Dantzler	*s/Katherine Harris*
s/Jack Latvala	*s/Charlie Bronson*
s/Roberto Casas	*s/James A. Scott*
s/James Hargrett	*s/Daryl L. Jones*

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2402

The Honorable Toni Jennings April 29, 1997
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on House amendments to SB 2402, same being:

An act relating to implementing the fiscal year 1997-98 General Appropriations Act

having met, and after full and free conference, has agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

s/Donald C. Sullivan
Chairman
s/W. G. Bankhead
s/Charlie Bronson
s/Ginny Brown-Waite
s/Walter Campbell
s/Roberto Casas
s/W. D. Childers
s/Charlie Clary
s/Anna Cowin
s/Rick Dantzler
s/Mario Diaz-Balart
s/Fred R. Dudley
s/John H. (Buddy) Dyer
s/Howard C. Forman
s/John Grant
s/Alberto Gutman
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Kenneth C. Jenne II
s/Daryl L. Jones
s/George Kirkpatrick
s/Ron Klein
s/Patsy Kurth
s/Jack Latvala
s/Tom Lee
s/John McKay
s/Matthew J. Meadows
s/William G. Myers, M.D.
s/Tom Rossin
s/James A. Scott
s/Ronald A. Silver
s/Pat Thomas

Managers on the part of the of the Senate

s/Rodolfo Garcia, Jr.
Chairman
s/George Albright
s/Stan Bainter
s/Rudolph Bradley
s/Irlo Bronson
s/Cynthia Moore Chestnut
s/D. Lee Constantine
s/George A. Crady
s/Faye B. Culp
s/Willye F. Dennis
s/Lori Edwards
s/Tom Feeney
s/Mark G. Flanagan
s/Greg Gay
s/Lars A. Hafner
s/Deborah James Horan
s/Dennis L. Jones
s/Alfred J. Lawson
s/Carl Littlefield
s/Willie F. Logan
s/Evelyn J. Lynn
s/Anne Mackenzie
s/Joseph R. Mackey
s/Sharon J. Merchant
s/Kendrick B. Meek
s/O. R. Minton, Jr.
s/Luis C. Morse
s/Bill Posey
s/Kenneth Pruitt
s/Alzo J. Reddick, Sr.
s/Debby P. Sanderson
s/Charles W. Sembler
s/Kelley R. Smith
s/Jeff Stabins
s/Robert J. Starks
s/Bill Sublette
s/John Thrasher
s/Carlos Valdes
s/J. Alex Villalobos
s/Debbie Wasserman Schultz
s/Stephen R. Wise

Managers on the part of the of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1997-1998.*

Section 2. In order to implement Specific Appropriations 207 through 521 of the 1997-1998 General Appropriations Act, subsection (1) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that if deemed necessary such moneys may be transferred as provided in subsections (3) and (4) when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose, and appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, *1998* ~~1997~~.

~~(c) For the 1996-1997 fiscal year only, the Department of Health and Rehabilitative Services may transfer general revenue funds as necessary from Specific Appropriation 480 of the 1996-1997 General Appropriations Act to the Department of Revenue for child support enforcement. This paragraph is repealed on July 1, 1997.~~

~~(d) For the 1996-1997 fiscal year only, the Agency for Health Care Administration may transfer general revenue funds and appropriate trust funds from Specific Appropriation 250 of the 1996-1997 General Appropriations Act to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver. This paragraph is repealed on July 1, 1997.~~

Section 3. In order to implement Specific Appropriation 257 of the 1997-1998 General Appropriations Act, section 409.9115, Florida Statutes, 1996 Supplement, is amended to read:

409.9115 Disproportionate share program for mental health hospitals.—The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall design and implement a system of making mental health disproportionate share payments to hospitals that qualify for disproportionate share payments under s. 409.911. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(1) The following formula shall be used by the *agency* ~~department~~ to calculate the total amount earned for hospitals that participate in the mental health disproportionate share program:

$$TAP = \left(\frac{DSH}{TDSH}\right) \times TA$$

Where:

TAP = total additional payment for a mental health hospital.

DSH = total amount earned by a mental health hospital under s. 409.911.

TDSH = sum of total amount earned by each hospital that participates in the mental health hospital disproportionate share program.

TA = total appropriation for the mental health hospital disproportionate share program.

(2) In order to receive payments under this section, a hospital must participate in the Florida Title XIX program and must:

(a) Agree to serve all individuals referred by the *agency* ~~department~~ who require inpatient psychiatric services, regardless of ability to pay.

(b) Be certified or certifiable to be a provider of Title XVIII services.

(c) Receive all of its inpatient clients from admissions governed by the Baker Act as specified in chapter 394.

(3) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, *1998* ~~1997~~.

Section 4. *During the 1997-1998 fiscal year, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program funded in Specific Appropriation 233 of the 1997-1998 General Appropriations Act. This section is repealed on July 1, 1998.*

Section 5. In order to implement Specific Appropriation 226 of the 1997-1998 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, 1996 Supplement, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(6) For the *1997-1998* ~~1996-1997~~ fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation *226* ~~231~~ of the *1997-1998* ~~1996-1997~~ General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

(a) The agency shall first determine a preliminary payment amount for each rural hospital by allocating all available state funds using the following formula:

PDAER = (TAERH x TARH)/STAERH

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

STAERH = sum of total amount earned by each rural hospital.

(b) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (a).

(c) The state-funds-only payment amount is then calculated for each hospital using the formula:

SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

Where:

SFOER = state-funds-only payment amount for each rural hospital.

SFOL = state-funds-only payment level, which is set at 4 percent of TARH.

(d) The adjusted total amount allocated to the rural disproportionate share program shall then be calculated using the following formula:

ATARH = (TARH - SSFOER)

Where:

ATARH = adjusted total amount appropriated or distributed under this section.

SSFOER = sum of the state-funds-only payment amount calculated under paragraph (c) for all rural hospitals.

(e) The determination of the amount of rural disproportionate share hospital funds is calculated by the following formula:

TDAERH = [(TAERH x ATARH)/STAERH]

Where:

TDAERH = total distribution amount for each rural hospital.

(f) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (e).

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f) to determine the total distribution amount for each rural hospital.

(h) This subsection is repealed on July 1, *1998* ~~1997~~.

Section 6. *For the purpose of implementing Specific Appropriations 214 through 265 of the 1997-1998 General Appropriations Act, the Agency for Health Care Administration will not capitate health maintenance organizations for the behavioral health care of adults who have a serious mental illness or substance abuse diagnosis or children with a serious emotional disturbance. The Agency for Health Care Administration will complete an evaluation of the delivery of behavioral health care in the District 6 and 14 pilot program by January 31, 1998, and will as part of that evaluation determine and compare the administrative and direct service expenditures associated with the different contracting and payment methodologies used in the pilot area.*

Section 7. In order to implement Specific Appropriations 272 through 403 and 426 through 511A of the 1997-1998 General Appropriations Act, paragraph (c) of subsection (14) of section 216.181, Florida Statutes, 1996 Supplement, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(14)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funds appropriated to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services in Specific Appropriations *272* ~~304~~ through *403 and the Department of Health in Specific Appropriations 426 through 511A* ~~519~~ of the *1997-1998* ~~1996-1997~~ General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 8. In order to implement Specific Appropriation 211 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (3) of section 624.91, Florida Statutes, 1996 Supplement, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(3) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of preventive health care services to children and to provide comprehensive health insurance coverage to children;

2. Arrange for the collection of any family or employer payment or premium, in an amount to be determined by the board of directors, from all participant families or employers to provide for payment for preventive health care services or premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses incurred during the period for which family or employer payments are made;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children;

5. Establish eligibility criteria which children must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage and preventive health care services to participants;

9. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

10. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

11. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation; and

12. Provide a report on an annual basis to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

13. For the *1997-1998* ~~1996-1997~~ fiscal year only, funds may be appropriated to the Florida Healthy Kids Corporation to organize school children groups to facilitate the provision of preventive health care services to children at sites in addition to those allowed in subparagraph 1. This subparagraph is repealed on July 1, *1998* ~~1997~~.

Section 9. *For the purpose of implementing Specific Appropriation 233 of the 1997-1998 General Appropriations Act, and for the 1997-1998 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 1998.*

Section 10. *The Department of Children and Family Services shall undertake a study to determine the applicability of utilizing local funds as state match for eligible Title IV-E and Medicaid clients. This study shall consider the effect these local funds would have on the department's ability to expand existing programs. Program expansion information shall include projected local fund totals, their specific effect on program component funding and expanded service categories. The department, in conjunction with the Agency for Health Care Administration, shall request any waivers needed to implement these programs during fiscal year 1998-1999. A report on their efforts will be submitted by the involved agencies on their findings no later than January 1, 1998, to the Senate President, the Speaker of the House of Representatives, and the Governor.*

Section 11. *For the 1997-1998 fiscal year only, the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration may transfer positions and general revenue funds as necessary to comply with any provision of the General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section expires July 1, 1998.*

Section 12. *For purposes of implementing Specific Appropriations 272 through 397, the Department of Children and Family Services is authorized to reallocate up to $791,552 in approved salary rate within the department, notwithstanding sections 216.181 and 216.351, Florida Statutes. The $791,552 of approved salary rate shall be reallocated for the standardization of currently authorized positions assigned to perform contract functions. Currently authorized positions are defined as those positions authorized to the department as of June 30, 1997. This section is contingent upon the provisions of HB 2019 or similar legislation becoming law. This section expires July 1, 1998.*

Section 13. *To implement Specific Appropriations 219A and 219B, the Agency for Health Care Administration, working jointly with the Department of Health and the Florida Healthy Kids Corporation, is directed to seek federal waivers to secure Title XIX or other Federal matching funds for the Florida Healthy Kids program and the Primary Care for Children and Families Challenge Grant. The federal waiver applications shall seek Medicaid matching funds for all general revenue, family contributions, and local contributions. This section expires July 1, 1998.*

Section 14. *In order to implement the proviso following Specific Appropriation 244, the Agency for Health Care Administration shall take any necessary lawfully authorized action to ensure that total expenditures for Medicaid transportation remain within the amount budgeted in the General Appropriations Act. In the event that the agency finds that it is impossible to constrain Medicaid transportation expenditures to within the budgeted amount, it shall notify the Legislature of this and provide suggestions for statutory revisions necessary to alleviate future deficits as well as a description of all action taken under its current authority. This section expires July 1, 1998.*

Section 15. *None of the funds provided in Section 3 of the 1997-1998 General Appropriations Act or the funds appropriated for 1997-1998 to the Department of Insurance shall be used to reimburse or provide any other assistance to any person directly involved in the lawsuit styled Cramer v. Chiles as counsel to plaintiffs. This section expires July 1, 1998.*

Section 16. *For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, the Florida Department of Law Enforcement may transfer up to 20 positions between budget entities and up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the Senate Ways and Means Committee, and the House Committee on Criminal Justice Appropriations for all transfers of salary rate or positions. This section expires July 1, 1998.*

Section 17. *For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, beginning July 1, 1997, the Florida Department of Law Enforcement, with approval of the Executive Office of the Governor and in consultation with the Department of Management Services, legislative appropriation and personnel committees, and the affected certified bargaining units, is authorized to participate in the Model Career Service Classification and Compensation System as authorized by section 334.0445, Florida Statutes, which is hereby continued through June 30, 1998, for this purpose. This section expires July 1, 1998.*

Section 18. *Consistent with the provisions of section 216.163, Florida Statutes, and notwithstanding the provisions of section 216.181, Florida Statutes, the Florida Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act for lump sum salary bonuses for departmental employees at the discretion of the Executive Director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the House Fiscal Responsibility Council Chair and to the Senate Ways and Means Committee Chair for approval before awarding such bonuses.*

Section 19. In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (4) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the

substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. For the *1997-1998* ~~1996-1997~~ fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, *1998, unless enacted in other legislation* ~~1997~~.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

Section 20. *The funds provided in the 1997-1998 General Appropriations Act for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director, Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 1997-1998 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section expires July 1, 1998.*

Section 21. *In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, all full-time equivalent student membership over the maximum prescribed by law shall be funded at program cost factor of 1.0; however, such funding shall not exceed twice the caps adjustment supplement as calculated pursuant to section 236.081(10), Florida Statutes. This section expires July 1, 1998.*

Section 22. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, the School Infrastructure Thrift Program Act is created to read:

School Infrastructure Thrift Program Act.—

(1) This section may be cited as the "School Infrastructure Thrift Program Act of 1997."

(2) The School Infrastructure Thrift Program (SIT Program) is established within the Department of Education, and the State Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing construction and related costs without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to landscaping, operable glazing, operable windows, radon testing, fire safety, and emergency shelter construction where lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost beneficial. The program's purposes are to:

(a) Facilitate cost savings by school districts relating to facilities construction.

(b) Provide incentives for school districts to maximize dollars available for facilities construction and related costs.

(c) Provide a funding mechanism for utilization solely related to the construction of new instructional facilities.

(3) Funds shall be appropriated to the SIT Program annually as determined by the Legislature. Notwithstanding sections 216.301 and 216.351, Florida Statutes, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(4) School districts may participate in the SIT Program by local option of the school board. Participating school districts may access the funds in the program as of July 1, 1997, for projects commenced after or for projects underway at the time this act becomes a law, but must establish compliance with section 235.216, Florida Statutes, at the time of the initial report required by subsection (5).

(5)(a) Annually by December 30, beginning in 1997, each participating school district shall report to the Commissioner of Education, with supporting data, its compliance with section 235.216, Florida Statutes, together with any proposal for spending SIT Program dollars on new projects within the district commencing the following fiscal year.

(b) The commissioner shall examine the data and proposals from each school district and, by February 1, shall report the district's compliance with section 235.216, Florida Statutes, for the prior fiscal year and make recommendations, ranked in order of priority, for SIT Program awards for the following fiscal year.

(c) If a school district received SIT Program funds before December 30, 1997, and failed to comply with section 235.216, Florida Statutes, the district may not receive an award the following fiscal year and must return the dollars not spent or encumbered as required by subsection (4) with interest thereon at the legal rate.

(d) The commissioner's criteria for SIT Program evaluation and recommendation for awards must be based on the school district meeting the requirements in section 235.216, Florida Statutes, soundness of the proposal, school district need, and the balance of dollars in the SIT Program.

(6) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature and may only be used for construction of a new instructional facility and related costs. SIT Program dollars that are not spent or encumbered as required by section 235.216, Florida Statutes, must be returned to the SIT Program as required by paragraph (5)(c).

(7) For each new project of a school district that meets the criteria of section 235.216, Florida Statutes, the commissioner may award up to 20 percent of the total project cost from SIT Program dollars.

(8) This section expires July 1, 1998, unless enacted in other legislation.

Section 23. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, section 235.216, Florida Statutes, is created to read:

235.216 Maximum square foot cost of educational facilities; frugal construction incentives.—

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2)(a) Beginning with the 1997-1998 fiscal year, the maximum total cost per square foot for each type of school, elementary school, middle school, and high school, in a district seeking funding assistance from the SIT Program shall not exceed the most current 5-year statewide average square foot total cost published by the Department of Education, adjusted by inflation and the most current Marshall and Swift Construction Cost Index of Florida counties. If federal funds are used, the maximum square foot total cost may be adjusted to accommodate federal requirements.

(b) Upon completion of construction, the total project cost, including change orders, must not exceed the adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average cost per student station.

(3) This section expires July 1, 1998, unless enacted in other legislation.

Section 24. In order to implement Specific Appropriations 2048 through 2134 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (5) of section 15.09, Florida Statutes, 1996 Supplement, is amended to read:

15.09 Fees.—

(5)

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 25. In order to implement Specific Appropriation 1490X of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (1) of section 338.251, Florida Statutes, 1996 Supplement, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1)

(b) For the *1997-1998* ~~1996-1997~~ fiscal year only, up to $500,000 may be *loaned by* ~~appropriated to~~ the department ~~for a loan~~ to the St. Lucie County Expressway Authority for purposes described in paragraph (a). This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 26. In order to implement Specific Appropriation 1388 of the 1997-1998 General Appropriations Act, subsection (4) is added to section 372.672, Florida Statutes, to read:

372.672 Florida Panther Research and Management Trust Fund.—

(4) Notwithstanding subsection (2), for the 1997-1998 fiscal year only, up to $50,000 may be appropriated from the fund to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program. This subsection is repealed on July 1, 1998.

Section 27. In order to implement Specific Appropriation 1332 of the 1997-1998 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year *1997-1998* ~~1996-1997~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, *1998* ~~1997~~.

Section 28. In order to implement Specific Appropriation 1273 of the 1997-1998 General Appropriations Act, subsection (7) is added to section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(7) Notwithstanding subsection (4), for the 1997-1998 fiscal year only, up to $11.5 million may be appropriated from the fund for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. This subsection expires July 1, 1998.

Section 29. In order to implement Specific Appropriation 1213 of the 1997-1998 General Appropriations Act, subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)(a) Beginning in fiscal year 1994-1995, not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties, cities, and local governments as defined in paragraph (b) for actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less. ~~and~~

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

3. For the 1997-1998 fiscal year only, and notwithstanding the limitations of paragraph (a), to Glades County, where a privately owned and operated prison leased to the state has been opened within the last 2 years for which no other state moneys have been allocated to the county to offset ad valorem revenues. This subparagraph expires July 1, 1998.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(c) Payment in lieu of taxes shall be available to any city which has a population of 10,000 or less and which levies an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the city exceeds 0.01 percent of the city's total taxable value.

(d) If insufficient funds are available in any year to make full payments to all qualifying counties, cities, and local governments, such counties, cities, and local governments shall receive a pro rata share of the moneys available.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 years of annual payments.

(f) Payment in lieu of taxes pursuant to this paragraph shall be made annually to qualifying counties, cities, and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

(g) If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

Section 30. In order to implement Specific Appropriation 1900 of the 1997-1998 General Appropriations Act, subsection (22) is added to section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(22) During the 1997-1998 fiscal year and notwithstanding any provisions of this chapter to the contrary, for the purpose of protecting the health of, and providing services to, state employees participating in the State Employees Health Self-Insurance Plan, the department that administers the plan may procure, and the Department of Management Services may contract to retain, the services of a professional administrator for the plan. Each department shall follow good purchasing practices of state procurement to the extent practical under the circumstances. This subsection expires July 1, 1998.

Section 31. In order to implement Specific Appropriation 1495 of the 1997-1998 General Appropriations Act, subsection (9) is added to section 287.073, Florida Statutes, to read:

287.073 Procurement of information technology resources.—

(9) During the 1997-1998 fiscal year, expenditures by any department for projects funded from funds in Specific Appropriation 1495 of the 1997-1998 General Appropriations Act shall be exempt from the provisions of this section. This subsection expires July 1, 1998.

Section 32. In order to implement Specific Appropriations 1196 and 1027A of the 1997-1998 General Appropriations Act, subsection (7) is added to section 212.20, Florida Statutes, 1996 Supplement, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(7) For the 1997-1998 fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General Appropriations Act. There is transferred $6 million for the surface water improvement and management program and $6 million for the aquatic weed control program from revenues provided by this section. This subsection expires July 1, 1998.

Section 33. *In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, counties receiving funds for aquatic weed control programs as provided by section 212.20(7), Florida Statutes, may use these funds for recycling purposes. This authorization expires June 30, 1998.*

Section 34. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than *100,000* ~~50,000~~. The sum of $50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund through *June 30, 1998* ~~1996~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

Section 35. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, subsections (8) and (9) are added to section 403.7095, Florida Statutes, to read:

403.7095 Solid waste management grant program.—

(8) For fiscal year 1997-1998 the department shall provide counties with populations under 100,000 with at least the same level of funding they received in fiscal year 1996-1997 for solid waste management and recycling grants.

(9) For fiscal year 1997-1998 the department shall provide 10 percent of the total funds available after the requirements of subsection (8) are met for recycling grants available to all counties on a competitive basis for innovative programs that meet one or more of the following criteria:

(a) Demonstrate advanced technologies or processes.

(b) Collect and recycle nontraditional materials.

(c) Demonstrate substantial improvement in program cost effectiveness and efficiency as measured against statewide average costs for the same or similar programs.

(d) Demonstrate transferability of technology and processes used in program.

(e) Demonstrate and implement multi-county or regional recycling programs.

Section 36. *There is created the Solid Waste Management Trust Fund Review Commission consisting of 10 members.*

(1) The commission shall review the following matters, including, but not limited to:

(a) The current uses of funds; the need to continue those uses; and alternative techniques for phasing out grants to local governments;

(b) Alternative techniques for restructuring grants to local governments for recycling and education purposes, including measures that make the grants more performance-based or competitive;

(c) The appropriateness of allowing local governments to use funds available to the Solid Waste Management Trust Fund for either recycling activities, surface water improvement and management program activities, or aquatic weed control activities; and

(d) Alternative funding strategies for meeting the needs of solid waste management, the surface water improvement and management program, and aquatic weed control.

(2) The Secretary of the Department of Environmental Protection shall appoint members to the review commission so that there are representatives of local governments knowledgeable about local needs for recycling, surface water improvement and management, and aquatic weed control, agency representatives for the recycling program, for the surface water improvement and management program, and for the aquatic weed control program, private industry representatives for recycling programs, for surface water improvement and management programs, and for the aquatic weed control program and other representatives the secretary determines to be appropriate on the commission.

(3) Each member may receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out the official business of the commission. Such expenses shall be paid from the Solid Waste Management Trust Fund.

(4) Staff for the activities of the commission shall be assigned as needed by the Secretary of the Department of Environmental Protection.

(5) The commission shall issue its report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 30, 1998.

(6) This section expires July 1, 1998.

Section 37. In order to implement Specific Appropriation 1226A of the 1997-1998 General Appropriations Act, subsection (3) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall

apply for any bond issue for the 1995-1996 fiscal year. *For the 1997-1998 fiscal year only, $20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka.* The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, $3 million annually shall be used by the Green Swamp Land Authority specifically for the purchase through land protection agreements, as defined in s. 380.0677(5), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, $3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 38. *A section of this act which implements a specific appropriation or specifically identified proviso language in the 1997-1998 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 1997-1998 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 39. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 40. This act shall take effect July 1, 1997, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; providing for future repeal; eliminating a provision authorizing the Department of Children and Family Services to transfer general revenue funds to the Department of Revenue for child support enforcement; eliminating a provision authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; providing for future repeal; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; providing for future repeal; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Department of Children and Family Services to conduct a study of certain funds as a state match for specified funds; authorizing the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the General Appropriations Act or the WAGES Act; authorizing the Department of Children and Family Services to reallocate certain funds in approved salary rate; requiring the Agency for Health Care Administration to seek federal waivers to secure federal matching funds for specified purposes; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible; prohibiting the use of certain funds for persons involved as counsel for plaintiffs in a specified lawsuit; authorizing the Department of Law Enforcement to transfer positions and salary rate between budget entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use

certain moneys to provide meritorious-performance bonuses for employees, subject to approval; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; providing for calculation of full-time equivalent student membership over the maximum prescribed by law; creating the School Infrastructure Thrift Program Act; providing legislative intent with respect to reducing school construction costs and related costs by eliminating obsolete, excessively restrictive, or unnecessary laws and rules; providing duties of school districts and of the Commissioner of Education; providing for awards from program funds; providing for reverter of funds when certain requirements are not complied with; creating s. 235.216, F.S.; providing a ceiling on per-square-foot costs for school construction; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan to the St. Lucie County Expressway Authority; providing for future repeal; amending s. 372.672, F.S.; authorizing the appropriation of certain funds from the Florida Panther Research and Management Trust Fund to reimburse certain expenses relating to Texas cougars originally purchased as part of the Florida panther research and management program; providing for future repeal; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; providing for future repeal; amending s. 376.11, F.S.; authorizing the transfer of certain funds from the Florida Coastal Protection Trust Fund to the Ecosystem Management and Restoration Trust Fund to fund beach renourishment and restoration and inlet management; providing for future repeal; amending s. 259.032, F.S.; authorizing payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund to counties with privately owned and operated prisons leased to the state under certain circumstances; providing for future repeal; amending s. 287.057, F.S.; authorizing the procurement of an administrator for the State Employees Health Self-Insurance Plan; amending s. 287.073, F.S.; exempting certain projects from statutory provisions relating to the procurement of information technology resources; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; creating the Solid Waste Management Trust Fund Review Commission; providing duties; requiring a report; amending s. 259.101, F.S.; providing for disposition of certain funds under the Florida Preservation 2000 Act for restoration of Lake Apopka; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Sullivan was adopted. **SB 2402** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Turner

On motion by Senator Turner, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed CS for HB's 1309, 1143, 847, 697, 1391 and 203 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB's 1309, 1143, 847, 697, 1391 and 203—A bill to be entitled An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation; requiring parents and legal guardians of students assigned to programs funded by the dropout prevention program to comply with the requirements of the assignment and providing penalties; amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; providing effective dates.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17 through page 36, line 13, remove from the amendment all of said lines and insert in lieu thereof:

Section 1. Section 232.09, Florida Statutes, is amended to read:

232.09 Parents *and legal guardians* responsible for attendance of children*; attendance policy.*—

(1) The Legislature finds:

(a) It is essential that our children receive an education.

(b) Failure to attend school in a regular and timely fashion hinders the education process.

(c) Truancy and poor school performance have a direct relationship to juvenile delinquency and destructive behavior.

(d) A disproportionate percentage of juvenile crime occurs when juveniles should be in school.

(e) Parents and guardians must be responsible, within reason, for sending their children to school.

(f) If a juvenile refuses to attend school or a parent or guardian refuses to compel the child to attend school, there must exist an efficient and expedient process to enforce attendance laws.

(2) Each parent *and legal guardian* of a child within the compulsory attendance age *is* ~~shall be~~ responsible for *the* ~~such~~ child's school attendance as required by law. The absence of a child from school *is* ~~shall be~~ prima facie evidence of a violation of this section; however, ~~no~~ criminal prosecution *may not* ~~shall~~ be brought against a parent, guardian, or other person having control of the child until the provisions of s. 232.17(2)~~(c)~~ have been complied with. *A* ~~No~~ parent *or guardian* of a child *is not* ~~shall be held~~ responsible for *the* ~~such~~ child's nonattendance at school under any of the following conditions:

(a)~~(1)~~ With permission.—The absence was with permission of the head of the school; or

(b)~~(2)~~ Without knowledge.—The absence was without the parent's knowledge, consent, or connivance, in which case the child shall be dealt with as a dependent child; or

(c)~~(3)~~ Financial inability.—The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board; or

(d)~~(4)~~ Sickness, injury, or other insurmountable condition.—Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by regulations of the state board. *If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.*

Each district school board shall establish an attendance policy which includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 2. Section 232.0205, Florida Statutes, is created to read:

232.0205 Disclosure at school registration.—According to procedures established by the district school board, each student at the time of initial registration for school in a school district shall note previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had.

Section 3. Paragraph (c) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(c) A child who attains the age of 16 years during the school year *is* ~~shall~~ not *subject to compulsory school attendance* ~~be required to attend school~~ beyond the date upon which he or she attains that age *if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child. The school district must notify the child's parent or legal guardian of the child's declaration of intent to terminate school enrollment. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.*

Section 4. Paragraph (b) of subsection (12) and subsection (73) of section 39.01, Florida Statutes, 1996 Supplement, are amended to read:

39.01 Definitions.—When used in this chapter:

(12) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to *ss. 232.17 and 232.19* ~~s. 232.19~~ and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services; or

(73) "To be habitually truant" means that:

(a) The child has 15 unexcused absences within 90 *calendar* days with or without the knowledge or justifiable consent of the child's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01,* and is not exempt *under* ~~from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.~~;~~

(b) ~~In addition to the actions described in s. 232.17, the school administration has completed the following~~ Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior *under ss. 232.17 and 232.19 have been completed.*~~:~~

~~1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a school attendance assistant or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance assistant or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;~~

~~2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;~~

~~3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and~~

~~4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.~~

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in *ss. 232.17 and 232.19* ~~this paragraph~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant *and shall be passed*. If a child within the compulsory school attendance age has 15 unexcused absences *within 90 calendar days* or fails to enroll in school, the State

Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

(c) A *school representative, designated according to school board policy* ~~school social worker or other person designated by the school administration, if the school does not have a school social worker~~, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~; and~~

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 5. Subsections (28) and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the student's parent or legal guardian*, is subject to compulsory school attendance under s. 232.01, and is not exempt under* ~~and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in~~ s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 39.

(29) DROPOUT.—A dropout is a student *not subject to* ~~over the age of~~ compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage or entrance into the military, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. *322.091* ~~322.0601~~, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

Students not exempt from attendance pursuant to s. 232.06 and *who are subject to* ~~under the age of~~ compulsory school attendance *under s. 232.01 and* who stop attending school *are* ~~shall be known as~~ habitual truants as defined in subsection (28) and are not ~~to be~~ considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 6. Subsection (2) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(2) A student may not be awarded a credit if he or she has not been in for instruction for a minimum of 135 hours unless he or she has demonstrated mastery of the student performance standards in the course of study as provided by rules of the district school board. Excused absences as determined by the district school board and as carried out by the secondary school principal shall not be counted against the 135-hour minimum requirement. Criteria for determining excused absences shall be as provided in *s. 232.022,* s. 232.0225, absence for religious instruction, or a religious holiday, and s. 232.09*(2)(d)*~~(4)~~, absence due to sickness, injury, or other insurmountable condition, and absence due to participation in an academic class or program. Missed work shall be made up, as provided in the pupil progression plan established by the district school board by rule, for all excused absences. The difference between the 135-hour minimum requirement and the 150-hour definition of full credit established in this section may at the discretion of the secondary school principal be used for noninstructional extracurricular activities unless otherwise provided by district school board rule. In credit programs operated in the period beyond 180 school days, each full-credit course must be established for a minimum of 120 hours.

Section 7. Subsection (2) of section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(2) Each recipient with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to assure that the recipient is involved in the child's educational progress and is aware of any existing attendance or academic problems. *The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held.*

Section 8. Section 232.17, Florida Statutes, 1996 Supplement, is amended to read:

232.17 *Enforcement of school attendance* ~~Attendance assistants; qualifications; compensation; duties.~~—*Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.* ~~Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:~~

~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE ASSISTANTS.—The school board, upon the recommendation of the superintendent, may employ and fix the compensation, including reimbursement for travel, of a sufficient number of qualified attendance assistants to guarantee regular attendance at school of all children of the district within compulsory school-age requirements who are not herein exempted from attendance.~~

~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:~~

~~(a) Maintain records.—Pupil accounting records, unless maintained by others assigned by the superintendent, shall be kept by attendance assistants. These records shall be on forms approved pursuant to regulations of the state board.~~

(1)~~(b)~~ INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—*A designated school representative* ~~In accordance with procedure established by the state board, attendance assistants~~ shall investigate cases of nonenrollment and unexcused absences from school of all children *subject to compulsory school attendance* ~~within the compulsory school age~~.

(2)~~(c)~~ GIVE WRITTEN NOTICE.—Under the direction of the superintendent, *a designated school representative* ~~the attendance assistant~~ shall give written notice, ~~either~~ in person or by *return-receipt* ~~registered~~ mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school or when the child has a minimum of 3 but fewer than *6* ~~15~~ unexcused absences within 90 *calendar* days, requiring enrollment or attendance within 3 days *after* ~~from~~ the date of notice. If *the* ~~such~~ notice and requirement are ignored, the *designated school representative* ~~attendance assistant~~ shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions of s. 232.19(3) have been met. The superintendent may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. ~~No further written notice of the child's absence from school is required to be given to the parent, guardian, or other person having control unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.~~

(3)~~(d)~~ RETURN CHILD TO PARENT.—*A designated school representative* ~~The attendance assistant~~ shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is *not enrolled or is* absent from school during school hours *without an excuse*, and, when *the* ~~such~~ child *is* ~~has been~~ found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

~~(e) Visit home.—The attendance assistant shall visit promptly the home of each child of school age in his or her attendance district not in attendance upon the school, and of any child who should attend the Florida State School for the Deaf and the Blind, and who is reported as not enrolled in that school or as absent without excuse.~~

(4) WRITTEN NOTICE.—If no valid reason is found for such nonenrollment or absence, ~~from such school or schools~~ the *designated school representative* ~~attendance assistant~~ shall give written notice to the parent, requiring the child's enrollment or attendance ~~as prescribed above~~. The *designated school representative* ~~attendance assistant~~ shall secure the written approval of the president of the Florida State School for the Deaf and the Blind before he or she directs or requests the parents of any child to take or send such child to that school. Ten days' notice must be given in the case of a child who is ordered sent to that school. On refusal or failure of the parent to meet such requirement, the *designated school representative* ~~attendance assistant~~ shall report the same to the superintendent, and that official shall proceed to take such action as is prescribed in s. 232.19(2).

(5)~~(f)~~ REPORT TO THE DIVISION OF JOBS AND BENEFITS.—*A designated school representative* ~~The attendance assistant~~ shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(6)~~(g)~~ RIGHT TO INSPECT.—*A designated school representative* ~~The attendance assistant~~ shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The *designated school representative* ~~attendance assistant~~ shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

(7)~~(h)~~ *RECORDS* ~~Record of visits.~~—*Each designated school representative who performs duties according to this section* ~~The attendance assistant~~ shall keep an accurate record of all children returned to schools or homes, of all cases prosecuted, and of all other service performed. A written report of all such activities shall be made quarterly to the school board and shall be filed in the office of the superintendent. *If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.*

Section 9. Section 232.19, Florida Statutes, 1996 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, children under the provisions of this chapter. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a child who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the superintendent shall institute a criminal prosecution against the child's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor, pursuant to the provisions of s. 322.091.

(3) HABITUAL TRUANCY CASES.—*In accordance with procedures established by the district school board, the designated school representative* ~~The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant~~ shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have 15 unexcused absences within 90 *calendar* days with or without the knowledge or consent of the child's parent or legal guardian, *must be subject to compulsory school attendance, and must not be exempt under* ~~and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in~~ s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to *6* ~~15~~ unexcused absences within 90 *calendar* days, one or more meetings must have been held, either in person or by phone, between a *designated school representative* ~~school attendance assistant or school social worker~~, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the *designated school representative* ~~school attendance assistant or school social worker~~ has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.

3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child *who is subject to* ~~within the~~ compulsory school attendance ~~age~~ is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(4) COOPERATIVE AGREEMENTS.—

~~(c)~~ The district manager of the Department of Juvenile Justice or the district manager's designee, *the district administrator of the Department of Children and Family Services or the district administrator's designee,* and the superintendent of the local school district or the superintendent's designee must *develop* ~~have developed~~ a cooperative interagency agreement *that:* ~~which~~

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior. ~~The interagency agreement shall specify that the participants~~

(c) Addresses ~~address~~ issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans. ~~The interagency agreement shall~~

(d) Delineates ~~delineate~~ timeframes for implementation and *identifies* ~~identify~~ a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed. ~~The cooperative agreement may designate~~

(e) Designates which agency *is* ~~shall be~~ responsible for *each of* the intervention steps in ~~s. 39.01(73), or~~ this section, *to* ~~if such designation shall~~ yield more effective and efficient intervention services.

(5)~~(4)~~ ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of pupils at a public, parochial, denominational, or private school, or of pupils taught by a private tutor, kept in compliance with rules ~~and regulations~~ of the state board is prima facie evidence of the facts which it is required to show. A certified copy of any rule ~~or regulation~~ and a statement of the date of its adoption ~~and promulgation~~ by the state board is admissible as prima facie evidence of the provisions of *the* ~~such~~ rule ~~or regulation~~ and of the date of its adoption ~~or promulgation~~.

(6)~~(5)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under ~~the provisions of~~ this chapter may be *commenced* ~~begun~~ by the superintendent, by *a designated school representative* ~~an attendance assistant~~, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education *or the Department of Juvenile Justice. If a proceeding has been commenced against both a parent or legal guardian and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate sanctions against the child and parent or legal guardian, including ordering the child and parent or legal guardian to perform community service hours or attend counseling together.*

(7)~~(6)~~ PENALTIES.—The penalties for refusing or failing to comply with ~~the provisions of~~ this chapter shall be as follows:

(a) The parent *or legal guardian.*—

1. A parent *or legal guardian* who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, *a showing* ~~the court of the appropriate jurisdiction, upon finding~~ that the parent *or legal guardian* has made a bona fide and diligent effort to control and keep the child in school~~,~~ shall *be an affirmative defense to* ~~excuse the parent from~~ any criminal *or other* liability *under this subsection* ~~prescribed herein~~ and *the court* shall refer the parent *or legal guardian* and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent or legal guardian who has violated this section to send the child to school, and may also order the parent or legal guardian to participate in an approved parent training class, attend school with the child unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent or legal guardian is ordered to attend school with a child, the school shall provide for programming to educate the parent or legal guardian and child on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) The principal or teacher.—A principal or teacher in *any* ~~charge of a school,~~ public, parochial, denominational, or private *school,* or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—

1. An employer who fails to notify the superintendent when he or she ceases to employ a child *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided *in s. 775.082 or s. 775.083* ~~by law~~.

2. An employer who terminates any employee solely because he or she is attending school with a child pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The child.—

1. In addition to any other authorized sanctions, the court shall order a child found to be a habitual truant to make up all school work missed and may order the child to pay a civil penalty of up to $2, based on the child's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or participate in counseling or other services, as appropriate.

2. Upon a second or subsequent finding that a child is a habitual truant, the court, in addition to any other authorized sanctions, shall order the child to make up all school work missed and may order the child to pay a civil penalty of up to $5, based on the child's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

Section 10. Section 232.195, Florida Statutes, is amended to read:

232.195 Continuation of truancy remedial activities upon transfer of student; retention of legal jurisdiction.—

(1) If, during the activities designed to remedy truant behavior as described in s. 232.19, the parent or legal guardian of the student who is the subject of such activities transfers the student to another school district in this state in an attempt to circumvent the remedial procedures which have already begun, the administration of the school from which the student transferred shall provide to the administration of the new school, at no charge, copies of all available records and documents relevant to such remedial activities, and the administration of the new school shall begin remedial activities in the program that most closely meets the transfer student's needs.

(2) In the event that a legal proceeding has commenced, as provided in s. 232.19~~(3)~~, against a student who has been determined to be a

habitual truant, the movement of the student who is the subject of such proceeding to another circuit court district in this state will not affect the jurisdiction of the court to proceed with the case under the law.

Section 11. Section 232.197, Florida Statutes, is created to read:

232.197 Notification to schools of court action.—If a court takes action that directly involves a child's school, including, but not limited to, an order that a student attend school, attend school with his or her parent or legal guardian, perform at grade level, or perform community service hours at the school, the office of the clerk of the court shall provide notice to the school of the court's action.

Section 12. Section 232.2452, Florida Statutes, is amended to read:

232.2452 Report cards*; end-of-the-year status.—*

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) Each school district is encouraged to establish no fewer than two districtwide report card pickup days per year to facilitate teacher-parent conferences and enhance parental responsibility for student performance and behavior. During a report card pickup day, each parent or guardian may visit his or her child's school and teacher and receive the child's report card during hours established by the district school board. School districts are encouraged to establish flexible scheduling of personnel during the hours designated by the district school board for report card pickup to allow before-school, after-school, evening, or weekend opportunities for parents to visit the school and teacher.

(3) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance.

Section 13. Subsection (4) is added to section 232.25, Florida Statutes, 1996 Supplement to read:

232.25 Pupils subject to control of school.—

(4) Each pupil enrolled in a school may be required to take the following school child's daily conduct pledge:

(a) I will be respectful at all times and obedient unless asked to do wrong.

(b) I will not hurt another person with my words or my acts, because it is wrong to hurt others.

(c) I will tell the truth, because it is wrong to tell a lie.

(d) I will not steal, because it is wrong to take someone else's property.

(e) I will respect my body, and not take drugs.

(f) I will show strength and courage, and not do something wrong, just because others are doing it.

(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

Section 14. Subsections (1) and (2) of section 322.05, Florida Statutes, 1996 Supplement, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(1) To a person who is under the age of 16 years, except that the department may issue a learner's driver's license to a person who is at least 15 years of age and who meets the requirements of *ss. 322.091 and 322.1615* ~~s. 322.161~~ and of any other applicable law or rule.

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person *meets the requirements of s. 322.091 and* holds a valid:

(a) Learner's driver's license for at least 6 months before applying for a license; or

(b) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 15. Subsection (3) is added to section 322.09, Florida Statutes, 1996 Supplement, as amended by section 4 of chapter 93-144, Laws of Florida, to read:

322.09 Application of minors.—

(3) The department may not issue a driver's license or learner's driver's license to any applicant under the age of 18 years who is not in compliance with the requirements of s. 322.091.

Section 16. Section 322.091, Florida Statutes, is created to read:

322.091 Attendance requirements.—

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:

(a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

(b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;

(c) Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements;

(d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;

(e) Has been issued a certificate of exemption according to s. 232.06; or

(f) Has received a hardship waiver under this section.

The department may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.—

(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 232.19, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.

(b) The minor, or the parent or guardian of the minor, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).

(c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver's license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver's license or learner's driver's license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.

(d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver's license or learner's driver's license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver's license or learner's driver's license and who was denied a hardship waiver.

(e) The department may not issue a driver's license or learner's driver's license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (4).

(3) HARDSHIP WAIVER AND APPEAL.—

(a) A minor, or the parent or guardian of a minor, has 15 calendar days after the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall take into consideration the recommendations of teachers, other school officials, guidance counselors, or academic advisers before waiving the requirements of subsection (1).

(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.

(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.

(4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the requirements of subsection (1), whichever occurs first.

(5) REPORTING AND ACCOUNTABILITY.—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 17. Section 39.015, Florida Statutes, is amended to read:

39.015 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules *as necessary* for the implementation of ss. 39.01(73), 39.403(2), and 232.19~~(3) and (6)(a)~~.

Section 18. Section 230.235, Florida Statutes, is created to read:

230.235 Policy of zero tolerance for crime.—

(1) Each school district shall adopt a policy of zero tolerance for crime and substance abuse pursuant to this section. Such a policy shall include the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school district.

(2) Each school district shall enter into an agreement with the county sheriff's office or local police department specifying guidelines for ensuring that felonies and violent misdemeanors, whether committed by a student or adult, and delinquent acts that would be felonies or violent misdemeanors if committed by an adult, are reported to law enforcement. Such agreements shall include the role of school resource officers, if applicable, in handling reported incidents, special circumstances in which school officials may handle incidents without filing a report to law enforcement, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes. The school principal shall be responsible for ensuring that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

Section 19. Section 232.277, Florida Statutes, is amended to read:

232.277 Reports of suspected substance or alcohol abuse; exemption from liability.—

(1) School personnel are required to report to the principal or principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student. Only a principal or principal's designee is authorized to contact a parent or legal guardian of a student regarding this situation.

(2)(a) It is the intent of the Legislature that all school students understand that the magnitude of the harm caused by unlawful use, possession, or sale of the substances set forth in subsection (1) mandates the reporting of occurrences of such unlawful acts for prosecution or other action as appropriate.

(b) Reports made and verified under subsection (1) shall be forwarded to an appropriate agency.

(c) School personnel shall timely notify the student's parent, guardian, or legal custodian that a verified report made under subsection (1) with respect to the student has been made and forwarded as provided for in this subsection.

Section 20. Effective October 1, 1997, section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, *including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a vocational school having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5)*; except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.*

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon*, including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities,* in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)*1.* A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock; if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

Section 21. Section 230.23015, Florida Statutes, 1996 Supplement, is amended to read:

230.23015 Students violating s. 784.081; expulsion *or* ~~and~~ placement in alternative school setting.—Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed a violation of s. 784.081*(1), (2), or (3)* shall be expelled *or* ~~and~~ placed in an alternative school setting *or other youth services or justice program, as appropriate* ~~for a minimum period of 1 year~~. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Section 22. *Section 322.0601, Florida Statutes, is repealed.*

Section 23. Section 232.433, Florida Statutes, is created to read:

232.433 Safety standards for cheerleaders.—The Florida High School Activities Association or successor organization shall adopt statewide uniform safety standards for student cheerleaders and spirit groups that participate in any school activity or extracurricular student activity. The Florida High School Activities Association or successor organization shall adopt the "Official High School Spirit Rules," published by the National Federation of State High School Associations, as the statewide uniform safety standards.

Section 24. Subsection (8) is added to section 228.057, Florida Statutes, 1996 Supplement, to read:

228.057 Public school parental choice.—

(8) Notwithstanding any provision of this section, a school district with schools operating on both multiple session schedules and single session schedules shall afford parents of students in multiple session schools preferred access to the controlled open enrollment program of the school district.

Section 25. *The intent of sections 26 and 27 of this act is to create a positive and safe learning environment for the children of Florida and to keep disruptive children from affecting the ability of public school students to learn.*

Section 26. Subsection (5) of section 39.045, Florida Statutes, 1996 Supplement, is amended to read:

39.045 Oaths; records; confidential information.—

(5) Except as provided in subsections (3), (8), (9), and (10), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. *Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a community control or commitment program for a felony offense.* The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

Section 27. Subsection (9) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(9)*(a)* As a condition of community control, probation, or probation following incarceration, require an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, to make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in *s.* ~~ss. 228.0713 and~~ 229.814, in accordance with the assessed adult general education needs of the individual offender. The court shall not revoke community control, probation, or probation following incarceration because of the offender's inability to achieve such skills or diploma but may revoke community control, probation, or probation following incarceration if the offender fails to make a good faith effort to achieve such skills or diploma. The court may grant early termination of community control, probation, or probation following incarceration upon the offender's successful completion of the approved program. As used in this subsection, "good faith effort" means the offender is enrolled in a program of instruction and is attending and making satisfactory progress toward completion of the requirements.

(b) A juvenile on community control who is a public school student must attend a public adult education program or a dropout prevention program, pursuant to s. 230.2316, which includes a second chance school or an alternative to expulsion, if the school district where the juvenile is

enrolled offers such programs, unless the principal of the school determines that special circumstances warrant continuation in the regular educational school program.

(c) If a juvenile on community control attends a

(Renumber subsequent sections.)

And the title is amended as follows:

On page 37, line 1 through page 41, line 14, of the amendment remove all of said lines and insert in lieu thereof: An act relating to student discipline and school safety; amending s. 232.09, F.S.; revising provisions relating to student attendance responsibility and policy; creating s. 232.0205, F.S.; requiring certain disclosure at school registration and providing penalties for willful nondisclosure; amending s. 232.01, F.S.; revising compulsory school attendance requirements to require children over age 16 to file a formal declaration of intent to terminate school enrollment in order to be exempt from compulsory school attendance requirements; amending s. 39.01, F.S.; revising provisions regarding habitual truancy; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout"; amending s. 232.2462, F.S.; conforming provisions; amending s. 414.125, F.S.; providing Learnfare program requirements; amending s. 232.17, F.S.; revising procedures relating to enforcement of school attendance; amending s. 232.19, F.S.; revising penalties and court procedures relating to habitual truancy; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for court-ordered parent training classes and providing penalties for termination of an employee required to attend such classes, under certain circumstances; authorizing the court to impose civil penalties on, or require participation in community service or counseling by, the child; amending s. 232.195, F.S., relating to truancy activities upon transfer of student, to conform; creating s. 232.197, F.S.; requiring notification to a school of court action directly involving the school; amending s. 232.2452, F.S.; revising requirements relating to student report cards; amending s. 232.25, F.S., relating to pupils subject to control of school; providing for a school child's daily conduct pledge; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; amending s. 39.015, F.S., relating to rulemaking regarding habitual truants, to conform to the act; creating s. 230.235, F.S.; requiring school districts to adopt a policy of zero tolerance for crime, including criminal substance abuse violations; amending s. 232.277, F.S.; requiring reporting and notification of student substance abuse; amending s. 790.115, F.S.; expanding offenses that are punishable as possessing or discharging weapons or firearms on school property and providing a qualifier to an exception from such offense; amending s. 230.23015, F.S.; clarifying provisions relating to students who commit assault or battery on school personnel; repealing s. 322.0601, F.S., relating to driver's licenses for minors; creating s. 232.433, F.S.; requiring that the Florida High School Activities Association or successor organization adopt statewide uniform safety standards for student cheerleaders; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford preferred access to the program to parents of students in multiple session schools; providing intent; amending s. 39.045, F.S., relating to confidential information about juvenile offenders, to provide for disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in a community control program to attend a public adult education program or dropout prevention program if available unless an exception is made by the principal; requiring disclosure of certain information if a juvenile attends a regular educational school program; providing effective dates.

WHEREAS, the primary focus of the 1997 Legislature is education, and

WHEREAS, in the first month of the 1997 session, the Legislature has passed two major components of its education agenda, the first of which raises student academic standards across the board and the second of which provides for better-educated and better-prepared teachers, and

WHEREAS, a third major component of the 1997 legislative education agenda is student discipline and school safety, and

WHEREAS, it is the intent of the Legislature to raise the standards of student discipline and school safety as dramatically as it has raised student academic and teacher certification standards, NOW, THEREFORE,

House Amendment 2 (with title amendment) to Senate Amendment 1—On page 36, between lines 21 and 22, of the amendment insert:

Section 27. Paragraph (e) of subsection (3), paragraph (e) of subsection (4) and subsection (10) of section 230.2316, Florida Statutes, 1996 Supplement, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(e) "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students deemed habitual truants as defined in s. 228.041(28), or for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings. *Second chance schools may include residential academies that are established according to the following criteria:*

1. Residential academies may be established and operated by school districts or through a joint agreement with a private entity, or a state or local public agency, for the purpose of providing a supportive and safe learning and living environment for high-risk students. Residential academies may provide educational services or use the services of other public schools in the school district. Residential academies are to be established for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training.

2. Educational services provided by residential academies may be funded through the at-risk category of the Florida Education Finance Program as provided in s. 236.081. All residential care services may be provided through annual appropriations by the Legislature to the Department of Juvenile Justice.

3. For each student participating in a residential academy, a contract detailing the authority, care, treatment, and education goals must be executed between the parent and the sponsoring agency. If the academy is operated by an agency other than the school district, the school district must approve the contract form.

4. Funding for the leasing, lease purchase, renovation, or construction of facilities may be provided through legislative appropriation.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(e) Second chance schools.—

1. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

2. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 39.426, determines that such placement could be beneficial to the student and the criteria included in subparagraph 1. are met.

3. A student shall be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

4. Children eligible for participation in residential academies shall be children in grades 6 through 8 who are: in a school dropout prevention program; children in need of services, pursuant to s. 39.01(12); dependent children, pursuant to s. 39.01(14); or children within a family in need of services, pursuant to s. 39.01(30). Children eligible for participation in residential academies shall not have been adjudicated or had adjudication withheld for a delinquent act. Participation in a residential academy is voluntary and upon request of the student's parent or guardian. The local school board and the Department of Juvenile Justice shall establish a case staffing committee to consider and approve applications for placement in a residential academy. Such placement may be for the purpose of preventing the student from failing, dropping out of school, or becoming further involved in juvenile delinquency and crime.

5.~~4.~~ Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

6.~~5.~~ Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

7.~~6.~~ Students who exhibit academic and social progress and who wish to return to a traditional school shall be evaluated by school district personnel prior to reentering a traditional school.

8.~~7.~~ Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.

(10) RULES.—The Department of Education *may* ~~shall have the authority to~~ adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of paperwork and reporting necessary *for compliance* ~~to comply with this act~~. ~~By January 1, 1995, current rules regarding this section shall be revised.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 40, line 30, of the amendment after the semicolon (;) insert: amending s. 230.2316, F.S., relating to dropout prevention; providing that second chance schools may include residential academies; providing criteria for establishment, operation, and funding of residential academies; providing criteria for participation;

House Amendment 3 (with title amendment) to Senate Amendment 1—On page 36, between lines 21 and 22, insert:

Section 27. Section 39.085, Florida Statutes, is amended to read:

39.085 Alternative Education Institute.—

(1) *The Alternative Education Institute* ~~Effective upon this act becoming a law, there~~ is established*, housed for administrative purposes* within the Department of Education. *The purpose of* the Alternative Education Institute *is to acquire and administer* ~~which may immediately contract with a private provider for alternative education programs in~~ residential school facilities~~. The programs shall be~~ funded with PECO funds *in which alternative education programs are conducted for children in grades 6 through 8 who are: in a school dropout prevention program; children in need of services, pursuant to s. 39.01(12); dependent children, pursuant to s. 39.01(14); or children within a family in need of services, pursuant to s. 39.01(30). Children eligible for participation shall not have been adjudicated or had adjudication withheld for a delinquent act* ~~and shall serve juvenile offenders who have been prosecuted as adults or who have been committed to a high-risk residential program or a maximum-risk residential program of the Department of Juvenile Justice~~.

(2) The institute shall be a not-for-profit corporation *consisting of a 13-member board* acting as an instrumentality of the state. *The institute* ~~and~~ may receive, hold, invest, and administer property and any moneys or donated lands or facilities received from private, state, and federal sources, as well as technical and professional income generated or derived from *education* practice activities of the institute, for the benefit of the institute and the fulfillment of its *educational* mission. ~~The affairs of the corporation shall be managed by a board of directors who shall serve without compensation.~~

(3)(a)~~(2)~~ The *institute's board members shall be appointed as follows:* ~~institute shall be a 13-member board, with~~ 7 members appointed by the Governor, 3 members appointed by the President of the Senate, and 3 members appointed by the Speaker of the House of Representatives. *Each member shall be appointed to a term of 3 years, and may be reappointed to the board. Appointees to the board shall not be persons who hold other offices.* ~~All members must be appointed no later than June 1, 1994. The board shall select a chair from among its members.~~

(b) The board members shall comply with part III of chapter 112. The members of the board shall serve without compensation, but may receive reimbursement for per diem and travel as provided in s. 112.061.

(c)~~(3)~~ *The board shall select a chair from among its members.* Each member shall have only one vote~~, shall be appointed to a term of 3 years, and may be reappointed to the board~~. *Any member who misses three consecutive meetings of the board without being excused by the chair is automatically removed from the board, and such vacancy shall be filled by the appointing authority for the vacant position within 45 days after the date on which the vacancy occurs.*

(4) In order to carry out the mission established in subsection (1), the institute is responsible for:

(a) Developing the education facilities fixed capital outlay and operational plans.

(b) Assuring compliance on all siting and contracting issues relating to the construction, *including repair and renovation,* ~~and operation~~ of *residential school facilities for alternative* education programs.

(c) *Obtaining* ~~Preparing~~ an annual *audit* ~~postaudit~~ of the *institute's* ~~not-for-profit corporation's~~ financial accounts and the financial accounts of any of *the residential alternative education program providers* ~~its for-profit or not-for-profit subsidiaries~~, to be *performed* ~~conducted~~ by an independent certified public accountant. The annual audit report must include *a* management *letter* ~~letters~~ and shall be submitted to the Auditor General for review. The board and the Auditor General may require and receive from the *residential alternative education program providers* ~~not-for-profit corporation and any subsidiaries~~, or from their independent auditor, any detail or supplemental data relative to the operation of the *institute* ~~not-for-profit corporation~~ or *the residential alternative education program providers* ~~its subsidiary~~.

(d) Providing by the *institute* ~~not-for-profit corporation~~ and *the residential alternative education program providers* ~~its for-profit or not-for-profit subsidiaries~~ of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(e) *Safeguarding the integrity of PECO funds for* ~~Establishing~~ programs *that* ~~which~~ fulfill the education mission of the institute.

(f) *Safeguarding the integrity of PECO funds for* ~~Establishing~~ programs that fulfill the alternative education mission of the institute.

(g) Controlling the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(h) Appointing members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(i) Controlling the use and assignment of space and equipment within the residential school facilities.

(j) Creating the administrative structure necessary to carry out the mission of the institute.

(k) Reporting to the *Department of Education, the Department of Juvenile Justice, and the* Legislature.

(l) Providing a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 15 of each year.

(5) If the *contract of a residential alternative education program provider* ~~agreement between the not-for-profit corporation and the institute~~ is terminated for any reason, the institute shall assume governance ~~and operation~~ of the residential school *facility* ~~facilities~~.

~~(6) In carrying out the provisions of this section, the not-for-profit corporation and its for-profit or not-for-profit subsidiaries are not "agencies" within the meaning of s. 20.03(11).~~

(6) The institute shall enter into an interagency cooperation and information-sharing agreement with the Department of Juvenile Justice and the Department of Education to ensure coordination of services to students in residential education programs and a cooperative working relationship between the institute and those departments.

(7) The institute shall provide full cooperation to the Department of Juvenile Justice to ensure that residential alternative education programs operating in institute school facilities cooperate fully with the department's inspector general and with the department's quality assurance requirements.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 40, line 30 of the amendment, after the semicolon (;) insert: amending s. 39.085, F.S.; revising provisions relating to the Alternative Education Institute, to convert its mission and procedures and clarify its membership and duties;

On motion by Senator Turner, the Senate concurred in **House Amendment 1 to Senate Amendment 1** and refused to concur in **House Amendment 2 to Senate Amendment 1** and **House Amendment 3 to Senate Amendment 1** and the House was requested to recede.

CS for HB's 1309, 1143, 847, 697, 1391 and 203 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, and concurred in same as amended, and passed HB 2121 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 2121—A bill to be entitled An act relating to educational facilities and funding; providing for a review over a 4-year period of the Florida Statutes that govern agency operations; requiring the Commissioner of Education to review rules relating to school facilities and recommend revision or repeal; authorizing the commissioner to recommend revision or repeal of statutes; establishing the School Infrastructure Thrift Program within the Department of Education; requiring the Department of Education to seek elimination or revision of certain laws, rules, and regulations; providing program purposes; providing for annual funding; providing that appropriations shall not revert; providing intent for continued program funding; authorizing school district participation in the program and providing requirements; requiring review of data and proposals and recommendation for awards; providing for awards and restricting the use thereof; providing penalties for noncompliance; creating s. 235.216, F.S.; providing for maximum square foot cost of educational facilities; providing frugal construction incentives; amending s. 236.25, F.S., relating to district school tax; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; authorizing a waiver of the expenditure restrictions; amending s. 235.435, F.S., relating to funds for comprehensive educational plant needs; revising requirements and providing additional criteria for funding from the Special Facility Construction Account; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities; providing additional survey requirements; requiring validation of use of standardized measures by the Department of Education; amending s. 236.083, F.S.; providing for a guaranteed allocation from student transportation funding for new schools meeting certain requirements; providing for calculation; authorizing transfer of such amount to the district capital improvement account for construction, financing, or lease-purchase of new schools; requiring the Department of Education to recommend certain incentives; authorizing the adoption of rules; providing an effective date.

House Amendment 3 to Senate Amendment 1—On page 21, line 9 through page 23, line 2, remove from the amendment all of said lines and insert in lieu thereof: *construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such facilities; and for the purchase, lease-purchase, or lease of school buses.*

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment,

buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 70 percent of the amount that was spent for those purposes in the base year.

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.

(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 40 percent of the amount that was spent for those purposes in the base year.

(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 25 percent of the amount spent for those purposes in the base year.

(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 10 percent of the amount spent for those purposes in the base year.

(g) Beginning July 1, 2004, revenue generated by the millage levy authorized by subsection (2) must be used only for the construction, renovation, remodeling, repair, and maintenance of educational facilities that provide space for the instruction of students; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such facilities; and for the purchase, lease-purchase, or lease of school buses.

Senator Horne moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 3 to Senate Amendment 1—On page 1, lines 20 and 29; on page 2, lines 9, 18, and 27; and on page 3, lines 5, 14, 23 and 24, delete "*repair, and maintenance*" and insert: *and repair*

On motion by Senator Horne, the Senate concurred in **House Amendment 3 to Senate Amendment 1** as amended and requested the House to concur in **Senate Amendment 1 to House Amendment 3 to Senate Amendment 1**. **HB 2121** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Casas	Diaz-Balart	Holzendorf
Bankhead	Childers	Dudley	Horne
Bronson	Clary	Dyer	Jenne
Brown-Waite	Cowin	Grant	Jones
Burt	Crist	Hargrett	Kirkpatrick
Campbell	Dantzler	Harris	Kurth
Latvala	Myers	Scott	Thomas
Lee	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—2

Forman	Klein

Vote after roll call:

Yea—Gutman, McKay

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sullivan, by unanimous consent—

HB 1835—A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 259.101, F.S., relating to the Florida Preservation 2000 Act; providing funds for the purchase of lands necessary to restore Lake Apopka; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the water management districts for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S.; transferring authority for aquatic plant control from the Department of Environmental Protection to the water management districts; amending ss. 403.813, 581.145, and 597.004, F.S., to conform; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund; repealing part III of chapter 585, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to prerequisites to issuing a local occupational license, to conform; amending ss. 570.50 and 570.51, F.S., relating to duties of the Division of Food Safety, to conform; repealing ss. 828.22-828.26, F.S., relating to humane slaughter requirements; amending ss. 877.05 and 877.06, F.S., relating to criminal prohibitions applicable to certain slaughtering, to conform; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

(a) To manage and protect existing Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, ~~and~~ maintaining sufficient genetic variability in existing populations, *and undertaking management and enforcement activities that protect panther habitat.*

Section 2. Paragraph (j) is added to subsection (4) of section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(j) Funding for marine law enforcement.

Section 3. Paragraph (e) of subsection (2) of section 253.783, Florida Statutes, is amended to read:

253.783 Additional powers and duties of the department; disposition of surplus lands; payments to counties.—

(2) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and

pay from the Cross Florida Barge Canal Trust Fund, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(e) Refund to the counties of the Cross Florida Canal Navigation District moneys pursuant to this paragraph from the funds remaining in the Cross Florida Barge Canal Trust Fund from the funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. Following federal deauthorization of the project, such refunds shall consist of the $9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. In no event shall the counties be paid less than the aggregate sum of $32 million in cash or the appraised values of the surplus lands. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should the remaining funds in the Cross Florida Barge Canal Trust Fund and the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent. In computing interest, amounts already repaid to the counties shall not be subject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds may be used for the maintenance of the greenways corridor. ~~In no case shall general revenue funds be used to repay interest owed to the counties.~~

Section 4. Subsection (1) of section 61.1812, Florida Statutes, is amended to read:

61.1812 Child Support Incentive Trust Fund.—

(1) The Child Support Incentive Trust Fund is hereby created, to be administered by the Department of Revenue. All child support enforcement incentive earnings *and that portion of the state share of Title IV-A public assistance collections recovered in fiscal year 1996-1997 by the Title IV-D program of the department which is in excess of the amount estimated by the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1996-1997* shall be credited to the trust fund, and no other receipts, except interest earnings, shall be credited thereto. *For fiscal years beginning with 1997-1998, in addition to incentive earnings and interest earnings, that portion of the state share of Title IV-A public assistance collections recovered in each fiscal year by the Title IV-D program of the department which is in excess of the amount estimated by the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1997-1998 shall be credited to the trust fund.* The purpose of the trust fund is to account for federal incentive payments to the state for child support enforcement *and to support the activities of the child support enforcement program under Title IV-D of the Social Security Act*. The department shall invest the money in the trust fund pursuant to ss. 215.44-215.52, and retain all interest earnings in the trust fund. *The department shall separately account for receipts credited to the trust fund. When all general revenue appropriations for the Child Support Enforcement Program have been shifted to the trust fund, then annually thereafter, on June 30, if revenues deposited into the trust fund, including federal child support incentive earnings, have exceeded state expenditures for the child support enforcement program administered by the department for the prior 12-month period, the revenues in excess of cash flow needs are transferred to the General Revenue Fund.*

Section 5. Subsection (2) of section 215.3206, Florida Statutes, is amended to read:

215.3206 Trust funds; termination or re-creation.—

(2) If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund shall be deposited into the General Revenue Fund. The agency or Chief Justice shall pay any outstanding debts of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities. *No appropriation or budget amendment shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.*

Section 6. *The Department of Environmental Protection is authorized to loan the South Florida Water Management District up to $23.9 million from the Water Management Lands Trust Fund, contingent on execution of an agreement among the Department of Environmental Protection, the South Florida Water Management District, and the United States Army Corps of Engineers. These funds shall be used by the district for the Everglades Construction Project; however, none of these funds shall be expended on STA-1-E. The South Florida Water Management District will pursue receiving federal funds by the end of FY 1999 for the purpose of reimbursing the Water Management Lands Trust Fund. If this deadline is not met, the district would be required to repay half of any outstanding balance by December 31, 1999, with the remaining amount to be paid by December 31, 2002.*

Section 7. *Notwithstanding the proviso language following Specific Appropriation 1499B of the 1997-1998 General Appropriations Act, funds provided in that specific appropriation shall be expended according to the following guidelines:*

(1) The Department of State shall provide grants to community-based organizations, school districts, and local governments to provide outreach and assistance to legally immigrated permanent residents seeking citizenship or an exemption thereto.

(2) The program shall be designed to provide services to legal immigrants, 65 years of age or older, who are residents of this state and who under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 have become ineligible for federal benefits.

(3) No community-based organization shall be reimbursed for any costs that exceed $10 per case (except those application fees required by the U.S. Immigration and Naturalization Service to process such applications). No community-based organization or local governmental entity shall receive more than $250,000 from the Department of State under this program, except any school district offering citizenship educational classes to legal immigrants.

(4) Specific Appropriation 1499B includes funds for reimbursing any county for auditable and documented direct cash expenditures incurred prior to May 2, 1997, while implementing the Immigration Reform Project. A maximum of $500,000 is appropriated in Specific Appropriation 1499B for this purpose. If auditable and documented direct cash expenditures for all counties exceed $500,000, these funds shall be reimbursed to the counties on a prorated basis.

Section 8. Subsection (2) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with s. 216.181(4)(b). At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. ~~However, no transfer from any other budget entity may be made into the performance-based program, nor may any funds be transferred from the performance-based program to another budget entity, except pursuant to s. 216.177.~~ Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revisions shall be furnished, within 7 working days, to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. Additionally, subsection (3) shall not apply to programs operating under program-performance based budgets.

Section 9. *The Executive Office of the Governor is authorized to increase the 1997-1998 Approved Operating Budget of the Department of Highway Safety and Motor Vehicles $1,500,000 from the Highway Safety Operating Trust Fund, effective July 1, 1997, to continue the implementation of the Uniform Traffic Citation program.*

Section 10. *Notwithstanding the proviso language following Specific Appropriation 1499A of the 1997-1998 General Appropriations Act, funds are provided to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The program shall be administered by the Department of Children and Family Services. The program will provide temporary income assistance to legal immigrants who will lose their benefits while they are awaiting completion of the citizenship process; or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Family Services to implement this program.*

(1) The program shall be designed to provide temporary income assistance to legal immigrants, 65 years of age or older, who were residents of the State of Florida prior to February 1, 1997; who, after August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, have become ineligible for federal benefits, specifically Supplemental Security Income (SSI) and/or food stamp benefits; who will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and who can demonstrate that they are engaged in the process of becoming United States citizens or are seeking an exemption thereto. The total amount of temporary income assistance provided to an individual shall not exceed the Supplemental Security Income (SSI) and/or food stamps benefits for which they have become ineligible. The department shall give priority to dually eligible persons, disabled persons, and persons who as a direct result of losing their federal benefits may lose their housing, including long-term-care facilities.

(2) The Department of Children and Family Services' total administrative charges for this program shall not exceed 1 percent of the funds provided. Total administrative charges for contracted service providers for this program shall not exceed 3 percent of the funds provided in each service contract.

(3) If the United States Congress acts to extend the implementation date of portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which apply to noncitizens in order to allow states to prepare for said Act, no funds provided in this specific appropriation will be expended.

Section 11. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; authorizing the Department of Environmental Protection to loan the South Florida Water Management District a specified amount from the Water Management Lands Trust Fund upon certain conditions; providing guidelines for expenditure of citizenship outreach grant program funds; included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; authorizing funds for the Uniform Traffic Citation Program; providing funds for a Legal Immigrant's Temporary Income Bridge Program, to be administered by the Department of Children and Family Services; providing for eligibility, restrictions, and priorities; providing guidelines for administrative charges; providing conditions under which the funds shall not be expended; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1835** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman

On motion by Senator Sullivan, by unanimous consent—

HB 1837—A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to noninstitutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; amending s. 945.6037, F.S.; increasing the inmate copayment; requiring the department to conduct a study and develop a plan to recover costs associated with over-the-counter and prescription medications; requiring a report to be submitted to the Legislature; requiring the Agency for Health Care Administration to apply for federal waivers or grants to expand services provided to the Florida Healthy Kids Corporation; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to establish certain demonstration projects to test Medicaid direct contracting; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to implement a specified program related to payments for prescribed medicines; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration to develop an enrollment process for community mental health providers; creating s. 409.9118, F.S.; providing a disproportionate share program for specialty hospitals; requiring the Department of Children and Family Services to privatize South Florida State Hospital and providing for hiring preferences; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) and paragraphs (b) and (c) of subsection (7) of section 945.602, Florida Statutes, 1996 Supplement, are amended to read:

945.602 State of Florida Correctional Medical Authority; creation; members.—

(1) There is created ~~in the Department of Corrections~~ the State of Florida Correctional Medical Authority *which for administrative purposes shall be assigned to the Department of Health*. The governing board of the authority shall be composed of nine persons appointed by the Governor subject to confirmation by the Senate. One member must be a member of the Florida Hospital Association; one member must be a member of the Florida League of Hospitals; one member must be a member of the Association of *Community Hospitals and Health Systems of Florida* ~~Voluntary Hospitals~~; and one member must be a member of the Florida Medical Association. *The authority shall contract with the Department of Health for the provision of administrative support services, including purchasing, personnel, general services, and budgetary matters* ~~The Department of Corrections shall provide administrative support and service to the authority~~. The authority shall not be subject to control, supervision, or direction by the Department *of Health or the Department of Corrections*. The authority shall annually elect one member to serve as chairman. Members shall be appointed for terms of 4 years each. Each member is authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution.

(2) A member of the authority may not be a current employee of the Department *of Corrections*. Not more than one member of the authority may be a former employee of the Department *of Corrections* and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his *or her* last employment *with* ~~by~~ the department.

(7)

(b) Neither the provisions of this section nor those of chapter 119, or of s. 154.207(7), shall apply to any health care provider under contract with the Department *of Corrections* except to the extent such provisions would apply to any similar *provider* ~~entity~~ not under contract with the department.

(c) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority or the Department *of Corrections* shall not vote on any matter related to such facility.

Section 2. *All powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State of Florida Correctional Medical Authority, as established in s. 945.602, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Corrections to the Department of Health.*

Section 3. *Effective October 1, 1997, through type two transfers, as defined in s. 20.06(2), Florida Statutes, the administration of the Federal Child Care Food Program is transferred from the Department of Education to the Department of Health. The administration of the Federal Adult Care Food Program is transferred from the Department of Education to the Department of Elderly Affairs. Current Department of Education personnel assigned to the Child Care and Adult Care Food Programs shall be given preference in hiring for comparable positions within the Department of Health and the Department of Elderly Affairs.*

Section 4. *Report required; department to notify Legislature and develop plan if judicial decisions result in spending requirements in excess of appropriations.—*

(1) The Department of Children and Family Services shall develop individual support plans for the approximately 2,176 persons directly affected by the transition from funding through the Intermediate Care Facility for Developmentally Disabled Program to noninstitutional funding. The individual plans shall provide for appropriate services to each affected individual in the most cost-effective manner possible. The department shall report the projected aggregate cost of providing services by fund source through the individual plans to the Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Health and Human Services Appropriations Committee by September 30, 1997. The aggregate costs reported shall be based on typical industry rates and shall not include special adjustments for property costs or other additional costs unique to any individual provider or type of provider. The department may, however, report any such costs separately. The report must further provide detailed information on department efforts to maximize Medicare and other funding available outside the Developmental Services Program and the use of generic community resources along with a calculation of the value of such resources. The report must also include a summary of the department's progress in recruiting alternative providers in the event that any current providers decide to discontinue services to clients or cannot provide quality services within the anticipated rate structure.

(2) If judicial decisions are continued or rendered that the Department of Children and Family Services feels will require spending in excess of the amounts budgeted for Developmental Services, the department shall immediately notify the Chairs of the Senate Ways and Means Committee, the House Fiscal Responsibility Council, and the House Health and Human Services Appropriations Committee. Within 1 week after providing notification pursuant to this subsection, the department shall submit a spending plan that addresses the projected deficit.

(3) This section is repealed July 1, 1999.

Section 5. Section 409.9127, Florida Statutes, is created to read:

409.9127 Preauthorization and concurrent utilization review; conflict-of-interest standards.—

(1) The Agency for Health Care Administration shall be solely responsible for developing and enforcing standards to prohibit financial and other conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management with direct-service organizations providing alcohol, substance abuse, mental health, or related services to clients who have services authorized through the preauthorization and concurrent utilization review management system established to achieve cost savings in the provision of alcohol, substance abuse, mental health, or related services. The agency may require the posting of a surety bond to guarantee that no financial or other conflicts of interest exist or will exist among vendors selected to provide preauthorization and concurrent utilization review management services.

(2) Vendors selected to conduct preauthorization or concurrent utilization review management, or both, may be peer-review organizations, qualified licensed clinical practitioners, or public or private organizations that demonstrate the ability to conduct such reviews according to criteria developed by the agency and that have no financial or other conflict of interest with any direct-service organization providing alcohol, substance abuse, mental health, or related services. Selection of vendors shall be accomplished through a competitive process.

Section 6. *In order to implement Specific Appropriations 330 and 334 through 352 of the 1997-1998 General Appropriations Act, the Department of Children and Family Services is authorized to certify local funds not to exceed $5 million as state match for children's mental health services funded by Medicaid in excess of the amount of state general revenue matching funds appropriated for such services through the 1997-1998 General Appropriations Act. The department is also authorized to certify local funds not to exceed $5 million as state match for eligible Title IV-E services for children under the supervision and custody of the state in excess of the amount of state general revenue matching funds appropriated for such services by the 1997-1998 General Appropriations Act in Specific Appropriations 334 through 352. Federal Medicaid or Title IV-E funds provided to the state as federal financial participation consequent to certified local matching funds shall automatically be passed through to the local jurisdiction that provided the certified local match. All of the provisions of this section are based upon federal approval of the provisions as specifically limited in this section and shall not become effective if any further modifications are required of the state. The Agency for Health Care Administration is authorized to apply for federal waivers to modify the state Medicaid plan to include optional Medicaid in-home and therapeutic services for Medicaid-eligible children if the state match for such services is provided by local funds certified by the department as state match. Such services shall be available only in communities that provide the certified match.*

Section 7. Paragraph (a) of subsection (1) of section 945.6037, Florida Statutes, is amended to read:

945.6037 Nonemergency health care; inmate copayments.—

(1)(a) Effective October 1, *1997* ~~1994~~, for each nonemergency visit by an inmate to a health care provider which visit is initiated by the inmate, the inmate must make a copayment of *$4* ~~not less than $1 or more than $5, as set by rule by the Department of Corrections~~. A copayment may not be charged for the required initial medical history and physical examination of the inmate.

Section 8. *The Department of Corrections, in conjunction with the Correctional Privatization Commission, shall study and develop a plan to recover costs associated with prescription and over-the-counter medications provided to inmates. As part of the study, the department shall consider instituting an inmate copayment for prescription medications and selling over-the-counter drugs through the inmate canteen. The Department of Corrections shall report its plan and findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.*

Section 9. *The Agency for Health Care Administration shall apply for a federal Medicaid waiver or for other federal grants to allow for the receipt of Medicaid matching funds or other federal funds to be used in conjunction with state, local, and private funds to expand the services provided by the Florida Healthy Kids Corporation. In the event that a Medicaid waiver is used, it shall be limited to 118,725 children and shall include a provision for a lifetime cap of 60 months for those children enrolled in the program after July 1, 1997.*

Section 10. Paragraph (c) is added to subsection (4) of section 409.912, Florida Statutes, 1996 Supplement, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(4) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients.

(c) The agency is authorized to establish no more than four demonstration projects with provider service networks to test Medicaid direct contracting. However, no such demonstration project shall be established with a Federally Qualified Health Center, nor shall any provider service network under contract with the agency pursuant to this paragraph include a Federally Qualified Health Center in its provider network. One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network that is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive-bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 2 years from the date of implementation.

Section 11. Subsection (14) of section 409.908, Florida Statutes, 1996 Supplement, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. *The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider and the volume of prescriptions dispensed to an individual recipient.* The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Section 12. Subsection (8) of section 409.906, Florida Statutes, 1996 Supplement, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(8) COMMUNITY MENTAL HEALTH SERVICES.—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. *The agency must develop a provider enrollment process for community mental health providers which bases provider enrollment on an assessment of service need. The provider enrollment process shall be designed to control costs, prevent fraud and abuse, consider provider expertise and capacity, and assess provider success in managing utilization of care and measuring treatment outcomes. Providers will be selected through a competitive procurement or selective contracting process. In addition to other community mental health providers, the agency shall consider for enrollment mental health programs licensed under chapter 395 and group practices licensed under chapter 458, chapter 459, chapter 490, or chapter 491. The agency is also authorized to continue operation of its behavioral health utilization management program and may develop new services if these actions are necessary to ensure savings from the implementation of the utilization management system. The agency shall coordinate the implementation of this enrollment process with the Department of Children and Family Services and the Department of Juvenile Justice.* The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

Section 13. Section 409.9118, Florida Statutes, is created to read:

409.9118 Disproportionate share program for specialty hospitals.—The Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals licensed in accordance with part I of chapter 395 as a specialty hospital which meet all requirements listed in subsection (2). Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate under this section:

TAE=(MD/TMD) x TA

Where:

TAE = total amount earned by a specialty hospital.

TA = total appropriation for payments to hospitals that qualify under this program.

MD = total Medicaid days for each qualifying hospital.

TMD = total Medicaid days for all hospitals that qualify under this program.

(2) In order to receive payments under this section, a hospital must be licensed in accordance with part I of chapter 395, to participate in the Florida Title XIX program, and meet the following requirements:

(a) Be certified or certifiable to be a provider of Title XVIII services.

(b) Receive all of its inpatient clients through referrals or admissions from county public health departments, as defined in chapter 154.

(c) Require a diagnosis for the control of a communicable disease for all admissions for inpatient treatment.

Section 14. *(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.*

(a) Notwithstanding section 287.057(12), Florida Statutes, the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

(b) The selected contractor is authorized to sponsor the issuance of tax-exempt bonds, certificates of participation, or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the treatment facility.

(2) The contractor shall operate South Florida State Hospital as a mental health treatment facility that serves voluntarily and involuntarily committed indigent adults who meet the criteria of part I of chapter 394, Florida Statutes, and who reside in the South Florida State Hospital service area.

(a) South Florida State Hospital shall remain a participant in the mental health disproportionate share program so long as the residents receive eligible services.

(b) The department and the contractor shall ensure that the treatment facility is operated as a part of a total continuum of care for persons who are mentally ill. The contractor shall have as its primary goal for the treatment facility to effectively treat and assist residents to return to the community as quickly as possible.

(3)(a) Current South Florida State Hospital employees who are affected by the privatization shall be given first preference for continued employment by the contractor. The department shall make reasonable efforts to find suitable job placements for employees who wish to remain within the state Career Service System.

(b) Any savings that result from the privatization of South Florida State Hospital shall be directed to the department's service districts 9, 10, and 11 for the delivery of community mental health services.

Section 15. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health and human services; amending s. 945.602, F.S.; providing for assignment of the State of Florida Correctional Medical Authority to the Department of Health for administrative purposes; transferring to the department powers and duties of the State of Florida Correctional Medical Authority; transferring the Child Care Food Program from the Department of Education to the Department of Health and providing for hiring preferences; requiring the Department of Children and Family Services to develop individual transition plans for clients affected by the transition from Intermediate Care Facility for Developmentally Disabled funding to noninstitutional funding; requiring a report; requiring the Department of Children and Family Services to immediately notify the Legislature and develop a spending plan if judicial decisions are continued or rendered which the department feels will require expenditures in excess of the amount appropriated to Developmental Services; providing for future repeal; creating s. 409.9127, F.S.; requiring the Agency for Health Care Administration to develop and enforce standards to prohibit conflicts of interest among vendors selected to provide preauthorization and concurrent utilization review management services; authorizing the Department of Children and Family Services to certify local funds as state match for certain children's mental health services and for eligible Title IV-E services for certain children; requiring pass-through of funds to local jurisdictions; prohibiting reduction of certain general revenue funds; authorizing the Agency for Health Care Administration to apply for certain federal waivers if local funds are sufficient for state match; amending s. 945.6037, F.S.; increasing the inmate copayment; requiring the department to conduct a study and develop a plan to recover costs associated with over-the-counter and prescription medications; requiring a report to be submitted to the Legislature; requiring the Agency for Health Care Administration to apply for federal waivers or grants to expand services provided to the Florida Healthy Kids Corporation; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to establish certain demonstration projects to test Medicaid direct contracting; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to implement a specified program related to payments for prescribed medicines; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration to develop an enrollment process for community mental health providers; creating s. 409.9118, F.S.; providing a disproportionate share program for specialty hospitals; requiring the Department of Children and Family Services to privatize South Florida State Hospital and providing for hiring preferences; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1837** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Rossin
Bankhead	Dantzler	Jenne	Scott
Bronson	Diaz-Balart	Jones	Silver
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Dyer	Kurth	Thomas
Campbell	Forman	Latvala	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Harris, McKay

On motion by Senator Sullivan, by unanimous consent—

HB 1839—A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; creating s. 236.08011, F.S.; providing for a Florida Education Finance Program for kindergarten through grade 12 and a Florida Education Finance Program for adults; providing for separate calculation and appropriation; amending s. 236.081, F.S., relating to funds for operation of schools; revising provisions to provide for annual allocations to school districts for the K-12 Florida Education Finance Program and the adult Florida Education Finance Program; requiring the Commissioner of Education to specify a matrix of services and inten-

sity levels for exceptional student education; revising program categories; revising provisions relating to calculation of each school district's student enrollment; providing a requirement relating to the computation of district required local effort; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, 236.602, 239.301, and 240.1161, F.S.; correcting cross references and conforming and clarifying language; amending s. 240.209, F.S., relating to Board of Regents' powers and duties; providing performance measures for program reviews; providing budget requirements and requiring documentation; amending s. 240.605, F.S., relating to Florida resident access grants; revising funding provisions; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; amending s. 216.301, F.S., relating to the disposition of certain unspent appropriations of the Department of Education; amending s. 240.632, F.S.; providing that the Florida Martin Luther King, Jr., Institute for Nonviolence shall be a nonprofit corporation; specifying the mission of the institute; providing that certain provisions of law apply to the institute; revising membership of the institute; amending s. 240.631, F.S.; revising a definition, to conform; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The purposes of this act are to:*

(1) Provide for implementation of the revised funding model for exceptional student education programs.

(2) Simplify the Florida Education Finance Program by reducing the number of program cost factors to provide greater flexibility at the local level in the use of funds.

(3) Provide for allocating funds for kindergarten through grade 12 and adult education programs separately.

(4) Continue to make progress in reducing the range of disparity in total potential funds available per full-time equivalent student.

Section 2. *(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing five weighted cost factors; provide fiscal support for exceptional students in general education classes; be outcome driven; and be revenue neutral. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.*

(2)(a) The revised funding model uses five Florida Education Finance Program cost factors for exceptional student education programs. Cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) A matrix of services must be completed at least once each year by public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(4) The Department of Education shall promulgate rules necessary to implement the revised funding model.

(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.

Section 3. Section 236.078, Florida Statutes, is amended to read:

236.078 Florida Education Finance Program Appropriation Allocation Conference.—Prior to the distribution of any funds appropriated in the General Appropriations Act for the *K-12* Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

Section 4. Paragraph (d) of subsection (1) of section 236.083, Florida Statutes, 1996 Supplement, is amended, and subsection (7) is added to said section, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)*(g)*~~(j)~~;

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the school board, be transferred to the district's K-12 Florida Education Finance Program.

Section 5. Section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(1) COST ACCOUNTING.—Each district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the department or as provided by law. ~~The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system.~~

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3), and for categorical programs as provided in s. 236.081(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program *funded* ~~set forth~~ in s. 236.081(1)(c), except that *programs for exceptional students shall be reported on an aggregate basis* ~~separate costs shall be kept for adult basic and secondary education as defined in s. 239.105. Expenditures for apprenticeship programs shall be reported separately~~.

(c) The commissioner shall present to the Legislature, ~~90 days~~ prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system. The commissioner shall also compute cost factors ~~for each district reflecting actual expenditures~~ relative to the base student allocation for each *funded program* ~~of the programs as provided~~ in s. 236.081(1)(c).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) ~~For each program and broad program category established in s. 236.081(1)(c),~~ Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. ~~Special~~ Programs for exceptional students, on an aggregate program basis, 80 percent.
5. *Grades 7 through 12 vocational education* ~~Special vocational-technical~~ programs, on an aggregate program basis, 80 percent.

~~6. Special adult general education programs, on an aggregate program basis, 80 percent.~~

6.~~7.~~ Students-at-risk programs, on an aggregate program basis, 80 percent.

7.~~8.~~ ~~Beginning in fiscal year 1989-1990,~~ Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through *6.*~~7.~~, on an aggregate basis as appropriate, 80 percent.

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board.

(c) In the event a district fails to meet any of the expenditure requirements as set forth herein, the commissioner shall notify the superintendent of the district involved and shall require that the school board make provision for correcting the deficiency in the subsequent year's operating budget. ~~The commissioner shall not approve the district budget until he or she has determined that the provisions have been made to correct the deficiency.~~

Section 6. Paragraph (a) of subsection (2) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES Program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in *an* ~~a specific part-time or combination of part-time~~ exceptional student education *program* ~~programs~~ with required special services, aids, or equipment and who are reported for *partial* funding ~~part-time~~ in the *K-12* Florida Education Finance Program ~~as exceptional students~~. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the *K-12* Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These ~~part-time~~ students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the *K-12* Florida Education Finance Program in *an* ~~a full-time or an authorized combination of full-time and part-time~~ exceptional student *education program* ~~programs~~ as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. ~~These full-time~~ Exceptional *education* students *who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding* shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

Section 7. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(10)*~~(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district-required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 8. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in *programs under s. 236.081(1)(c) in* each district by the cost factors *established* in *the General Appropriations Act* ~~s. 236.081(1)(c)~~ and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 9. Paragraph (c) of subsection (5) of section 240.605, Florida Statutes, 1996 Supplement, is amended to read:

240.605 Florida resident access grants.—

(5)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funding for the Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, *1998* ~~1997~~.

Section 10. *The unexpended balances of funds for Florida Gulf Coast University provided in Specific Appropriation 57A of Chapter 94-357, Laws of Florida, Specific Appropriation 199 of chapter 95-429, Laws of Florida, and Specific Appropriation 190 of Chapter 96-424, Laws of Florida, are hereby reappropriated.*

Section 11. *The Legislature hereby finds that the costs of building higher-education facilities is excessive and unreasonable. The construction costs for some college facilities have been documented in excess of $190 per square foot. It is the intent of the Legislature that the community colleges and state universities use due diligence and sound business practices in constructing their authorized facilities. The Legislature hereby directs the State Board of Community Colleges and the Board of Regents to analyze the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund by the community colleges and state universities with the intention of reducing excessive costs, in total and on a per-square-foot basis. In addition, the boards shall develop cost standards that are reasonable and promote efficiency in construction, with a goal of achieving a maximum per-square-foot construction cost of $95 for classroom and similar facilities. The findings of the analysis and the standards shall be reported to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate by January 1, 1998.*

Section 12. *It is the intent of the Legislature that state funding for adult and postsecondary vocational education be based on performance outcomes related to the placement and successful continued employment of program graduates, particularly within programs identified by the Occupational Forecasting Conference. It is also the intent of the Legislature that the integrity of vocational certificates and degree programs is maintained, vocational program lengths are standardized, issues involving accreditation and the transfer of credit are addressed, and cost considerations involving the Associate in Science and the Associate in Applied Technology degree programs are analyzed. To assist the Legislature in accomplishing this task, the Commissioner of Education is directed to convene a Task Force on Workforce Development to investigate issues related to Florida's job training and workforce development activities. After analyzing data and information related to the responsibilities outlined in this section, the task force shall report to the Commissioner of Education on or before October 1, 1997, on action necessary to effect timely implementation of workforce development funding. Based on the task force report and in consultation with the Executive Director of the Postsecondary Education Planning Commission and the Executive Director of the State Board of Community Colleges, the Commissioner of Education shall report to the Legislature on or before November 1, 1997, a summary of the conclusions of the task force. By January 1, 1998, the Commissioner of Education shall report to the Legislature a plan to implement the workforce development funding.*

(1) The task force shall consist of members appointed by the Commissioner of Education, who represent school districts and community colleges, and other members deemed appropriate by the commissioner, with a majority of the membership consisting of practitioners within the field. Task force members shall have working knowledge and expertise appropriate to the specific areas being investigated and must be at an appropriate level of decisionmaking authority related to programmatic concerns.

(2) The task force shall recommend an implementation plan that must include, but is not limited to, the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measure requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the plan include:

(a) Assessing and recommending to the Legislature a design for a unified student database consisting of a student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified database means a single system that provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) In consultation with the Articulation Coordinating Committee, recommending any necessary modifications to curriculum frameworks to facilitate articulation and to assure maximum appropriate transferability of coursework. The modifications must be designed to create a uniform system of courses and common course numbers by redefining postsecondary vocational programs and standardizing program lengths.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, definitions of adult education, vocational education, career education, certificate programs, degree programs, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of vocational education and its impact on students, business, and industry.

(h) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to section 239.109, Florida Statutes.

(i) Assessing the feasibility of consolidation of existing performance-based funding programs.

(j) Assessing the Associate in Applied Technology degree. Such assessment must include a report identifying those states with similar programs, and shall include, where practical, a comparative analysis of employment rates, employment retention rates, occupational areas, and salary ranges of graduates with similar degrees. A companion assessment will also report similar data for the Associate in Arts, Associate in Science, or comparative degrees, in those respective states.

(k) Providing a cost analysis of the Associate in Arts and the Associate in Science degrees.

(3) By January 1, 1998, the Commissioner of Education shall submit to the Legislature and the Governor an implementation plan containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in progress and due dates for any other activities necessary for timely implementation.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the task force in preparing recommendations.

Section 13. *For 1997-1998, a school district or community college is authorized to allocate funds provided in Specific Appropriation 144-G using locally determined performance measures.*

Section 14. Section 239.116, Florida Statutes, is created to read:

239.116 Cost accounting and reporting for workforce education.—

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the Department of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the Department of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 15. *Effective July 1, 1997, 4 full-time equivalent positions and $221,980 from the General Revenue Fund are transferred within the Department of Education from the Division of Workforce Development to the Division of Community Colleges.*

Section 16. Present paragraph (g) of subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(g) Expansion of the common course designation and numbering system to include the numbering and designation of college-credit postsecondary vocational courses and facilitate the transfer of credits between public schools and community colleges. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering college-credit courses that may be transferred to a certificate or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable college credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer in this state and others.

2. Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The study shall also identify postsecondary vocational courses designated as college-credit courses applicable toward a vocational degree. Such college-credit courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program and degree. A course designated as college-credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met.

Section 17. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools *and Community Education*.
3. Division of Universities.
4. Division of *Workforce Development* ~~Applied Technology and Adult Education~~.
5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools *and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education* ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *workforce development* ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and~~ the duties concerning physical facilities in chapter 235, *and the duties assigned to the Division of Workforce Development in chapter 239*.

Section 18. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools *and Community Education, the Division of Workforce Development,* the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 19. Subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

~~(a)~~ "Career education" is *vocational education that provides instruction for the following purposes:*

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation. ~~defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:~~

~~1. Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs which coordinate directed study and on-the-job training;~~

~~2. Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;~~

~~3. Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;~~

~~4. Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and home economics; or~~

~~5. Instruction which integrates the basic academic skills and vocational skills.~~

~~(b) "Career education" programs:~~

~~1. Should have social and economic value for every student by leading to a successful career.~~

~~2. Should assist students in establishing life goals, making decisions about their future, and beginning the process of implementing such goals.~~

~~3. Should enhance productivity and student earnings.~~

~~4. Are essential for economic development and for producing better prepared students for a changing workforce.~~

~~5. Shall provide equal access for exceptional students and for students who have limited English proficiency, or who are educationally or economically disadvantaged.~~

Section 20. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~, or the director's designee.
2. The Director of the Division of Community Colleges, or the director's designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Section 21. Subsection (2) of section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(2) The unit shall be operated either directly by the Division of Public Schools *and Community Education* or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 22. Subsection (2) of section 233.0561, Florida Statutes, is amended to read:

233.0561 Literacy; blind persons.—

(2) LEGISLATIVE INTENT.—The Legislature recognizes that literacy is the foundation upon which students become employable, productive, and responsible citizens. The Legislature further recognizes that literacy is important for all students, regardless of their visual abilities. It is the intent of the Legislature that the provisions of this section be broadly construed to apply to elementary and secondary students, as well as adult basic, adult secondary, and ~~supplemental~~ vocational *education* students.

Section 23. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this

chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 24. Paragraphs (c) and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ that the project has been survey recommended.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of *Workforce Development* ~~Applied Technology and Adult Education~~ shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 25. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are *workforce development education* ~~certificate career education students, adult supplemental vocational students, adult basic students, adult secondary~~ students, and adult disabled students and who are enrolled in *school district technical* ~~adult career or adult general education~~ centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 26. Subsections (2), (3), (7), (13), (15), (16), (17), (18), (19), (20), (21), and (22) of section 239.105, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

239.105 Definitions.—As used in this chapter, the term:

(2) "Adult general education" means a comprehensive program of adult basic education, adult secondary education, general educational development test instruction, *and* vocational-preparatory instruction~~, college-preparatory instruction, and lifelong learning programs~~.

(3) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or *courses* ~~programs~~ of instruction through which a student prepares to take the general educational development test.

(7) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community*, including lifelong learning.*

(13) "Local educational agency" means *a community college or school district* ~~the agency responsible for administration of adult education or career education, or both, within a vocational region. Such agency must be one or more school boards or a board of trustees of a public community college, or both~~.

(15) *"Certificate vocational education program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a degree career education program, if authorized by rules of the Department of Education. The term is interchangeable with the term "certificate career education program."* ~~"Certificate career education program" means job-preparatory programs, excluding supplemental vocational instruction, through which a student receives a vocational certificate upon the completion of instruction.~~

(16) *"Degree vocational education program" means a course of study that leads to an associate in applied technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term "degree career education program."* ~~"Degree career education program" means college credit, job-preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(18)~~(17)~~ "Prose literacy" means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

(19)~~(18)~~ "Quantitative literacy" means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.

~~(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls~~

~~in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) "*Vocational* ~~Career~~ education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. *The term may be used interchangeably with the term "career education planning region."*

(21) "Vocational-preparatory instruction" means *adult general education* ~~instruction~~ through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) "Workforce development education" means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point, a vocational certificate, an associate in applied technology degree, or an associate in science degree.

Section 27. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in *workforce development education or* ~~adult, certificate career education,~~ lifelong learning *courses*~~, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 28. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate or a degree;

(c) Degree vocational education programs that lead to an associate in applied technology degree or an associate in science degree; and

(d) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center.

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology degree or an associate in science degree.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.

(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.

(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick response training funds, or other means making up the remaining 50 percent.

2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.

(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.

(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.

(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.

(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in

the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.

(10) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) Fees for all nonexempt students, as defined in s. 239.117, are part of the required local effort of each school district pursuant to s. 236.081.

(12) The Department of Education may adopt rules to administer this section.

Section 29. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in *workforce development programs, including programs and courses leading to an associate in applied technology degree or an associate in science degree* ~~adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the *Workforce Development Education Fund* ~~Florida Education Finance Program or Community College Program Fund~~.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)~~(2)~~ The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for *adult basic, adult secondary, or vocational preparatory* instruction:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction~~.

(b) A student who has a high school diploma or its equivalent~~, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule. *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)~~(c)~~ A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)~~(d)~~ A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)~~(e)~~ A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)~~(f)~~ A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(e)~~(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)~~(3)~~ ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount *may* ~~shall~~ not be *reported* ~~included in calculations of full-time equivalent enrollments~~ for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.

(6)~~(4)~~(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for *workforce development education* ~~certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards~~. The fee schedule shall be based on the amount of student fees necessary to produce *25* ~~10~~ percent of the prior year's cost of *a course of study leading to a certificate or degree and 50 percent of the prior year's cost of a course that does not lead to an occupational completion point* ~~certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs~~. *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.* ~~The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of *semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree.* ~~the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

(7)~~(5)(a)~~ Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs that lead to an occupational completion point and 50 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree* ~~college-preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education.~~ Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges.~~ Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(8)~~(7)~~ Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional *10* ~~5~~ percent of the student fees collected for *workforce development* ~~certificate career education and supplemental vocational courses and~~ programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education ~~and supplemental vocational~~ students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(9)~~(8)~~ *A district* school *board or a* ~~districts and~~ community *college board of trustees* ~~colleges~~ may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.

(10)~~(9)~~ The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(11)~~(10)~~ Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(12)~~(11)~~ Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding* ~~full-time equivalent enrollment~~ for any course for which the student subsequently registers until the fee has been paid.

(13)~~(12)~~ Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund, the Florida* Education Finance Program or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14)~~(13)~~ Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund* ~~Florida Education Finance Program or the Community College Program Fund~~ and shall revert to the General Revenue Fund.

(15)~~(14)~~ School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(16)~~(15)~~ School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(17)~~(16)~~ Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 30. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)~~(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)~~(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds *consist of* ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and~~ fee revenues generated by students enrolled in *workforce development programs* ~~certificate career education and supplemental career education courses and programs~~. From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 31. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Vocational program articulation with other corresponding postsecondary programs.

4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers~~.

5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

~~1. Student maintenance of employment.~~

~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)~~(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. Overseeing school district and community college compliance with the provisions of this chapter.

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 32. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development* ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of *Workforce Development* ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 33. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

(4) ~~Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area.~~ Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. ~~Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

(5)(a) Adult basic and secondary education *and*~~,~~ vocational-preparatory~~, college-preparatory, and lifelong learning~~ courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs~~. ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate-in-arts degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Workforce Development Education Fund, the Community College Program Fund or the Florida Education Finance Program* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational-preparatory programs~~. Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program* ~~pursuant to s. 236.081(1)(h) or s. 240.359~~, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 34. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center* ~~degree career education school~~. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development* ~~Applied Technology and Adult Education~~. In addition, the universities, community colleges, and *technical centers* ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 35. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. *A* ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job-preparatory, and supplemental~~ vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 36. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of~~ adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees *and associate in applied technology degrees*, and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board~~.

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general* ~~precollege~~ education~~, when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational* ~~degree career~~ education programs and~~, when assigned to community colleges,~~ adult *general* ~~pre-college~~ education programs shall have first priority in community college funding.

Section 37. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that* ~~which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 38. Section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction *leading to an associate degree, including college preparatory courses defined in s. 239.105.*

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction *which* ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs *and*~~,~~ professional programs~~, and degree career education programs~~.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled ~~in employment and training programs~~ under the WAGES Program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs under the WAGES Program shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students may not be denied participation in programs during the application process for financial aid. These students may not be required to obtain loans as a part of their financial aid package. ~~Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.~~

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to *s. 250.10(7)* ~~the provisions of s. 250.10(6)~~.

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional~~, degree career education, and college preparatory~~ programs *that produce* ~~which produces~~ revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. ~~Beginning with fiscal year 1992-1993 and,~~ In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. ~~Beginning with fiscal year 1992-1993,~~ The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 39. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.— The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines *and on other programs for adults funded pursuant to s. 239.115*~~, vocational program areas, compensatory programs, and adult elementary and secondary programs~~. ~~The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas.~~

(c) The ~~funding~~ category of lifelong learning is for students enrolled pursuant to s. 239.301. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

Section 40. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 41. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools *and Community Education* of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 42. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools *and Community Education* of the Department of Education.

Section 43. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools *and Community Education* budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 44. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of *Workforce Development* ~~Applied Technology and Adult Education~~ of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 45. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~of Applied Technology and Adult Education~~ of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 46. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of *Workforce Development and the Division of Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education and appropriate ~~career~~ education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 47. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of *Public Schools and Community Education* ~~Applied Technology and Adult Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 48. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: *a representative of the Department of Education designated by the Commissioner* ~~the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department~~ of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 49. *Subsection (3) of section 229.8075, Florida Statutes, and section 239.109, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.*

Section 50. Section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation *for the Florida Education Finance Program for kindergarten through grade 12* shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.* ~~However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall~~

~~be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.~~

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.
b. Grades 4, 5, 6, 7, and 8.
c. Grades 9, 10, 11, and 12.

2. ~~Special~~ Programs for exceptional students.—

a. Support Level I.
b. Support Level II.
c. Support Level III.
d. Support Level IV.
e. Support Level V.
~~a. Educable mentally handicapped.~~
~~b. Trainable mentally handicapped.~~
~~c. Physically handicapped.~~
~~d. Physical and occupational therapy part-time.~~
~~e. Speech, language, and hearing part-time.~~
~~f. Speech, language, and hearing.~~
~~g. Visually handicapped part-time.~~
~~h. Visually handicapped.~~
~~i. Emotionally handicapped part-time.~~
~~j. Emotionally handicapped.~~
~~k. Specific learning disability part-time.~~
~~l. Specific learning disability.~~
~~m. Gifted part-time.~~
~~n. Hospital and homebound part-time.~~
~~o. Profoundly handicapped.~~

3.~~4.~~ Secondary career education programs.—

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

4.~~6.~~ Students-at-risk programs.—

a. Dropout prevention *and teenage parents.*
b. English for Speakers of Other Languages.
~~b. Special programs for teenage parents.~~
~~c. Kindergarten through grade 3 ESOL.~~
~~d. Grades 4 through 8 ESOL.~~
~~e. Grades 9 through 12 ESOL.~~

~~5. Certificate career education and supplemental career education programs.—~~

~~a. Level I.~~
~~b. Level II.~~
~~c. Level III.~~
~~d. Level IV.~~
~~e. Level V.~~

~~3. Adult general education programs.—~~

~~a. Adult basic education.~~
~~b. Adult secondary education.~~
~~c. Lifelong learning.~~

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district *for the K-12 FEFP*.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. *Group 2 shall be composed of students in exceptional student education.* Group *3* ~~2~~ shall be composed of students-at-risk programs, all basic programs other than the programs in group 1, ~~all exceptional child programs,~~ and all vocational programs in grades 7-12. ~~Group 3 shall be composed of all adult education programs.~~

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of *Children and Family Services and the Department of Juvenile Justice* ~~Health and Rehabilitative Services~~.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(e) Visually handicapped allocation.—With respect to special programs for the visually handicapped, upon request of a school board in any district or multidistrict area in which there are five or more students~~

~~receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.~~

~~(f) Exceptional mainstream allocation.—A student properly classified as an exceptional student pursuant to s. 230.23(4)(m) and eligible for a special program for exceptional students identified in subparagraph (c)2., excluding gifted part-time, may, as a condition of such student's individualized educational plan, be assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this paragraph.~~

~~(g) Alternative handicapped allocation.—As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical or mental health impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.~~

(e)~~(h)~~ State funding for certain adult disabled students.—If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 239.301 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.

(f)~~(i)~~ Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)6.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(g)~~(j)~~ Calculation of full-time equivalent membership with respect to instruction from community colleges or universities.—Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. ~~Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as one full-time equivalent enrollment within the basic secondary program for state funding purposes; however, a district school board may also report such students as the proportional shares of full-time equivalent enrollments each student generates within the vocational program. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students enrolled in vocational dual enrollment instruction conducted by a community college on a high school campus may be calculated by the school board as the proportional shares of full-time equivalent enrollments they generate in the basic program for grades 9 through 12 and the proportional shares of full-time equivalent enrollments they generate in the vocational programs.~~ Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117~~, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination~~.

(h)~~(k)~~ Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma. *However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the student's school district must pay the community college for the costs incurred because of the high school student's coenrollment.*

(i)~~(l)~~ Instruction in *family and consumer services* ~~home economics~~.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

(j)~~(m)~~ Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)~~(n)~~ Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(l)~~(o)~~ Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathemat-

ics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

~~(p) Instruction in supplemental vocational courses; and adult basic and secondary courses.—Vocational supplemental courses and adult basic and secondary education courses may be made available to any adult pursuant to s. 239.301.~~

~~1. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he or she is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma.~~

~~2. A student in a supplemental vocational course shall be reported as a supplemental vocational full-time equivalent student if he or she:~~

~~a. Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or~~

~~b. Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and employment history; or~~

~~c. Has an employment history and wants to develop competence in the English language to qualify for employment.~~

(m)~~(q)~~ Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(n)~~(r)~~ Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(o)~~(s)~~ Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(p)~~(t)~~ Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program *for kindergarten through grade 12* for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing $6 by the 1990-1991 base student allocation. If a district has an approved teacher education center, at least two-thirds of the funds so determined shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the professional orientation program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Pro-

gram *for kindergarten through grade 12 programs* shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. ~~For the 1996-1997 fiscal year only,~~ The General Appropriations Act *shall* ~~may~~ direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total *K-12* Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. ~~This sub-subparagraph is repealed on July 1, 1997.~~

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~paragraph (13)(b)~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual *K-12* Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~paragraph (13)(b)~~.

(c) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district-required local effort.

(e) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f) Required adult fees.—~~

~~1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.~~

~~2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.~~

~~3. Each district's total required local effort fee amount shall be calculated in the following manner:~~

~~a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.~~

~~b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.~~

~~c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.~~

~~d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.~~

~~e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.~~

~~f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.~~

~~g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of *the K-12 FEFP* qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

~~(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.~~

~~(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

(8)~~(10)~~ CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection *(10)* ~~(12)~~, a caps adjustment supplement of

up to *20* ~~10~~ percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, ~~all other~~ group *3* ~~2 special~~ programs weighted full-time equivalent student membership above cap group *3* ~~2~~ shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(9)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per *K-12* weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12)~~, ~~profoundly handicapped adjustment,~~ quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(12), profoundly handicapped adjustment,~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(12)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation *for the K-12 FEFP* shall be distributed periodically in the manner prescribed *in the General Appropriations Act.* ~~by regulations of the state board and shall be calculated as follows:~~

(a) The basic amount for current operation *for the K-12 FEFP* as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), ~~the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9),~~ and the quality assurance guarantee as determined in subsection *(9)* ~~(11)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district-required local effort into the sum of the state funds available for current operation and the total district-required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 51. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education finance; providing purposes of the act; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; correcting a cross-reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, and 236.602, F.S.; correcting cross-references and conforming and clarifying provisions; amending s. 240.605, F.S.; revising funding provisions relating to Florida resident access grants; reappropriating certain funds to Florida Gulf Coast University; directing the State Board of Community Colleges and the Board of Regents to analyze the expenditure of PECO funds in order to reduce excessive costs; requiring the development of cost standards for facilities; requiring a report; providing for a task force on workforce development and prescribing its composition and duties; allowing school districts and community colleges to allocate specified funds using locally determined performance measures; creating s. 239.116, F.S.; providing for cost-accounting and reporting with respect to expenditures by school districts and community colleges for workforce education and providing for a database to be developed for specified purposes; reallocating positions and funding within the Department of Education; amending s. 229.551, F.S.; requiring expansion of the common course designation and numbering system; requiring the development of specified guidelines; providing for standard program lengths for postsecondary vocational programs; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development education fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011,

446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending s. 236.081, F.S., relating to funds for operation of schools; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation and funding of each school district's student enrollment; revising provisions relating to calculation and funding of students enrolled in vocational dual enrollment; providing for payment of costs for enrollment in certain adult secondary education courses; deleting provisions relating to instruction in supplemental vocational courses and adult basic and secondary courses; deleting provisions relating to required adult fees and the adult basic skills adjustment; revising the caps adjustment supplement; conforming provisions; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **HB 1839** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Grant, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 340, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, termination and nonrenewal; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals; providing that this act supersedes local laws; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Section 231.29, Florida Statutes, is amended to read:

231.29 Assessment procedures and criteria.—

(1) For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed *by the school* ~~in his or her~~ district. *The Department of Education must approve each district's instructional personnel assessment system.*

(2) The following conditions must be considered in the design of the district's instructional personnel assessment system:

(a) The system must be designed to support district and school level improvement plans.

(b) The system must provide appropriate instruments, procedures, and criteria for *continuous quality improvement of the professional skills of instructional personnel* ~~beginning, probationary, and nonprobationary stages of a teaching career~~.

(c) The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments when appropriate.

(d)~~(c)~~ In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.

(e) Each school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f)~~(d)~~ The school board shall provide training programs *that* ~~which~~ are based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures. ~~Such training programs may be provided under s. 231.087.~~

(3)~~(2)~~ The assessment procedure *for instructional personnel* shall comply with, but shall not be limited to, the following requirements:

(a) An assessment ~~relating to the criteria specified in subsection (3)~~ shall be conducted for each employee at least once a year. *The* ~~Such~~ assessment shall be based upon sound educational principles and contemporary research in effective educational practices. *The assessment must use data and indicators of improvement in student performance and may consider results of peer reviews in evaluating the employee's performance. The assessment criteria must include, but are not limited to, indicators that relate to the following:*

1. Ability to maintain appropriate discipline.

2. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

3. Ability to plan and deliver instruction.

4. Ability to evaluate instructional needs.

5. Ability to communicate with parents.

6. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

(b) All personnel shall be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) *The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the* ~~A~~ written report ~~of each assessment shall be made and a copy thereof shall be given~~ to the employee no later than 10 days after the assessment takes

place. The *evaluator must discuss the* written report of assessment ~~shall be discussed~~ with the employee ~~by the person responsible for preparing the report~~. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) *If* ~~In the event that~~ an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. *The notice must* ~~and~~ describe such unsatisfactory performance *and include notice of the following procedural requirements:*

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2. The employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days from the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

3. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment. ~~The evaluator shall thereafter confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct such deficiencies within a reasonable, prescribed period of time.~~

~~(3) A complete statement of the assessment criteria shall include, but shall not be limited to, observable indicators that relate to the following:~~

~~(a) Ability to use appropriate classroom management techniques, including ability to maintain appropriate discipline.~~

~~(b) Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.~~

~~(c) Ability to plan and deliver instruction.~~

~~(d) Ability to evaluate instructional needs.~~

~~(e) Other professional competencies, responsibilities, and requirements as determined by the local district.~~

~~(4) The individual responsible for the supervision of the employee shall make the assessment of the employee and forward such assessment to the superintendent for the purpose of reviewing the employee's contract.~~

(4)~~(5)~~ The superintendent shall notify the department of any instructional personnel who receive two consecutive unsatisfactory ~~annual~~ evaluations and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 231.28(1)(b).

(5) The superintendent shall develop a mechanism for evaluating the effective use of assessment criteria and evaluation procedures by administrators who are assigned responsibility for evaluating the performance of instructional personnel. The use of the assessment and evaluation procedures shall be considered as part of the annual assessment of the administrator's performance. The system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.

(6) Nothing in this section shall be construed to grant a probationary employee a right to continued employment beyond the term of his or her contract.

(7) The district school board shall establish a procedure annually reviewing instructional personnel assessment systems to determine compliance with this section. All substantial revisions to an approved system must be reviewed and approved by the school board before being used to assess instructional personnel. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an assessment system.

Section 2. Section 231.36, Florida Statutes, 1996 Supplement, is amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. *The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract.* After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the school board.

(2) Any person so employed on the basis of a written offer of a specific position by a duly authorized agent of the school board for a stated term of service at a specified salary, and who accepted such offer by telegram or letter or by signing the regular contract form, who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement by the school board of the district in which the person is employed shall be subject to the jurisdiction of the Education Practices Commission. The school board shall take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education.

(3)(a) The school board of each district shall provide a professional service contract as prescribed herein. Each member of the instructional

staff who completes the following requirements prior to July 1, 1984, shall be entitled to and shall be issued a continuing contract in the form prescribed by rules of the state board pursuant to s. 231.36, Florida Statutes 1981. Each member of the instructional staff who completes the following requirements on or after July 1, 1984, shall be entitled to and shall be issued a professional service contract in the form prescribed by rules of the state board as provided herein:

1. The member must hold a professional certificate as prescribed by s. 231.17 and rules of the State Board of Education.~~;~~

2. The member must have completed 3 years of probationary service in the district~~, 1 year of which must be the professional orientation program where required,~~ during a period not in excess of 5 successive years, except for leave duly authorized and granted.~~; and~~

3. The member must have been recommended by the superintendent for such contract and reappointed by the school board based on successful performance of duties and demonstration of professional competence.

4. For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract.

(b) The professional service contract shall be effective at the beginning of the school fiscal year following the completion of all requirements therefor.

(c) The period of service provided herein may be extended to 4 years when prescribed by the school board and agreed to in writing by the employee at the time of reappointment.

(d) A school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district.

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29~~(4)~~, charges the employee with unsatisfactory performance *and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.*

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, ~~as determined under the provisions of s. 231.29 and notifies the employee~~ in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29~~(4)~~, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the *school board's* ~~employee's~~ election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within *60* ~~45~~ days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within *60* ~~45~~ days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(4)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent, by the principal if his or her contract is not under consideration, or by a majority of the school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the school board, and such notice shall include a copy of the charges and the recommendation to the school board. The school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude. Whenever such charges are made against any such employee of the school board, the school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which

he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(5) Should a school board have to choose from among its personnel who are on continuing contracts or professional service contracts as to which should be retained, such decisions shall be made pursuant to the terms of a collectively bargained agreement, when one exists. If no such agreement exists, the district school board shall prescribe rules to handle reductions in workforce.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract *for*~~; however, the charges against him or her must be based on~~ just cause as provided in paragraph (1)(a). ~~Whenever such charges are made against any such employee of the school board,~~ The school board *must notify the employee in writing whenever charges are made against the employee and* may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. *If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:*

1. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment. ~~When an employee is notified in writing of such charges, he or she will have 15 days from receipt of the notice to demand, in writing, a hearing to be conducted at the employee's election in accordance with either sub-subparagraph a. or sub-subparagraph b. of subparagraph (3)(e)4.~~

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude. Whenever such charges are made against any such employee of the school board, the school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(7) The school board of any given district shall grant continuing service credit for time spent performing duties as a member of the Legislature to any district employee who possesses a professional service contract, multiyear contract, or continuing contract.

(8) Notwithstanding any other provision of law, any member who has retired may interrupt retirement and be reemployed in any public school. Any member so reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1); however, no regular retirement employee shall be eligible to renew membership under a retirement system created by chapter 121 or chapter 238.

Section 3. This act shall take effect July 1, 1997.

And the title is amended as follows:

Remove the entire title and insert in lieu thereof: A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising provisions relating to contracts with instructional staff, supervisors, and principals; providing for a probationary period and for dismissal; requiring performance assessments; revising hearing procedures; providing an effective date.

On motion by Senator Grant, the Senate concurred in the House amendment.

CS for SB 340 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Harris, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for HB 703—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the third time by title.

On motion by Senator Harris, **CS for HB 703** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Diaz-Balart	Harris
Bankhead	Childers	Dudley	Holzendorf
Bronson	Clary	Forman	Horne
Brown-Waite	Cowin	Grant	Jenne
Burt	Crist	Gutman	Jones
Campbell	Dantzler	Hargrett	Kirkpatrick

Klein	McKay	Rossin	Thomas
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	
Lee	Ostalkiewicz	Sullivan	

Nays—1

Turner

On motion by Senator Clary, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to CS for HB 787 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms "sexual misconduct" and "employee"; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

On motion by Senator Clary, the Senate receded from the Senate amendments.

CS for HB 787 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to HB 1469 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1469—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

On motion by Senator Clary, the Senate receded from the Senate amendments.

HB 1469 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1646, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

House Amendment 1—On page 3, line 12, through page 5, line 12, remove from the bill all of said lines and insert in lieu thereof:

Section 3. Subsection (1) of section 556.103, Florida Statutes, is amended and subsection (5) is added to that section to read:

556.103 Creation of the corporation; establishment of the board of directors; authority of the board; annual report.—

(1) The "Sunshine State One-Call of Florida, Inc." is hereby created as a not-for-profit corporation. *Each* ~~Any~~ operator of an underground facility in this state *shall* ~~may~~ be a member of the corporation and *shall* ~~may~~ use and participate in the system, *except that a small city as defined in s. 120.52 may elect by January 1, 1998, not to participate in the system until January 1, 2003, through a written notification identifying any reasons for declining membership*. The corporation shall be formed by June 1, 1993. The corporation shall administer the provisions of this act. The corporation shall exercise its powers through a board of directors established pursuant to this section.

(5) Beginning in 1998, the board of directors shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor, not later than 60 days before the convening of each regular session of the Legislature, an annual progress report on the participation by municipalities and counties in the one-call notification system created by this chapter.

Section 4. Section 556.104, Florida Statutes, is amended to read:

556.104 One-call notification system.—The corporation shall establish a one-call toll-free telephone notification system which shall be operational by June 1, 1994. Any person who furnishes or transports

materials or services by means of an underground facility in this state *shall* ~~may elect to~~ participate as a member operator of the system *except that a small city as defined in s. 120.52 may elect not to participate in the system in the manner set forth in s. 556.103(1).* The purpose of the system is to receive notification of planned excavation or demolition activities and to notify member operators of such planned excavation or demolition activities. The system shall provide a single toll-free telephone number within this state which excavators can use to notify member operators of planned excavation or demolition activities.

Section 5. Subsection (4) of section 556.105, Florida Statutes, 1996 Supplement, is amended to read:

556.105 Procedures.—

(4) All member operators within the defined area of a proposed excavation or demolition shall be promptly notified through the system, *except that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate such facilities.*

Section 6. Paragraph (e) of subsection (2) of section 556.106, Florida Statutes, is amended to read:

556.106 Liability of the member operator, excavator, and system.—

(2)

(e) When an excavator knows or should know of the presence of an underground facility *of a nonmember small city as defined in s. 120.52,* he *or she* shall make reasonable efforts to contact the *small city that* ~~person who~~ owns or operates that facility prior to commencing an excavation or demolition~~, regardless of whether that person is a member operator~~.

On motion by Senator Lee, the Senate concurred in the House amendment.

CS for SB 1646 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has reconsidered SB 258, and passed SB 258, with further amendment(s) and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 258—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (c), (g), and (h) of subsection (4) of section 947.16, Florida Statutes, are amended to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission.—

(4) A person who has become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, burglary of a dwelling or burglary of a structure or conveyance in which a human being is present, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first one-third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to the first one-third of the maximum sentence imposed for the highest felony of which the person was convicted. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein applies to one-third of the total consecutive sentences imposed.

(c) In such a case of retained jurisdiction, the commission, within 30 days after the entry of its release order, shall send notice of its release order to the original sentencing judge and to the appropriate state attorney. The release order shall be made contingent upon entry of an order by the appropriate circuit judge relinquishing jurisdiction as provided for in *paragraphs (d) and (f)* ~~paragraph 5(d) and (f)~~. If the original sentencing judge is no longer in service, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the original sentencing judge. Such notice shall stay the time requirements of s. 947.1745.

(g) The decision of the original sentencing judge or, in his absence, the chief judge of the circuit to vacate any parole release order as provided in this *section* ~~act~~ is not appealable. Each inmate whose parole release order has been vacated by the court shall be reinterviewed within 2 years after the date of receipt of the vacated release order and every 2 years thereafter, or earlier by order of the court retaining jurisdiction. *However, each inmate whose parole release order has been vacated by the court and who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

shall be reinterviewed once within 5 years after the date of receipt of the vacated release order and once every 5 years thereafter, if the commission finds that it is not reasonable to expect that parole would be granted during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish a reinterview date prior to the 5-year schedule.

(h) An inmate whose parole release order has been vacated by the court may not be given a presumptive parole release date during the period of retention of jurisdiction by the court. During such period, a new effective parole release date may be authorized at the discretion of the commission without further interview unless an interview is requested by no fewer than two commissioners. Any such new effective parole release date *must* ~~shall~~ be reviewed in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g).

Section 2. Subsection (1) of section 947.174, Florida Statutes, is amended to read:

947.174 Subsequent interviews.—

(1)*(a)* For any inmate, *except an inmate convicted of an offense enumerated in paragraph (b),* whose presumptive parole release date falls more

than 2 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place within 2 years after the initial interview and every 2 years thereafter.

(b) For any inmate convicted of murder, attempted murder, sexual battery, attempted sexual battery, or who has been sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082, and whose presumptive parole release date is more than 5 years after the date of the initial interview, a hearing examiner shall schedule an interview for review of the presumptive parole release date. Such interview shall take place once within 5 years after the initial interview and once every 5 years thereafter if the commission finds that it is not reasonable to expect that parole will be granted at a hearing during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her tentative release date, the commission may establish an interview date prior to the 5-year schedule.

(c) Such interviews shall be limited to determining whether or not information has been gathered which might affect the presumptive parole release date. The provisions of this subsection shall not apply to an inmate serving a concurrent sentence in another jurisdiction pursuant to s. 921.16(2).

Section 3. Subsection (6) of section 947.1745, Florida Statutes, is amended to read:

947.1745 Establishment of effective parole release date.—If the inmate's institutional conduct has been satisfactory, the presumptive parole release date shall become the effective parole release date as follows:

(6) Within 90 days before the effective parole release date interview, the commission shall send written notice to the sentencing judge of any inmate who has been scheduled for an effective parole release date interview. If the sentencing judge is no longer serving, the notice must be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the sentencing judge. Within 30 days after receipt of the commission's notice, the sentencing judge, or the designee, shall send to the commission notice of objection to parole release, if the judge objects to such release. If there is objection by the judge, such objection may constitute good cause in exceptional circumstances as described in s. 947.173, and the commission may schedule a subsequent review within 2 years, extending the presumptive parole release date beyond that time. *However, for an inmate who has been:*

1. Convicted of murder or attempted murder;

2. Convicted of sexual battery or attempted sexual battery; or

3. Sentenced to a 25 year minimum mandatory sentence previously provided in s. 775.082,

the commission may schedule a subsequent review under this subsection once every 5 years, extending the presumptive parole release date beyond that time if the commission finds that it is not reasonable to expect that parole would be granted at a review during the following years and states the bases for the finding in writing. For any inmate who is within 7 years of his or her release date, the commission may schedule a subsequent review prior to the 5 year schedule. With any subsequent review the same procedure outlined above will be followed. If the judge remains silent with respect to parole release, the commission may authorize an effective parole release date. This subsection applies if the commission desires to consider the establishment of an effective release date without delivery of the effective parole release date interview. Notice of the effective release date must be sent to the sentencing judge, and either the judge's response to the notice must be received or the time period allowed for such response must elapse before the commission may authorize an effective release date.

Section 4. Section 947.1748, Florida Statutes, is created to read:

947.1748 Establishing parole interview dates; exceptions.—For any inmate serving a parole-eligible sentence whose reinterview date, as authorized under section 947.16, interview date, as authorized under section 947.174, or subsequent review date, as authorized under section 947.1745, is scheduled once every 5 years, the commission may establish a reinterview, interview or subsequent review date prior to the 5-year schedule if:

(1) the inmate is permanently or irreversibly physically incapacitated or terminally ill due to injury, disease, or illness;

(2) the inmate performs an outstanding deed; or

(3) the inmate's circumstances are exceptional and significant.

Section 5. This act shall take effect October 1, 1997, and shall apply to the setting of subsequent interview dates as authorized by section 947.16(4)(g), Florida Statutes, and section 947.174(1), Florida Statutes, and the setting of subsequent review dates as authorized by section 947.1745(6), Florida Statutes, on or after such effective date.

And the title is amended as follows:

On page 1, lines 1-8, remove the entire title of the bill and insert in lieu thereof: A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review the presumptive release dates of certain inmates less frequently; requiring the commission to make certain written findings; allowing the commission to establish earlier review dates for certain inmates who are within a designated time of their tentative release dates; creating s. 947.1748, F.S.; allowing the commission to establish earlier review dates for certain inmates under certain circumstances; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 6, lines 18-31, on page 7, lines 1 and 2, remove from the amendment all of said lines

(Renumber subsequent section[s])

And the title is amended as follows:

On page 7, lines 28-31, of the amendment remove all of said lines and insert in lieu thereof: dates; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendments.

SB 258 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Holzendorf

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed HB 1073 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1073—A bill to be entitled An act relating to land reclamation; amending s. 378.601, F.S.; exempting certain heavy mineral mining operations from requirements for development of regional impact review; requiring certain permits or plan approvals; amending s. 378.035, F.S.; providing for use of Nonmandatory Land Reclamation Trust Fund moneys for reclamation and management of phosphate lands; providing

for liens; requiring a report; amending s. 378.901, F.S.; providing conditions when a life-of-the-mine permit for sand mines may be issued; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 15, lines 19-31, remove from the amendment all of said lines and insert:

Section 9. Subsections (8) and (9) of section 403.182, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (9) is added to said section to read:

403.182 Local pollution control programs.—

(8) If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source located north of the Cross Florida Greenway, permitted and under construction as of May 1, 1997. Provisions of this subsection shall not apply to any facility which primarily generates electric power.

And the title is amended as follows:

On page 23, lines 10 and 11 of the amendment remove all of said lines and insert in lieu thereof: installation or source permitted and under construction at the time of the change under certain conditions;

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment to the Senate amendment.

HB 1073 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 750, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 750—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.021, F.S.; providing for reasonable costs and attorney's fees when the obligation of good faith and fair dealing is breeched; amending s. 723.037, F.S.; revising provisions with respect to lot rental increases; amending s. 723.0381, F.S.; revising arbitration procedures; amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, line 25, through page 4, line 23 remove from the bill all of said lines and insert in lieu thereof:

Section 4. Subsections (9) and (10) of section 723.006, Florida Statutes, are created to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(9) The division shall adopt rules establishing a category of minor violations of this chapter or rules promulgated pursuant hereto. A minor violation means a violation which does not endanger the health, safety or welfare of mobile home residents, which does not involve the failure to make full and fair disclosure, or which does not cause economic harm to mobile home park residents.

(10) The division is authorized to require disclosures to fully and fairly disclose all matters required by chapter 723. If a park owner or operator, in good faith, has attempted to comply with the requirements of this chapter, and if, in fact, the park owner or operator has substantially complied with the disclosure requirements of this chapter, nonmaterial errors or omissions in the disclosure materials shall not be actionable.

(11) Upon adoption of rules establishing minor violations and a determination by the division that the violation is a minor violation, the division may levy a civil penalty of up to $250 but shall not require a refund of rent increases, fees, charges or assessments, including pass-through and pass-ons collected from mobile home owners. Until rules have been adopted as provided in this section, the enforcement procedures of the division in existence on the effective date of this act shall be in effect.

And the title is amended as follows:

On page 1, lines 9-11, remove from the title of the bill: amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; and insert in lieu thereof: amending s. 723.006, F.S.; revising language with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; providing that the division is authorized to require disclosures to fully and fairly disclose all matters required by ch. 723, F.S.; providing for good faith compliance by park owners or operators; directing the division not to require refunds under certain circumstances; providing a fine for minor violations; providing for certain rules;

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 750 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) 2, 3 and 4, amended Senate Amendment(s) 1 and concurred in same as amended, and passed CS for HB 915 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 915—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; exempting certain vessels used by vessel manufacturers and dealers solely for demonstration, sales promotional, or testing purposes from said tax; providing a definition; providing for application; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may make estimated tax payments for a portion of sales, while remitting the tax for sales of $100,000 or more at the time of sale; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 6, line 31, after the period (.) insert:

Section 4. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1996 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, *or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

(Renumber subsequent section[s])

And the title is amended as follows:

On page 7, line 7, of the amendment after the semicolon (;) insert: amending s. 212.031, F.S.; relating to the lease or rental of or license in real property; providing language with respect to property located at a port;

On motion by Senator Williams, the Senate concurred in the House amendment to the Senate amendment.

CS for HB 915 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed HB 1545 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1545—A bill to be entitled An act relating to education; amending ss. 239.117, 240.235, and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.334, F.S.; conforming provisions; amending s. 240.36, F.S.; renaming the Florida Academic Improvement Trust Fund for Community Colleges; providing the community college system with the opportunity to receive and match challenge grants; specifying the State Board of Community Colleges as an eligible community college entity; providing for matching funds by any community college entity; requiring transfer of state matching funds to foundations; requiring each community college entity to establish its own academic improvement trust fund for the deposit of funds; specifying the use of funds; deleting certain requirements restricting the use of money for specified scholarship purposes; creating s. 240.4041, F.S.; permitting part-time students with a disability to be eligible for state financial aid; amending s. 240.6045, F.S.; revising provisions relating to a limited access competitive grant program; amending s. 229.551, F.S.; including private postsecondary education institutions; providing an exception to the course leveling requirement; amending s. 240.107, F.S., and reenacting s. 239.213(3), F.S., relating to vocational-preparatory instruction, to incorporate said amendment in a reference; deleting an alternative to

the College Level Academic Skills Test; deleting a testing requirement; amending s. 240.116, F.S., relating to dual enrollment; providing an exception to grade point average requirements under certain circumstances; amending s. 240.117, F.S.; revising provisions relating to common placement testing for dual enrollment students; amending s. 240.1163, F.S.; providing limitations for calculating dual enrollment grades; authorizing the approval of dual enrollment agreements for limited course offerings with statewide appeal; creating s. 240.65, F.S.; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying duties of the institute; providing review and approval by Florida Distance Learning Network; repealing s. 240.65, F.S., after a date certain; creating s. 240.66, F.S.; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; providing for consortium membership; providing duties of the consortium; providing review and approval by Florida Distance Learning Network; amending s. 120.542, F.S.; providing that public employees are not persons subject to regulation for the purposes of waiver and variance; amending s. 120.81, F.S.; providing for exceptions to notice requirements and filing requirements; providing for retroactive effect; amending s. 231.17, F.S.; providing specific authority to adopt rules related to the educational certification of speech pathologists; amending ss. 228.041, 231.1725, 232.246, 233.067 and 236.081, F.S.; renaming home economics courses as family and consumer sciences courses; amending s. 239.105, F.S.; revising definitions of the terms "adult secondary education," "basic literacy," and "functional literacy"; defining the terms "beginning literacy" and "family literacy"; amending s. 239.205, F.S.; deleting a rulemaking requirement regarding career education programs; amending s. 239.213, F.S.; revising provisions relating to standards of basic skills mastery; providing for the use of adult basic education to meet certain needs; amending s. 239.229, F.S.; requiring the identification of vocational standards related to work experience; requiring the development of additional program standards and benchmarks; amending s. 239.301, F.S., relating to adult general education; conforming language to revised definitions; amending s. 239.305, F.S., relating to adult literacy; conforming language to revised definitions; removing a State Board of Education rule requirement; removing specific annual reporting requirements; providing for status reports in lieu of annual reports; deleting a requirement for the submission of a plan to the Commissioner of Education; amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees; amending s. 240.319, F.S., relating to duties and powers of community college district boards of trustees; providing for specific authority; repealing ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S., relating to annual reports of economic development centers, annual reports of community college campus crime statistics, and rules for the operation of child development training centers; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; creating s. 232.2466, F.S.; providing requirements for a college-ready diploma program; requiring a task force to recommend incentives for pursuit of a college-ready diploma; amending s. 239.117, F.S.; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 239.301, F.S.; deleting conflicting language; requiring the payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; amending s. 240.1161, F.S.; requiring implementation strategies for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; providing for the promotion of "tech prep" activities; amending s. 240.117, F.S.; requiring the administration of the common placement test or an equivalent test during the tenth grade; requiring the administration of an institutionally developed test in lieu of the common placement test as an exit exam from remedial instruction; clarifying language regarding the offering of college-preparatory instruction; requiring payment of fees for the continuous enrollment of students in college-preparatory instruction; providing an exception; creating s. 240.124, F.S.; providing for an increase in fees for undergraduate students who continually enroll in the same college credit courses; providing for exceptions; amending s. 240.321, F.S.; applying entrance requirements to all degree programs; permitting a demonstration of competency as an alternative degree program admission requirement; providing an exemption from the testing requirement under certain circumstances; requiring the establishment of institutional policies regarding alternatives to traditional college-preparatory instructional methods; amending s. 239.117, F.S., relating to postsecondary student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES coalition; amending s. 239.249, F.S.; providing an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding; amending s. 239.301, F.S.; providing for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition; amending s. 240.35, F.S., relating to student fees; allowing payment for the cost of fee exemptions to be made through a contract with the local WAGES Coalition; amending s. 414.065, F.S., relating to work requirements for participation in the WAGES Program; including paid apprenticeship activities, the work component of cooperative education activities, and work-study activities in work activities; permitting educational institutions to provide training and receive subsidies to offset the cost of the training; providing reasons for placement in community service; defining work experience; clarifying the role of remedial or basic skills training; revising requirements for payment to a provider of vocational education or training; requiring the development of programs to address the needs of "hard-to-place" recipients; expanding the definition of job skills training; providing additional literacy or basic skills requirements related to work activity requirements; requiring the establishment of a task force to investigate issues associated with job training and workforce development; providing effective dates.

House Amendment 2 to Senate Amendment 1—On page 22, line 18 through page 23, line 23, remove from the amendment all of said lines and renumber subsequent section[s].

House Amendment 4 (with title amendment) to Senate Amendment 1—On page 38, between lines 2 and 3, of the amendment insert:

Section 27. Subsection (2) of s. 240.313, Florida Statutes, is amended to read:

(2) Community college district boards of trustees shall be comprised of five members when a community college district is confined to one school board district; seven members when a community college district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by regulations of the state board. *However, Florida Community College at Jacksonville shall have an odd number of trustees.*

(Renumber subsequent section[s])

And the title is amended as follows:

On page 71, line 11, of the amendment after the semicolon (;) insert: amending s. 240.313, F.S.; providing for an odd number of members on the Florida Community College at Jacksonville Board of Trustees;

House Amendment 5 to Senate Amendment 1—On page 46, line 27, through page 48, line 20, remove from the amendment all of said lines and insert in lieu thereof:

Section 33. Paragraph (e) of subsection (2) of section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for instruction:

(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997.* Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

Section 34. Paragraph (a) of subsection (5) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(5)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997,* shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

Section 35. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, *or who is adopted from the Department of Children and Family Services after December 31, 1997, shall be* ~~is~~ exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. *Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.*

House Amendment 6 (with title amendment) to Senate Amendment 1—On page 13, between lines 20 and 21, insert:

Section 10. Paragraph (c) of subsection (5) of section 240.605, Florida Statutes, 1996 Supplement, is amended to read:

240.605 Florida resident access grants.—

(5)

(c) For the *1997-1998* ~~1996-1997~~ fiscal year only, funding for the Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, *1998* ~~1997~~.

(Renumber subsequent section[s].)

And the title is amended as follows:

On page 68, line 21, of the amendment after "test;" insert: amending s. 240.605, F.S.; revising language with respect to Florida resident access grants; revising dates;

On motion by Senator Grant, the Senate concurred in the House amendments to the Senate amendment.

HB 1545 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzler	Gutman	Jones
Kirkpatrick	Lee	Ostalkiewicz	Sullivan
Klein	McKay	Rossin	Turner
Kurth	Meadows	Scott	Williams
Latvala	Myers	Silver	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1660, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1660—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; exempting the sale of steam energy used in manufacturing; providing an exception to the exemption for aircraft repair and maintenance labor charges; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund; amending s. 213.21, F.S.; revising provisions which authorize the department to

delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (5) of section 203.01, Florida Statutes, 1996 Supplement, is amended to read:

203.01 Tax on gross receipts for utility services.—

(5) The tax imposed pursuant to this part relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and, *when separately stated, the tax becomes* ~~may be added as a component~~ part of the total charge *for the utility service*. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this part which is effective after December 31, 1989, and the ability to recover the increased charge from the customer shall not be subject to regulatory approval.

Section 2. Subsection (1) of section 203.63, Florida Statutes, is amended to read:

203.63 Tax on interstate and international telecommunication services.—

(1) The tax imposed pursuant to this part relating to the provision of any telecommunication services, at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and, *when separately stated, the tax becomes part of the total charge for the utility service* ~~may be added as a component part of such charge~~. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services.

Section 3. Subsections (27), (28), (29), and (30) are added to section 212.02, Florida Statutes, 1996 Supplement, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(27) "Self-propelled farm equipment" means equipment that contains within itself the means for its own propulsion, including, but not limited to, tractors.

(28) "Power-drawn farm equipment" means equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, discs, harrows, hay balers, and mowers.

(29) "Power-driven farm equipment" means moving or stationary equipment that is dependent upon an external power source in order to perform its function, including, but not limited to, conveyors, augers, feeding systems, and vacuum pumps.

(30) "Forest" means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

Section 4. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1996 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, *or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological

modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 5. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, 1996 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, *on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.*

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 6. Effective January 1, 1998, subsection (5) of section 212.04, Florida Statutes, 1996 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(5) All of the provisions of this chapter relating to collection, investigation, discovery, and aids to collection of taxes upon sales of tangible personal property shall likewise apply to all privileges described or referred to in this section, and the obligations imposed in this chapter upon retailers are hereby imposed upon the seller of such admissions. When tickets or admissions are sold and not used but returned and credited by the seller, the seller may apply to the department for a credit allowance for such returned tickets or admissions if advance payments have been made by the buyer and have been returned by the seller, upon such form and in such manner as the department may from time to time prescribe. The department may, upon obtaining satisfactory proof of the refunds on the part of the seller, credit the seller for taxes paid upon admissions that have been returned unused to the purchaser of those admissions. The seller of admissions, upon the payment of the taxes before they become delinquent and the rendering of the returns in accordance with the requirement of the department and as provided in this law, shall be entitled to a discount of 2.5 percent of the amount of taxes upon the payment thereof before such taxes become delinquent, in the same manner as permitted the sellers of tangible personal property in this chapter. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no discount shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~.

Section 7. Effective January 1, 1998, subsection (1) of section 212.12, Florida Statutes, 1996 Supplement, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his or her report and paying the amount due by him or her; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him or her, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds *$1,400* ~~$1,200~~, no allowance shall be allowed for all amounts in excess of *$1,400* ~~$1,200~~. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. For returns remitted on or after February 1, 1992, the department shall also require that sales made through vending machines as defined in s. 212.0515 be separately shown. For returns remitted on or after February 1, 1995, sales made through coin-operated amusement machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to said form.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

Section 8. Paragraphs (e) and (l) of subsection (1) of section 212.05, Florida Statutes, 1996 Supplement, are amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(e)1. At the rate of *7* ~~6~~ percent on *the total charge* ~~charges~~ for:

a. ~~All telegraph messages and long-distance telephone calls beginning and terminating in this state,~~ Telecommunication service as defined in s. 203.012, and those services described in s. 203.012(2)(a). *The tax shall be applied to the total charge for each message, call, or other segment or component of telecommunication service for which a customer is charged*~~, except that the tax rate for charges for telecommunication service is 7 percent~~.

b. Electrical power or energy.

2. At the rate of 6 percent on charges for:

a.~~b.~~ Any television system program service.

b.~~c.~~ The installation of telecommunication and telegraphic equipment.

~~d. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 7 percent.~~

3.~~2.~~ For purposes of this part, "television system program service" means the transmitting, by any means, of any audio or video signal to a subscriber for other than retransmission, or the installing, connecting, reconnecting, disconnecting, moving, or changing of any equipment related to such service. For purposes of this part, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

4.~~3.~~ Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

5.~~4.~~ The tax imposed pursuant to this paragraph shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to

the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons.

6.~~5.~~ If the sale of a television system program service, as defined in this paragraph, also involves the sale of an item exempt under s. 212.08(7)(j), the tax shall be applied to the value of the taxable service when it is sold separately. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption, except that the amount identified as taxable shall not be less than the cost of the service.

(l)1. Notwithstanding any other provision of this part, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender;

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded at a rate in excess of its face value, the tax shall be at a rate of 6 percent of the difference between the price at which it is sold, exchanged, or traded and its face value.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency shall be exempt from the tax imposed by this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

Section 9. Paragraph (b) of subsection (2) of section 212.054, Florida Statutes, 1996 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Transactions that are subject to the tourist development tax levied and imposed under s. 125.0104(3) are not subject to the discretionary surtax levied under s. 212.055 by the governing body of a high tourism impact county if:

a. The aggregate rate of the tourist development tax levied and imposed on such transactions within the county equals or exceeds 5 percent; and

b. The discretionary surtax that is initially levied by the governing body of the county has an effective date of January 1, 1998, or later.

If the tourist development tax is levied and imposed only in a subcounty special district and not in the entire county, the exemption provided under this subparagraph applies only in the subcounty special district. If the aggregate rate of the tourist development tax levied and imposed within the county or subcounty special district is reduced to less than 5 percent, the exemption provided under this subparagraph no longer applies within the county or subcounty special district.

Section 10. Subsection (1) of section 212.06, Florida Statutes, is amended and subsection (13) is added to that section to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)(a) The aforesaid tax at the rate of 6 percent of the retail sales price as of the moment of sale, 6 percent of the cost price as of the moment of purchase, or 6 percent of the cost price as of the moment of commingling with the general mass of property in this state, as the case may be, shall be collectible from all dealers as herein defined on the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of tangible personal property or services taxable under this part. The full amount of the tax on a credit sale, installment sale, or sale made on any kind of deferred payment plan shall be due at the moment of the transaction in the same manner as on a cash sale.

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his or her own use shall pay a tax upon the cost of the product manufactured, produced, compounded, processed, or fabricated without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02 defining "cost price." However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy at a single location, when such power or energy is used directly and exclusively at such location, or at other locations if the energy is transferred through facilities of the owner in the operation of

machinery or equipment that is used to manufacture, process, compound, produce, fabricate, or prepare for shipment tangible personal property for sale or to operate pollution control equipment, maintenance equipment, or monitoring or control equipment used in such operations. The manufacture or production of electrical power or energy that is used for space heating, lighting, office equipment, or air-conditioning or any other nonmanufacturing, nonprocessing, noncompounding, nonproducing, nonfabricating, or nonshipping activity is taxable. Electrical power or energy consumed or dissipated in the transmission or distribution of electrical power or energy for resale is also not taxable. Fabrication labor shall not be taxable when a person is using his or her own equipment and personnel, for his or her own account, as a producer, subproducer, or coproducer of a qualified motion picture. For purposes of this part, the term "qualified motion picture" means all or any part of a series of related images, either on film, tape, or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted, or altered for exploitation in, on, or through any medium or device and at any location, primarily for entertainment, commercial, industrial, or educational purposes. A person who manufactures factory-built buildings for his or her own use in the performance of contracts for the construction or improvement of real property shall pay a tax only upon the person's cost price of items used in the manufacture of such buildings.

(c) Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and upon the cost of the transportation of such components and ingredients. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.

(d) For purposes of paragraph (b), the department may establish a cost price amount for industry groups that manufacture, produce, compound, process, or fabricate tangible personal property for their own use in the performance of contracts for improvements to real property. Such cost price amount must be established as a percentage, rounded to the nearest whole number, of the total contract price charged for the improvement. The cost price percentages established must be adopted by rule pursuant to the procedures provided in s. 120.54, upon petition of a majority of the members of an industry group or by a statewide association that represents such industry group, and must be based on a reasonable estimate of average costs incurred by members of the petitioning industry group. The department is required to adopt a cost price percentage only if sufficient information is available to determine such percentage. The information considered by the department to establish the cost price percentage must be that set forth in the petition or that which is otherwise made available to the department. Any cost price percentage so established must be available only by election of a member of the industry group for which the percentage was established and may apply only to such periods or contracts for which the election is made. The election shall be made by the taxpayer by timely accruing and remitting tax on the contract using the established percentage figure. If the taxpayer does not timely accrue and remit the use tax due for a contract using the percentage figure, the taxpayer shall not later be allowed to use this method of calculating the use tax due for that contract. Taxpayers must maintain adequate records reflecting the accrual of tax using the percentage figure on actual cost price. Any cost price so established must remain available for use for a period of at least 5 years from the date of its adoption and must be reviewed and be subject to adjustment by the department no more frequently than at 5-year intervals. The provisions of this paragraph shall not be available to those persons subject to the provisions of paragraph (c).

(13) For the purpose of determining whether a person is improving real property, the term:

(a) "Real property" means the land, improvements thereto, and fixtures, and is synonymous with the terms "realty" and "real estate."

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed, but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: trade fixtures; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or machinery or equipment. To be considered a fixture, it is not necessary that the owner of the fixture also own the real property to which it is attached.

(c) "Improvements to real property" includes the activities of building, erecting, constructing, altering, improving, repairing, or maintaining real property.

Section 11. Subsections (1) and (3), paragraph (b) of subsection (5), paragraphs (o), (ff), and (ii) of subsection (7), and subsection (14) of section 212.08, Florida Statutes, 1996 Supplement, are amended, and paragraphs (nn), (oo), (pp), (qq), (rr), (ss), and (tt) are added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(1) EXEMPTIONS; GENERAL GROCERIES.—

(a) Food products for human consumption are exempt from the tax imposed by this chapter.

(b) As used in this subsection, "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to:

1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products, and products intended to be mixed with milk.

2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee, coffee substitutes, or cocoa; and tea, unless it is sold in a liquid form.

3. Bakery products sold by bakeries, pastry shops, or like establishments which do not have eating facilities.

(c) The exemption provided by this subsection does not apply:

1. When the food products are sold as meals for consumption on or off the premises of the dealer.

2. When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.

3. When the food products are ordinarily sold for immediate consumption on the premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.

4. To sandwiches sold ready for immediate consumption on or off the premises.

5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.

6. When the food products are sold as hot prepared food products.

7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a

"soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.

8. To ice cream, frozen yogurt, and similar frozen diary or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.

9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.

10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.

11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments which have eating facilities, except when sold for consumption off the premises.

13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection:

1. "For consumption off the premises" means that the food or drink is intended by the customer to be consumed at a place away from the dealer's premises.

2. "For consumption on the premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature which is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

~~(a) There are exempt from the tax imposed by this chapter food and drinks for human consumption except candy. Unless the exemption provided by paragraph (7)(q) for school lunches, paragraph (7)(i) for meals to certain patients or inmates, paragraph (7)(k) for meals provided by certain nonprofit organizations, or paragraph (7)(z) for food or drinks sold through vending machines pertains, none of such items of food or drinks means:~~

~~1. Food or drinks served, prepared, or sold in or by restaurants; drugstores; lunch counters; cafeterias; hotels; amusement parks; racetracks; taverns; concession stands at arenas, auditoriums, carnivals, fairs, stadiums, theaters, or other like places of business; or by any business or place required by law to be licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, except bakery products sold in or by pastry shops, doughnut shops, or like establishments for consumption off the premises;~~

~~2. Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;~~

~~3. Soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers. The term "soft drink" does not include: natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee or coffee substitutes; tea except when sold in containers as provided herein; cocoa; products intended to be mixed with milk; or natural fluid milk;~~

~~4. Foods or drinks cooked or prepared on the seller's premises and sold ready for immediate consumption either on or off the premises, excluding bakery products for off-premises consumption unless such foods are taxed under subparagraph 1. or subparagraph 2.; or~~

~~5. Sandwiches sold ready for immediate consumption.~~

~~For the purposes of this paragraph, "seller's premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.~~

(e)~~(b)~~1. Food or drinks not exempt under *paragraphs (a), (b), (c), and (d)* ~~paragraph (a)~~ shall be exempt, notwithstanding *those paragraphs* ~~that paragraph~~, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

4. Notwithstanding any other provision of law, the department shall make refunds or allow credits to a distributor equal to the fee imposed and paid under s. 403.7197 on containers purchased by consumers with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.—There shall be taxable at the rate of 3 percent the sale, use, consumption, or storage for use in this state of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment used exclusively *on a farm or in a forest* ~~by a farmer on a farm owned, leased, or sharecropped by the farmer~~ in plowing, planting, cultivating, or harvesting crops *or products as produced by those agricultural industries included in s. 570.02(1). Harvesting is not to be construed to include processing activities. This partial exemption is not forfeited by the act of moving farm equipment between farms or forests.* The rental of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment shall be taxed at the rate of 6 percent.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.*a.* Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing or publishing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, ~~publishing firms that do not export at least 50 percent of their finished product out of the state,~~ any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida *radio or* television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the primary activity of which is distribution of audio recordings of religious scriptures to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, at*

any location, nonprofit religious services, evangelistic services, religious education, or missionary activities for, or in direct participation with, one or more churches, synagogues, or established places of worship at which nonprofit religious services and activities are regularly conducted.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part. *Sales to a health system, qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to April 5, 1997, and which application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from January 1, 1994, to June 1, 1997.*

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(ff) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this part all labor charges for the repair and maintenance of aircraft or more than 20,000 pounds maximum certified takeoff weight. *Except as otherwise provided in this chapter,* charges for parts and equipment furnished in connection with such labor charges are taxable.

(ii) Certain electricity uses.—

1. Charges for electricity *or steam* used *to operate machinery and equipment* ~~directly and exclusively~~ at a fixed location in this state *when such* ~~to operate~~ machinery and equipment ~~that~~ is used to manufacture, process, compound, ~~or~~ produce, *or prepare for shipment* items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt *to the extent provided in this paragraph* ~~from the tax imposed by this part as provided in subparagraph 2~~. *In order to qualify for this exemption, 75 percent or more of the electricity used at the fixed location must be used to operate qualifying machinery or equipment.* ~~The exemption provided for herein is applicable if the electricity that is used for the exempt purposes is separately metered, or if it is not separately metered, it is irrevocably presumed that 50 percent of the charge for electricity is for nonexempt purposes.~~

2. This exemption ~~only~~ applies *only* to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, ~~21,~~ 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 *and Industry No. 2121.* As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a.~~1.~~ Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b.~~2.~~ Beginning July 1, 1997, 40 percent of the charges for such electricity *or steam* shall be exempt.

c.~~3.~~ Beginning July 1, 1998, 60 percent of the charges for such electricity *or steam* shall be exempt.

d.~~4.~~ Beginning July 1, 1999, 80 percent of the charges for such electricity *or steam* shall be exempt.

e.~~5.~~ Beginning July 1, 2000, 100 percent of the charges for such electricity *or steam* shall be exempt.

5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must *first* register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity *or steam* has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Governmental Accountability shall periodically monitor and report on the industries receiving the exemption.

b. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996.

c. The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

d. Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(nn) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof in a single transaction, is exempt if the sales price exceeds $500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(oo) Aircraft sales or leases.—The sale or lease of an aircraft of more than 20,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this part. As used in this paragraph, the term "common carrier" means an airline operating under part 121 or 129 of the federal aviation regulations.

(pp) Aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of commercial aircraft of more than 20,000 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(qq) Gasparilla Distance Classic Association, Inc.—Also exempt from the tax imposed by this part are sales or leases to the Gasparilla Distance Classic Association, Inc., if that organization holds a current exemption from federal corporate income tax liability pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(rr) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(ss) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(tt) Sales involving schools.—There is exempt from the tax imposed under this part the sale or purchase of tangible personal property or services by a public, parochial, church, or nonprofit school operated for and attended by pupils of grades kindergarten through 12, or by a parent-teacher organization or parent-teacher association affiliated with a school, for the purpose of raising funds to support the school.

(14)*(a)* The department shall establish a technical assistance advisory committee with public and private sector members, *including representatives of both manufacturers and retailers,* to advise the Department of Revenue and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services in determining the taxability of specific products and product lines pursuant to subsection (1) and paragraph (2)(a). In determining taxability and in preparing a list of specific products and product lines which are or are not taxable, the committee shall not be subject to the provisions of chapter 120. Private sector members shall not be compensated for serving on the committee.

(b) The department, with the advice of the committee, shall develop guidelines for determining the taxability of specific products. The guidelines shall not be subject to the provisions of chapter 120 and shall be a public record. In developing the guidelines, if the department determines that a proposed guideline substantially affects a particular person, it shall notify the person of the development of the proposed guideline. The guidelines shall be submitted to the Administrative Procedures Committee and the department shall respond to any comments made by the committee or to any person substantially affected by the guidelines.

(c) The advisory committee shall use guidelines determined by the department in making its recommendations. The committee shall forward its recommendations to the department, which shall determine the taxability of specific products. The determination shall be a public record; shall be final upon its publication; and shall remain effective unless a change of determination is published. The determination may be challenged pursuant to a proceeding conducted under ss. 120.569 and 120.57.

(d) The department is authorized to develop a central database and to publish the determination as to the taxability of specific products in a manner that generally provides retailers with information to properly tax products based on their universal product codes. To assure maximum benefit to the retail community, the advisory committee shall help in identifying the scope of information that should be included in the central database and the appropriate methods to assure efficient and effective communication. Information contained in the central database shall not be subject to the provisions of chapter 120 and shall be a public record.

Section 12. Paragraphs (o) and (p) are added to subsection (7) of section 213.053, Florida Statutes, 1996 Supplement, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(o) Information relative to chapters 212 and 220 to the Department of Labor and Employment Security in the conduct of its official duties.

(p) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audit project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audit project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 1999.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 13. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 4. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 4.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

4.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total dollar amount of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the refund for which they may qualify. To receive the tax refund or portion of the tax refund, the institution must agree to match these funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 14. Section 288.095, Florida Statutes, 1996 Supplement, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under *ss. 288.1045* ~~ss. 288.104~~ and 288.106, and local financial support provided under *ss. 288.1045* ~~ss. 288.104~~ and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve

~~not more than the lesser of $10 million in~~ tax refunds pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106. *The office may not approve tax refunds in excess of* ~~or~~ the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to *ss. 288.1045* ~~ss. 288.104~~ and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~department~~ for tax refunds under *ss. 288.1045* ~~ss. 288.104~~ and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the *office* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065~~, including the finding required by s. 288.106(4)(e)2~~. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under *s. 288.1045* ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 15. Paragraph (a) of subsection (2) of section 213.21, Florida Statutes, 1996 Supplement, is amended, and subsections (7) and (8) are added to that section, to read:

213.21 Informal conferences; compromises.—

(2)(a) The executive director of the department or his or her designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1). When such a closing agreement has been approved by the department and signed by the executive director or his or her designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 198.16 and 220.23, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of *$250,000* ~~$100,000~~ or less.

(7)(a) When a taxpayer voluntarily self-discloses a liability for tax to the department, the department may settle and compromise the tax and interest due under the voluntary self-disclosure to those amounts due for the 7 years immediately preceding the date that the taxpayer initially contacted the department concerning the voluntary self-disclosure. For purposes of this paragraph, "years" means tax years or calendar years, whichever is applicable to the tax that is voluntarily self-disclosed. A voluntary self-disclosure shall not be deemed to exist if the department has contacted or informed the taxpayer that the department is inquiring into the taxpayer's liability for tax or whether the taxpayer is subject to tax in Florida.

(b) The department may further settle and compromise the tax and interest due under a voluntary self-disclosure when the department is able to determine that such further settlement and compromise is in the best interest of this state. When making this determination the department shall consider, but is not limited to considering, the following:

1. The amount of tax and interest that will be collected and compromised under the voluntary self-disclosure.

2. The financial ability of the taxpayer and the future outlook of the taxpayer's business and the industry involved.

3. Whether the taxpayer has paid or will be paying other taxes to the state.

4. The future voluntary compliance of the taxpayer.

5. Any other factor the department determines to be relevant to making this determination.

(c) This subsection does not limit the department's ability to enter into further settlement and compromise of the liability that is voluntarily self-disclosed based on any other provision of this section.

(d) This subsection shall not be applicable to a voluntary self-disclosure when the taxpayer collected but failed to remit the tax to the state.

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first $25,000 of any interest liability and 25 percent of any interest due in excess of the first $25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to maintenance of records of compromises and the confidentiality of those records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed July 1, 1999.

Section 16. Section 213.285, Florida Statutes, is created to read:

213.285 Certified audits.—

(1) As used in this section:

(a) "Certification program" means an instructional curriculum and examination for professional development of certified public accountants which is administered by an independent provider and which is officially approved by the department to ensure that a certified public accountant possesses the necessary skills and abilities to successfully perform an attestation engagement for tax compliance review in a certified audits project.

(b) "Department" means the Department of Revenue.

(c) "Participating taxpayer" means any person subject to the revenue laws administered by the department who enters into an engagement with a qualified practitioner for tax compliance review and who is approved by the department under the certified audits project.

(d) "Qualified practitioner" means a certified public accountant who is licensed to practice in Florida, who is in good standing with the Board of Accountancy, and who has completed the certification program.

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified

practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) The department is authorized to adopt rules necessary to implement a certified audits project.

(c) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(d) The certified audits project is repealed on July 1, 1999, or upon completion of the project as determined by the department, whichever occurs first.

(3) Any practitioner responsible for planning, directing, or conducting a certified audit or reporting on a participating taxpayer's tax compliance in a certified audit must be a qualified practitioner. For the purposes of this subsection, a practitioner is considered responsible for:

1. "Planning" in a certified audit when performing work that involves determining the objectives, scope, and methodology of the certified audit, when establishing criteria to evaluate matters subject to the review as part of the certified audit, when gathering information used in planning the certified audit, or when coordinating the certified audit with the department.

2. "Directing" in a certified audit when the work involves supervising the efforts of others who are involved or when reviewing the work to determine whether it is properly accomplished and complete.

3. "Conducting" a certified audit when performing tests and procedures or field audit work necessary to accomplish the audit objectives in accordance with applicable standards.

4. "Reporting" on a participating taxpayer's tax compliance in a certified audit when determining report contents and substance or reviewing reports for technical content and substance prior to issuance.

(4)(a) The qualified practitioner shall notify the department of an engagement to perform a certified audit and shall provide the department with the information the department deems necessary to identify the taxpayer, to confirm that the taxpayer is not already under audit by the department, and to establish the basic nature of the taxpayer's business and the taxpayer's potential exposure to Florida revenue laws. The information provided in the notification shall include the taxpayer's name, federal employer identification or social security number, state tax account number, mailing address, business location, and the specific taxes and period proposed to be covered by the engagement for the certified audit. In addition, the notice shall include the name, address, identification number, contact person, and telephone number of the engaged firm.

(b) If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. However, the department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject to the certified audit on the basis that the department has previously conducted an audit, that it is in the process of conducting an investigation or other examination of the taxpayer's records, or for just cause determined solely by the department.

(c) Notice of the qualification of a taxpayer for a certified audit shall toll the statute of limitations provided in s. 95.091 with respect to the taxpayer for the tax and periods covered by the engagement.

(d) Within 30 days of receipt of the notice of qualification from the department, the qualified practitioner shall contact the department and submit a proposed audit plan and procedures for review and agreement by the department. The department may extend the time for submission of the plan and procedures for reasonable cause. The qualified practitioner shall initiate action to advise the department that amendment or modification of the plan and procedures is necessary in the event the qualified practitioner's inspection reveals the taxpayer's circumstances or exposure to the revenue laws is substantially different than as described in the engagement notice.

(5) Upon the department's designation of the agreed-upon procedures to be followed by the practitioner in the certified audit, the qualified practitioner shall proceed to perform the engagement and shall timely submit a completed report to the department. The report shall attest to the taxpayer's compliance with the specific laws during the periods specified in the notification. The report shall affirm completion of the agreed-upon procedures and shall provide any required disclosures.

(6) The department shall review the report of the certified audit and shall accept it when it is determined to be complete. Once the report is accepted by the department, the department shall issue a notice of proposed assessment reflecting the determination of any additional liability reflected in the report and shall provide the taxpayer with all the normal payment, protest, and appeal rights with respect to the liability. In cases where the report indicates an overpayment has been made, the taxpayer shall submit a properly executed application for refund to the department. Otherwise, the certified audit report is a final and conclusive determination with respect to the tax and period covered. No additional assessment may be made by the department for the specific taxes and period referenced in the report, except upon a showing of fraud or misrepresentation of material facts and except for adjustments made under s. 220.23 or s. 198.16. This determination shall not prevent the department from collecting liabilities not covered by the report or from conducting an audit or investigation and making an assessment for additional tax, penalty, or interest for any tax or period not covered by the report.

Section 17. Effective upon this act becoming a law and operating retroactively to January 1, 1997, paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1996 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *1997* ~~1996~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *1997* ~~1996~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 18. Paragraph (c) is added to subsection (2) of section 220.15, Florida Statutes, paragraph (c) is added to subsection (4) of that section, and subsection (8) is added to that section, to read:

220.15 Apportionment of adjusted federal income.—

(2)

(c) The property factor fraction shall not include any real or tangible personal property located in this state that is certified to the Department of Revenue by the Board of Regents that such property is dedicated exclusively to research and development activities performed pursuant to sponsored research contracts conducted in conjunction with and through a state university.

(4) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period.

(c) The payroll factor fraction shall not include any compensation paid to any employee located in this state that is certified to the Department of Revenue by the Board of Regents that such compensation was paid to employees dedicated exclusively to research and development

activities performed pursuant to sponsored research contracts conducted in conjunction with and through a state university.

(8) No research and development activities certified by the Board of Regents as being conducted in conjunction with and through a state university within this state shall cause any corporation to become subject to the taxes imposed by this chapter if the corporation would otherwise not be subject to the tax levied herein. The property and payroll eliminated from the apportionment formula pursuant to the provisions of paragraphs (2)(c) and (4)(c) shall be eliminated only for the duration of the contractual period specified in the contracts for the conduct of the sponsored research. The reduction in tax due as a result of the property and payroll eliminated from the apportionment formula pursuant to the provisions of paragraphs (2)(c) and (4)(c) may not exceed the amount paid to the state university for the conduct of the sponsored research. No sponsored research contracts in existence prior to July 1, 1997, shall be eligible to participate in the provisions of paragraphs (2)(c) and (4)(c).

Section 19. *The Department of Revenue is directed to adopt any rules necessary to administer the provisions of section 220.15(8), Florida Statutes. The Board of Regents shall monitor the various sponsored research contracts and make a report to the Legislature by February 1, 1999, which shall provide any necessary information which indicates if the provisions of this act have been successful in attracting additional sponsored research contracts.*

Section 20. *It is the intent of the Legislature that the amendments by this act to sections 203.01, 203.63, and 212.05(1)(e), Florida Statutes, are remedial and are intended to clarify existing law.*

Section 21. *The Department of Revenue is authorized to adopt emergency rules pursuant to section 120.54(4), Florida Statutes, 1996 Supplement, for purposes of implementing the provisions of this act relating to sales and use tax exemptions under chapter 212, Florida Statutes, for certain sales of coins or currency, or gold, silver, or platinum bullion. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. This section shall take effect upon this act becoming a law.*

Section 22. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property. *If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor is 100 percent owner of the corporation which operates the educational institution, then the property shall be deemed owned by the educational institution.* Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

Section 23. *(1) As used in this section, "chamber of commerce" means an organization whose operations and membership are defined without regard to any specific industry or industries, and which is qualified as a "chamber of commerce" under s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, and which is organized as a not-for-profit corporation.*

(2) No tax imposed by chapter 212, Florida Statutes, on the following transactions, and not actually paid or collected by a chamber of commerce before December 31, 1994, shall be due from that chamber of commerce:

(a) Purchases by a chamber of commerce for use in its operations to foster business intended to occur within the state.

(b) Revenues of a chamber of commerce derived from activities of the chamber of commerce that are intended to foster business within the state for its members and the general business community, including dues and fees to members, the conduct of events for admission, charges to businesses for participation in trade shows and similar events, circulation of printed materials, including newspapers and newsletters regardless of the quantity of advertising content and regardless of the frequency of distribution, and business seminars and events to assist businesses with their operations, with compliance with laws, or with activities within their communities. Any revenues derived by a chamber of commerce from resales by the chamber of commerce of materials routinely and directly available to any person without the participation of the chamber of commerce, and which would occur without participation, addition, or modification in any material way by the chamber of commerce, are not qualified as an exempt transaction of the chamber of commerce under this section.

(3) Any chamber of commerce that has paid taxes that have been imposed by chapter 212, Florida Statutes, and that would be exempted from such taxes according to paragraph (2)(a) shall be entitled to a refund of the taxes paid. The claim for this refund must be filed on or before July 1, 1998.

Section 24. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

Remove from the title of the bill the entire title and insert in lieu thereof: A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest" for purposes of ch. 212, F.S.; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for certain property used at a port authority; amending s. 212.04, F.S.; exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions; amending ss. 212.04, 212.12, F.S.; increasing the maximum amount of sales and use tax remitted by a dealer to which the dealer's credit applies; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; removing a provision that prevents an exemption for industrial machinery and equipment purchased for use in new or expanding businesses from applying to certain publishing firms; including within the definition of "religious institutions" for exemption purposes certain radio stations, certain nonprofit corporations which distribute audio recordings to blind or visually impaired persons, and certain nonprofit corporations which provide religious services for or with established places of worship; providing an exemption for sales to certain health systems for a specified period; providing an exception to the exemption for aircraft repair and maintenance labor charges; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; deleting a

requirement that the electricity be separately metered; revising application of the exemption; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for certain sales or purchases of tangible personal property or services by a school or affiliated organization; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; revising provisions relating to tax refunds made from the Economic Development Trust Fund; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audit program; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; providing for emergency rules; providing legislative intent; amending s. 196.198, F.S.; specifying conditions under which property is deemed owned by an educational institution for purposes of ad valorem tax exemption; providing that no tax under ch. 212, F.S., on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing effective dates.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 20, between lines 19 and 20, insert:

Section 10. Section 212.0598, Florida Statutes, is amended to read:

212.0598 Special provisions; air carriers*; major employers.—It is the legislative intent that the policies of the state comprehensive plan be furthered to develop a system of incentives to enhance the livability character of urban areas, promote the use of existing public facilities, and attract new job-producing industries and corporate headquarters. Consistent with these policies, the Legislature establishes state tax abatement for certain businesses that create a large number of new jobs in urban areas.*

(1) *AIR CARRIERS.*—Notwithstanding other provisions of this part to the contrary, any air carrier utilizing mileage apportionment for corporate income tax purposes in this state pursuant to chapter 220 may elect, upon the conditions prescribed in *paragraph (c)* ~~subsection (4)~~, to be subject to the tax imposed by this part on tangible personal property according to the provisions of this section.

(a)~~(2)~~ The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to chapter 220 and this section. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida. Additionally, the ratio shall be applied each month to the carrier's total systemwide payments for the lease or rental of, or license in, real property used by the carrier substantially for aircraft maintenance if that carrier employed, on average, during the previous calendar quarter in excess of 3,000 full-time equivalent maintenance or repair employees at one maintenance base that it leases, rents, or has a license in, in this state. In all other instances, the tax on real property leased, rented, or licensed by the carrier shall be as provided in s. 212.031.

(b)~~(3)~~ It is the legislative intent that air carriers are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part, if the provisions of this section are met.

(c)~~(4)~~ The election provided for in this section shall not be allowed unless the purchaser makes a written request, in a manner prescribed by the Department of Revenue, to be taxed under the provisions of *this* subsection ~~(1)~~, and such person registers with the Department of Revenue as a dealer and extends to his or her vendor at the time of purchase, if required to do so, a certificate stating that the item or items to be partially exempted are for the exclusive use designated herein.

(d)~~(5)~~ Notwithstanding other provisions of this part to the contrary, any air carrier eligible for the election provided in *this* subsection ~~(1)~~ which does not so elect shall be subject to the tax imposed by this part on the purchase or use of tangible personal property purchased or used in this state, as well as other taxes imposed herein.

(2) MAJOR EMPLOYERS.—The purchase or lease of real or tangible personal property by a business engaged in the activities of air transportation and courier service companies (SIC Industry Numbers 451 and 452) or insurance carriers (SIC Major Group 63) is not subject to the tax imposed by this chapter if the business is a major employer. A business is a major employer if, between July 1, 1996, and October 1, 1997, it increases its Florida workforce by more than 1,000 full-time-equivalent employee positions. A position is considered to be a full-time-equivalent employee position if the person occupying the position performs duties in connection with the operation of the business on a regular, full-time basis, and the person is performing such duties for an average of at least 36 hours per week each month.

(a) If, before July 1, 2002, the number of full-time-equivalent employee positions created or added to the service company's Florida workforce falls below 1,000, the exemption granted under this section does not apply during the period in which the business has fewer than the 1,000 additional employees.

(b) The exemption pursuant to this subsection may only be taken by refund and may not exceed $1 million per calendar year for any major employer that qualifies for the refund. Refunds shall be made available to major employers according to the method established in s. 212.095.

(c) If any part of this subsection is judicially declared to be unconstitutional or invalid, the validity of any provision taxing real property or tangible personal property shall not be affected, and all real property or tangible personal property exempted pursuant to this subsection shall be subject to tax as if the exemption were never enacted. Every business benefitting from such exemption shall be liable for and make payment of all taxes for which the exemption was granted. However, the business will not be subject to penalty or interest with respect to any taxes for which the exemption was granted if the exemption is judicially declared to be unconstitutional or invalid.

And the title is amended as follows:

On page 68, line 7, of the amendment after the semicolon (;) insert: amending s. 212.0598, F.S.; establishing a sales tax exemption for

certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment)—On page 66, between lines 25 and 26, insert:

Section 24. Section 221.02, Florida Statutes, is amended to read:

221.02 Credit for emergency excise tax paid.—The emergency excise tax paid pursuant to s. 221.01 plus any credit or carryover properly applied to reduce the amount of the emergency excise tax due for the taxable year shall be allowed as a credit against the emergency excise tax, if any, to be charged and collected pursuant to this chapter for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. To the extent that the credit exceeds the emergency excise tax, if any, for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required, such excess shall be allowed as a reduction of, and credit against, any tax imposed by chapter 220 upon the taxpayer for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. If the taxpayer is unable to fully utilize the credit in the year in which it is first allowed, it may be carried over to each of the 5 taxable years immediately thereafter*; however, any such credit which would have expired on or after July 1, 1996, may be carried over until such credit is fully utilized*.

(Renumber subsequent section[s].)

And the title is amended as follows:

On page 72, line(s) 16, of the amendment after the semicolon (;) insert: amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax;

On motion by Senator Ostalkiewicz, the Senate concurred in the House amendments.

CS for CS for SB 1660 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Jenne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Grant	Kurth	Sullivan
Casas	Gutman	Latvala	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—2

Campbell	Forman

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 2137 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bloom—

HB 2137—A bill to be entitled An act relating to student performance standards; amending s. 229.565, F.S.; requiring the establishment of standards in certain subject areas; providing an effective date.

—was read by title.

On motions by Senator Bankhead, by unanimous consent, **HB 2137** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—1

Jenne

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, May 2, 1997: SB 126, CS for SB 238, SB 354, CS for SB 470, CS for SB 490, CS for CS for SB 514, CS for SB 650, SB 660, SB 678, SB 686, CS for SB 700, SB 714, CS for SB 774, CS for SB's 818, 1136 and 1242, SB 824, SB 826, CS for SB 876, CS for SB 888, CS for SB 904, CS for SB 1006, CS for SB 1012, SB 1092, CS for CS for SB 1234, SB 1304, CS for SB 1360, CS for SB 1466, SB 1484, CS for SB 1594, SB 1634, CS for SB's 1678 and 2404, CS for SB 1850, CS for SB 1880, SB 1906, CS for SB's 1964 and 1742, SB 1980, SB 2062, CS for SB 2186, SB 2272, SB 2282, CS for SB 2450

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1997 regular session of the Legislature:

Office and Appointment	*For Term Ending*
Game and Fresh Water Fish Commission	
Bruner, Maxwell Joseph	01/04/2001
Board of Opticianry	
Trask, William Alan	10/31/1998

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 238, SB 840, CS for SB 876, CS for SB 904, CS for SB 1760, CS for CS for SB 1234, CS for SB 1594, SB 1634 and SB 1906.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 4 and Senate Amendment 1 to House Amendment 8, receded from House Amendments 6, 10 and 14, and passed CS for SB 1002 as further amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for CS for SB's 1688, 792, 1334 and 2254 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2400 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2402 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed CS for HB's 37 and 127, CS for HB 55, CS for HB 241, HB 259, CS for CS for HB 313, CS for HB 417, HB 425, CS for HB 433, HB 571, CS for HB's 715, 1249, 1321 and 1339, CS for CS for HB's 1119 and 1577, HB 1165, HB 1291, HB 1323, HB 1369, CS for CS for HB 1371, HB 1835, HB 1837 and HB 2121 as amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 2 to Senate Amendment 1 and House Amendment 1 to Senate Amendment 1 and passed CS for HB's 1309, 1143, 847, 697, 1391 and 203.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in unengrossed House Amendment 1 to House Amendment 1 to Senate Amendment 1 and receded from unengrossed House Amendment 2 to House Amendment 1 to Senate Amendment 1 and passed HB 1925, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-SPONSORS

Senators Dudley—CS for SB 1006; Forman—CS for CS for SB 2194; Turner—CS for CS for SB's 566 and 626

VOTES RECORDED

Senator Clary was recorded as voting "yea" on the following bills: **CS for HB 269**, which was considered April 28; **CS for CS for HB 725**, **HB 835**, **HB 1965**, which were considered April 30; **HB 1369**, **SB 840**, which were considered May 1; and **CS for CS for SB 170**, which was considered May 2.

ADJOURNMENT

On motion by Senator Bankhead, the Senate adjourned sine die at 5:57 p.m.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1844, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Twenty-Ninth Regular Session of the Legislature convened under the Constitution as revised in 1968, and subsequently amended, held from March 4 through May 2, 1997. Additionally, there has been included a record of the transmittal of Acts and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
June 18, 1997

Journal of the Senate

Final Reports After Adjournment Sine Die — Regular Session 1997

ENROLLING REPORTS

SB 72, SB 98, SB 164, CS for SB 270, CS for CS for SB 286, CS for CS for SB 310, SB 416, SB 418, SB 420, SB 422, SB 424, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 702, CS for SB's 764 and 474, CS for SB 794, CS for CS for SB 858, SB 1028, CS for SB 1362, CS for SB 1486, SB 1634, CS for SB 1836 and SB 1906 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 8, 1997.

SB 2088, SB 2090, Sb 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134 and SB 2136 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 9, 1997.

SB 2400 and SB 2402 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 13, 1997.

SB 244, SB 292, SB 392, CS for CS for SB's 566 and 626, CS for SB 800, SB 884, CS for SB 1066, CS for SB 1246, CS for SB's 1286 and 1446, CS for SB 1682, CS for CS for SB 1824 and SB 2064 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 14, 1997.

CS for CS for CS for SB 278, CS for SB 398, CS for CS for SB's 404 and 414, CS for CS for SB 496, SB 664, CS for SB 798, CS for SB 940, SB 1158, CS for CS for SB's 1306 and 1934, CS for SB 1366, CS for SB 1546, CS for SB 1754, CS for SB 1992 and CS for CS for SB 2060 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 15, 1997.

SB 162, CS for SB 238, SB 258, SB 388, CS for SB 508, CS for SB 750, SB 840, CS for SB 876, CS for SB 904, CS for SB 918, CS for SB 948, CS for SB 1056, CS for SB 1594, CS for SB 1760, SB 1784 and CS for SB 1860 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 16, 1997.

CS for SB 2, CS for SB 148, SB 156, SB 656, SB 958, CS for SB 1002, CS for CS for SB 1234, CS for SB 1420, SB 1498, CS for SB 1646, CS for CS for SB's 1688, 792, 1334 and 2254, CS for SB 1930 and CS for SB 1956 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 19, 1997.

CS for CS for SB 1660 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 22, 1997.

CS for SB 340 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 1997.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which will become law without his signature—

May 14—CS for SB 956, SB 1086 and CS for SB 1238

May 15—CS for SB 288 and CS for SB 300

May 16—CS for SB 232, CS for SB 378, CS for SB 630, SB 902, CS for SB 968, SB 1108, CS for SB 1112, CS for SB 1160, CS for SB 1282 and SB 1430

May 24—SB 72, SB 98, SB 164, CS for SB 270, CS for CS for SB 286, SB 416, SB 418, SB 420, SB 422, SB 424, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 1028, CS for SB 1362, SB 1634 and SB 1906

May 25—SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134 and SB 2136

May 28—SB 2402

May 30—SB 244, SB 292, CS for CS for SB 566 and 626, CS for SB 800, SB 884, CS for SB 1066, CS for SB 1246, CS for SB's 1286 and 1446, CS for SB 1682, CS for CS for SB 1824 and SB 2064

May 31—CS for CS for CS for SB 278, CS for SB 398, CS for CS for SB's 404 and 414, CS for CS for SB 496, CS for SB 798, CS for SB 940, SB 1158 and CS for SB 1546

June 1—SB 258, CS for SB 508, CS for SB 750, SB 840, CS for SB 904, CS for SB 918, SB 1784 and CS for SB 1860

June 4—SB 156, SB 656, CS for CS for SB 1234, CS for SB 1420, SB 1498, CS for SB 1646, CS for CS for SB's 1688, 792, 1334 and 2254, CS for SB 1930 and CS for SB 1956

June 14—CS for SB 340

The Governor advised that he had filed with the Secretary of State the following bills which he approved.

May 7—CS for SB 82, SB 152, SB 180, SB 326, SB 358, CS for SB 442, SB 486, CS for SB's 530 and 848, CS for SB 550, CS for SB's 780, 520 and 692 and CS for SB 1862

May 9—CS for SB 794

May 23—CS for CS for SB 310, SB 392, SB 702, CS for SB's 764 and 474, CS for CS for SB 858, CS for SB 1486 and CS for SB 1836

May 30—SB 162, CS for SB 238, SB 388, SB 664, CS for SB 876, CS for SB 948, CS for SB 1056, CS for CS for SB's 1306 and 1934, CS for SB 1366, CS for SB 1594, CS for SB 1760, CS for SB 1754, CS for SB 1992 and CS for CS for SB 2060

June 3—CS for SB 2, CS for SB 148, SB 958 and CS for SB 1002

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TO THE

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HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

MEMBERS OF THE SENATE, BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED, AND COMMITTEE ASSIGNMENTS

REGULAR SESSION 1997

[Source: Information Division, Joint Legislative Management Committee]

(Boldfaced bill numbers passed both houses.)

BANKHEAD, WILLIAM G. (BILL)—8th District

Prime Sponsored: 202, **326**, **416**, **418**, **420**, **422**, **424**, 426, **428**, **430**, **432**, **434**, **436**, **438**, **440**, 454, 602, 604, 1780, 1796, 2086, 2250, **2324**, **2482**

Co-sponsored: 242, **244**, 272, **404**, **556**, 558, 1254, 1598, **1972**, **2334**, **2392**

Local Bill—Prime Sponsored: 2008

Local Bill—Co-Sponsored: 2530

Committees: Rules and Calendar, Chairman; Banking and Insurance; Children, Families and Seniors; Health Care; Regulated Industries; Ways and Means, Subcommittee C (Human Services)

BRONSON, CHARLES H., JR. (CHARLIE)—18th District

Prime Sponsored: 6, 22, 26, 64, 94, 96, 106, 252, **288**, 346, 700, 828, 830, 854, 1262, 1266, 1268, 1270, **1342**, 1344, 1346, 1428, 1562, 1580, 2044, 2366, 2432

Co-sponsored: **68**, **82**, 92, 134, 214, 250, 272, 306, **326**, 336, 376, 396, 500, **556**, 686, 768, 776, 786, 836, **968**, 984, 1216, 1254, 1398, 1480, 1570, **1594**, 1638, 1726, 1820, **1972**, 2024, **2212**, 2286, **2334**, 2338, **2392**

Local Bill—Prime Sponsored: 2466

Committees: Agriculture, Chairman; Criminal Justice, Vice Chairman; Executive Business, Ethics and Elections; Natural Resources, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), 2/10/1997 through 3/10/1997, Subcommittee on Land Acquisition and Management (conservation and recreational lands), 3/14/1997 through 4/14/1997*; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

BROWN-WAITE, GINNY—10th District

Prime Sponsored: 20, 40, 172, 230, **238**, 356, **358**, **360**, 362, 364, **378**, 400, **496**, **508**, 518, 552, 592, 612, 730, 834, **884**, **948**, 952, 954, 964, 1020, 1058, 1230, 1232, 1874, 1882, 2046, 2062, 2066, 2232, 2234, 2330

Co-sponsored: **82**, 92, 126, **244**, 272, **284**, **326**, 354, 390, **404**, 414, **458**, 500, 514, 544, **556**, 558, 746, **750**, 776, 872, 1016, 1168, 1254, 1266, 1360, 1398, 1726, **1760**, 1762, **1972**, 1986, **2392**

Committees: Health Care, Chairman; Children, Families and Seniors; Community Affairs; Regulated Industries; Ways and Means, Subcommittee C (Human Services); *Joint Administrative Procedures*

BURT, LOCKE—16th District

Prime Sponsored: 10, 12, 18, 24, 30, 32, 80, 84, 86, 88, 90, 108, 248, 268, **278**, 280, 396, 514, 782, **918**, 1072, 1080, 1082, 1106, **1282**, 1408, 1418, 1566, 1586, 1778, 1794, **1862**, **1930**, 2204, 2288, 2352, **2522**

Co-sponsored: 92, 112, 134, 204, 242, 272, **326**, **458**, 472, 474, **556**, 698, **750**, **764**, 776, 892, **958**, 1254, 1438, **1972**, **2392**

Local Bills—Prime Sponsored: 1076, 1078, 2530

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); *Joint Legislative Auditing Committee*

CAMPBELL, WALTER G., JR. (SKIP)—33rd District

Prime Sponsored: 200, 216, 322, 344, 492, 498, **530**, **566**, 626, 632, 634, 636, 638, 640, 672, 682, 848, 850, 910, 1196, 1198, 1200, 1202, 1220, 1222, 1224, 1298, **1420**, 1490, 1786, 1788, 1820, 1872, 1902, **1906**, 1918, 1976, 2058, 2082, 2188, 2216, 2300, 2358, 2420, **2422**, 2438

Co-sponsored: 70, **72**, **82**, 92, 126, 134, 142, **148**, 214, 274, **326**, **442**, **458**, 474, 546, **556**, 698, 716, **750**, **764**, 776, 834, 872, 892, 1266, 1406, **1634**, 1726, **1972**, 2004, **2334**, 2364, **2392**

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice)

CASAS, ROBERTO—39th District

Prime Sponsored: 334, 336, 598, 1132, 1138, 1776, 1792, 2200

Co-sponsored: **2**, **82**, 112, 134, 158, 218, **244**, 272, **326**, **404**, 414, **442**, **556**, 728, 738, **780**, 790, 814, 880, 1216, 1266, 1398, 1438, 1552, 1554, 1570, 1576, 1598, 1718, **1972**, 2024, **2334**, **2392**

Committees: Commerce and Economic Opportunities; Community Affairs; Health Care; Regulated Industries; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

CHILDERS, W. D.—1st District

Prime Sponsored: 510, 512, 524, 606, 754, 852, 920, 1284, 1432, 2010, **2088**, **2090**, **2092**, **2094**, **2096**, **2098**, **2100**, **2102**, **2104**, **2106**, **2108**, **2110**, **2112**, **2114**, **2116**, **2118**, **2120**, **2122**, **2124**, **2126**, **2128**, **2130**, **2132**, **2134**, **2136**, 2178, 2196, **2198**, 2280, 2286, 2320, 2448, 2458, 2470

Co-sponsored: **82**, 134, 218, **244**, 272, **284**, **286**, 306, **326**, 336, **404**, 414, 526, 546, **556**, **788**, 814, 836, 1216, 1266, 1438, 1480, 1598, **1972**, 2024, **2334**, **2392**

Committees: Health Care, Vice Chairman; Ways and Means, Subcommittee A (General Government), Chairman; Banking and Insurance; Executive Business, Ethics and Elections; Regulated Industries; Rules and Calendar; Ways and Means

CLARY, CHARLES W. III (CHARLIE)—7th District

Prime Sponsored: 154, 242, 412, 570, 576, 578, 580, 590, **726**, 746, **798**, 804, 1312, 1314, 1316, **1366**, 1368, 1806, 1846, 1932, 1946, 2050, 2210, 2450

Co-sponsored: 10, **82**, 130, 134, 272, 304, 306, **326**, **340**, 342, 376, **398**, **458**, 500, 526, **556**, 558, 642, 648, 776, **788**, 1018, 1254, 1398, 1492, 1548, 1558, **1660**, **1972**, 2286, **2392**

Local Bill—Prime Sponsored: 2506

Committees: Executive Business, Ethics and Elections, Vice Chairman; Education; Natural Resources; Transportation; Ways and Means, Subcommittee B (Education); *Joint Legislative Committee on Intergovernmental Relations*

COWIN, ANNA P.—11th District

Prime Sponsored: 204, 558, 774, 776, 1252, 1254, 1256, 1376, 1396, 1398, 1428, 1526, **1784**, 1822

Co-sponsored: 92, 126, 172, 242, 272, **326**, 342, 354, 376, 500, **556**, 648, 746, **750**, **858**, **968**, 1264, 1266, 1570, 1638, **1972**, **2392**

Committees: Children, Families and Seniors, Vice Chairman; Education; Natural Resources, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), 2/10/1997 through 3/10/1997, Subcommittee on Land Acquisition and Management (conservation and recreational lands), 3/14/1997 through 4/14/1997*; Transportation; Ways and Means, Subcommittee B (Education)

CRIST, CHARLIE—20th District

Prime Sponsored: 118, 120, 122, 132, 136, 140, 142, 184, 196, 208, 210, 224, 226, **258**, 260, 330, 412, 444, 694, 752, 758, 760, 762, **764**, 772, 1524, 1600, 1676, 1684, 1706, 1708, 1710, 1712, 1716, 1726, 1758, 1924, 2030, 2268, 2270, 2306, 2394, **2524**

Co-sponsored: **82**, 190, **198**, 272, **290**, **310**, **326**, **404**, 414, **458**, 474, 500, 544, **556**, 648, 698, **750**, 1254, **1486**, 1570, 1820, **1972**, 2286, **2334**, **2392**

Committees: Executive Business, Ethics and Elections, Chairman; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice); *Joint Select Committee on Collective Bargaining, 4/15/1997 through 5/5/1997*

DANTZLER, RICK—17th District

Prime Sponsored: 262, 452, 1016, **1086**, 1088, 1090, 1092, 1094, 1096, 1098, 1100, **1104**, 1406, 1512, 1514, 1516, 1846, 1876, 2054, 2314, **2442**

Co-sponsored: **82**, 274, **326**, **556**, 648, **750**, **788**, **1972**, **2392**

Local Bill—Prime Sponsored: 2510

Committees: Agriculture; Children, Families and Seniors; Community Affairs; Natural Resources; Ways and Means, Subcommittee A (General Government)

DIAZ-BALART, MARIO—37th District

Prime Sponsored: **198**, **462**, 588, 674, 792, 1258, 1260, 1324, 1384, 1464, **1682**, **1688**, 1884, 1886, 1890, 2260, 2428

Co-sponsored: 92, 112, 134, 158, 184, 242, 272, **326**, 336, 342, 350, **458**, 500, 546, **556**, 558, 648, 776, **780**, 1008, 1216, 1398, 1438, 1598, **1972**, 2024, **2294**, **2392**

Local Bill—Prime Sponsored: 2242

Committees: Banking and Insurance, Chairman; Rules and Calendar, Vice Chairman; Commerce and Economic Opportunities; Education; Natural Resources; Ways and Means, Subcommittee E (Finance and Tax)

DUDLEY, FRED R.—25th District

Prime Sponsored: **82**, 402, **404**, **406**, 596, 600, 650, 652, 654, **656**, 662, **664**, 688, 690, 818, 842, 892, 910, **1108**, 1148, 1218, **1234**, 1236, 1242, **1246**, 1248, 1250, 1962, 2308

Co-sponsored: 40, 92, 112, 134, 142, **160**, 218, 272, **290**, 316, **326**, 342, 500, 524, **556**, 558, 698, 730, **750**, 776, **780**, 834, 836, 1006, 1070, 1398, 1480, 1846, **1972**, **2392**

Local Bills—Prime Sponsored: 740, 742, 744, 906, 1894, 1896, 2006, 2484, 2486

Committees: Judiciary, Chairman; Ways and Means, Vice Chairman; Commerce and Economic Opportunities; Community Affairs; Education; Rules and Calendar; Ways and Means, Subcommittee D (Criminal Justice); *Joint Administrative Procedures*

DYER, JOHN H., JR. (BUDDY)—14th District

Prime Sponsored: 104, 218, 312, 478, 526, 856, 862, 864, 874, 1388, 1414, 1422, 1428, **1430**, 1434, 1436, 1466, 1468, 1470, 1472, 1474, 1480, 1482, **1486**, 1488, 1494, 1548, 1828, 1914, 1922, 1944, 2150, 2176, 2190, 2192, 2266, 2370, 2372, 2390, 2430, 2434, 2436, 2468

Co-sponsored: **2**, 70, **82**, 92, 172, 214, 306, **326**, 342, **442**, 524, **556**, **750**, **858**, 894, 1016, 1406, 1438, 1608, **1972**, **1992**, 2084, 2140, **2212**, **2334**, **2392**

Local Bill—Prime Sponsored: 1940

Committees: Community Affairs, Chairman; Education; Executive Business, Ethics and Elections; Natural Resources; Ways and Means, Subcommittee B (Education); *Joint Legislative Committee on Intergovernmental Relations*

FORMAN, HOWARD C.—32nd District

Prime Sponsored: 100, 102, 138, 240, 256, 282, 318, 476, 480, **486**, 494, 504, 538, 540, 560, 562, 572, 574, 790, 836, **846**, 870, 872, **876**, 880, **956**, **958**, 960, 962, 1214, **1286**, 1410, 1442, 1446, 1848, 1850, 1898, 1986, 1990, 2142, 2156, 2214, 2312, 2374, 2376, 2382, 2444, **2454**

Co-sponsored: 70, **72**, **82**, 92, 104, **152**, 218, 234, 274, **286**, 306, **326**, 350, 354, 400, **442**, 456, **458**, **496**, 524, 526, 552, **556**, 558, **566**, 626, 676, 736, 776, 822, **940**, 998, 1220, 1324, 1490, 1492, 1598, 1602, 1610, **1634**, 1726, **1972**, 2066, 2070, 2194, **2294**, **2392**

Local Bills—Prime Sponsored: 1506, 2016, 2018, 2020, 2244, 2318, 2464, 2472, 2518, 2520

Committees: Children, Families and Seniors; Health Care; Natural Resources, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), 2/10/1997 through 3/10/1997, Subcommittee on Land Acquisition and Management (conservation and recreational lands), 3/14/1997 through 4/14/1997*; Transportation; Ways and Means, Subcommittee C (Human Services); *Joint Information Technology Resources*

GRANT, JOHN A., JR.—13th District

Prime Sponsored: 272, 274, **340**, **392**, 394, 450, 488, 806, 808, 810, 812, 814, 816, 818, **904**, 908, 916, 1390, 1404, 1444, 1520, 1530, 1538, 1540, 1542, 1578, 1582, 1602, 1604, **1634**, 1674, 1690, 1692, 1694, 1702, 1704, 1864, 1866, 1926, 1928, 1938, 2022, 2028, 2040, 2056, **2064**, 2072, 2220, 2224, 2284, 2290, 2304, **2326**, 2406, 2414, **2440**

Co-sponsored: 40, **82**, 92, 242, 256, 306, **326**, 336, 342, 400, **442**, **458**, **496**, 500, **556**, 648, 698, 722, 746, **750**, 776, 786, 790, 802, 836, 872, 880, 892, **968**, 1216, 1266, 1398, 1414, 1480, 1600, 1638, 1820, **1972**, 2024, 2140, 2296, **2334**, **2392**

Local Bill—Prime Sponsored: 2460

Committees: Education, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); *Joint Legislative Management, Alternating Chairman*

GUTMAN, ALBERTO (AL)—34th District

Prime Sponsored: **156**, 158, **164**, 166, 168, 170, **180**, 182, **232**, 234, **270**, 308, **310**, 312, 314, 316, 336, 470, 472, 474, 548, 666, 684, 748, **764**, 844, 924, 926, 928, 930, 932, 934, 936, 966, 1170, 1172, 1174, 1176, 1178, 1180, 1216, 1226, 1322, 1326, 1358, 1484, 1518, 1636, 1970, 2002, 2024, 2052, 2070, **2294**, 2356, 2368, 2380, 2384, 2408, 2474, 2480, 2488, 2490

Co-sponsored: 92, 134, **198**, **278**, **326**, 350, **404**, 414, 514, 526, **556**, 648, 774, 776, 836, 872, 1254, 1438, 1598, 1820, 1822, **1972**, 2004, 2080, **2392**

Local Bill—Prime Sponsored: 2476

Committees: Criminal Justice, Chairman; Regulated Industries, Vice Chairman; Commerce and Economic Opportunities; Governmental Reform and Oversight; Ways and Means, Subcommittee D (Criminal Justice); *Joint Legislative Auditing Committee*; *Joint Select Committee on Collective Bargaining, 4/15/1997 through 5/5/1997*

HARGRETT, JAMES T., JR. (JIM)—21st District

Prime Sponsored: 354, 520, 712, **780**, 1000, **1002**, 1004, **1306**, 1348, 1350, 1378, 1380, 1382, 1386, 1402, 1678, 1802, 1916, 1934, 1936, 1966, 1978, 2028, **2060**, 2292, 2310, 2386, 2404, 2410, 2416, **2504**

Co-sponsored: 134, **152**, 208, **326**, **392**, **556**, **1972**, **2334**, **2392**

Committees: Transportation, Chairman; Agriculture; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

HARRIS, KATHERINE—24th District

Prime Sponsored: 298, **300**, 302, 342, **458**, 620, 910, 1458, 1496, **1498**, 1500, 1502, 1508, 1528, 1752, **1754**, 1756, **1760**, 1762, 1764, 1826, 1840, 2048, 2170, 2208, 2258, 2296, **2500**, **2532**

Co-sponsored: **82**, 92, 134, 306, **326**, 376, **404**, 414, 500, **556**, 648, 776, **780**, **876**, **968**, 1254, 1266, 1398, 1438, 1570, 1600, **1634**, 1638, 1726, **1972**, 2286, **2334**, **2392**

Local Bill—Prime Sponsored: 970

Committees: Commerce and Economic Opportunities, Chairman; Governmental Reform and Oversight, Vice Chairman; Banking and Insurance; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax); *Joint Select Committee on Collective Bargaining, 4/15/1997 through 5/5/1997*

HOLZENDORF, BETTY S.—2nd District

Prime Sponsored: 150, **152**, 408, 658, 660, 668, 756, **780**, 838, **840**, 894, 896, 898, 900, 942, 944, 946, 980, **982**, 1290, 1292, 1294, 1296, 1330, 1332, 1360, 1374, 1522, 1532, 1606, 1798, 1942, 1948, 1994, 2282, 2340

Co-sponsored: 134, **326**, 342, **404**, 414, **442**, **458**, **556**, 648, 692, 776, 836, **904**, 908, **968**, 1254, 1324, 1414, 1438, 1490, **1972**, 1978, 2000, 2070, **2334**

Local Bill—Prime Sponsored: 938
Local Bill—Co-Sponsored: 2492

Committees: Banking and Insurance, Vice Chairman; Commerce and Economic Opportunities; Education; Regulated Industries; Ways and Means, Subcommittee B (Education); *Joint Legislative Management*

HORNE, JIM—6th District
Prime Sponsored: 60, 62, 134, 236, 446, 644, 678, 714, 716, 722, 724, 824, 826, 1308, 1310, 1544, **1546**, 1548, **1688**, 1696, 1698, 1700, 1810, 1812, 1830, 2152, 2194, 2226, 2452
Co-sponsored: **82**, 92, 112, **152**, 242, 272, **326**, **340**, 342, 394, **458**, 500, 514, **556**, 584, 648, 698, 718, 746, 776, 786, 892, 1010, 1254, 1266, 1398, 1438, 1638, **1972**, 2028, **2334**, **2392**

Committees: Commerce and Economic Opportunities, Vice Chairman; Ways and Means, Subcommittee B (Education), Chairman; Criminal Justice; Education; Judiciary; Rules and Calendar; Ways and Means; *Joint Legislative Committee on Intergovernmental Relations*

JENNE, KENNETH C. II (KEN)—29th District
Prime Sponsored: 56, 70, **72**, 324, 1126, 1128, 1608, 1680, **1992**, 2012, 2084, 2274, 2446
Co-sponsored: 92, **152**, **160**, **162**, 242, **290**, **326**, 342, 376, **404**, 414, **442**, 474, **556**, 588, 648, 676, **764**, 776, **780**, 1168, 1324, 1406, 1438, **1972**, **2334**, **2392**

Committees: Education, Vice Chairman; Banking and Insurance; Commerce and Economic Opportunities; Regulated Industries; Rules and Calendar; Ways and Means, Subcommittee B (Education)

JENNINGS, TONI—9th District
Prime Sponsored: **2212**
Co-sponsored: **556**, **1028**, **1972**

JONES, DARYL L.—40th District
Prime Sponsored: 546, **1328**, 1392, 1394, 1424, 1590, 1772, 1790, 1814, 1842, 1844, 1980, 1982, 2172, 2222, 2248, 2276, 2342, 2396, **2540**
Co-sponsored: 112, 134, 184, **326**, **442**, **556**, 698, 776, 1324, 1438, 1492, **1972**, 2070, **2294**, **2334**, **2392**
Local Bills—Prime Sponsored: 1988, 2526

Committees: Judiciary, Vice Chairman; Commerce and Economic Opportunities; Health Care; Rules and Calendar; Transportation; Ways and Means, Subcommittee A (General Government)

KIRKPATRICK, GEORGE GRIER, JR.—5th District
Prime Sponsored: 58, 74, 76, 78, 112, 116, 128, 130, 220, 228, 328, 460, **556**, 584, 670, 686, 718, 868, 922, **940**, 998, 1010, 1370, 1414, 1426, 1454, 1538, 1588, **1688**, 1728, 1730, 1732, 1734, 1736, 1900, **1972**, 2000, 2014, 2078, 2140, 2230, 2254, 2256, **2392**
Co-sponsored: **82**, 92, 134, **152**, 272, **340**, 342, **458**, 544, 722, 768, 776, 786, **858**, 1262, 1266, **1366**, 1416, 1540, **1594**, 1598, 1726, **2334**, 2428
Local Bills—Prime Sponsored: 1854, 2492, 2536

Committees: Natural Resources, Vice Chairman, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), 2/10/1997 through 3/10/1997, Subcommittee on Land Acquisition and Management (conservation and recreational lands), 3/14/1997 through 4/14/1997*; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee B (Education); Natural Resources, Select Subcommittee on Land Acquisition and Management; *Joint Information Technology Resources, Alternating Chairman*

KLEIN, RON—28th District
Prime Sponsored: **162**, **292**, 294, 296, 552, 820, 822, 1022, 1024, 1026, **1028**, 1030, 1032, 1034, 1036, 1042, 1046, 1048, 1052, 1054, **1056**, 1140, 1142, 1440, 1534, 1536, 1746, 1748, 1768, 1908, 1952, 2076, 2426, 2516
Co-sponsored: 70, 92, 134, 234, 306, **404**, 414, **442**, 456, **458**, **530**, **556**, 648, 776, **780**, 872, 1008, 1102, 1406, 1438, **1634**, 1726, **1972**, **2334**, **2392**
Local Bill—Prime Sponsored: 610

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

KURTH, PATSY ANN—15th District
Prime Sponsored: 66, **68**, 124, 126, 250, 390, 988, 1448, 1596, 1598, 1610, 1644, 1804, 1998, 2034, 2144, 2218, 2360
Co-sponsored: 70, **82**, 134, 274, 350, 354, **442**, **556**, 558, **750**, **778**, **780**, 888, 1232, 1254, 1406, 1842, **1972**, **2392**
Local Bills—Prime Sponsored: 338, 1808

Committees: Commerce and Economic Opportunities; Community Affairs; Governmental Reform and Oversight; Natural Resources; Ways and Means, Subcommittee C (Human Services)

LATVALA, JACK—19th District
Prime Sponsored: 178, 214, 264, 266, 276, 412, 482, 484, 490, 522, 532, **534**, **550**, 554, 564, 568, 582, 710, **750**, **800**, 912, 1038, 1074, 1130, 1194, **1306**, 1336, 1338, 1340, 1428, 1568, 1832, 2026, 2038, 2168, 2336, **2344**
Co-sponsored: **82**, 92, 112, 234, 242, 272, 274, 342, 350, **360**, 390, 456, **458**, 546, **556**, 558, 776, 932, 1266, 1388, 1490, 1492, 1726, **1972**, 2140, **2392**
Local Bills—Prime Sponsored: 878, 1852

Committees: Natural Resources, Chairman, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), 2/10/1997 through 3/10/1997*; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee E (Finance and Tax)

LEE, TOM—23rd District
Prime Sponsored: **778**, 796, 818, 866, 1134, 1136, 1204, 1206, 1208, 1228, **1238**, 1240, 1264, 1452, **1646**, **1860**, **1956**, 1958, 1964, 2068, 2228, 2236, 2298, **2494**, 2496, **2502**
Co-sponsored: **82**, 92, 208, 272, **340**, 342, 376, **404**, 414, **458**, 526, **556**, 558, 648, **750**, **764**, 776, **968**, 1016, 1254, 1266, 1398, 1492, 1600, **1972**, 2286, **2334**, **2392**

Committees: Transportation, Vice Chairman; Education; Executive Business, Ethics and Elections; Regulated Industries; Ways and Means, Subcommittee A (General Government)

McKAY, JOHN M.—26th District
Prime Sponsored: 188, 190, 192, 194, 206, 380, 382, 624, 628, 692, **780**, 978, 1060, 1064, 1300, 1302, 1304, 1320, 1334, 1400, 1412, 1592, 1638, **1688**, 1968, 1974, 2074, 2148, 2272, 2338, **2542**
Co-sponsored: 112, 242, **340**, 342, 544, **550**, **556**, 586, 648, **750**, 776, 792, 1266, 1374, 1398, 1438, **1972**, **2334**, **2392**
Local Bills—Prime Sponsored: 1856, 1870
Local Bill—Co-Sponsored: 906

Committees: Agriculture; Banking and Insurance; Children, Families and Seniors; Natural Resources, *Select Subcommittee on Land Acquisition and Management (Preservation 2000, Conservation and Recreation Lands, and Save Our River programs), Chairman 2/10/1997 through 3/10/1997, Subcommittee on Land Acquisition and Management (conservation and recreational lands), Chairman 3/14/1997 through 4/14/1997*; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); *Joint Legislative Management*

MEADOWS, MATTHEW J.—30th District
Prime Sponsored: **2**, 4, 8, 14, 16, 28, 38, 48, 50, 54, 586, 608, 646, 1018, 1182, 1184, 1186, 1188, 1190, 1192, 1492, 1640, 1642, 1686, 1782, 1880, **2246**, 2498
Co-sponsored: 70, **72**, **82**, 92, 112, 134, **152**, 218, 240, 342, **404**, 414, **442**, 544, 546, **556**, 648, 676, 730, 1044, 1224, 1410, 1438, 1490, 1552, 1598, **1634**, **1972**, 1978, 2070, 2140, **2334**, **2392**
Local Bill—Prime Sponsored: 2462

Committees: Community Affairs; Education; Executive Business, Ethics and Elections; Regulated Industries; Ways and Means, Subcommittee D (Criminal Justice); *Joint Legislative Committee on Intergovernmental Relations, Alternating Chairman*

MYERS, WILLIAM G., M.D. (DOC)—27th District

Prime Sponsored: 144, **244**, 528, 552, 728, 886, 1110, **1112**, 1114, 1116, 1118, 1120, 1122, 1124, 1244, 1364, 1372, 1462, 1632, 1750, 1920, 1960, 2036, 2138, 2166, 2388

Co-sponsored: **82**, 92, 126, 134, 234, 272, 274, 306, 456, 490, 500, 524, **556**, 558, 722, **750**, 776, 790, 834, 880, 1044, 1070, 1092, 1264, 1266, 1324, 1438, 1598, 1834, **1972**, 2252, 2296, **2392**

Committees: Community Affairs, Vice Chairman; Ways and Means, Subcommittee C (Human Services), Chairman; Children, Families and Seniors; Health Care; Natural Resources; Ways and Means

OSTALKIEWICZ, JOHN—12th District

Prime Sponsored: 368, 370, 372, 374, 376, 386, 500, 502, 506, 516, 614, 616, 618, 622, 642, 648, 784, 832, 984, 986, 1650, 1652, 1654, 1656, 1658, **1660**, 1662, 1666, 1738, 1766, 1774, 1818, 1838, 1868, 1892, 2154, 2158, 2164, 2202, 2354, 2362

Co-sponsored: 92, 134, 272, **404**, 414, 546, **556**, 746, **778**, 786, 1254, 1266, 1398, 1480, 1570, 1638, 1726, **1972**, **2212**, 2286, **2334**, **2392**

Committees: Ways and Means, Subcommittee E (Finance and Tax), Chairman; Agriculture; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Transportation; Ways and Means; *Joint Legislative Auditing Committee, Alternating Chairman*

ROSSIN, TOM—35th District

Prime Sponsored: 34, 46, **52**, 110, **148**, 174, 176, **332**, 366, 448, 544, **566**, 628, **630**, 680, 888, 890, **968**, 990, 1044, 1084, 1212, **1286**, 1288, 1550, 1648, 1668, **1836**, 1904, 1996, 2080, 2174, 2252, 2346

Co-sponsored: 70, **82**, 92, **278**, **556**, 698, 834, 892, 1324, 1438, **1972**, 2004, **2334**, **2392**

Local Bills—Prime Sponsored: 994, 2538

Committees: Children, Families and Seniors, Chairman; Banking and Insurance; Governmental Reform and Oversight; Judiciary; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); *Joint Legislative Auditing Committee*; *Joint Select Committee on Collective Bargaining, 4/15/1997 through 5/5/1997*

SCOTT, JAMES A. (JIM)—31st District

Prime Sponsored: 44, **160**, 254, **290**, **404**, 410, 414, **530**, 676, 1040, 1102, 1740, 1950, 2364

Co-sponsored: **72**, **556**, 1458, **1972**, **2334**, **2392**

Committees: Regulated Industries, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Governmental Reform and Oversight; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

SILVER, RONALD A.—38th District

Prime Sponsored: 234, 336, 456, 464, 466, 468, 802, **902**, 914, 950, 992, 996, 1006, 1008, 1012, 1014, 1050, 1062, 1068, 1070, 1168, 1210, 1216, 1438, 1450, 1510, 1564, 1572, 1742, 1744, 1888, 1954, 1964, 2032, 2042, 2146, 2162, 2184, 2186, 2206, 2240, 2316, 2328, 2378, 2418, 2424, 2456, **2534**

Co-sponsored: 70, **82**, 112, **198**, **442**, **556**, 558, 648, 698, 716, 774, 776, 834, 836, 844, 1174, 1176, 1324, 1406, 1598, 1820, **1972**, **2294**, **2392**

Committees: Ways and Means, Subcommittee D (Criminal Justice), Chairman; Criminal Justice; Executive Business, Ethics and Elections; Health Care; Judiciary; Rules and Calendar; Ways and Means; *Joint Legislative Auditing Committee*

SULLIVAN, DONALD C., M.D. (DON)—22nd District

Prime Sponsored: 92, 304, 306, 348, 350, 352, **388**, 786, **858**, 1612, 1614, 1616, 1618, 1620, 1622, 1624, 1626, 1628, 1630, 1834

Co-sponsored: **82**, 112, 134, 234, 272, 446, 456, **458**, 546, **556**, 648, 718, **750**, 776, 872, **940**, 998, 1010, 1144, 1312, 1438, 1552, 1726, **1972**, **2392**

Committees: Ways and Means, Chairman; Banking and Insurance; Children, Families and Seniors; Education; Natural Resources; Rules and Calendar; *Joint Information Technology Resources*

THOMAS, PAT—3rd District

Prime Sponsored: **284**, **286**, **536**, 594, **788**, **1362**, 1584, **1594**, **1824**, **2332**, **2528**

Co-sponsored: **82**, 208, 376, 526, **556**, 728, **780**, 802, 814, **968**, 1162, 1416, 1726, **1972**, **2334**, **2392**

Local Bill—Prime Sponsored: 1504

Committees: Agriculture, Vice Chairman; Banking and Insurance; Commerce and Economic Opportunities; Rules and Calendar; Ways and Means, Subcommittee E (Finance and Tax)

TURNER, WILLIAM H. (BILL)—36th District

Prime Sponsored: 246, 320, **442**, 542, 544, 732, 734, 736, 738, 1352, 1354, 1356, 1460, 1552, 1554, 1556, 1558, 1560, 1574, 1576, 1672, 1718, 1720, 1722, 1724, 1910, 1912, 2180, 2238, 2264, 2302, 2348, 2350, **2398**, **2412**, 2478

Co-sponsored: 70, 134, 336, 354, 524, 546, **556**, **566**, 730, 776, **780**, 786, 790, 820, 880, 1216, 1266, 1360, 1438, 1598, **1972**, 2004, 2024, **2294**, **2334**, **2392**

Local Bill—Prime Sponsored: 2508

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

WILLIAMS, CHARLES—4th District

Prime Sponsored: 36, 42, **98**, 114, 146, 212, 222, **702**, 704, 706, 708, 720, 768, 770, 916, 972, 974, 976, **1066**, 1144, 1146, 1150, 1152, **1154**, 1156, **1158**, **1160**, 1162, 1164, 1166, 1272, 1274, 1276, 1278, 1280, 1318, 1416, 1456, 1476, 1478, 1566, 1570, 1664, 1670, 1678, 1714, 1770, 1800, 1816, 1858, 1878, 1984, 2004, 2160, 2182, 2262, 2278, **2322**, **2334**

Co-sponsored: 44, **82**, 112, 134, **152**, 188, 214, 272, **284**, **286**, 376, **442**, **458**, 500, **556**, 648, 698, 786, **788**, 814, 836, 1266, 1398, 1438, 1480, **1594**, **1972**, 2140, **2392**, **2398**

Local Bills—Prime Sponsored: 2512, 2514

Local Bill—Co-Sponsored: 2492

Committees: Governmental Reform and Oversight, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee A (General Government); *Joint Administrative Procedures, Alternating Chairman*; *Joint Select Committee on Collective Bargaining, Alternating Chairman, 4/15/1997 through 5/5/1997*

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REGULAR SESSION 1997

[Source: Information Division, Joint Legislative Management Committee]

(Boldfaced bill numbers passed both houses.)

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Prime Sponsored: 186
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Prime Sponsored: **794**
Committee Substitutes: 40, 138, **286**, **288**, **300**, 362, 364, 410, **530**, 700, 770, **794**, **904**, 908, 916, 920, **968**, 990, **1286**, 1314, 1346, 1402, 1432, 1456, 1464, 1592, **1682**, 1714, 2352

CHILDREN, FAMILIES AND SENIORS
Prime Sponsored: 384
Committee Substitutes: 248, **278**, 384, **566**, 628, **630**, 880, 888, 890, 946, 962, 1360, 1520, **1760**, 1782, **1836**, 2180

COMMERCE AND ECONOMIC OPPORTUNITIES
Prime Sponsored: 882
Committee Substitutes: 64, 188, 236, 336, 370, 546, **566**, 614, 642, **780**, **800**, **918**, 986, **1594**, **1660**, 1678, 1680, **1754**, 1756, 1846, 1920, 1990, 2048

COMMUNITY AFFAIRS
Committee Substitutes: 64, 104, 214, 246, **360**, **378**, 402, 470, 548, 612, 658, **750**, 936, **956**, 964, 1018, 1048, **1154**, 1226, 1248, 1288, 1410, 1416, 1466, 1786, 1794, 1842, **1862**, 1958, 2012, 2044, 2068, 2436

CRIMINAL JUSTICE
Prime Sponsored: 860
Committee Substitutes: 10, 20, 96, **148**, 170, 176, 210, **232**, **278**, **310**, 312, 396, 514, 544, 570, 578, 636, 716, 724, 774, 850, 860, 1014, 1020, 1022, 1106, 1232, **1282**, 1566, 1822, 1880, **1930**, 1964, 2000, 2038, 2086, 2186, 2314, 2362

EDUCATION
Prime Sponsored: **398**, 544
Committee Substitutes: 38, 74, 112, 178, 294, 318, **340**, **398**, **442**, **458**, 460, **462**, 586, 690, 786, **798**, **858**, 868, 894, 1020, 1052, 1084, 1128, 1250, 1318, 1376, 1384, 1404, 1434, 1538, 1542, **1546**, 1548, 1578, 1638, 1654, **1688**, 1704, 1718, 1728, 1864, 1866, 1900, 1904, 1944, 1948, **1956**, 1968, **1992**, 1994, 2022, 2046, 2050, 2168, 2194, 2224, 2228

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Committee Substitutes: **284**, **286**, 384, **496**, 514, 524, 548, 690, 718, 748, 768, 786, **940**, 972, 976, 998, **1066**, 1068, 1144, 1148, **1160**, 1228, **1246**, 1322, **1362**, 1396, **1420**, 1650, 1686, **1824**, 1832, **1860**, 2004, 2028, 2138, 2142, 2154

HEALTH CARE
Prime Sponsored: 766
Committee Substitutes: **238**, **270**, 274, 364, 490, **496**, 504, **508**, 552, 598, 746, 834, 852, 872, **948**, 1012, **1056**, 1058, **1112**, 1132, 1218, 1312, 1398, 1540, 1632, 1792, 1804, 1814, 1850, 2066, 2142, 2194, 2232, 2234, 2418, 2444, 2458

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Prime Sponsored: 698
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Prime Sponsored: 696
Committee Substitutes: 200, 214, 234, 336, **404**, 526, 558, 616, 756, 954, 1216, **1234**, 1310, 1422, 1532, 1598, **1646**, 1726, 1840, 1970, 2316, 2390, 2450

TRANSPORTATION
Committee Substitutes: 106, 130, 250, **778**, **876**, 964, 984, **1002**, **1238**, **1366**, 1442, 1564, 1568, 1778, 2028, **2060**, 2070, 2310, 2374

WAYS AND MEANS
Prime Sponsored: **2400**, **2402**
Committee Substitutes: **2**, 44, 62, **160**, 188, **278**, **310**, 336, **404**, 526, 546, 552, 698, 722, **858**, 892, 976, 1074, **1154**, 1244, **1306**, 1412, 1414, 1438, 1532, 1548, **1660**, **1688**, 1814, **1824**, 2028, **2060**

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SB 428	Florida Statutes	Bankhead	5/12/97
CS for CS for SB 1234	Condominiums & cooperatives/Specific Appropriations	Judiciary; Regulated Industries; and Dudley	6/3/97
CS for CS for SB 1660	Taxation	Ways and Means; Commerce and Economic Opportunities; Ostalkiewicz and Clary	5/23/97
SB 2400	Appropriations/Line Items	Ways and Means	5/28/97
CS for HB 225	Driver licenses	Law Enforcement and Public Safety; Arnall and others	5/29/97
CS for HB 417	Criminal justice	Crime and Punishment; Argenziano and others	5/29/97
HB 421	North Ft. Myers Fire Control & Rescue Service District, Lee County	Livingston and Saunders	5/16/97
HB 423	Iona McGregor Fire Protection & Rescue Service District, Lee County	Livingston and Saunders	5/16/97
HB 425	Lee County	Livingston	5/16/97
HB 429	Estero Fire Protection & Rescue Service District, Lee County	Livingston and Saunders	5/16/97
HB 567	Sanibel Island Fire Control District, Lee Co.	Livingston and Saunders	5/16/97
HB 619	Matlacha & Pine Island Fire Control District, Lee County	Livingston	5/16/97
CS for HB 663	Florida Retirement System/Specific Appropriations	Governmental Operations; Feeney and others	5/28/97
HB 835	Tax on sales, use, and other transactions	Ziebarth and others	5/29/97
HB 1165	Criminal justice	Harrington and others	5/29/97
CS for HB 1227	Termination of pregnancies	Health Care Services; Ball and others	5/23/97
CS for HB 1345	Public food service establishments	Tourism; Melvin and others	5/29/97
HB 1543	Volusia County; creating the Task Force on Health Care Organization in Volusia County	Feeney	5/16/97
CS for HB 1597	Evidence	Civil Justice and Claims; and Thrasher	5/29/97

Subject Index of Senate and House Bills, Resolutions and Memorials

[Source: Information Division, Joint Legislative Management Committee]

This index embraces all measures introduced in both the Senate and House. The house of origin is identified by the letter preceding each bill: S-Senate, H-House. House bills shown in this index include those never received by the Senate, and their inclusion here is only for the convenience of the user interested in all bills introduced in the Legislature on a particular subject.

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

A

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Child Custody Proceedings, Consideration of Child Abuse See: CHILD CUSTODY
Criminal History Background Checks, Volunteers & Employees of Organizations Subject to National Child Protection Act See: CRIMINAL HISTORY RECORDS
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WORKERS' COMPENSATION, S136, S268, S356, S688, S698, **S840(97-292)**, S1062, S1168, S1278, S1464, S1478, S1584, S1814, S1952, S2072, S2142, S2408, S2480, S2488, S2490, H121, H221, H349, H413, H631, H1455, H1547, H1703, H1755, H1799, **H1933(97-262)**, H1947, H1973, **H2031(97-170)**, H2125, H2141

WORTHLESS CHECKS See: Checks under FINANCIAL INSTITUTIONS

WRECKERS, **S1238(97-58)**, S2070, H527, H1665

WRONGFUL DEATH See: NEGLIGENCE

Y

YBOR CITY HISTORIC DISTRICT See: HISTORIC PRESERVATION

Z

ZELLWOOD, CITY OF
Enterprise Zones, Lake Apopka Land Acquisition See: ECONOMIC DEVELOPMENT

SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER WITH SUBJECT, SPONSOR AND DISPOSITION

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

ACS — Upon Adjournment, on Senate Calendar
AM — Upon Adjournment, in Messages
ASC — Upon Adjournment, in Senate Committee
CCH — Carried over, on House Calendar
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
WS — Withdrawn from the Senate

SB
2 Minority Teacher Education Scholars (Ways and Means and others) (FR)31, (CR)235, (MO)481, (CO)531, (BA)550, (CR)583, (CR)585, (CS)586, (BA)612, **613**, 721, (BA)1421, **1422** Ch. 97-297
4 Motor Vehicles/Alternative Fuel (Meadows) (MO)3, (CR)30, (FR)31, (MO)535 WS
6 Handgun Purchases/3-Day Wait (Bronson) (FR)31, (MO)197 WS
8 Minor/Claims Settlement/Guardians (Judiciary) (CR)(FR)31, (CS)94, (CR)139, (CR)235, (BA)271, (CR)276, (BA)**303** DM
10 Tobacco-free Prisons Act (Criminal Justice and others) (FR)32, (CR)(CS)316, (CO)401, (MO)404, (BA)493, (CR)500, (BA)**515**, 956 FPH
12 Fla. Retirement System/Calculation (Burt) (FR)32, (CR)584, (MO)604 DCS
14 Ad Valorem Tax/Veteran's Homestead (Meadows) (CR)30, (FR)32, (MO)535, (BA)698, (CR)709, (CR)938, (CR)1096, (BA)1105, (CR)1294 LTS/CSP-HB 157
16 FRS/Normal Retirement Date (Meadows) (FR)32, (MO)404 WS
18 Violent Crime Emergency Account (Burt) (MO)3, (FR)32 WS/CSP-SB 156
20 Corrections & Offenders (Criminal Justice) (FR)32, (CR)584, (CS)586, (MO)724, (MO)957 DCS/CSP-CS/CS/SB 310, CS/SB 1930
22 Liens for Bulk Feed (Bronson) (FR)32 DSC
SJR
24 Legislative Authority Limits/Taxes (Burt) (FR)32 DSC
SB
26 Dredging of Natural Waterbodies (Natural Resources) (CR)31, (FR)32, (CS)94, (MO)108, (BA)442, (CR)448 LTS/CSP-CS/HB 57
28 Motor Vehicle Ins./School Transport (Meadows) (CR)30, (FR)32, (CR)200, (BA)553, (CR)583 LTS/CSP-HB 9
30 Sentencing/Term of Incarceration (Burt) (MO)3, (FR)32 WS/CSP-CS/HB 241
32 Sentencing/Prior Offenses (Burt) (MO)3, (FR)33 WS
SCR
34 Legislative Efficiency/Joint Comm. (Rossin) (MO)3 WS
SB
36 Secondhand Dealers/Title Loans (Williams) (FR)33 DSC
38 Fla. Maximum Class Size Goals Act (Education) (FR)33, (CR)253, (CS)263, (MO)604 DCS
40 Wrongful Death/Medical Malpractice (Banking and Insurance and others) (FR)33, (CR)200, (CR)(CS)521 DCS
42 Concealed Weapons/Nonresident (Williams) (CR)30, (FR)33, (CR)709, (CR)938, (CR)1096 DCS
44 Taxation/Motor & Diesel Fuels (Ways and Means and others) (FR)33, (BA)538, (CR)583, (CR)585, (CS)586, (BA)605 LTS/CSP-CS/CS/HB 81
46 Speedy Trial Reform Act of 1997 (Rossin) (FR)33, (CR)139, (MO)404, (BA)491, (CR)500, (BA)**513** UHC/LTH
SB
48 Alternative-fuel-vehicle Projects (Meadows) (CR)31, (FR)33 USC/LTS
50 State Procurement/Contractual Bids (Meadows) (FR)33, (MO)404 WS
52 Asbestos Removal Programs (Rossin) (CR)30, (FR)33, (CR)139, (MO)324, (BA)442, (CR)448, (BA)**458**, 531, 603, 1096 Ch. 97-31
54 Municipal Elections/Governing Body (Meadows) (FR)33, (MO)404 WS
56 Bidders/Illegal Aliens/Nonemployment (Jenne) (FR)34, (CR)124, (CR)709, (CR)938, (CR)1096 DCS
58 Leadership Funds/Political Party (Kirkpatrick) (FR)34 DSC
60 Sentencing/Violent Felony Offenders (Horne) (FR)34 DSC
62 Personal Property/Documentary Stamps (Ways and Means) (CR)30, (FR)34, (CR)(CS)651, (BA)698, (CR)709, (BA)737, (CR)938 LTS/CSP-HB 153
64 Local Option Tourist Dev. Tax (Community Affairs) (FR)34, (CR)140, (CS)205, (CR)363, (CS/CS)369, (MO)404, (BA)699, (CR)709, (BA)733, (BA)735, (CR)938, (BA)**959**, 1304 DM
66 Education/Teacher/Quest Projects (Kurth) (FR)34, (MO)212 WS
68 Mobile Home Park Recreation District (Kurth and others) (CR)30, (FR)34, (CR)124, (MO)127, (BA)(CR)276, (BA)**307**, 383, 470, 599 Ch. 97-11
70 Medicaid/Third-party Liability (Jenne and others) (FR)34, (CO)451 DSC
72 School Board/Single-member Residence (Jenne and others) (FR)34, (CR)124, (CO)126, (CO)196, (CR)277, (BA)439, (CR)448, (BA)462, (BA)**550**, (CR)583, 1303 Ch. 97-88
74 Education/Expenditure Requirements (Education) (FR)34, (CR)253, (CS)263, (MO)269, (CR)709, (CR)938, (CR)1096 DCS
76 Postsecondary Planning Commission (Kirkpatrick) (FR)34, (CR)200, (CR)235, (MO)269 DCS
78 University Resource Fees (Kirkpatrick) (FR)34, (MO)509 WS
80 Sentencing/Mitigation (Burt) (MO)3, (FR)34 WS/CSP-CS/HB 241
82 Real Estate Transactions (Judiciary and others) (CR)30, (CR)31, (FR)35, (CS)95, (MO)108, (BA)275, (CR)276, (BA)**306**, 603, 956 Ch. 97-42
84 False or Perjured Statements (Burt) (MO)3, (FR)35 WS/CSP-SB 164
86 Wearing Mask or Hood/Offenses (Burt) (MO)3, (FR)35 WS/CSP-HB 385, CS/HB 241
88 Defendant's Voluntary Intoxication (Burt) (MO)3, (FR)35 WS
90 Rental Theft (Burt) (MO)3, (FR)35 WS
92 Controlled Substances (Sullivan and others) (FR)35, (MO)122, (CR)124, (BA)127, (BA)130, (BA)135, (CR)139, (BA)197 LTS/CSP-CS/HB 91

SB
94 Motor Vehicle Operator/Sobriety Test (Bronson) (FR)35 DSC
96 Law Enforcement Officers/Training (Criminal Justice) (FR)35, (CR)236, (CS)239, (BA)490, (CR)500, (BA)**511** DM
98 Outdoor Advertising/Rural Areas (Williams) (CR)31, (FR)36, (BA)327, (CR)361, (BA)**385**, 1303 Ch. 97-89
100 Nursing Home Administrators/Licenses (Forman) (FR)36, (CR)200 DCS/CSP-HB 1925, HB 2013
102 Homeowners' Associations/Fines (Forman) (FR)36, (MO)197 WS/CSP-CS/HB 113
104 Homeowners' Associations (Community Affairs and others) (CR)31, (FR)36, (CS)95, (CR)583, (BA)693, (BA)707 LTS/CSP-CS/HB 113
106 Driver License Penalties (Transportation) (CR)31, (FR)36, (CS)95, (CR)124 DCS/CSP-HB 507, HB 2031, CS/SB 1002
108 Criminal Proceedings/New Trial (Burt) (MO)3, (FR)36 WS
SJR
110 Legislative Terms & Campaigns (Rossin) (FR)36, (MO)211 WS
SB
112 Grant Program/Disadvantaged Students (Education and others) (FR)36, (CR)253, (CS)263, (MO)535, (CR)709, (CR)938, (CR)1096, (MO)1105, (BA)1134 LTS/CSP-HB 1873, HB 1545
114 Postconviction Proceedings (Williams) (FR)36, (CR)363, (CS)377, (MO)535, (CR)584, (CR)585, (CS/CS)592, (BA)1046, (BA)1047, (CR)1096 LTS/CSP-CS/HB 1091
116 Arrests/Expenses Incurred (Kirkpatrick) (FR)37 DSC
118 Admissions Tax/Sporting Events (Crist) (CR)30, (FR)37 DSC
120 Elections/Political Ads/Phone Calls (Executive Business, Ethics and Elections) (FR)37, (CR)(CS)125 DCS/CSP-CS/HB 461
122 Corrections/Chain-gang Work Groups (Crist) (CR)30, (FR)37, (BA)542, (BA)543, (CR)583, (BA)609, (BA)**610**, 721 DCH
124 Sex Offenders/Residence Requirements (Kurth) (FR)37, (MO)384 WS
126 Alcohol, Drug Abuse, & Mental Health (Kurth and others) (FR)37, (CR)235, (CO)247, (CO)267, (MO)535, (CR)938, (CR)1096, (BA)1306, (CR)1843 LTS/CSP-HB 259
128 Early Education Performance Standard (Kirkpatrick) (FR)37, (CR)200, (CR)277, (BA)439, (CR)448, (BA)461, (BA)462, (BA)**473** DM
130 Civil Traffic Offenses (Transportation and others) (FR)37, (CO)247, (CR)(CS)316, (MO)324 DCS/CSP-CS/SB 1002
132 Political Campaigns/State Aircrafts (Crist) (CR)30, (FR)37, (CR)140 DCS
134 Ad Valorem Tax Administration (Judiciary and others) (FR)37, (CO)126, (CR)140, (CS)193, (CO)470, (CR)584, (BA)698, (CR)709 LTS/CSP-HB 445
136 Prisoners/Work Requirements (Crist) (FR)37 DSC
138 Insurance/Genetic Testing (Banking and Insurance) (CR)31, (FR)38, (CS)95, (CR)140 DCS/CSP-CS/HB 37
140 Marine Net Fishing (Crist) (FR)38, (CR)236, (CS)240, (CR)362 DSC/CSP-CS/HB 715, CS/CS/HB 1119, SB 292
142 FRS/Special Risk Member (Crist and others) (FR)38, (CO)267 DSC
144 Physicians/Limited Licensure (Myers) (CR)30, (FR)38, (CR)235, (BA)271, (CR)276 LTS/CSP-HB 53, HB 2013
SJR
146 Courts/Criminal Judgment or Sentence (Williams) (FR)38 DSC
SB
148 Domestic Violence (Criminal Justice and others) (FR)38, (CR)(CS)316, (MO)472, (BA)540, (BA)542, (CR)583, (BA)**609**, 956 Ch. 97-298
150 Vessel Registration Fees/Exemption (Holzendorf) (FR)38, (CR)200, (MO)287, (BA)341, (BA)342, (CR)361 LTS/CSP-CS/HB 229
152 Controlled Substances (Holzendorf and others) (FR)38, (CO)126, (CR)139, (MO)324, (CO)383, (BA)493, (CR)500, (BA)**515**, 663, 1103 Ch. 97-43
154 Wearing Mask or Hood/Offenses (Clary) (FR)38, (CR)124, (MO)127, (BA)492, (CR)500, (BA)513, (BA)520 LTS/CSP-HB 385, CS/HB 241
156 Violent Crime Emergency Account (Gutman) (CR)30, (FR)38, (BA)127, (CR)139, (BA)**198**, 956 Ch. 97-302
158 Public Assistance/Legal Residents (Gutman and others) (FR)38 DSC
160 Constitution Revision Commission (Ways and Means and others) (FR)39, (BA)271, (CR)276, (CR)277, (CS)282, (BA)**303**, 383, 470, 527 Ch. 97-7
SB
162 Controlled Substances/Child Facility (Klein and others) (FR)39, (CR)139, (MO)472, (CR)938, (CR)1096, (CO)1103, (BA)1105, **1106**, (CR)1294, 1303 Ch. 97-269
164 False or Perjured Statements (Gutman) (FR)39, (CR)139, (MO)197, (BA)493, (CR)500, (BA)**514**, (BA)1239, (BA)1240, (BA)1422, **1423** Ch. 97-90
166 Fla. Criminal Code/Sentencing (Gutman) (FR)39, (MO)108 WS
168 Defendant's Voluntary Intoxication (Gutman) (FR)39, (CR)139 DSC
170 Criminal Justice (Judiciary) (FR)39, (CR)236, (CS)239, (CR)474, (CS/CS)475, (CR)709, (CR)938, (CR)1096, (BA)1153, (BA)1154, (BA)1233, (BA)1234, (BA)1418, (BA)**1420**, (BA)1844 DM
172 Juror Comp./Donation to Programs (Brown-Waite and others) (FR)39, (CR)521, (CR)709, (CR)938, (CR)1096, (BA)1106, (CR)1294 LTS/CSP-CS/HB 377
174 Public Records/Victims/Witnesses (Rossin) (FR)39, (CR)235, (CR)362, (BA)539, (CR)583, (BA)600 LTS/CSP-CS/HB 181, CS/HB 35
176 Victim & Witness Protection Protocol (Criminal Justice) (FR)39, (CR)236, (CS)239, (MO)472, (BA)538, (BA)539, (CR)583, (BA)605 LTS/CSP-CS/HB 35, CS/HB 181
178 Education & Workplace Readiness (Education) (FR)40, (MO)127, (CR)140, (CS)193, (BA)434, (CR)448 LTS/CSP-CS/HB 197, CS/SB 458
180 Minors/Employment Involving Nudity (Gutman) (FR)40, (CR)315, (BA)494, (CR)500, (BA)**515**, 663, 1103 Ch. 97-44
182 Sentencing/Prior Offenses (Gutman) (FR)40, (CR)139, (MO)197, (BA)491, (BA)492, (CR)500, (BA)**513** DM
SJR
184 Homestead Exemption/Age 65 or Older (Crist and others) (FR)40, (CR)449, (CO)603 DSC
SB
186 Fertilizers/Testing (Agriculture) (CR)31, (FR)40, (CS)95, (MO)108, (CR)139, (CR)235, (BA)270, (CR)276 LTS/CSP-HB 1181
188 Unemployment Compensation (Ways and Means and others) (CR)31, (FR)40, (CS)95, (CR)276, (CR)277, (CS/CS)282, (BA)307, (BA)494, (BA)496, (CR)500 LTS/CSP-CS/CS/HB 3
190 Public Nuisance/Additional Penalties (McKay and others) (FR)40, (CR)124, (MO)404, (CR)709, (CR)938, (CR)1096, (CO)1103, (BA)1106, (BA)1107, (CR)1294 LTS/CSP-CS/CS/HB 381
SJR
192 Legislative Sessions/Odd-years (McKay) (FR)40 DSC
SB
194 Parental Choice in Education Act (McKay) (MO)3, (FR)40 WS
SJR
196 Taxes/Exemptions/Voter Approval (Crist) (FR)40 DSC
SB
198 Stalking/Jennifer Act (Diaz-Balart and others) (FR)40, (CR)139, (MO)197, (BA)273, (BA)274, (CR)276, (BA)**305**, 531, 603, 938 Ch. 97-27
200 Condominium Association Liens (Regulated Industries) (FR)41, (CR)584, (CS)587, (MO)724 DCS
202 Juvenile Justice/Children & Family (Bankhead) (FR)41 DSC/CSP-CS/CS/CS/SB 278
204 Sentencing/Mitigation (Cowin and others) (FR)41, (CR)124, (MO)535, (CR)1096, (BA)1107, (CR)1294 LTS/CSP-CS/HB 241
206 Plastic-coated Paper Products (McKay) (FR)41, (CR)200, (MO)269, (BA)441, (BA)442, (CR)448 LTS/CSP-CS/HB 107
208 Sales Tax/Complimentary Meals (Crist and others) (CR)30, (FR)41, (CR)651, (CO)663, (BA)698, (BA)705, (CR)709 LTS/CSP-HB 499
210 Violent Offenders/Public Notice (Criminal Justice) (FR)41, (CR)316, (CS)317, (CR)449, (BA)490, (CR)500, (BA)**511** DM/CSP-SB 958
SJR
212 Homestead Exemption/Forced Sale/Lien (Williams) (FR)41 DSC
SB
214 Telecommunications/Local Government (Community Affairs and others) (FR)41, (CR)362, (CS)369, (CR)521, (CS/CS)522, (MO)535, (BA)1089, (CR)1096, (BA)1147, (BA)1151 LTS/CSP-CS/CS/HB 313
216 Deceptive & Unfair Trade Practices (Campbell) (FR)41, (MO)211 WS

SB
218 Retirement/Special Risk Class (Dyer and others) (FR)41 DSC
220 Florida Information Council/DMS (Kirkpatrick) (FR)41 DSC
222 Trading Stamp Companies (Williams) (FR)41, (CR)124, (MO)127, (CR)361, (BA)390 LTS/CSP-HB 285
224 Relief/Alice Berdat Estate (Crist) (FR)42 DSC
226 Relief/Mary Beth Wiggers (Crist) (FR)42 DSC
228 State Univ. System/Board of Regents (Kirkpatrick) (FR)42, (CR)315, (CR)362, (CR)651, (CS)653, (CR)709, (CO)721, (BA)825, (BA)829, (CR)938, (BA)963 LTS/CSP-CS/HB 1413
230 Traffic Control/Red Light (Brown-Waite) (FR)42, (MO)664 WS
232 Aspen Search & Rescue Dog Act (Criminal Justice) (FR)42, (MO)197, (CR)200, (CS)205, (BA)272, (CR)276, (BA)**304**, 663, 1103 Ch. 97-61
234 Beach Management Funding (Regulated Industries and others) (FR)42, (CR)473, (CS)476, (CR)521, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1111, (BA)1112, (CR)1294 LTS/CSP-CS/HB 103
236 HSMV/Recovery Agents (Commerce and Economic Opportunities) (CR)30, (FR)42, (CR)(CS)125, (MO)127, (BA)274, (BA)275, (CR)276, (BA)306, (BA)**315** DM
238 Certificates of Need (Health Care) (FR)42, (CR)236, (CS)239, (CR)651, (CR)709, (CR)938, (CR)1096, (BA)1306, **1314**, (CR)1843 Ch. 97-270
240 Public Records/Housing Assistance (Forman and others) (FR)43, (CR)124, (CR)140, (CR)1096 DCS
242 Hurricane Shelters/School Boards (Clary and others) (FR)43, (MO)535, (CR)583 WS
244 Managed Care/Dermatologists (Myers and others) (CR)30, (FR)43, (MO)127, (BA)482, (CR)500, (BA)**510**, 1103 Ch. 97-171
246 Probation & Parole Office Space/DOC (Community Affairs) (FR)43, (CR)139, (CR)449, (CS)450, (BA)493, (CR)500 LTS/CSP-CS/HB 97
248 Termination of Parental Rights (Judiciary) (CR)31, (FR)43, (CS)95, (CR)392, (CS/CS)393, (MO)509, (BA)546, (CR)583 LTS/CSP-CS/HB 1111
250 Challenger License Plates/Funds (Transportation and others) (FR)43, (CR)253, (CS)263, (MO)324, (MO)472, (CR)583, (BA)693, (CR)938, (CR)1096, (BA)1111, (CR)1294 LTS/CSP-CS/HB 1631
252 Felony Battery Offenses (Bronson) (FR)43, (CR)500, (MO)535, (CR)938, (CR)1096, (BA)1111, (CR)1294 LTS/CSP-HB 61
254 Performance-based Budgets (Scott) (FR)43 DSC
256 Legislative Employees/FRS (Forman and others) (FR)43, (MO)535 WS
258 Inmate/Parole Release Date (Crist) (CR)30, (FR)43, (BA)128, (CR)139, (BA)**198**, (BA)1234, (BA)1236, (BA)1823, **1824** Ch. 97-289
260 Misdemeanors/Enhanced Sentences (Crist) (FR)44, (CR)235, (MO)287 DCS
262 Aquatic Plants/Gas Tax Collection TF (Dantzler) (FR)44 DSC
264 Secondhand Dealers/Title Loans (Latvala) (FR)44 DSC
266 District Water Control Plan (Natural Resources) (CR)31, (FR)44, (CS)95, (MO)108, (BA)482, (BA)490, (CR)500, (BA)511, (BA)513 LTS/CSP-CS/HB 501
268 Public Officers & Employees/Bonds (Burt) (CR)30, (FR)44, (MO)197, (BA)441, (CR)448, (BA)**457** DM
270 Clinical Laboratories (Health Care) (FR)45, (CR)200, (CS)205, (MO)324, (BA)447, (CR)448, (BA)459, **460**, (BA)**1424** Ch. 97-91
272 Same-sex Marriages (Judiciary and others) (FR)45, (CR)236, (CS)240, (MO)324, (CR)583, (CO)603, (BA)693 LTS/CSP-CS/HB 147
274 Mental Illness Insurance Parity Act (Health Care and others) (FR)45, (CO)126, (CO)267, (CR)315, (MO)535, (CR)585, (CS)587 DCS
276 Casualty Insurance Premiums (Latvala) (FR)45 DSC/CSP-SB 840
278 Juveniles (Ways and Means and others) (FR)45, (CR)(CS)125, (CR)200, (CS/CS)205, (BA)272, (BA)273, (CR)276, (CR)277, (CS/CS/CS)282, (BA)304, **305**, (BA)1424, **1430** Ch. 97-281
280 Homeowner's Ins./Special Purpose (Burt) (FR)46 DSC
282 Cruelty to Animals (Forman) (FR)46, (MO)535 WS

SB
284 Govt. Employees Deferred Comp. TF (Governmental Reform and Oversight and others) (CR)31, (FR)46, (CS)96, (MO)108, (CR)139, (CR)235, (BA)270, (BA)271, (CR)276, (BA)302, **303**, 383, 470, 527 Ch. 97-8
286 State Group Insurance/AHCA/DMS (Banking and Insurance and others) (CR)31, (FR)46, (CS)96, (MO)108, (MO)197, (CR)200, (CS/CS)206, (BA)275, (BA)(CR)276, (BA)**306**, (BA)1430, **1436** Ch. 97-92
288 Money Transmitters/Affiliated Party (Banking and Insurance) (CR)31, (FR)46, (CS)96, (MO)108, (BA)128, (BA)130, (CR)139, (BA)**198**, 603, 956 Ch. 97-59
290 Lobbyists/Regulation (Executive Business, Ethics and Elections and others) (FR)46, (CR)(CS)125, (CR)235, (BA)271, (CR)276, (BA)**303**, 383, 470, 599 Ch. 97-12
292 Artificial Reefs (Klein) (FR)46, (CR)200, (MO)212, (BA)341, (BA)342, (CR)361, (BA)**389**, 956 Ch. 97-172

SJR
294 Schools/Divided Districts (Education) (FR)46, (CR)200, (CS)206 DSC

SB
296 Inhumane Treatment of Exotic Mammals (Klein) (FR)46 DSC

SJR
298 Recording of Instruments/County Seat (Judiciary) (FR)47, (CR)140, (CS)193, (CR)362 DSC

SB
300 Comptroller (Banking and Insurance) (CR)31, (FR)47, (CS)96, (CR)124, (MO)127, (CR)361, (BA)390, (BA)391, (BA)**405**, 603, 956 Ch. 97-60
302 Domestic Violence/Injunctions/Orders (Harris) (FR)47, (CR)473, (CS)476, (MO)664, (MO)724 DCS/CSP-CS/HB 55
304 Journalist's Privilege (Sullivan and others) (FR)47, (CO)285 DSC
306 Clean Indoor Air Act (Sullivan and others) (FR)47, (MO)108, (CR)277 USC/LTS
308 Interception of Communications (Gutman) (FR)47, (MO)108 WS
310 Criminal Punishment & Corrections (Ways and Means and others) (FR)47, (CR)236, (CS)240, (CO)247, (BA)273, (CR)276, (CR)277, (CS/CS)282, (BA)**305**, (BA)1436, **1444** Ch. 97-78 CSP-CS/HB 241, CS/SB 1002, CS/SB 1930
312 HIV/Informing Partner/Prostitution (Criminal Justice) (FR)47, (CR)200, (CS)206, (MO)269, (BA)491, (CR)500 LTS/CSP-HB 273
314 Criminal Proceedings/New Evidence (Gutman) (FR)48, (CR)449 DSC
316 Criminal Prosecutions/Witnesses (Gutman and others) (CR)30, (FR)48, (BA)127, (BA)128, (CR)139, (BA)**198** DHC
318 Teachers/NBPTS Certification (Education) (FR)48, (CR)253, (CS)263, (MO)604 DCS
320 Disabled/Personal Care Services (Turner) (FR)48, (MO)1105 WS
322 Educational Enhancement TF/Lottery (Campbell) (FR)48 DSC
324 Ad Valorem Tax/Widow's Exemption (Jenne) (FR)48 DSC
326 Building Designations/Universities (Bankhead and others) (FR)48, (CR)124, (CR)139, (BA)(CO)**334**, (CR)361, 720, 1103 Ch. 97-315 CSP-CS/HB 227
328 Controlled Substances/Service Hours (Kirkpatrick) (FR)48, (CR)236, (BA)492, (CR)500, (BA)513, **514** DM/CSP-CS/HB 91, SB 152
330 Executive Appointments/Confirmation (Executive Business, Ethics and Elections) (FR)48, (CR)140, (CS)193, (MO)453 DCS
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336 Alcoholic Bev./Surcharges/Shipments (Ways and Means and others) (FR)49, (CR)391, (CS)394, (MO)535, (CR)584, (CS/CS)587, (CR)(CS/CS/CS)709, (CR)938, (BA)1089, (CR)1096 LTS/CSP-CS/CS/HB 725
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452 Officials/Residency Requirements (Dantzler) (FR)60, (CR)449 DSC
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454 Lobbyist Registration & Reporting (Bankhead) (CR)31, (FR)60, (BA)(CR)115 LTS/CSP-HCR 775
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460 Schools/College-ready H.S. Diplomas (Education) (CR)31, (FR)60, (CS)97, (BA)109, (CR)115, (BA)**123** DHC/CSP-HB 1545
462 Schools/Teacher Certification (Education) (CR)31, (FR)60, (CS)97, (BA)108, (BA)109, (CR)115, (BA)**123**, (BA)294, **301**, 383, 468 Ch. 97-4 CSP-HB 1545
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468 Criminal Actions/Fraud (Silver) (FR)61, (CR)235, (MO)535, (MO)664, (CR)1096, (BA)1122, (CR)1294 LTS/CSP-HB 449
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474 Drug Dealer Liability Act (Gutman and others) (FR)61, (CR)236, (CS)243, (BA)273, (CR)276, (CO)285, (BA)**305**, (BA)1236, (BA)1239, 1303 Ch. 97-80

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476 Vocational Rehabilitation (Forman) (FR)61, (CR)277 DSC
478 HIV/Informing Partner/Prostitution (Dyer) (FR)61, (CR)200, (CS)206, (MO)269, (BA)491, (CR)500 LTS/CSP-HB 273
480 HMOs/Prepaid Health Clinics (Forman) (FR)62 DSC/CSP-CS/CS/HB 297
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490 Mental Health Services (Health Care and others) (FR)62, (CR)200, (CS)207, (MO)472, (CR)709, (CR)938, (CR)1096, (BA)1315, (CR)1843 LTS/CSP-CS/HB 329, CS/HB 605, HB 2013
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516 Family Bill of Rights Act/Juveniles (Judiciary) (FR)64, (CR)363, (CS)370 DSC
518 Deputy Sheriff/Disability Retirement (Brown-Waite) (FR)64, (MO)664 WS
520 Rural/Urban Job Tax Credit Program (Hargrett) (FR)64, (CR)140, (CS)208, (MO)269, (BA)328, (BA)336, (BA)337, (CR)361, (CR)362, (BA)**386**, 956, 1103 Ch. 97-50
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528 Covenants/Homeowners' Associations (Myers) (FR)65, (CR)139, (CR)362, (CR)500, (CR)583, (BA)693, (BA)706 LTS/CSP-HB 395
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538 Premium Assistance Program (Forman) (FR)65, (MO)535 WS
540 Construction Contracts (Forman) (FR)65, (MO)535 WS
542 Postsecondary Educ. & Child Care (Turner) (FR)65, (CR)200, (MO)535 DCS
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544 Student Discipline & School Safety (Criminal Justice and others) (FR)65, (CR)521, (CS)522, (CO)603, (CR)651, (CO)663, (BA)735, (BA)736, (CR)938, (BA)971, (BA)1061, (BA)1062 LTS/CSP-CS/HB 1309, CS/HB 137
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548 Retirement Funds/Investments (Community Affairs) (FR)66, (CR)449, (CS)450, (CR)585, (CS/CS)587, (MO)604 DCS
550 Oil & Gas Drilling (Natural Resources and others) (FR)66, (CO)126, (CR)140, (CS)193, (BA)341, (CR)361, (BA)**389**, 663, 1103 Ch. 97-49
552 Department of Health (Ways and Means and others) (FR)66, (CR)316, (CS)317, (CR)448, (MO)453, (CR)585, (CS/CS)587, (BA)737, (BA)738, (CR)938 LTS/CSP-HB 1357, HB 1837, HB 1965, CS/CS/SB 566
554 Sales Tax/SWIM Program (Latvala) (FR)67, (CR)521, (MO)535 DCS
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556 Wuerffel, Danny/University of Fla. (Kirkpatrick and others) (FR)**249** Adopted
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558 Water & Wastewater Utilities (Regulated Industries and others) (FR)67, (CR)140, (CS)194, (BA)446, (BA)447, (CR)448, (BA)**459** DM
560 Motor Vehicle Ins./Liens & Payments (Forman) (FR)67, (CR)584 DCS
562 Public Health Communication Act (Forman) (FR)67 DSC
564 Environmental Resource Protection (Natural Resources) (MO)3, (FR)67, (CR)585, (CS)588, (CR)709, (CR)938, (CR)1096, (BA)1220, (BA)1267, (BA)1268, (BA)1315 LTS/CSP-CS/HB 1775, CS/HB 715, CS/CS/HB 1119
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596 Florida Business Coordination Act (Dudley) (FR)70, (CR)139, (CR)235, (MO)269, (BA)339, (CR)361, (BA)383 LTS/CSP-HB 399
598 Foreign Licensed Physicians (Health Care) (FR)70, (CR)(CS)463, (MO)535, (CR)709, (CR)938, (CR)1096 DCS/CSP-HB 1925, HB 2013
600 Water & Wastewater Systems/PSC (Dudley) (FR)70 DSC
602 Water & Wastewater Law/Flagler Co. (Bankhead) (FR)71, (CR)140, (BA)446, (CR)448 LTS/CSP-HB 555
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608 Ad Valorem Tax Exemption/Charities (Meadows) (FR)71 DSC
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612 Veterans' Homes (Community Affairs) (FR)71, (CR)449, (CS)450, (MO)481, (CR)709, (CR)938, (CR)1096 DCS
614 Taxes/Software/Electronic Filing (Commerce and Economic Opportunities) (FR)71, (CR)140, (CS)207 DSC
616 Professions/Occupations/Businesses (Regulated Industries) (FR)71, (CR)584, (CS)589 DSC
618 Corp. Income Tax/Child Care Credit (Ostalkiewicz) (FR)71, (CR)500 DSC
620 Insurance/Risk Based Capital (Harris) (FR)71, (CR)521, (MO)664, (CR)1096 DCS/CSP-SB 840, HB 743
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624 Educational Finance/School Boards (McKay) (FR)72, (CR)200 DSC
626 WAGES Act/Continuing Support/Age (Campbell and others) (FR)72, (CR)236, (CS)241, (CO)247, (CR)277, (CS/CS)283, (MO)287, (BA)327, (BA)328, (CR)361, (BA)**386**, (BA)1463, **1480**, (CO)1844 Ch. 97-173 CSP-HB 1357, HB 2031, CS/SB 630
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630 Child Care Facilities (Children, Families and Seniors) (FR)72, (CR)236, (CS)242, (MO)324, (MO)404, (BA)494, (CR)500, (BA)**516**, 663, 1103 Ch. 97-63 CSP-CS/CS/SB 566
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658 Ad Val Tax/Late Installment Payment (Community Affairs) (FR)74, (CR)140, (CS)194, (MO)197, (BA)339, (CR)361 LTS/CSP-HB 253
660 Public Records/Practitioners (Holzendorf) (FR)74, (CR)124, (CR)277, (CR)1096, (BA)1316, (CR)1843 LTS/CSP-CS/HB 605, CS/HB 329, HB 2013
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670 School Dist. Comprehensive Program (Kirkpatrick) (FR)74 DSC/CSP-CS/SB 458
672 Access to Emergency Medical Services (Campbell) (FR)74, (MO)211 WS
674 Public Assistance/Drug Testing (Diaz-Balart) (FR)75, (CR)448 DSC
676 Municipal Special Assessments (Scott and others) (FR)75, (CR)235, (MO)509, (CR)583, (BA)668 LTS/CSP-HB 603
SB
678 Small Counties (Horne) (FR)75, (CR)235, (MO)269, (BA)699, (CR)709, (CR)938, (CR)1096, (BA)1316, (BA)1343, **1349**, (CR)1843 DM/CSP-CS/CS/HB 1119, CS/HB 1319, HB 1641, CS/SB 1754
680 Demineralized Water Supplies (Natural Resources) (FR)75, (CR)277, (CS)283, (CR)709, (CR)938, (CR)1096 DCS/CSP-CS/HB 715
682 Corporations (Campbell) (FR)75 DSC/CSP-HB 1245
684 Sales Tax/Boats & Airplanes (Gutman) (FR)75, (CR)235, (MO)324, (CR)500, (CR)583, (BA)668 LTS/CSP-HB 1071
686 Game & Fresh Water Fish Commission (Kirkpatrick and others) (FR)75, (CR)277, (CR)362, (CR)709, (CR)938, (CR)1096, (BA)1316, (CR)1843 LTS/CSP-CS/HB 841
688 Prison Inmates/Benefits (Dudley) (FR)75 DSC
690 Fla. Education Technology Foundation (Governmental Reform and Oversight) (FR)75, (CR)200, (CS)207, (CR)(CS/CS)501, (MO)664, (CR)1096, (BA)1149, (BA)1150 LTS/CSP-CS/HB 129
692 Rural Job Tax Credit Program (McKay and others) (FR)75, (CR)140, (CS)208, (MO)269, (BA)328, (BA)336, (BA)337, (CR)361, (CR)362, (BA)**386**, 956, 1103 Ch. 97-50
694 Contracting/Unlicensed Violations (Crist) (FR)76 DSC
696 Telecommunications Services Taxes (Regulated Industries) (FR)76 DSC
698 Child Support Enforcement (Ways and Means and others) (FR)76, (CR)363, (CS)371, (CR)(CS/CS)651, (CR)709, (BA)781, (BA)891, (BA)892, (BA)893, (CR)938 LTS/CSP-HB 2031, HB 507, HB 1835
700 Securities Transactions (Banking and Insurance) (FR)76, (CR)363, (CS)372, (MO)535, (CR)1096, (BA)1316, (BA)1317, (CR)1843 LTS/CSP-HB 1097, HB 947
702 Advisory Bodies/Govt. Entities (Williams) (FR)76, (CR)140, (BA)338, (BA)339, (CR)361, (BA)**388**, (BA)1444, **1452** Ch. 97-79
704 Environmental Permitting/DEP & WMDs (Williams) (FR)77 DSC
706 Prepaid Postsecondary Educ. Program (Williams) (MO)3, (FR)77 WS
708 Tax Refund/Target Industry Business (Williams) (FR)77 DSC/CSP-CS/SB 1754
710 Water Management District/Appraisals (Latvala) (FR)77 DSC/CSP-CS/CS/HB 1119
712 Domestic Wastewater Management (Hargrett) (FR)77, (CR)473, (MO)724 WS
714 Mutual Insurance Holding Companies (Horne) (FR)77, (CR)449, (CR)709, (CR)1096, (BA)1317, (CR)1843 LTS/CSP-HB 793
716 Fla. Criminal Punishment Code (Criminal Justice and others) (FR)77, (CR)363, (CS)372, (CR)449, (MO)453, (MO)481, (CR)651, (CR)709, (BA)781, (CR)938, (BA)1045, (BA)1046, (CR)1096, (BA)1243, (CO)1304 LTS/CSP-CS/HB 241, HB 385, CS/CS/SB 310
718 State Financial Matters (Governmental Reform and Oversight and others) (FR)77, (MO)324, (CR)363, (CS)373, (CR)583, (BA)669 LTS/CSP-CS/HB 1413
SJR
720 Property Rights (Williams) (FR)78 DSC
SB
722 Court Funding/County Article V TF (Ways and Means and others) (FR)78, (CO)196, (CO)323, (CR)391, (CS)394, (CR)449, (CO)470, (CR)651, (CS/CS)652, (CR)709, (CR)938, (BA)1047, (CR)1096 LTS/CSP-CS/HB 1319, SB 902
724 Alcohol Impairment Testing (Criminal Justice) (FR)78, (CR)236, (CS)243, (CR)473, (CR)709, (CR)938, (CR)1096 DCS
SR
726 Submarine Sailors Day (Clary) (FR)452, **453** Adopted
SB
728 Family Practice Teaching Hospitals (Myers and others) (FR)78 DSC
730 Veterans/Employment Preference (Brown-Waite and others) (FR)78, (MO)604, (MO)664 WS
732 Brownsville Commercial District (Turner) (FR)78, (CR)140, (CR)361, (BA)546, (CR)583 DCS/CSP-CS/HB 419
734 Comprehensive Youth Employment Act (Turner) (FR)78, (MO)1105 WS
736 WAGES Program/Custodial Parent (Turner and others) (FR)78, (CO)285, (MO)1105 WS
738 Adult Family-care Homes (Turner and others) (FR)78, (CO)470, (MO)1105 WS

SB
740 Iona McGregor Fire & Rescue District (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
742 Sanibel Island Fire Control Dist. (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
744 Estero Fire & Rescue Service Dist. (Dudley) (FR)79 DSC/CSP-HB 927, HB 1741
746 Woman's Right-To-Know Act (Health Care and others) (FR)79, (CR)500, (CS)502, (MO)664, (CR)1096, (BA)1149, (MO)1240, (BA)1270 LTS/CSP-CS/HB 1205
748 Deferred Retirement Option Program (Governmental Reform and Oversight) (FR)79, (CR)316, (CS)318, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1122, (CR)1294 LTS/CSP-CS/HB 663, CS/CS/SB 1824
750 Fla. Mobile Home Act (Community Affairs and others) (FR)79, (CR)363, (CS)373, (CR)583, (BA)693, (BA)707, (BA)708, (BA)728, (BA)**730**, (BA)**1825** Ch. 97-291
752 Elections/Absentee Ballots/Overseas (Executive Business, Ethics and Elections) (FR)79, (CR)140, (CS)194 DCS
754 ADA/Vertical Accessibility (Childers) (FR)79 DSC
756 Funeral Directing & Embalming (Regulated Industries) (FR)79, (CR)236, (CS)243, (MO)404, (MO)509 DCS
758 Recovery for Damages (Crist) (FR)80 DSC
760 Boating/Propeller Guards (Crist) (FR)80, (CR)362 DCS
762 Keep Kids Drug-Free License Plate (Crist) (FR)80 DSC
764 Hugh O'Connor Memorial Act (Judiciary and others) (FR)80, (CR)236, (CS)243, (BA)273, (CR)276, (CO)285, (BA)**305**, (BA)1236, (BA)1239, 1303 Ch. 97-80
766 Volunteer Health Care Providers (Health Care) (FR)80, (CR)124, (MO)324, (CR)473 DCS
768 Ecosystem Management/DEP (Governmental Reform and Oversight and others) (FR)80, (CR)473, (CR)500, (CR)585, (CS)589, (MO)604 DCS/CSP-CS/CS/HB 1119
770 Insurance (Banking and Insurance) (FR)80, (CR)200, (CS)207, (MO)212, (CR)709, (CR)938, (CR)1096 DCS/CSP-HB 743, CS/SB 1754, SB 840
772 Homestead Property/Appraisal (Crist) (FR)81 DSC
774 Sexual Battery Sentencing/MPA (Criminal Justice and others) (FR)81, (CR)316, (CS)319, (CR)709, (CR)938, (CR)1096, (BA)1317, (CR)1843 LTS/CSP-CS/HB 83
776 Lottery Proceeds/Distribution (Cowin and others) (FR)81, (CR)235, (MO)324, (MO)509 DCS
778 School Buses/Passing (Transportation and others) (FR)81, (CO)196, (CR)236, (CS)243, (CO)267, (BA)274, (CR)276, (BA)**306**, 383, 470, 527 Ch. 97-10
780 Rural/Urban Job Tax Credit Program (Commerce and Economic Opportunities and others) (FR)81, (CR)140, (CS)208, (MO)269, (BA)328, (BA)336, (BA)337, (CR)361, (CR)362, (BA)**386**, 956, 1103 Ch. 97-50
782 Sales Tax Exemptions (Burt) (FR)81 DSC
784 Special Districts (Ostalkiewicz) (FR)81 DSC
786 High School Athletics Organization (Governmental Reform and Oversight and others) (FR)81, (CR)200, (CS)208, (CR)363, (CS/CS)373, (MO)384, (CR)500, (BA)519 LTS/CSP-CS/HB 991
788 Apalach.-Chattahoochee-Flint River (Natural Resources and others) (FR)81, (MO)122, (BA)135, (BA)(CR)139, (CR)140, (CS)194, (BA)199, **200**, 503, 603, 711 Ch. 97-25
790 Human Rights/Committees (Forman and others) (FR)82, (CR)521, (CR)584 DCS
792 Career & Adult Education (Diaz-Balart and others) (FR)82, (CO)126, (CR)316, (CS)321, (MO)404, (BA)555, (BA)562, (BA)581, (BA)(CR)583, (CR)585, (CS/CS)593, (BA)**619**, 721, (MO)957, (BA)995, (BA)1001, (BA)1102, (BA)1397, **1418**, 1844 Ch. 97-307
794 Property Insurance (Banking and Insurance) (FR)82, (MO)122, (BA)128, (BA)130, (CR)139, (CR)140, (CS)194, (BA)198, **199**, (BA)1350, **1364** Ch. 97-55 CSP-SB 840
796 Fla. Criminal Code/Sentencing (Lee) (FR)82, (CR)139, (MO)212, (BA)491, (CR)500, (BA)**512** DM
798 Schools/Instructional Materials (Education) (FR)82, (CR)200, (CS)208, (MO)269, (BA)550, (BA)552, (CR)583, (BA)**613**, 721, 956 Ch. 97-285
800 Retail Installment Sales (Commerce and Economic Opportunities) (FR)82, (CR)236, (CS)243, (BA)447, (CR)448, (BA)461, (BA)**472**, 956 Ch. 97-174
802 FRS/Assistant State Attorneys (Silver and others) (FR)82 DSC
804 Marine Net Fishing (Clary) (FR)83, (CR)236, (CS)240, (CR)362 DSC/CSP-CS/HB 715, CS/CS/HB 1119, SB 292
SB
806 Eminent Domain/Acquisitions (Judiciary) (FR)83, (MO)269, (MO)324, (CR)391, (CS)394, (CR)500, (MO)509, (MO)604 DCS
808 Small Business Employment Incentives (Grant) (FR)83 DSC
810 Health Care Responsibility/AHCA (Grant) (FR)83, (CR)277 DCS
812 Sales Tax/Gasparilla Distance Assn. (Grant) (FR)83 DSC
814 Motor Vehicle & Casualty Insurance (Grant and others) (FR)83, (CR)521 DCS/CSP-CS/SB 1286
816 Insurance Commissioner (Grant) (FR)83 DSC
818 Trusts & Estates/Administration (Judiciary) (FR)83, (CR)392, (CS)395, (CR)583, (BA)693, (CR)938, (CR)1096, (BA)1317, (BA)1318, (CR)1843 LTS/CSP-HB 1411
820 Veterans/ID Card Renewals (Klein and others) (FR)83, (CR)139, (MO)212, (CR)361, (BA)390 LTS/CSP-HB 115
822 Dept. of Health/HRS/AHCA/DOC (Klein and others) (FR)83, (CR)316, (CS)317, (CR)448, (MO)453, (CR)585, (CS/CS)587, (BA)737, (BA)738, (CR)938 LTS/CSP-HB 1357, HB 1837, HB 1965, CS/CS/SB 566
824 Community College Grant Program (Horne) (FR)84, (CR)235, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1318, (CR)1843 LTS/CSP-HB 615, CS/HB 617
826 Community College Matching TF (Horne) (FR)84, (CR)235, (MO)535, (CR)709, (CR)938, (CR)1096, (BA)1318, (CR)1843 LTS/CSP-CS/HB 617, HB 615
828 Motor Vehicle Equipment Requirements (Bronson) (FR)84 DSC
830 Water & Wastewater Systems/PSC (Bronson) (MO)3, (FR)84, (CR)315, (CR)500, (CR)709, (CR)938, (CR)1096 DCS/CSP-HB 1323
832 Special Districts/Governing Body (Ostalkiewicz) (FR)84 DSC
834 HMOs/Health Care Providers/Contracts (Health Care and others) (FR)84, (CO)247, (CR)362, (CS)373 DSC/CSP-CS/CS/HB 297
836 Licensed Optometrists/Hospitals (Forman and others) (FR)84, (CO)126, (CO)196 DSC
838 Fla. Preservation 2000 Program (Holzendorf) (FR)84, (CR)449, (CR)521, (MO)535, (CR)1096 DCS
840 Insurance/Risk Based Capital (Holzendorf) (FR)84, (CR)584, (CR)938, (CR)1096, (BA)1220, (BA)1222, **1229**, 1843, (BA)1844 Ch. 97-292 CSP-HB 743, CS/SB 794, CS/SB 904
842 Liens/Construction (Judiciary) (FR)84, (CR)236, (CS)243, (CR)500, (CR)583, (BA)693, (BA)707 LTS/CSP-CS/HB 889
SJR
844 Ad Valorem Tax/Historic Properties (Gutman and others) (FR)85, (CR)235, (CO)247, (MO)535, (MO)604, (CR)1096, (BA)1221 LTS/CSP-HJR 969, HB 967
SR
846 Osteopathic Medicine Day (Forman) (FR)**268** Adopted
SB
848 Mastectomies/Insurance Coverage (Campbell) (FR)85, (MO)324, (CR)363, (CS)370, (BA)442, (BA)446, (CR)448, (CO)451, (BA)**459**, 663, 1103 Ch. 97-48
850 Evidence of Prejudice/Offenses (Criminal Justice) (FR)85, (CR)200, (CS)208, (MO)269, (BA)493, (CR)500, (BA)**514** DM
852 Designations/Pensacola & UCF (Health Care) (FR)85, (CR)200, (CS)208, (CR)361, (CR)500, (BA)546, (CR)583 LTS/CSP-CS/HB 227, SB 326
854 Aquaculture Leases/TIITF (Bronson) (FR)85, (CR)139, (MO)269, (CR)277, (BA)329, (CR)361, (BA)387, (BA)**391** DM/CSP-CS/CS/HB 907, CS/CS/HB 1119
856 Judgments/Rate of Interest (Dyer) (FR)85 DSC
858 Fla. Bright Future Scholarship Act (Ways and Means and others) (FR)85, (CR)253, (CS)263, (CO)285, (BA)538, (CR)583, (CR)585, (CS/CS)589, (BA)**604**, (BA)**1596** Ch. 97-77
860 Courts/Order of No Imprisonment (Criminal Justice) (FR)85, (CR)473, (CS)476, (MO)604 DCS/CSP-SB 1906
862 Florida School Code (Dyer) (FR)86, (CR)362, (CR)449, (MO)604 DCS
864 Community Policing Innovations (Dyer) (FR)86, (CR)139, (MO)472, (MO)481, (CR)709, (CR)938, (CR)1096 DCS
866 Hearsay Exceptions (Lee) (FR)86 DSC
868 Education/Programs (Education) (FR)86, (CR)200, (CS)208, (CR)235, (MO)535 DCS/CSP-CS/HB 137, CS/SB 458
870 Excise Tax on Documents/School Board (Forman) (FR)87 DSC

SB
872 Pediatric Trauma Centers (Health Care and others) (FR)87, (CO)196, (CO)383, (CR)449, (CS)450, (MO)472 DCS
874 Minor/Solicitation to Commit Offense (Dyer) (FR)87, (CR)449, (MO)509 DCS
876 Sea Turtle License Plate/DEP Grants (Transportation and others) (FR)87, (MO)535, (CR)585, (CS)589, (CR)709, (CR)938, (CR)1096, (BA)**1319**, (CR)1843 Ch. 97-272
878 Pinellas Police Standards Council (Latvala) (FR)88 DSC/CSP-HB 635
880 Human Rights Advocacy Councils (Children, Families and Seniors and others) (FR)88, (CR)140, (CS)195, (CR)500, (BA)519, (BA)**537** DM
882 Private Activity Bonds (Commerce and Economic Opportunities) (FR)88, (CR)139, (MO)212, (BA)340, (CR)361 LTS/CSP-HB 599
884 Medical Practitioner/Public Records (Brown-Waite) (FR)88, (CR)235, (MO)404, (CR)583, (BA)640, (BA)**666**, 1103 Ch. 97-175
886 Officers Under Investigation (Myers) (FR)88, (MO)535 WS
888 Children & Family Services Records (Children, Families and Seniors and others) (FR)88, (CR)140, (CS)195, (CO)267, (CR)277, (CR)938, (CR)1096, (BA)1319, (BA)1320, (CR)1843 DCS
890 Children's Mental Health (Children, Families and Seniors) (FR)88, (CR)584, (CS)589 DSC
892 Judiciary/Number of Judges Increased (Ways and Means and others) (FR)89, (CR)236, (CS)243, (CR)585, (CS/CS)589, (CR)709, (BA)737, (CR)938 LTS/CSP-HB 1753
894 Compact for Faculty Diversity Prog. (Education and others) (FR)89, (CR)253, (CS)263, (MO)535, (CO)603, (CR)709, (CR)938, (CR)1096 DCS
896 Voter Registration/Book-closing (Holzendorf) (FR)89, (MO)472 WS
898 Insurance Policies/Lapse Notice (Holzendorf) (FR)89, (CR)315, (CR)500, (BA)538, (BA)**543**, (CR)583 DM/CSP-SB 840
900 Collective Bargaining/Impasses (Holzendorf) (FR)89, (MO)535 WS
902 County Article V TF/Supreme Court (Silver) (FR)89, (CR)362, (CR)449, (MO)481, (BA)**538**, (CR)583, 720, 1103 Ch. 97-64 CSP-CS/HB 1319
904 Risk-based-capital Info/Confidential (Banking and Insurance and others) (FR)89, (CO)267, (CR)521, (CS)522, (MO)724, (CR)1096, (BA)1320, (BA)1349, **1350**, (CR)1843 Ch. 97-293 CSP-SB 840
906 Independent Fire Control Districts (Dudley and others) (FR)89, (CR)235, (CO)285 DSC/CSP-HB 927, HB 1741
908 Surplus Lines Ins./Dana Roehrig Act (Banking and Insurance and others) (FR)89, (CO)267, (CR)363, (CS)373, (MO)481, (CR)500, (BA)554, (BA)555, (CR)583, (BA)615, (BA)665 LTS/CSP-CS/HB 269
910 Domestic Violence (Judiciary) (FR)90, (CR)473, (CS)476, (MO)664, (MO)724, (CR)1096 DCS/CSP-CS/HB 55
912 Molders' Liens (Latvala) (FR)90 DSC
914 Service of Process (Judiciary) (FR)90, (CR)392, (CS)395, (MO)535, (CR)709, (CR)938, (CR)1096 DCS
916 Reconstructive Breast Surgery (Banking and Insurance) (FR)90, (MO)404, (CR)449, (CS)450 DCS/CSP-CS/SB 530
918 Ad Val Taxes/Computers & Schools (Commerce and Economic Opportunities) (FR)90, (CR)363, (CS)373, (CR)584, (CR)709, (BA)824, (BA)825, (CR)938, (BA)**962**, 1303, 1304 Ch. 97-294
920 Warranties/Auto & Home (Banking and Insurance) (FR)90, (CR)463, (CS)464, (BA)554, (CR)583 LTS/CSP-CS/HB 549
922 Private Attorneys/State Agencies (Kirkpatrick) (FR)90 DSC
924 Designated Parking/Young Children (Gutman) (FR)90 DSC
926 Campaign Financing/Study Committee (Gutman) (FR)90 DSC
928 Sexual Battery/Victim Under Age 13 (Gutman) (FR)90, (CR)362 DSC
930 Mental Health/Involuntary Exams (Judiciary) (FR)91, (CR)391, (CS)395 DSC
932 School Counselors/Pilot Program (Gutman and others) (FR)91, (CO)383 DSC
934 Tax Deeds & Certificates (Gutman) (FR)91 DSC
936 Criminal Mischief/Local Graffiti Law (Community Affairs) (FR)91, (CR)362, (CS)373, (MO)481, (CR)709, (CR)938, (CR)1096 DCS

SB
938 Jacksonville Charter/Civil Service (Holzendorf) (FR)91 DSC/CSP-HB 783
940 Information Resources Management (Governmental Reform and Oversight and others) (FR)91, (CR)363, (CS)373, (MO)384, (MO)481, (CR)583, (BA)673, (BA)689, (BA)725, (BA)727, **728**, 956 Ch. 97-286
942 Used Motor Vehicle Warranty Act (Holzendorf) (FR)92, (MO)472 WS
944 Public Sts./Solicitation by Children (Holzendorf) (FR)92, (MO)472 WS
946 Domestic Violence/Confidentiality (Children, Families and Seniors) (FR)92, (MO)472, (MO)481, (CR)521, (CS)523, (CR)583, (MO)724, (CR)1096 DCS
948 Medical Practitioners/Backgrounds (Health Care) (FR)92, (CR)236, (CS)243, (MO)404, (MO)472, (CR)583, (BA)630, (BA)640, (BA)**666**, (BA)1452, **1454** Ch. 97-273 CSP-HB 1357, HB 1925, HB 2013
950 Municipal Water & Sewer Utilities (Silver) (FR)92, (CR)449, (MO)664 DCS
952 Public Hospital Records & Meetings (Brown-Waite) (FR)92, (MO)404 WS
954 Local Telecommunications/Access Rate (Regulated Industries) (FR)93, (CR)392, (CS)395 DSC
956 Municipality/Unclaimed Money (Community Affairs) (FR)93, (CR)236, (CS)244, (MO)269, (BA)490, (CR)500, (BA)**511**, 603, 721 Ch. 97-56
958 Public Safety Information Act (Forman and others) (FR)93, (CR)277, (BA)491, (CR)500, (CO)503, (BA)517, (BA)539, (CR)583, (BA)619, (BA)628, (BA)665, **666**, 956 Ch. 97-299 CSP-CS/SB 1760
960 Gambling/Penny-ante Games/Bunko (Forman) (FR)93, (CR)391 DCS
962 District Juvenile Justice Boards (Children, Families and Seniors) (FR)93, (CR)140, (CS)195, (BA)494, (CR)500, (BA)**515** DM
964 Fuel Taxes/Motor & Diesel (Transportation) (FR)93, (CR)277, (CS)283, (CR)363, (CS/CS)374, (MO)535 DCS
966 Fla. Violent Crime Council/Exemption (Gutman) (FR)93, (CR)235, (CR)277, (BA)539, (CR)583 LTS/CSP-CS/HB 493
968 Prepaid Limited Health Service Org. (Banking and Insurance and others) (FR)93, (CR)200, (CS)209, (CR)362, (BA)482, (CR)500, (BA)**510**, 720, 1103 Ch. 97-65
970 Gasparilla Island Bridge Authority (Harris) (FR)93, (CR)235 DSC/CSP-HB 295
972 State Agency Rental Vehicles (Governmental Reform and Oversight) (FR)93, (CR)363, (CS)374, (MO)535, (CR)709, (BA)825, (CR)938, (BA)**962** DM
974 Government Efficiency (Williams) (FR)93 DSC
976 Consumer Protection (Ways and Means) (FR)93, (CR)363, (CS)374, (CR)(CS/CS)709, (MO)938, (BA)1094, (BA)1095, (CR)1096 LTS/CSP-HB 1619
978 Assisted Living/Special Care Units (McKay) (FR)93, (CR)140, (CS)194, (MO)535 DCS/CSP-CS/SB 1836
980 Discretionary Sales Tax/Municipality (Holzendorf) (FR)94, (MO)535 WS

SR
982 Jacksonville Jaguars Football Team (Holzendorf) (FR)**509** Adopted

SB
984 Motorcycle Riders/Safety Equipment (Transportation and others) (FR)94, (CR)236, (CS)244, (CO)247, (MO)269 DSC

SJR
986 Taxes/Tangible Personal Property (Commerce and Economic Opportunities) (FR)94, (CR)363, (CS)375 DSC

SB
988 State Moneys/Investments (Kurth) (FR)94, (CR)200, (CR)449, (MO)481, (CR)1096 DCS
990 Insurance/Temporary Representatives (Banking and Insurance) (FR)94, (CR)363, (CS)375, (CR)500, (BA)554, (CR)583 LTS/CSP-CS/HB 1001
992 Endangered/Threatened Native Flora (Silver) (FR)94, (CR)500, (MO)535 DSC/CSP-CS/CS/HB 907
994 Bayshore Fire Protection & Rescue (Rossin) (FR)94 DSC/CSP-HB 927, HB 1741
996 Dual Officeholding/Law Officers (Silver) (FR)94, (CR)500, (CR)709, (CR)938, (MO)957, (CR)1096 WS
998 Electronic Commerce (Governmental Reform and Oversight and others) (FR)115, (CR)363, (CS)375, (MO)509, (MO)535, (CR)938, (CR)1096 DCS/CSP-CS/HB 1413, CS/SB 1754
1000 Motor Vehicle & Vessel Registration (Hargrett) (FR)115, (MO)724 WS

SB
1002 HSMV/Fines/Penalties/Costs (Transportation) (FR)116, (CR)236, (CS)244, (MO)249, (BA)324, (BA)326, (BA)334, (BA)336, (CR)361, (BA)384, **385**, (BA)1270, **1281**, 1843 Ch. 97-300 CSP-CS/CS/SB 310, CS/CS/SB 2060
1004 Transportation Job Training (Hargrett) (FR)116 DSC
1006 Domestic Violence (Judiciary and others) (FR)116, (CR)521, (CS)523, (CR)709, (CR)938, (CR)1096, (BA)1320, (CR)1843, (CO)1844 LTS/CSP-CS/HB 55
1008 Elections/Second Primary Date (Silver and others) (FR)116, (CR)277, (BA)442, (BA)447, (CR)448, (CO)451, (MO)604, (BA)1070, (CO)1103, (BA)1123, (CR)1294 LTS/CSP-HB 1077
1010 Public Records/Credit & Debit Cards (Kirkpatrick and others) (FR)116, (CR)140 DCS
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1014 Burglary & Trespass (Criminal Justice) (FR)116, (CR)316, (CS)319, (BA)490, (CR)500, (BA)511, (BA)**512** DM
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2294 Dade County Days (Gutman and others) (FR)**269** Adopted
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2312 Health Care/Low-Income/Broward Co. (Forman) (FR)281 DSC
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2324 Dentists Day on the Hill (Bankhead) (FR)**287** Adopted
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2332 Maranatha Academy Basketball Team (Thomas) (FR)**532** Adopted
2334 FSU Day/50th Anniversary (Williams and others) (FR)**452** Adopted
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2344 Leepa, Dr. Allen (Latvala) (FR)**723** Adopted
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2392 Prostate Cancer Awareness Month/June (Kirkpatrick and others) (FR)723, **724** Adopted
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2398 Teen Pregnancy Prevention Awareness (Turner and others) (FR)**533** Adopted
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2442 Peterson, Jr., Senator N. Curtis (Dantzler) (FR)**330** Adopted
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2528 Governor Stone Day/July 4, 1997 (Thomas) (FR)**724** Adopted
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2530 Volusia Co./Health Care Organization (Burt and others) (FR)586, (MO)957, (BA)**1147**, (BA)1148, **1149**, (CR)1294 DM
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2532 National Day of Prayer (Harris) (FR)1104, **1105** Adopted
2534 Metro-Dade Police/Fred Taylor (Silver) (FR)**535** Adopted

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125 Recording of Instruments/County Seat (Gay and others) 265, (FR)267 ASC/CCH

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267 Candidates/Reporting Requirements (Carlton and others) 397, (FR)400 ASC/CCH

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297 Managed Health Care Entities (Health Care Standards & Regulatory Reform and others) (FR)711, (BA)**1592** Ch. 97-159 CSP-HB 2013

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315 Sales Tax/Food & Drinks (Finance & Taxation and others) 711, (FR)712 ASC/CCH
319 Minority Business Enterprises (Business Development & International Trade and others) 655, (FR)656 ASC/CCH
325 Health Maintenance Organizations (Maygarden) (FR)711, (BA)**1592** Ch. 97-159 CSP-HB 2013
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363 Premium Finance Agreement Payments (Melvin and others) 655, (FR)660 ASC/CCH
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415 Funeral Procession Right-of-Way (Civil Justice & Claims and others) 655, (FR)657 ASC/CCH/CSP-CS/SB 1002
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1465 Medicaid Recipients/Midwifery/AHCA (Dockery and others) 938, (FR)948, (BA)**1340** Ch. 97-243
1469 Food & Beverage Vending Machines (Dockery and others) 655, (FR)659, (BA)1128, **1130**, (BA)**1822** Ch. 97-244
1473 Bob Sikes Bridge/Jurisdiction (Maygarden and others) 711, (FR)719, (MO)724, (CR)1096, (BA)**1142** Ch. 97-362
1477 Pensacola/Budget Adoption (Maygarden and others) 938, (FR)941, (CR)1096, (BA)**1142** Ch. 97-363
1487 Education/Programs (Warner and others) 1096, (FR)1100 ASC/CCH/CSP-CS/HB 137, CS/SB 458
1495 Motor Vehicle Warranty Enforcement (Carlton and others) 1301, (FR)1303, (BA)**1341** Ch. 97-245
1505 Public Water Systems (Environmental Protection and others) 527, (FR)529 ASC/CCH/CSP-HB 1357
1517 Escambia Co. Utilities Authority (Maygarden and others) 938, (FR)941, (CR)1096, (BA)**1142** Ch. 97-364
1519 Rural Hospitals (Westbrook) 1096, (FR)1101 ASC/CCH
1523 Long-Term Care Pilot Project (Littlefield and others) (BA)640, 655, (FR)662, (BA)**666** Ch. 97-87
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1565 Timeshare Plans (Real Property & Probate) 711, (FR)714 ASC/CCH
1577 State Lands (Sembler) 1096, (FR)1098, (BA)1281, (BA)1294, (BA)1418, **1420**, 1844 Ch. 97-164 CSP-CS/HB 715
1589 Small Counties (General Government Appropriations and others) 1096, (FR)1101 ASC/CCH/CSP-CS/CS/HB 1119, HB 1641, CS/SB 1754
1591 Private Investigative Services (Flanagan) 599, (FR)601, (BA)**1124** Ch. 97-248
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1601 Marital Assets & Liabilities (Eggelletion) 711, (FR)719, (BA)**1131** Ch. 97-249
1603 Fire Safety/Fire Safety Equipment (Fuller and others) (BA)**692**, 711, (FR)719 Ch. 97-124
1613 Public Records/Housing Assistance (Governmental Operations) 711, (FR)714 ASC/CCH
1619 Consumer Protection (Business Regulation & Consumer Affairs and others) 938, (FR)949, (BA)1094, (BA)**1095**, 1304 Ch. 97-250
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1631 Challenger License Plates (Transportation) (BA)**1111**, 1301, (FR)1302 Ch. 97-252
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1643 Physicians & Osteopathic Physicians (Health Care Standards & Regulatory Reform and others) 938, (FR)949 ASC/CCH/CSP-HB 1357, HB 1925, CS/SB 948
1649 Veterans' Homes (Gay) 1301, (FR)1303 ASC/CCH
1655 Broward Co./School Board Elections (Rayson) 938, (FR)949, (CR)1096, (BA)1145 ASC/CCH

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1659 Coconut Creek/Corporate Limits (Rayson) 938, (FR)941, (CR)1096, (BA)**1142** Ch. 97-365
1663 Home Education Students/Activities (Burroughs and others) 711, (FR)714, (BA)988, (BA)1045, (BA)**1241** Ch. 97-254
1679 Surface Waters/Wetlands Mitigation (Constantine) 938, (FR)950 ASC/CCH/CSP-HB 1073
1683 Local Governments/Special Districts (Community Affairs) (BA)822, 938, (FR)950, (BA)961, **962** Ch. 97-255 CSP-HB 685
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1729 Marco Island/Charter Established (Saunders) 711, (FR)720, (CR)1096, (BA)**1143** Ch. 97-367
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1771 Miami Beach/Relief/Garcia (Villalobos) 711, (FR)720 ASC/CCH
1773 Rainbow River Management Area (Argenziano and others) 711, (FR)714, (CR)1096, (BA)**1143** Ch. 97-369
1775 South Florida Water Management Dist. (Environmental Protection and others) 599, (FR)602, (BA)**1268** Ch. 97-258

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1817 Appropriations (Criminal Justice Appropriations) 527, (FR)529 ASC/CCH/CSP-SB 2400, SB 2402
1819 Appropriations (Transportation & Economic Development Appropriations) 527, (FR)530 ASC/CCH/CSP-SB 2400, SB 2402
1821 Appropriations (General Government Appropriations) 527, (FR)530 ASC/CCH/CSP-SB 2400, SB 2402
1823 Appropriations (Health & Human Services Appropriations) 527, (FR)530 ASC/CCH/CSP-HB 1837, SB 2400, SB 2402
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1831 Appropriations Implementing Bill (General Government Appropriations) 527, (FR)530 ASC/CCH/CSP-SB 2400, SB 2402
1833 Appropriations Implementing Bill (Health & Human Services Appropriations) 527, (FR)530 ASC/CCH/CSP-SB 2400, SB 2402
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1837 Health & Human Services (Health & Human Services Appropriations) 527, (FR)531, (MO)1105, (BA)1794, **1797**, 1844 Ch. 97-260 CSP-HB 1357, HB 1965
1839 Education Finance (Education Appropriations) 527, (FR)531, (MO)1105, (BA)1797, **1818** AM/CCH/CSP-CS/CS/SB 1688
1853 Medicaid/School Match Program (Culp and others) 1096, (FR)1101, (BA)1131, (BA)**1132** Ch. 97-168 CSP-HB 1965

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1901 Jobs for Florida's Graduates (Education Innovation and others) 938, (FR)941 ASC/CCH
1905 Administrative Procedures (Wallace and others) 938, (FR)951 ASC/CCH/CSP-CS/SB 1066
1907 Broward Co./Extends Limits of Cities (Rayson) 711, (FR)715, (CR)1096, (BA)**1143** Ch. 97-371
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LOBBYISTS REGISTRATION (AND WITHDRAWALS) UNDER SENATE RULE NINE
JANUARY 1, 1997 THROUGH MAY 20, 1997

(Name and Address; Entity Represented and Address, if different; Legislation Involved; Association with Legislator if any)

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Coven, Sheri L.R. 935 W Tharpe St Tallahassee, FL 32303 904/488-6211 **Florida Regional Councils Association** 314 E Central Ave Room 119 Blountstown, FL 32424

Cowger, H. Eugene 1007 DeSoto Park Dr Ste 100 Tallahassee, FL 32301 904/942-0781 **Florida Concrete & Products Association** 649 Vassar St Orlando, FL 32804-5382

Cox, Dinah 410 N Gadsden St Tallahassee, FL 32301 904/224-1088 **Florida Podiatric Medical Association** 410 N Gadsden Tallahassee, FL 32301 **Walgreen Company** 200 Wilmot Rd Deerfield, IL 60015

Cox, Faye Berneice Agency for Health Care Admin 2727 Mahan Dr Bldg 3 Tallahassee, FL 32308 904/922-5584 **Agency for Health Care Administration** 2727 Mahan Dr Tallahassee, FL 32308

Cox, Linda C. 318 N Monroe St Tallahassee, FL 32302 904/222-3730 **City of Fort Lauderdale** 110 N Andrews Ft Lauderdale, FL 33302 **Florida Conference of Circuit Judges** PO Box 669 Tallahassee, FL 32302 **Florida Manufactured Housing Association** 115 N Calhoun St Tallahassee, FL 32301 **Florida State Association of Supervisors of Elections, Inc** PO Box 669 Tallahassee, FL 32302 **Health Management Associates, Inc** 5811 Pelican Blvd Ste 500 Naples, FL 33963-2710 **Lens Express, Inc** PO Box 429580 Cincinnati, OH 45242 **LensCrafters** 8650 Governor's Hill Dr Cincinnati, OH 45249 **Marine Industries Association of South Florida** 1875 W Commercial Blvd Ft Lauderdale, FL 33309 **National Safety Council, Broward Chapter** 2099 W Prospect Rd Ft Lauderdale, FL 33309 **Sacred Heart Health System** PO Box 2700 Pensacola, FL 32513-2700 **Seminole Tribe of Florida** 6073 Stirling Rd Hollywood, FL 33024 **University Community Hospital** 3100 E Fletcher Ave Tampa, FL 33613

Coxe, Martha E. Dept of Education 325 W Gaines St Ste 203 Tallahassee, FL 32399-0400 904/487-3663 **Department of Education** 325 W Gaines St Ste 203 Tallahassee, FL 32399--040

Craddick, Caryn M. 7411 114th Ave N Ste 306 Largo, FL 33773 813/541-1159 **Pinellas County Medical Society** 7411 114th Ave N Ste 306 Largo, FL 33773

Crane, Donald R., Jr. 260 1st Ave S Ste 102 St Petersburg, FL 33701 813/895-5766 **Floridians for Better Transportation** 260 1st Ave S Ste 102 St Petersburg, FL 33701

Crawford, Candice J. Dept of Insurance 200 E Gaines St Tallahassee, FL 32399-0306 904/413-2846 **Department of Insurance** PL 11 The Capitol Tallahassee, FL 32399-0301

Crawford, Douglas W. 206 S Monroe St Tallahassee, FL 32301 904/225-3626 **Florida Association of School Administrators** 206 S Monroe St Tallahassee, FL 32301

Crayton, Gary L. Agency for Health Care Admin 2727 Mahan Dr Bldg 3 Tallahassee, FL 32308 904/488-3560 **Agency for Health Care Administration** 2727 Mahan Dr Tallahassee, FL 32308

Cresse, Joseph P. PO Box 1876 Tallahassee, FL 32302-1876 904/222-0720 **AT&T Communications of the Southern States** 101 N Monroe St Ste 700 Tallahassee, FL 32301 **Florida Power & Light Company** PO Box 029100 Miami, FL 33102 **Florida Power Corporation** PO Box 14042 St Petersburg, FL 33733 **Florida Water Services Corporation** 1000 Color Place Apopka, FL 32703 **Gulf Power Company** PO Box 1151 Pensacola, FL 32520-1151 **Tampa Electric Company** PO Box 111 Tampa, FL 33601-0111

Croft, Buddy L. Dept of Children and Families Bldg 1 Rm 107C 1317 Winewood Blvd Tallahassee, FL 32399-0700 904/488-7851 **Department of Children and Families** 1317 Winewood Blvd Bldg 1 Rm 107C Tallahassee, FL 32399-0700

Crosby, Randall Craig 1705 S Gadsden St Tallahassee, FL 32301-5505 904/222-1243 **Florida Physical Therapy Association** 1705 S Gadsden St Tallahassee, FL 32301-5505

Crotty, E. William PO Box 265669 Daytona Beach, FL 32126-5669 904/253-8195 **Aetna, Inc** 151 Farmington Ave Hartford, CT 06156 **Embry-Riddle Aeronautical University** 600 S Clyde Morris Blvd Daytona Beach, FL 32114-3900 **Halifax Medical Center** PO Box 2830 Daytona Beach, FL 32115-2830 **NASCAR** PO Box K Daytona Beach, FL 32114

Crow, Sharon PO Box 2811 Daytona Beach, FL 32120-2811 904/254-3016 **Daytona Beach Community College** PO Box 2811 Daytona Beach, FL 32120-2811

Crowley, Kevin X. Cobb Cole & Bell 131 N Gadsden St Tallahassee, FL 32301 904/681-3233 **American Pioneer Title Insurance Company** 493 E Semoran Blvd Casselberry, FL 32707 **American Safety Institute, Inc** 3800 S Lecanto Hwy Lecanto, FL 34431 **Avis, Inc** 900 Old Country Rd Garden City, NY 11530 **BMI** 320 W 57th St New York, NY 10019 **Cobb Cole & Bell** 131 N Gadsden St Tallahassee, FL 32301 **Coca-Cola Enterprises** 1 Coca-Cola Plaza Atlanta, GA 30301 **Flagler County** 1200 E Moody Blvd Ste 1 Box 11 Bunnell, FL 32110 **Florida Chamber of Commerce** 136 S Bronough St Tallahassee, FL 32301 **Golden Rule Insurance Company** 7440 Woodland Dr Indianapolis, IN 46278-4123 **Kathy M. Jones** c/o Maher, Gibson & Guilday 90 E Livingston St Ste 200 Orlando, FL 32801 **Life Skills Foundation** 4320 W Kennedy Blvd Tampa, FL 33609-2148 **McDonald's Corporation** Kroc Dr Oak Brook, IL 60521 **Orlando Regional Healthcare System** 1414 S Kuhl Ave Orlando, FL 32806 **Progressive American Insurance Company** 3802 Coconut Palm Dr Tampa, FL 33619-0000 **St. Johns County School Board** 40 Orange St St Augustine, FL 32084 **The Everglades Trust** 106 E College Ave Ste 700 Tallahassee, FL 32301 **U. S. Corrections Corporation** 2500 Seventh St Rd Louisville, KY 40208 **Universal Studios Florida** 1000 Universal Studios Plaza Orlando, FL 32819 **Volusia County** 123 W Indiana Ave DeLand, FL 32720-4613

Crumel, James L. 106 E College Ave Ste 1200 Tallahassee, FL 32301 904/425-2696 **National Council on Compensation Insurance** 997 Old Eagle School Rd Ste 216 Wayne, PA 19087

Cruz, Carlos M., Jr. Cruz & Company NationsBank Tower Ste 4650 100 SE 2nd St Miami, FL 33131 305/347-4004 **AT&T** 106 E College Ave # 1400 Tallahassee, FL 32301 **Cruz & Co** Nations Bank Tower Ste 4650 100 SE 2nd St Miami, FL 33131 **Gomez Barker Associates** 2350 Coral Way Ste 301 Miami, FL 33145 **Hialeah Chamber of Commerce and Industries** 1840 W 49 St Ste 410 Hialeah, FL 33012 **Juarez & Associates** 105 E Robinson St Orlando, FL 32803 **Tampa Electric Company** 101 N Monroe St Ste 1060 Tallahassee, FL 32301 **TECO Energy, Inc** 101 N Monroe St Ste 1060 Tallahassee, FL 32301 **Tenet Healthcare Corporation** 1202 K St Ste 1740 Sacramento, CA 95814 **The Tobacco Institute** 1875 I St NW Washington, DC 20006

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Cuevas, Roger C. 1450 NE 2nd Ave Ste 912 Miami, FL 33132 305/995-1420 **Dade County Public Schools** 1450 NE 2nd Ave Ste 912 Miami, FL 33132

Culbreath, John R. PO Box 1385 Tallahassee, FL 32302-1385 904/222-2450 **Florida Chiropractic Association, Inc** 217 N Kirkman Rd Orlando, FL 32811 **Florida Dental Hygienists' Association** PO Box 948113 Maitland, FL 32794-8113 **Florida Independent Automobile Dealers Association** 4162 Edgewater Dr Orlando, FL 32804-2296 **Gulfstream Park Racing Association, Inc** 901 S Federal Hwy Hallandale, FL 33009

Culpepper, Bruce Akerman Senterfitt & Eidson PA PO Box 10555 Tallahassee, FL 32302-2555 904/222-3471 **Florida Chapter of the American Academy of Matrimonial Lawyers** 4805 Bayshore Blvd Tampa, FL 33411 **Florida Comprehensive Health Association** 175 Salem Court Tallahassee, FL 32301 —Withdrawn—04/03/1997 **Florida Physical Therapy Association** 1705 S Gadsden St Tallahassee, FL 32301 **Florida Radiological Society** PO Box 12014 Tallahassee, FL 32317 **Health Insurance Association of America** 555 13th St NW Ste 600 E Washington, DC 20004 —Withdrawn—04/03/1997

Cunkle, Arthur F. School District of Volusia County 200 N Clara Ave DeLand, FL 32720 904/734-7190 **School District of Volusia County** 200 N Clara Ave DeLand, FL 32720

Curtin, Lawrence PO Drawer 810 Tallahassee, FL 32302 904/224-7000 **Florida Phosphate Council, Inc** 215 S Monroe St Ste 703 Tallahassee, FL 32301 **Tampa Electric Company** PO Box 111 Tampa, FL 33601 **TECO Energy, Inc** PO Box 111 Tampa, FL 33601

Curva, Fely R. Policyworks, Inc 706 E College Ave Tallahassee, FL 32312 904/425-8344 **Florida Alliance for the Mentally Ill, Inc** 304 N Meridian St Ste 2 Tallahassee, FL 32301 **National Foundation to Prevent Child Sexual Abuse** 12593 Quercus Ln Wellington, FL 33414 —Withdrawn—03/13/1997

Cusick, Michael D. 108 S Monroe St Ste 200 Tallahassee, FL 32301 904/222-5620 **Apple Computer, Inc** 900 E Hamilton Ave Campbell, CA 95008 **CEO Roundtable for Children** 3027 San Diego Rd Jacksonville, FL 32207 **Enterprise Rent-A-Car** 3909 W Hillsborough Ave Tampa, FL 33614 **Florida Association of Rehabilitation Facilities, Inc** 2003 Apalachee Pky Ste 175 Tallahassee, FL 32301 **Florida Defenders of the Environment, Inc** 2606 NW 6th St Ste E Gainesville, FL 32609 **Florida Society of Ambulatory Surgical Centers** 4965 Palm Ave Winter Park, FL 32729 **Insurance Auto Auctions** 1270 W Northwest Hwy Palotine, IL 60067 **National Association of Social Workers** 345 N Adams St Tallahassee, FL 32301 **Pan American and Associates** 5221 N Orient Rd Tampa, FL 33610 **Pinellas County Legislative Delegation** 311 S Osceola Ave Clearwater, FL 34616 **Procter & Gamble** 6th & Sycamore # SY7 Cincinnati, OH 45201 **Quest Diagnostics, Inc** 1350 I St Ste 500 Washington, DC 20005 **The Nature Conservancy** 625 N Adams St Tallahassee, FL 32301 **Youngquist Brothers, Inc** 15465 Pine Ridge Rd Ft Myers, FL 33908

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Dailey, John E. PO Box 1757 Tallahassee, FL 32302-1757 904/222-9684 **Florida League of Cities** PO Box 1757 Tallahassee, FL 32302-1757

Dale, Kimberly E. 225 S Adams St Ste 250 Tallahassee, FL 32301 904/222-7717 **Anheuser-Busch Companies, Inc** One Busch Place St Louis, MO 63118 **Apollo Group, Inc (University of Phoenix)** 1800 K St NW Ste 1018 Washington, DC 20006 **Brevard Community College** 1519 Clearlake Rd Cocoa, FL 32922 **Columbia Healthcare Corporation** 7975 NW 154th St Ste 400 A Miami Lakes, FL 33016-5849 **DeHart and Darr Associates** 1360 Beverly Rd Ste 201 McLean, VA 22101 **Eckerd Corporation** PO Box 4689 Clearwater, FL 34618 **Eckerd Family Youth Alternatives, Inc** PO Box 7450 Clearwater, FL 34618 **EKS, Inc** 402 High Point Dr Cocoa, FL 32926 **Florida Apartment Association** 1133 W Morse Blvd Ste 201 Winter Park, FL 32789 **Florida Association of Broadcasters, Inc** 109 E College Ave Tallahassee, FL 32301 **Florida Chiropractic Association, Inc** 217 N Kirkman Rd Ste 1 Orlando, FL 32811 **Gray, Harris & Robinson, P.A.** PO Box 320757 Cocoa Beach, FL 32932-0757 **GTE Florida, Inc** 106 E College Ste 1440 Tallahassee, FL 32301 **Innovative Building Technologies, Inc** 1732 SE Jackson St Stuart, FL 34997 **LeMarquis International, Inc** 2201 Corporate Blvd NW Boca Raton, FL 33431 **PRIDE of Florida** 12425 28th St N St Petersburg, FL 33716 **Sebastian Inlet Tax District Commission** 134 6th Ave Ste D Indialantic, FL 32903 **Tampa Electric Company** PO Box 111 Tampa, FL 33601 **Technological Research and Development Authority** 6750 S Hwy US 1 Titusville, FL 32780 **The Astronauts Memorial Foundation** Mail Code AMF Kennedy Space Center, FL 32899 **The Tobacco Institute** 3395 NE Expressway Ste 304 Atlanta, GA 30341 **Unisys Corporation** 1545 Raymond Diehl Rd Tallahassee, FL 32308 **Wuesthoff Health Systems** 110 Longwood Ave Rockledge, FL 32955

Daley, Kathleen E. 108 E Jefferson St Ste C Tallahassee, FL 32301 904/222-0000 **bg & associates international, inc** 108 E Jefferson St Ste C Tallahassee, FL 32301 **Captiva Erosion Prevention District** PO Box 365 Captiva, FL 33924 **City of Delray Beach** 100 NW 1st Ave Delray Beach, FL 33444 **Community Redevelopment Agency of Delray Beach** 108 E Jefferson St Ste C Tallahassee, FL 32301 **Palm Beach County** 301 N Olive Ave West Palm Beach, FL 33402 **Rainsoft Water Conditioning Company of Florida** 2080 E Lunt Ave Elk Grove Village, IL 60007 **Richard Watson & Associates, Inc** 108 E Jefferson St Ste C Tallahassee, FL 32301 **South Central Regional Wastewater Treatment and Disposal Board** 1801 N Congress Ave Delray Beach, FL 33445 **The Tobacco Institute** 1875 I Street NW Washington, DC 20006

Dallet, Patrick H. Postsecondary Ed Planning Comm Florida Education Center Tallahassee, FL 32399-0400 904/488-7894 **Postsecondary Education Planning Commission** 107 W Gaines St Rm 224 Tallahassee, FL 32399

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Daly, Kay W. Juvenile Welfare Bd-Pinellas Co 6698 68th Ave N Ste A Pinellas Park, FL 33781-5060 813/547-5634 **Juvenile Welfare Board of Pinellas County** 6698 68th Ave N Ste A Pinellas Park, FL 34665-5060

Danese, Tracy E. 21 W Church St Tower 16 Jacksonville, FL 32202 904/632-7601 **Jacksonville Electric Authority** 21 W Church St Tower 16 Jacksonville, FL 32202

Daniel, C. Welborn 226 W Alfred St Tavares, FL 32778 352/343-2600 **Leesburg Regional Medical Center** 600 E Dixie Ave Leesburg, FL 34748

Darden, Frank M. PO Box 10245 Tallahassee, FL 32302 904/385-2330 **Alarm Association of Florida** PO Box 10245 Tallahassee, FL 32302 **Cost Management Services** PO Box 10245 Tallahassee, FL 32302 **Darden and Associates** PO Box 10245 Tallahassee, FL 32302 **Modco, Inc** PO Box 10245 Tallahassee, FL 32302

Darden, Woodrow J., Jr. 551 N Military Trail West Palm Beach, FL 33415-1396 407/640-6100 **Game & Fresh Water Fish Commission** 620 S Meridian St Tallahassee, FL 32399-1600

Darley, Oneida L. PO Box 2077 Ocala, FL 34478 359/622-1220 **Cold Springs Villages, Inc** The Cascades Ste W 250 1515 E Silver Springs Blvd Ocala, FL 33470

Daughton, Jim 101 E College Ave Tallahassee, FL 32301 904/224-9689 **Act Corporation** 1020 International Speedway Blvd Daytona Beach, FL 32114 —Withdrawn—06/04/1997 **AT&T** 101 N Monroe St Ste 700 Tallahassee, FL 32301 **Beverly Enterprises, Inc** 5111 Rogers Ave Ste 40-A Fort Smith, AR 72919 **Center for Employment Training** 701 Vine St San Jose, CA 95110 —Withdrawn—05/07/1997 **CEO Roundtable for Children** 820 E Park Ave Tallahassee, FL 32301 **Dade County Expressway Authority** 111 NW First St Ste 2740 Miami, FL 33128-1904 —Withdrawn—06/04/1996 **Florida Aquatic Plant Management Society** 80 S Hoagland Blvd Kissimmee, FL 34741 —Withdrawn—06/04/1997 **Florida Association of Broadcasters, Inc** 101 E College Ave Tallahassee, FL 32301 **South Broward Hospital District** 3501 Johnson St Hollywood, FL 33021 —Withdrawn—03/25/1997 **Stewart Marchman Treatment Center** 1020 International Speedway Blvd Daytona Beach, FL 32114 —Withdrawn—06/04/1997 **Tampa General Health Plan, Inc** 100 S Ashley Dr Ste 300 Tampa, FL 33602

Davenport, Christine 210 N Palmetto Ave Daytona Beach, FL 32114-3284 904/238-4750 **Department of Children and Families** 1316 Winewood Blvd Tallahassee, FL 32399-0700

David, Thomas M. 13725 SW 73 CT Miami, FL 33158 305/233-8548 **Ryder System, Inc** 3600 NW 82 Ave Miami, FL 33166

Davidson, Bruce A. PO Box 60729 Jacksonville, FL 32236-0729 904/791-6779 **Blue Cross and Blue Shield of Florida, Inc** 532 Riverside Ave Jacksonville, FL 32202

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Dee, David S. PO Box 271 Tallahassee, FL 32302 904/681-0311 **Montenay Power Corporation** 3225 Aviation Ave 4th Floor Miami, FL 33133 **Pinellas County Board of County Commissioners** 14 S Fort Harrison Ave Clearwater, FL 34616

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DeGruy, Pierre V. PO Box 60252 New Orleans, LA 70160 504/593-4159 **Texaco/Star Enterprise** PO Box 60252 New Orleans, LA 70160 —Withdrawn—05/15/1997

Delegal, Mark K. 311 S Calhoun St Ste 206 Tallahassee, FL 32301 904/224-0700 **Florida Health Maintenance Organization Consumer Assistance Plan** c/o Mark K. Delegal Plan Manager 311 S Calhoun St Ste 206 Tallahassee, FL 32301 **Florida Statutory Teaching Hospital Council** c/o Ira Clark 1600 NW 12th Ave Miami, FL 33136 **Hillsborough County Hospital Authority** PO Box 1289 Tampa, FL 33601 **New York Life Insurance Company** 51 Madison Ave Ste 910 New York, NY 10010 **Physicians Protective Trust Fund** 2121 Ponce de Leon Blvd Ste 350 Coral Gables, FL 33134 **State Farm Insurance Companies** One State Farm Plaza Bloomington, IL 61710

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DeMeo, Ralph A. PO Box 6526 Tallahassee, FL 32314 904/222-7500 **Avatar Properties, Inc** 255 Alhambra Cir Coral Gables, FL 33134 **Florida Electric Power Coordinating Group, Inc** 405 Reo St Tampa, FL 33609-1004 **Isolyser Company, Inc** 4320 International Blvd NW Norcross, GA 30093 **March of Dimes** 3375 Capital Circle NE Tallahassee, FL 32308

Denmark, Tom 706 Duparc Circle Tallahassee, FL 32312 904/385-4679 **Florida Council of Teachers of Mathematics** 706 Duparc Cir Tallahassee, FL 32312 **Florida Science Teachers Association** 706 Duparc Cir Tallahassee, FL 32312

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Deratany, Tim D. 105 S Riverside Dr Ste 121 Indialantic, FL 32903 407/723-4436 **AT&T** 106 E College Ave Ste 1400 Tallahassee, FL 32301 **Eli Lilly and Company** Lilly Corporate Center Indianapolis, IN 46285 **Florida Association of Community Health Centers** 1203 Governors Square Blvd Ste 302 Tallahassee, FL 32301 **Society of Dermatology, Inc** 2589 Park St Jacksonville, FL 32204-4554 **Southeast Display Center, Inc** 250 Grassland Rd Palm Bay, FL 32907 **USTPA** 100 W Putnam Ave Greenwich, CT 06830 **Wine Institute** 425 Market St Ste 1000 San Francisco, CA 94015

DeRose, Thomas M. PO Box 6526 Tallahassee, FL 32314-6526 904/222-7500 **Kaiser Aluminum & Chemical Corporation** PO Box 646 Mulberry, FL 33860 **QO Chemicals** PO Box 759 Belle Glade, FL 33430-0759 **Youngquist Brothers, Inc** 15465 Pine Ridge Rd Ft Myers, FL 33908

DeSeta, Anne M. 101 N Monroe St Ste 900 Tallahassee, FL 32301 904/222-8121 **Bristol West Insurance Services, Inc** 6067 Hollywood Blvd Hollywood, FL 33024 —Withdrawn—06/02/1997 **RISCORP, Inc** 1390 Main St Sarasota, FL 32437 —Withdrawn—06/02/1997

Detzner, Kenneth W. 204 S Monroe St Ste 203 Tallahassee, FL 32301 904/224-2337 **Florida Beer Wholesalers Association** 204 S Monroe St Ste 203 Tallahassee, FL 32301 **J. P. Morgan Securities, Inc** 60 Wall St New York, NY 10260-0060

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DeWar, Buddy 200 W College Ave Tallahassee, FL 32301 904/222-2070 **Florida Fire Sprinkler Association** 200 W College Ave Tallahassee, FL 32301 **Florida State Firefighters Association** PO Box 968 Avon Park, FL 33825

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Hayes, Thomas A. 3600 N Federal Hwy 2nd Floor Ft Lauderdale, FL 33308 954/390-7949 **Biochem Technologies, Inc** 5840 Corporate Way # 107 West Palm Beach, FL 33407 **Champs All Natural Insecticides** 1700 E Las Olas Blvd Ft Lauderdale, FL 33301 **Citizens for Village Government** PO Box 305 Islamorada, FL 33036 **City of Riviera Beach** 600 W Blue Heron Blvd Riveria Beach, FL 33404 **Driver Improvement Industries, Inc** 1800 Mac Overstreet Rd Kissimmee, FL 34746 **Florida Bay Initiative, Inc** 250 Australian Ave S Ste 500 West Palm Beach, FL 33401 **Florida Business Association** 3600 N Fed'l Hwy Ft Lauderdale, FL 33308 **Florida Government Relations, Inc** 3600 N Federal Hwy Ft Lauderdale, FL 33308 **Florida Keys Fishing Guides Association** 138 Royal Palm Way Islamorada, FL 33036 **GTECH Corporation** 55 Technology Way Greenwich, RI 02816 **Harbor Branch Institution** 5600 N Dixie US 1 N Ft Pierce, FL 34964 **Harbor Branch Oceanographic** 5600 US 1 N Ft Pierce, FL 34946 **Indian Trails Water Control District** 13476 61 St N West Palm Beach, FL 33412 **Miccosukee Tribe of Indians of Florida** 7700 N Kendall Dr Ste 303 Miami, FL 33156 **Monroe County School Board** 242 White St Key West, FL 33041 **National Mental Health Institute for the Deaf** PO Box 25951 Tampa, FL 33622 **Nature Coast Industries** PO Box 910 Cedar Key, FL 33625 **North Broward Hospital District** 303 SE 17 St Ft Lauderdale, FL 33316 **Pal Mar Water Control District** 10300 NW 11 Manor Coral Springs, FL 33071 **Plantation Auto Care, Inc** 9000 Cherry Blvd Plantation, FL 33324 **Shalloway, Foy, Rayman & Newell, Inc** 1201 Belvedere Rd West Palm Beach, FL 33408 **Shutts & Bowen, llp** 250 Australian Ave West Palm Beach, FL **Solar Sportsystems, Inc** One Delaware N Place 438 Main St Buffalo, NY 14202 **South Florida Aquaculture, Inc** 4081 SW 232 Ave Florida City, FL 33034 **U. S. Multico, Inc** 5195 Foxhall Dr N West Palm Beach, FL 33417

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Healy, Thomas C. University of North Florida 4567 St Johns Bluff Rd S Jacksonville, FL 32224 904/646-2500 **State University System** 325 W Gaines St Tallahasseee, FL 32399

Hebert, Jack T. 2861 Executive Dr Ste 100 Clearwater, FL 34622 813/572-4665 **Florida Chiropractic Association, Inc** 217 N Kirkman Rd Ste 1 Orlando, FL 32811

Hebrank, Kari B. 201 E Park Ave Tallahassee, FL 32301 904/681-3290 **Florida Association of Counties** PO Box 549 Tallahassee, FL 32302 —Withdrawn—02/26/1997 **Florida Building Material Association, Inc** PO Box 65 Mount Dora, FL 32757-0065

Hebrock, Bill J. 253 E Virginia St Tallahassee, FL 32301 904/222-1988 **Assessment Systems, Inc.** Three Bala Plaza W Ste 300 Bala Cynwyd, PA 19004 **Boys & Girls Club of Alachua County, Inc** PO Box 532 Gainesville, FL 32602 **Boys & Girls Club of Okaloosa County** 923 Denton Blvd Ft Walton Beach, FL 32547 **Boys & Girls Club of Pasco County, Inc** PO Box 1 New Port Richey, FL 34656 **Boys & Girls Club of Perry/Taylor County, Florida** PO Box 1474 Perry, FL 32348 **Boys & Girls Clubs of America** 600 Jefferson Plaza Ste 203 Rockville, MD 20852 **Boys & Girls Clubs of Bay County, Inc** PO Box 914 Panama City, FL 32402 **Boys & Girls Clubs of Brevard County, Inc** 835 E Sycamore St Titusville, FL 32780 **Boys & Girls Clubs of Broward County** 1401 NE 26th St Ft Lauderdale, FL 33305 **Boys & Girls Clubs of Central Florida, Inc** PO Box 2987 Orlando, FL 32802 **Boys & Girls Clubs of Citrus County** PO Box 190 Crystal River, FL 34423 **Boys & Girls Clubs of Lake County, Inc** 400 Executive Blvd Leesburg, FL 34748 **Boys & Girls Clubs of Lakeland, Inc** PO Box 763 Lakeland, FL 33802-0763 **Boys & Girls Clubs of Lee County, Inc** PO Box 568 Ft Myers, FL 33902 **Boys & Girls Clubs of Manatee County, Inc** 1415 9th St W Bradenton, FL 34205-7217 **Boys & Girls Clubs of Marion County, Inc** 642 NE 20th St Ocala, FL 34470 **Boys & Girls Clubs of Martin County, Inc** PO Box 910 Hobe Sound, FL 33475 **Boys & Girls Clubs of Miami, Inc** PO Box 330219 Miami, FL 33233-0219 **Boys & Girls Clubs of Northeast Florida, Inc** 1300 Riverplace Blvd Ste 310 Jacksonville, FL 32207 **Boys & Girls Clubs of Palm Beach County, Inc** 2247 Palm Beach Lakes Blvd Ste 212 West Palm Beach, FL 33409 **Boys & Girls Clubs of Sarasota County, Inc** 3100 Fruitville Rd Sarasota, FL 34237 **Boys & Girls Clubs of St. Lucie County, Inc** PO Box 7626 Port St Lucie, FL 34985-7626 **Boys & Girls Clubs of Tampa Bay, Inc** 3020 W Laurel St Tampa, FL 33607 **Boys & Girls Clubs of the Big Bend, Inc** PO Box 37417 Tallahassee, FL 32315-7417 **Boys & Girls Clubs of the Keys Area, Inc** 1400 Kennedy Dr Key West, FL 33040 **Boys & Girls Clubs of the Suncaost, Inc** 5111 66th St N Ste 200 St Petersburg, FL 33709 **Boys & Girls Clubs of Volusia County, Inc** PO Box 6402 Deltona, FL 32725 **Boys Clubs of Columbia County, Inc** PO Box 1342 Lake City, FL 32056-1342 **Citrus Center Boys Club, Inc** PO Box 2666 Winter Haven, FL 33881 **Harcourt General, Inc** 27 Boylston St Chestnut Hill, MA 02167 **K. C. Group** 3803 Barcelona St Tampa, FL 33629 **Mark Centers Trust** 600 Third Ave Kingston, PA 18704 **Van Meter, Ashbrook & Associates, Inc** 88 E Broad St Columbus, OH 43215 **Variable Annuity Life Insurance Company** 2929 Allen Parkway Houston, TX 77019

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Heffley, Richard J. Dept of State PL 02 The Capitol Tallahassee, FL 32399-0250 904/414-5500 **Department of State** PL 02 The Capitol Tallahassee, FL 32399-0250

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Helvenston, Edward B. SW FL Water Management District 2379 Broad St Brooksville, FL 34609-6899 352/796-7211 **Southwest Florida Water Management District** 2379 Broad St Brooksville, FL 34609-6899

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Henderson, Barkley S. 2617 N Australian Ave West Palm Beach, FL 33407 407/833-3609 **Associated General Contractors of America, Florida East Coast Chapter** 2617 N Australian Ave West Palm Beach, FL 33407

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Herndon, Cathie 101 E College Ave Tallahassee, FL 32301 904/224-9689 **Act Corporation** 1020 International Speedway Blvd Daytona Beach, FL 32114 —Withdrawn—06/04/1997 **AT&T** 101 N Monroe St Ste 700 Tallahassee, FL 32301 **Beverly Enterprises, Inc** 5111 Rogers Ave Ste 40-A Fort Smith, AR 72919 **Center for Employment Training** 701 Vine St San Jose, CA 95110 —Withdrawn—05/07/1997 **CEO Roundtable for Children** 820 E Park Ave Tallahassee, FL 32301 **Dade County Expressway Authority** 111 NW First St Ste 2740 Miami, FL 33128-1904 —Withdrawn—06/04/1997 **Florida Aquatic Plant Management Society** 80 S Hoagland Blvd Kissimmee, FL 34741 —Withdrawn—06/04/1997 **Florida Association of Broadcasters, Inc** 101 E College Ave Tallahassee, FL 32301 **South Broward Hospital District** 3501 Johnson St Hollywood, FL 33021 —Withdrawn—03/25/1997 **Stewart Marchman Treatment Center** 1020 International Speedway Blvd Daytona Beach, FL 32114 —Withdrawn—06/04/1997 **Tampa General Health Plan, Inc** 100 S Ashley Dr Ste 300 Tampa, FL 33602

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Hickok, Richard A. 514 E College Ave Tallahassee, FL 32301 904/224-0480 **Assessment Systems, Inc.** 3 Bala Plaza W Ste 300 Bla Cynwyd, PA 19004 **Harcourt General, Inc** 27 Boylston St Chestnut Hill, MA 02167 **Mechanical Contractors Association of South Florida** 160 NW 176th St Ste 407 Miami, F: 33169

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Hinds, Richard 1450 NE Second Ave Ste 562 Miami, FL 33132 305/995-1225 **Dade County Public Schools** 1450 NE Second Ave Ste 460 Miami, FL 33132

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6S Bay Harbor Islands, FL 33154 **Children's Resource Fund** 8571 SW 112th Ave Miami, FL **Citizens for Alternative Health Care** 10350 W Bay Harbor Dr # 6S Bay Harbor Islands, FL 33154 **City of Florida City** 404 W Palm Dr Florida City, FL 33034 **City of Homestead** 790 N Homestead Blvd Homestead, FL 33030 **City of Miami Beach** 1700 Covention Center Dr Miami Beach, FL 33139 **City of North Bay Village** 7903 E Drive North Bay Village, FL 33141 **Community Newspapers, Inc** 6796 SW 62nd Ave South Miami, FL **Concert Association of South Florida** 555 17th St Miami Beach, FL **Coral Gables International Festival of Craft Arts** 2704 Ponce de Leon Blvd Coral Gables, FL **Daily Food Bread Bank** 678 NE 215th St Miami, FL **Downtown Development Authority** First Union Financial Center 200 S Biscayne Blvd Miami, FL 33131 **Eagle Distributing Company** PO Box 580 Alachua, FL 32615 **Family Resource Center** 75 SW 8th St Miami, FL **Farm Share** Florida City Farmers Market Unit 12 300 N Krome Ave Florida City, FL 33034 **Federation of Straight Chiropractors & Organizations** Clifton Clifton, NJ **Florida Association for Nude Recreation** 12 Lake Shore Dr Pierson, FL 32180 **Florida Association of Professional Process Servers** PO Box 55-8491 Miami, FL 33255 **Florida Check Cashers Association** 8333 NW 12th St Miami, FL 33126 **Florida Cosmetic & Pharmaceutical Manufacturers Association** 2450 Hollywood Blvd Ste 405 Hollywood, FL 33020 **Florida Film Alliance** PO Box 531241 Miami Beach, FL 33153 **Florida Foster Care Review Project** 75 SW 8th St Miami, FL **Florida Nurses Association** 1235 E Concord St Orlando, FL 32803 **Florida Shakespeare Festival** 1200 Anastasia Ave Coral Gables, FL 33134 **Fourth Dist American Advertising Federation, Inc, Florida/Caribbean** PO Box 1450 Belleview, FL 34421 **Greater Miami Host Committee/Big Orange** 300 Biscayne Blvd Way Miami, FL **Haitian American Foundation** 47 NE 36th St Miami, FL **Half Time, Inc** PO Box 970637 Miami, FL 33197 **Health Council of South Florida** 5757 Blue Lagoon Dr Ste 170 Miami, FL 33126 **Hope Center for the Developmentally Disabled** 666 SW 4th St Miami, FL 33130 **Life Partners, Inc** PO Box 23434 Waco, TX 76702-3434 **Lincoln Theatre** 541 Lincoln Rd Miami Beach, FL **Metro Dade Auto Tag Dealers Association** 14760 Biscayne Blvd North Miami Beach, FL 33181 **Miami Beach Community Mental Health Center** 701 Lincoln Rd Second Floor Miami Beach, FL 33138 **Miami Jewish Home and Hospital for the Aged** 5200 NE 2nd Ave Miami, FL 33138 **Miami River Marine Group** 690 SW 1st St Court Miami, FL 33130 **Miami Shipyards** 690 SW 1st Ct Miami, FL **Miami Sports and Exhibition Authority** 300 Biscayne Blvd Way Ste 1120 Miami, FL 33131 **Miami Youth Museum** 5701 Sunset Dr South Miami, FL **National Guild of Hypnotists** PO Box 308 Merrimack, NH 03054-0308 **National Viatical Association** 1200 G St Ste 760 Washington, DC 20005 **New World School of the Arts** 25 NE Second St Miami, FL 33132 **New World Symphony** 541 Lincoln Rd Miami Beach, FL **North Dade Chamber of Commerce** 290 Chamber Rd Miami, FL **Occupational Healthcare** 15476 NW 77th Ct Ste 291 Miami Lakes, FL 33016 **Office & Professional Employees, International Union** 815 16th St NW Ste 606 Washington, DC 20006 **Parman Kendall Corporation** PO Box 157 Goulds, FL 33170 **Prestige Storage & Distribution** FTZ 25 Fort Everglades PO Box 22430 Ft Lauderdale, FL 33335 **Private Care Association** 555 W 49th St Ste 207 Hialeah, FL 33012 **Professional Wrecker Operators of Florida** 4718 Edgewater Drive Orlando, FL 32804 **Redland Conservancy** 4181 Malaga Ave Miami, F: 33133 **Reef Relief** PO Box 430 Key West, FL 33041 **Seitlin & Co Insurance** 8125 NW 53rd St # 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Miller, Cynara B. PO Box 13424 Tallahassee, FL 32317-3424 800/627-6243 **HLR Service Corporation** 340 Kingsland St Nutley, NJ 07110 **Roche Diagnostics, Inc** 340 Kingsland St Nutley, NJ 07110 **Roche Laboratories, Inc** 340 Kingsland St Nutley, NJ 07110 **Roche Vitamins and Fine Chemicals, Inc** 340 Kingsland St Nutley, NJ 07110

Miller, Cynthia B. 2540 Shumard Oak Blvd Tallahassee, FL 32399-0850 **Public Service Commission** 2540 Shumard Oak Blvd Tallahassee, FL 32399-0850

Miller, Julie E. 1812 Riggins Rd Tallahassee, FL 32308 904/671-3700 **Florida Association of Homes for the Aging** 1812 Riggins Rd Tallahassee, FL 32308

Miller, Mark A. 335 Beard St Tallahassee, FL 32303 904/222-6000 **Professional Opticians of Florida** 335 Beard St Tallahassee, FL 32303

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Schools 190 Rhine Ave Staton Island, NY 10304 **Florida Association of Property Appraisers, Inc** PO Box 11275 Tallahassee, FL 32302-1275 **Florida Automobile Dealers Association** PO Box 531124 Orlando, FL 32853-1124 **Florida Cable Telecommunications Association, Inc** 310 N Monroe St Tallahassee, FL 32301 **Florida Comprehensive Health Association** 175 Salem Court Tallahassee, FL 32301 **Florida Day Cruise Association** 336 E Dania Beach Blvd Dania, FL 33004 **Florida Recreational Vehicle Trade Association** 401 N Parsons Ave Bldg 107 Brandon, FL 33510 **National Fire Adjustment Company, Inc** One NFA Park Amherst, NY 14228 **Recreation Vehicle Industry Association, Inc** PO Box 2999 Reston, VA 20190-0999 **West Coast Regional Water Supply Authority** 2535 Landmark Dr Ste 211 Clearwater, FL 34621

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Miller, Ted 101 N Monroe St Ste 1090 Tallahassee, FL 32301 904/681-0411 **Alamo Rent-A-Car, Inc** 110 SE 6th St 28th Floor Ft Lauderdale, FL 33301 —Withdrawn—06/03/1997 **American Association of Advertising Agencies** 1899 L St NW Washington, DC 20036-3891 —Withdrawn—05/15/1997 **Anheuser-Busch Companies, Inc** One Busch Place St Louis, MO 63118 —Withdrawn—06/03/1997 **Employers Self Insurance Fund** PO Drawer 988 Lakeland, FL 33802 —Withdrawn—06/03/1997 **Florida Health Care Association** 307 W Park Ave Tallahassee, FL 32301 —Withdrawn—06/03/1997 **Fowler, White, Gillen, Boggs, Villareal & Banker, P.A.** 101 N Monroe St Ste 1090 Tallahassee, FL 32301 —Withdrawn—06/03/1997 **GTE Florida, Inc** c/o Ken Waters 106 E College Ave Ste 1440 Tallahassee, FL 32301 —Withdrawn—06/03/1997 **Gulf Power Company** 500 Bayfront Pky Pensacola, FL 32520 —Withdrawn—06/03/1997 **HLR Service Corporation** 340 Kingsland St Nutley, NJ 07110 —Withdrawn—06/03/1997 **Philip Morris Management Corporation** Three Ravinia St Ste 1560 Atlanta, GA 30346 —Withdrawn—06/03/1997 **Pinch A Penny, Inc** PO Box 6025 Clearwater, FL 34618 —Withdrawn—06/03/1997 **Roche Diagnostics, Inc** 340 Kingsland St Nutley, NJ 07110 —Withdrawn—06/03/1997 **Roche Laboratories, Inc** 340 Kingsland St Nutley, NJ 07110 —Withdrawn—03/27/1997 **Roche Vitamins and Fine Chemicals, Inc** 340 Kingsland St Nutley, NJ 07110 —Withdrawn—03/27/1997 **Scientific Games, Inc** 1500 Bluegrass Lakes Pky Alpharetta, GA 30201 —Withdrawn—06/03/1997 **Summit Consulting, Inc** PO Drawer 988 Lakeland, FL 33802 —Withdrawn—06/03/1997 **United States Sugar Corporation** 111 Ponce De Leon Ave Clewiston, FL 33440 —Withdrawn—06/03/1997

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